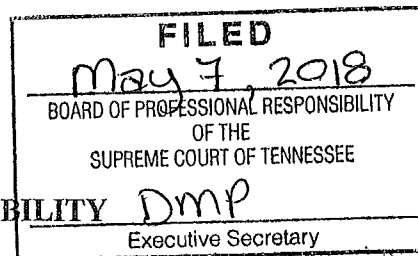


IN DISCIPLINARY DISTRICT II
OF THE
BOARD OF PROFESSIONAL RESPONSIBILITY
OF THE
SUPREME COURT OF TENNESSEE



IN RE: **TIMOTHY PAUL WEBB,**
BPR #16531, Petitioner
An Attorney Licensed to
Practice Law in Tennessee
(Campbell County)

DOCKET No. 2017-2781-2-WM-30.4d

OPINION

This cause came on for Hearing before Broderick L. Young, Panel Chair; Oliver D. Adams, Panel Member; and Gregory F. Coleman, Panel Member (The "Panel") for a hearing on Timothy Paul Webb ("Petitioner") Petition for Reinstatement ("Petition") at 9:00 a.m., on April 3, 2018, at the Tennessee Supreme Court in Knoxville, Tennessee.

The Petitioner was represented by Troy B. Jones, and the Board of Professional Responsibility was represented by William C. Moody. In Petitioner's proof, Petitioner testified on his own behalf, in addition to calling witnesses Ted Rice, John W. Butler, Esq., and Douglas P. Nanney, Esq. The Board presented no witnesses and introduced no proof. At the close of Petitioner's proof, the Board conceded that the Petitioner had carried his burden of proof in demonstrating the factors that will be discussed below.

PROCEDUREAL HISTORY

The Petitioner was suspended from the practice of law by Order of the Supreme Court entered on September 26, 2016, Docket Number 2016-2575-2-WM. The Order provided for a suspension from the practice of law for five (5) years, retroactive to December 15, 2015, with two (2) years to be served as active suspension and the remainder on probation. The Petitioner has remained on active suspension for more than two (2) years from the effective date of the Court's Order.

HEARING

The time period of the active suspensions referenced above have passed. Petitioner is in compliance with all CLE obligations. Petitioner is in compliance with all registration fees and IOLTA statements. Petitioner is in compliance with all professional privileged tax obligations. Petitioner has paid all outstanding costs owed to the Court and has agreed to pay the costs related to this proceeding.

The Petition is ripe for hearing. Petitioner's standard of proof is clear and convincing evidence and for the reasons set forth herein, the Panel finds by clear and convincing evidence that the discipline imposed on Petitioner has served the purpose of such discipline; that Petitioner has

the moral qualifications, competency, and learning in law required for the admission to practice in Tennessee and that Petitioner's resumption of the practice of law in Tennessee will not be detrimental to the integrity and standing of the bar or the administration of justice or be subversive to the public interest. Accordingly, Petitioner is fit to resume the practice of law and is and shall be reinstated to the practice of law, subject to the conditions set forth herein.

Pursuant to Tennessee Supreme Court Rule 9, Section 34.4(d)(1), Petitioner had the burden of providing by clear and convincing evidence that Petitioner had the moral qualifications, competency, and learning in law required for the admission to practice law in the State of Tennessee, that his resumption of the practice of law within the State of Tennessee would not be detrimental to the integrity and standing of the bar or the administration of justice or be subversive to the public interest, and that Petitioner had satisfied all conditions set forth in the order imposing discipline.

Theodore Rice, Interim Director of Tennessee Lawyers Assistance Program ("TLAP"). He has a Masters Degree from Vanderbilt University, and had been a licensed counselor for the past twelve years. Mr. Rice testified about the monitoring program Mr. Webb has undergone, and its random drug testing requirement. Mr. Rice confirmed that Mr. Webb had been randomly tested on multiple occasions, and had passed every test. Mr. Rice recommended that Mr. Webb remain in the monitoring through January of 2020.

Douglas Nanney is an attorney practicing in Blount County, Tennessee. Similar to Mr. Webb, Mr. Nanney had experienced his own problems with substance abuse, and through treatment in TLAP, he was able to make the necessary changes in his life to remain sober and be readmitted to the practice of law. Mr. Nanney is still very much involved with TLAP, and in fact participated in TLAP group discussions and meetings, in which Mr. Webb was a participant. Mr. Webb confided to Mr. Nanney his troubles involving substance abuse. Mr. Webb was open and honest in his recovery group discussions, and Mr. Nanney has been a witness to the changes Mr. Webb has made in his life, as well as the restitution Mr. Webb has made to those whom he hurt.

Mr. Nanney also testified that Mr. Webb takes responsibilities of practicing law very seriously and appreciates the privileges which he has lost. He observed that Mr. Webb blamed no one for the predicament that he is in other than himself. Mr. Nanney observed that Mr. Webb took his responsibilities with his family very seriously as a father and as a husband.

Mr. Nanney believes that Mr. Webb remains interested in current legal trends, misses the service aspect of the practice of law, and still has the heart of a litigator. Mr. Nanney felt confident in recommending Mr. Webb for reinstatement to the practice of law, and believes that he will be fully capable and able to do so.

Mr. Nanney recommended to Mr. Webb that he continue to remain knowledgeable of changes to the law and to take CLEs when he has the opportunity. Mr. Nanney observed that Mr. Webb took his advice to heart, and has completed over 140 hours of Continuing Legal Education within the last three (3) compliance years.

John W. Butler, is an attorney practicing in Knoxville, Tennessee at the law firm of Butler, Vines & Babb. Mr. Butler served as a peer monitor for Mr. Webb during the course of Mr. Webb's suspension. Mr. Butler spoke very highly of Mr. Webb's conscientious compliance with TLAP's requirements. These requirements began in 2009, and included weekly contact with Mr. Butler

and a monthly in person meeting. Over the course of their calls and meetings together, Mr. Webb appeared for each meeting, and failed to make his weekly call on only one (1) occasion, and that oversight was explained to Mr. Butler's satisfaction. Mr. Butler testified that this level of conscientiousness and commitment to the monitoring program was exceptional.

Mr. Butler testified that prior to his suspension, Mr. Webb had maintained a general law practice, which was heavily weighted towards criminal defense/juvenile court matters. Mr. Butler believed that if reinstated, Mr. Webb would be able to return to this line of work and recommended that Mr. Webb be reinstated to the practice of law.

Mr. Webb was the last to testify. Mr. Webb testified that the suspension was caused by an addiction to alcohol, which became more and more serious over time. Mr. Webb believes that his alcohol problem was related to feeling overwhelmed by his law practice, and not being able to admit, or otherwise deal with, the sense of being overwhelmed.

Mr. Webb testified that through his treatment at Cornerstone of Recovery, and his participation with TLAP, he has learned coping mechanisms and the humility required to seek help when needed, which he believes will prevent him from returning to alcohol should he be readmitted to the practice of law. Mr. Webb believes that he is capable of returning to the practice of law, and specifically his prior general practice, with an emphasis on juvenile court/criminal defense work. Mr. Webb plans on rebuilding his practice through appointed cases, or possibly work with a public defender.

During the course of Mr. Webb's suspension, he has remained sober, and has maintained a job with CVS customer call center, handling customer inquiries. He has not only maintained this job, but has been promoted at least once. Mr. Webb was asked by the Panel if he was planning on purchasing malpractice liability insurance upon his readmission to the bar, and Mr. Webb indicated that he would.

The Panel places weight on testimony of the forgoing witnesses, as well as the testimony of Mr. Webb. The Panel also places weight on the testimony from the affidavits of other local attorneys and judges, such as: P. Reid Troutman, Joseph M. Ayers, as well as Criminal Court Judge for the Eighth Judicial District, Shayne Sexton; all of which recommend the reinstatement of Mr. Webb to the practice of law. The practice of law is largely self-governing and the opinion of local lawyers who know Petitioner professional and personally and must be accorded heavy weight.

Based on the proof introduced at trial, the Panel makes the following findings of fact. The Panel finds by clear and convincing evidence that Petitioner is remorseful and has accepted full responsibility for the actions and events that resulted in his discipline. The Panel finds by clear and convincing evidence that the discipline imposed upon Petitioner has served the purpose of such discipline. The Panel finds by clear and convincing evidence that Petitioner has the moral qualifications, competency, and learning in law required for admission to practice law in the State of Tennessee. The Panel finds by clear and convincing evidence that Petitioner's resumption of the practice of law in Tennessee will not be detrimental to the integrity and standing of the bar or the administration of justice or be subversive to the public interest.

Based on the findings of fact, the Panel concludes as a matter of law that Petitioner is fit to resume the practice of law, provided that terms of reinstatement set forth below are strictly observed.

ORDER

Based on the Findings of Fact and Conclusions of Law set forth above,

It is hereby ORDERED, ADJUDGED and DECREED as follows:

Petitioner is reinstated to the practice of law as an attorney in good standing in the State of Tennessee, subject to the following conditions:

1. Petitioner, at his cost, shall engage the services of a practice monitor who shall be selected and approved in accordance with Tennessee Supreme Court Rule 9, Section 12.9(c). The practice monitor shall monitor Petitioner for eighteen (18) months.

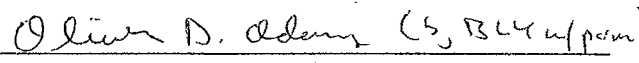
2. Petitioner remain in Tennessee Lawyers Assistance Program, and continue to be monitored through January 2020 per the recommendation of interim director Theodore Rice. Additionally, Petitioner shall continue to participate in peer monitoring under the same terms as during his active suspension, with John Butler, Esq.

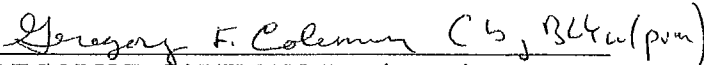
3. Petitioner shall also be required to obtain legal malpractice insurance, and to maintain said policy throughout the course of his practice.

SO ORDERED this 7th day of May, 2018.

FOR THE PANEL:


BRODERICK LEE YOUNG, PANEL CHAIR


OLIVER D. ADAMS, Panel Member


GREGORY F. COLEMAN, Panel Member