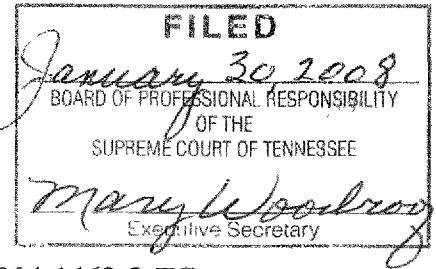


BOARD OF PROFESSIONAL RESPONSIBILITY
DISCIPLINARY DISTRICT II



IN RE:
JAMES M. WEBSTER, BPR # 4461
An Attorney Licensed to Practice Law in the
State of Tennessee (Knox County)

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Docket No.: 2004-1462-2-TC

JUDGMENT OF THE HEARING COMMITTEE

This cause came to be heard by the Hearing Committee of the Board of Professional Responsibility of the Supreme Court of Tennessee on January 15, 2008, pursuant to Rule 9, Supreme Court of Tennessee. The Hearing Committee, consisting of Angelia Morie Nystrom, Chairman, Lee Ann Swarm, and R. Kim Burnette ("Hearing Committee"), makes the following findings of fact and submits its Judgment in this cause.

On September 14, 2004, the Board of Professional Responsibility (the "Board") filed a Petition for Discipline against James M. Webster ("Mr. Webster"). Mr. Webster failed to file a response. On August 11, 2005, the Board filed a Supplemental Petition for Discipline against Mr. Webster. Mr. Webster failed to file a response. On May 24, 2006, the Board filed a Second Supplemental Petition for Discipline against Mr. Webster. Mr. Webster failed to file a Response. On August 3, 2006, the Hearing Committee, as it was then constituted, granted a Default Judgment against Mr. Webster, finding him in default, and, accordingly, all charges in the Petition for Discipline, Supplemental Petition for Discipline and Second Supplemental Petition for Discipline, are deemed admitted. On December 29, 2006, the Board filed a Third Supplemental Petition for Discipline against Mr. Webster. After Mr. Webster failed to file a response, the Board filed a Motion for Default Judgment on January 25, 2007. On November 15, 2007, the Hearing Committee entered an Order allowing Mr. Webster an additional ten (10) days

to respond. The Hearing Committee determined that, in the event no response was filed within the ten (10) day time period, the Motion for Default would be granted and the allegations in the Third Supplemental Petition for Discipline would be deemed admitted. Mr. Webster did not file a response, and the Hearing Committee has submitted an Order Regarding Motion for Default Judgment.

The Hearing Committee's sole issue on January 15, 2008 was to determine what, if any, disciplinary action should be taken with regard to the conduct of Mr. Webster which was deemed admitted. The Hearing Committee reviewed documents and heard evidence and arguments by Mr. Webster and Disciplinary Counsel Sandy Garrett, all from which the Hearing Committee makes the following findings.

I. FINDINGS OF FACT

The Hearing Committee reviewed the file, the Default Judgment Orders and the resulting deemed admissions of Mr. Webster, all of which are noted in the file. Disciplinary Counsel noted that the purpose for the hearing was to determine what disciplinary action should be taken against Mr. Webster in light of the complaints that had been filed against him. At the hearing, Mr. Webster stated that he had basically left the practice of law and offered no excuses for the conduct for which complaints had been filed. The Hearing Committee finds that all of the allegations in the Board's petitions for discipline are deemed admitted, with the exception of one matter disputed by Mr. Webster at the hearing. Specifically, with respect to the Blakely claim for reimbursement of attorney fees, Mr. Webster testified that this issue had been resolved in his favor by virtue of a judgment from the Anderson County General Sessions Court. The Hearing

Committee requested that Mr. Webster produce to it supporting documentation concerning this issue.

II. RELEVANT LEGAL AUTHORITY

Rule 9, Section 8.4 of the Supreme Court Rules states, “In determining the appropriate type of discipline, the Hearing Panel shall consider the applicable provisions of the ABA Standards for imposing all your sanctions.” The ABA standards provide, in part, as follows:

- 4.42 Suspension is generally appropriate when:
 - a. A lawyer knowingly fails to perform services for a client and causes injury or potential injury to a client, or
 - b. A lawyer engages in a pattern of neglect and causes injury or potential injury to a client.

- 4.62 Suspension is generally appropriate when a lawyer knowingly deceives a client, and causes injury or potential injury to the client.

III. RECOMMENDATION OF THE HEARING COMMITTEE

After having heard the argument of Disciplinary Counsel and statement of Mr. Webster and having reviewed the record in this cause, it is the conclusion of the Hearing Committee that the Board has demonstrated by clear and convincing evidence that a suspension is merited and that restitution is appropriate. Accordingly, the Hearing Committee recommends a suspension for a period of six (6) months and restitution as follows:

- 1. Restitution in the amount of Seven Hundred Fifty and NO/100 Dollars (\$750.00) to be paid to Jeffery David Phillips;

- 2. Restitution in the amount of One Thousand and NO/100 Dollars (\$1,000.00) to be paid to Bonnie Douglas; and

3. Restitution in the amount of One Thousand Five Hundred and NO/100 Dollars (\$1,500.00) to be paid to John Blakely; however, if Mr. Webster can produce court documentation within five (5) business days of the entry of this Judgment showing that John Blakely's General Sessions Warrant for the return of the fee was denied, then no restitution is due and owing to John Blakely.

This 30th day of January, 2008.

HEARING PANEL

By Angelia Morie Nystrom
Angelia Morie Nystrom, Chair

Lee Ann Swarm w/permission by [initials]
Lee Ann Swarm

R. Kim Burnette w/permission by [initials]
R. Kim Burnette

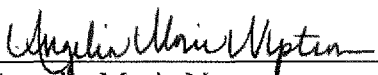
CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and exact copy of the foregoing Order has been served on the parties or on counsel for the follows by hand-delivery and addressed as follows:

James M. Webster
1107 Charles Seviars Blvd.
Clinton, TN 37716

Sandy Garrett
1101 Kermit Drive, Suite 730
Nashville, TN 37217

This 30th day of January, 2008.



Angelia Morie Nystrom