

IN THE CHANCERY COURT FOR GREENE COUNTY, TENNESSEE
AT GREENEVILLE

IN RE: LAWRENCE A. WELCH, JR.,)
 BPR# 14684, Respondent)
 An Attorney Licensed to)
 Practice in the State of)
 Tennessee, with a law)
 office in Greene County,)
 Tennessee)

CASE NO: 20010182

OPINION

This Court on July 12, 2004 convened a trial in the Chancery Courtroom in Greeneville, Tennessee to hear and decide the case of In Re: Lawrence Welch based upon the record made by the Board of Responsibility hearing panel and any other evidence introduced by either party. The Respondent introduced oral evidence at the hearing and the Board relied upon the record as previously submitted.

This Court has very carefully read the entire transcript of the Board's three (3) day hearing, all the pleadings in this matter and any other exhibits or evidence, and concludes by a preponderance of the evidence that the Respondent did in fact write, publish and mail the Memo filed as Exhibit 2 herein. That he did so in order to harm the individuals named in the Memo and allegedly involved in this criminal conspiracy.

The Hearing Panel in their Judgment has done such an outstanding job of stating the facts of this case that the Court herein specifically adopts and reiterates the one hundred fifty-five (155) Findings of Fact and adopts those as the Findings of Fact of this Court. The Judgment of the Hearing Panel was as follows:

“ This cause was heard by a Hearing Panel of the Board of Professional Responsibility of the Supreme Court of Tennessee on January 15-17, 2001, pursuant to

Minute Book (86 Page)
D. A. Hines, Jr. (D.A.)
Clerk & Master

Rule 9, Rules of the Tennessee Supreme Court. Prior to the hearing, Disciplinary Counsel for the Board submitted a pretrial brief. Following the hearing, counsel for both parties submitted proposed findings of fact. This Hearing Panel, Ronald S. Range, Jr., Chair, Billie J. Farthing, and Polly A Peterson, after considering all the testimony and exhibits in this matter, makes the following findings of fact and submits its judgment in this cause as follows:

I. STATEMENT OF THE CASE

1. The Board of Professional Responsibility filed a Petition for Discipline, Docket No. 99-1127-1-H, against the Respondent on October 21, 1999.
2. The Respondent filed a Response to Petition for Discipline on November 6, 1999.
3. The hearing on Respondent's Petition for Discipline was set for January 15-18, 2001.
4. On January 2, 2001, the Hearing Panel entered an Order limiting the January 15-18, 2001 hearing solely to the issues related to the false letter/memo allegations raised in the Petition for Discipline, reserving all other charges pending against the Respondent to be resolved at a later date.

II. FINDINGS OF FACT

5. The Respondent is an attorney licensed to practice law in Tennessee since 1991.
6. The Respondent began working at the Milligan & Coleman law firm in Greeneville, Tennessee in December 1990.
7. The last three associates at Milligan & Coleman prior to the Respondent, Tom Kilday, Tom Garland, and Ron Woods, all made partner in two years.
8. Jeff Ward, who began working at Milligan & Coleman as an associate in 1993, also became a partner after two full years with the firm.
9. In his third year at Milligan & Coleman, the Respondent had not made partner and was anxious about his status at the firm.
10. After almost four years of employment at Milligan & Coleman, the Respondent still had not made partner.
11. The Respondent became upset with Milligan & Coleman when Milligan &

Coleman advised the Respondent that the firm would not pay the Respondent's country club dues.

12. Milligan & Coleman's partners also were upset with the Respondent in 1993 when the Respondent disappeared before a trial and only reappeared immediately after the trial, leaving the partner with whom he was working, Ron Woods, with a difficult time preparing for trial without the Respondent.

13. In the summer of 1994, Milligan & Coleman determined that the Respondent was seeking reimbursement for mileage and expenses associated with client matters that were not really necessary, and the firm believed that the Respondent was abusing the reimbursement process to supplement the Respondent's income.

14. A partner at Milligan & Coleman, Tom Kilday, instructed the firm's bookkeeper, Edith Jaynes, not to reimburse the Respondent for any further expenses without approval of a partner.

15. The Respondent also did certain things that were contrary to Milligan & Coleman's firm culture.

16. The Respondent was told several times to quit signing his name "Larry Welch, Esquire" but he continued to do so.

17. Nat Coleman put a public stop to Respondent's using "Larry Welch, Esquire" when Mr. Coleman walked by the Respondent's secretary's desk and saw "Larry Welch, Esquire" being used again by the Respondent contrary to previous instructions.

18. While at Milligan & Coleman, the Respondent would have a secretary call judges and put them on hold for the Respondent.

19. While at Milligan & Coleman, the Respondent maintained his own personal file where he kept research, briefs and work samples.

20. The Respondent took some Milligan & Coleman files with him after resigning with Milligan and Coleman's knowledge and permission.

21. The Respondent testified that he maintained his original handwritten notes of a telephone conversation that Respondent alleges occurred on December 16, 1993 between Nate Coleman and David Kumatz in Respondent's presence.

22. The Respondent submitted his original handwritten notes dated December 16, 1993 as an exhibit at his January, 2001 hearing.

23. The Respondent testified he was concerned about unethical conduct by attorneys at Milligan & Coleman.

24. The Respondent did not report his allegations of Milligan & Coleman's unethical activities to the Board of Professional Responsibility despite the Respondent's knowledge that he was required to report unethical conduct.

25. Mr. Woods, Mr. Kilday, Mr. Gaby and the Respondent were present at a meeting in or about July 1994 to discuss Respondent's status with the firm.

26. Mr. Kilday was the spokesperson for the Milligan & Coleman partners at this 1994 meeting with the Respondent to discuss the Respondent's status.

27. Mr. Kilday advised the Respondent at this 1994 meeting that Milligan & Coleman was not going to offer the Respondent a partnership at that time.

28. The Respondent attended a picnic at Tom Kilday's cabin for Milligan & Coleman attorneys in the summer of 1994.

29. Tom Kilday gave the Respondent a map to Tom Kilday's cabin for the summer, 1994 picnic.

30. Tom Kilday provided only Milligan & Coleman attorneys and law clerks a map to his cabin for the picnic.

31. The September 28, 1995 memo at issue in this matter references a map to Mr. Kilday's cabin as follows: "We will bring all videotapes to my [Tom Kilday's] cabin (map attached) on Saturday."

32. On August 8, 1994, the Respondent submitted his resignation to Milligan & Coleman.

33. After the Respondent left Milligan & Coleman, Milligan & Coleman discovered the Wanda Holt file was missing.

34. After the Respondent left Milligan & Coleman, Milligan & Coleman discovered the Respondent had without authority marked down a bill by \$5,000 a few days before the Respondent left Milligan & Coleman.

35. From 1990 until some time after he resigned, the Respondent had a key to the Bank of America Building where Milligan & Coleman was located.

36. From 1990 until some time after he resigned, the Respondent had a key to Milligan & Coleman's offices.

37. The lock on the front door to the Bank of America Building where Milligan & Coleman is located has not been changed since the Respondent left Milligan & Coleman.

38. Milligan & Coleman changed their locks after Milligan & Coleman learned about the September 28, 1995 memo from the TBI investigation.

39. The Respondent learned at Milligan & Coleman that the term "TFMIC" was used by Milligan & Coleman to refer to Tennessee Farmers Mutual Insurance Company.

40. No one who is not employed at the law office representing Tennessee Farmers Mutual Insurance Company would be likely to know the acronym TFMIC.

41. Outside Milligan & Coleman and other firms representing Tennessee Farmers Mutual Insurance Company, the term commonly used to refer to Tennessee Farmers Mutual Insurance Company is Farm Bureau, not TFMIC.

42. The September 28, 1995 memo uses the term "T.F.M.I.C."

43. The Respondent learned at Milligan & Coleman that Nat Coleman and sometimes other Milligan & Coleman attorneys used the term "Fat Boy" to refer to attorney John T. Milburn Rogers.

44. The September 28, 1995 memo states: "Nat, accordingly, continues to insist on there being some connection with Fat Boy across the street. . ."

45. The Respondent learned at Milligan & Coleman that Tom Garland handled sexual harassment cases.

46. The September 28, 1995 memo in question references Tom Garland's handling of sexual harassment cases as follows: "Tom Garland is of the opinion that your prospects for success remain bleak in defense of sexual harassment charges. . ."

47. The Respondent learned at Milligan & Coleman that Nat Coleman was lead counsel in the Isom case.

48. The September 28, 1995 memo references Mr. Coleman's involvement in the Isom case as follows: "Nat, accordingly, continues to insist on there being some connection with Fat Boy across the street and guarantees the timely disposal of your ongoing problems if you handle Isom as agreed."

49. The Respondent had great hatred toward Nat Coleman and Tom Kilday.

50. Tom Kilday was the alleged author of the September 28, 1995 memo.
51. The Respondent learned at Milligan & Coleman that Ron Woods handled tax matters.
52. The Respondent and Ron Woods worked together at Milligan & Coleman with accountant Ray Adams.
53. The Respondent knew Ron Woods relied on Ray Adams for IRS contacts.
54. Although the fact that Ron Woods worked with Ray Adams on tax related matters was well known, it was not general knowledge, even within Milligan & Coleman, that Ron Woods relied on Ray Adams for IRS contacts.
55. In a case the Respondent handled at Milligan & Coleman, the Respondent employed the tactic of using the IRS in an attempt to obtain an advantage.
56. Ron Woods has never used the tactic of employing the IRS to obtain an advantage for his client.
57. The September 28, 1995 memo makes the following reference to Ron Woods using the IRS through a contact of accountant Ray Adams: "Ron Woods is undertaking the necessary to fuel the IRS approach you suggested through an acquaintance of Ray Adams."
58. The September 28, 1995 memo includes at the bottom of the page copies of two sticky notes, reflecting Tom Kilday's handwriting and Nat Coleman's handwriting.
59. Post-it notes with Nat Coleman's and Tom Kilday's handwriting were not disseminated outside the firm and could only have been obtained by someone inside Milligan & Coleman.
60. The September 28, 1995 memo has a justified margin on the right side.
61. The only two people at Milligan & Coleman that produced writings with justified right margins were Tom Kilday (the alleged author of the memo) and the Respondent.
62. The Respondent's June 19, 1995 letter to Disciplinary Counsel Tripp Hunt responding to Ron Woods' complaint has justified right margins.
63. The September 28, 1995 memo incorporates pet words and phrases Tom Kilday routinely uses in his correspondences such as "undertake the necessary" (referenced twice in the memo), "endeavor," "given all options" and "timely."

64. The Respondent spent enough time around Mr. Kilday to be familiar with words and phrases Mr. Kilday routinely uses.

65. Tom Kilday has two brothers who are involved in law enforcement, a fact which was known to the other attorneys at Milligan & Coleman, including Respondent.

66. The September 28, 1995 memo states, "Since you are concerned about Barkley (sic) Bell I will endeavor to speak to my [Tom Kilday's] brother about the location of other documents you will need."

67. The September 28, 1995 memo references District Attorney General Berkeley Bell, whose name is incorrectly spelled in the memo as "Barkley Bell."

68. On a February 8, 1994 timeslip of the Respondent's from Milligan & Coleman, District Attorney General Berkeley Bell's name is misspelled "Barkley Bell," which is the same misspelling used in the September 28, 1995 memo.

69. The last paragraph of the September 28, 1995 memo is characteristic of the Respondent's writing style.

70. The Respondent learned at Milligan & Coleman that rubber stamps were kept in the secretarial offices of Linda Freshour and Edith Jaynes.

71. The Respondent used Milligan & Coleman's rubber stamps while at Milligan & Coleman.

72. During the time the Respondent worked at Milligan & Coleman, the firm Milligan & Coleman had an "attorney work product" rubber stamp.

73. The September 28, 1995 memo reflects Milligan & Coleman's "attorney work product" stamp or a stamp identical to Milligan & Coleman's.

74. Milligan & Coleman owned a "private and confidential" rubber stamp.

75. The September 28, 1995 memo reflects Milligan & Coleman's "private and confidential" stamp.

76. Milligan & Coleman's "private and confidential" stamps was unique and was laughingly discussed by attorneys at Milligan & Coleman because it stated "private and confidential" instead of "privileged and confidential."

77. Ron Woods has never seen a "private and confidential" rubber stamp used outside Milligan & Coleman's office.

78. In October 1992, or about that time, Ron Woods instructed Edith Jaynes to put up the "private and confidential" stamp and purchase a "privileged and confidential" stamp.

79. In October 1992, Edith Jaynes complied with Ron Woods' instructions and put up the "private and confidential" stamp and purchased a "privileged and confidential" stamp.

80. After the TBI disclosed the existence of the memo to Milligan & Coleman, Milligan & Coleman began looking for Milligan & Coleman's "private and confidential" stamp but could not find it.

81. In 1998 or later, while checking out a foul odor in the stairwell at Milligan & Coleman's offices, Ron Woods found in the basement of the stairwell the separated rubber pad and handle of Milligan & Coleman's "private and confidential" stamp.

82. Ron Woods testified that someone can enter the stairwell but can't get on any of the floors (i.e., such as the floors with Milligan & Coleman's offices) without a key.

83. The September 28, 1995 memo makes reference to Susan Payne's lawsuit against Judge Wilson as follows: "We are hand-delivering herewith a brief Jeff Ward has prepared to address the questions you raised about Susan, her lawsuit and the unasserted claims. It should provide sufficient ammunition to dispose of the limited matter presently raised but Tom Garland is of the opinion that your prospects for success remain bleak in defense of sexual harassment charges, if timely filed, given all options except number 6."

84. Susan Payne was Judge John Wilson's secretary from approximately September 1990 to September 1994.

85. Susan Payne filed a pro se complaint in the Circuit Court for Greene County against John Wilson and the State of Tennessee, Docket No. 95 CV 736, on September 22, 1995.

86. Susan Payne's complaint against Judge Wilson and the State does not allege any sexual harassment against Ms. Payne by Judge Wilson.

87. Susan Payne was never sexually harassed by Judge Wilson.

88. Susan Payne's suit against Judge Wilson was dismissed by Order Granting Motion to Dismiss, filed May 9, 1996.

89. Judge Wilson did not consult with, talk to or retain Milligan & Coleman about the Susan Payne matter.

90. The Respondent knew that someone had told him that Susan Payne had filed a complaint against Judge Wilson about something.

91. Until they saw the September 28, 1995 memo in the summer of 1997, no attorney at Milligan & Coleman had any knowledge of any asserted or unasserted claim by Susan Payne against Judge Wilson.

92. In 1994, Jeff Ward brought to Ron Woods' attention that a check had been endorsed by the Respondent and cashed, the proceeds of which partly belonged to the firm and partly belonged to an insurance company.

93. Milligan & Coleman did not get their fee from the cashed check and also had to reimburse their client for the two-thirds of the check the client should have received.

94. Jeff Ward contacted the Respondent about the cashed check, but the Respondent could not tell Milligan & Coleman what happened to the check.

95. Ron Woods wrote the Board of Professional Responsibility regarding the Respondent and the cashed check because Lance Bracy, Chief Disciplinary Counsel for the Board, advised Mr. Woods he had to report the incident to the Board.

96. Ron Woods reported the Respondent's involvement in the cashed check incident to the Board of Professional Responsibility on May 22, 1995.

97. The Respondent's wife asked her brother, Tom Garland (a partner with Milligan & Coleman), "Do you know that Milligan & Coleman is trying to get Larry disbarred again?" referencing the cashed check matter reported by Ron Woods and the Wanda Holt incident reported to the Board by Gene Gaby.

98. The Respondent responded to Ron Woods' letter to the Board regarding the cashed check on June 19, 1995.

99. In his June 19, 1995 response to Mr. Woods' letter to the Board, the Respondent mentions Ron Woods, Gene Gaby and Tom Kilday by name but refers to attorney Jeff Ward only as the "Milligan & Coleman associate" and never by name.

100. On the September 28, 1995 memo, "JMW" is referenced as the memo's typist for Tom Kilday.

101. Milligan & Coleman attorney Jeff Mark Ward's initials are "JMW."

102. In his June 19, 1995 response to Mr. Woods' complaint with the Board, the Respondent states: "Gene Gaby has generously offered to submit an affidavit on my

behalf addressing his knowledge of my character and integrity.”

103. Gene Gaby spoke with the Respondent regarding the cashed check and told him that Milligan & Coleman was required to report the matter, but Mr. Gaby was glad to vouch to the Board for the Respondent's character.

104. Gene Gaby did speak with Disciplinary Counsel Tripp Hunt regarding the cashed check matter and told Mr. Hunt it was not Milligan & Coleman's interest to see the Respondent found guilty of a violation.

105. Gene Gaby is the only Milligan & Coleman attorney not named in the September 28, 1995 memo.

106. The cashed check matter reported by Ron Woods was being actively investigated as of September 28, 1995 (i.e., the date of the memo.)

107. Disciplinary Counsel Tripp Hunt wrote Mr. Woods on September 12, 1995 proposing a meeting with Mr. Woods in Greeneville on September 28, 1995 to discuss Mr. Woods' letter concerning the Respondent.

108. The Respondent wanted to be a judge.

109. If Judge Wilson had been removed from office, the Respondent's father-in-law, Tom Garland, Sr. (father of Milligan & Coleman partner Tom Garland, Jr.) likely had the clout with Governor Sundquist to appoint the Respondent as Judge Wilson's replacement.

110. The Respondent had previously gained favor with Governor Sundquist by running, at the Governor's request, for House of Representatives against incumbent Zane Whitson, a race which Respondent lost.

111. Tom Garland, Jr. was the Respondent's brother-in-law in addition to practicing law with the Respondent at Milligan & Coleman.

112. Tom Garland, Jr. became so upset with the Respondent in May 1996, regarding the Respondent's decision to run against Representative Zane Whitson, that Mr. Garland chose to cease having a relationship with the Respondent and the Respondent's wife (Mr. Garland's sister.)

113. The Respondent worked with attorney Tom Rogan for one year after leaving Milligan & Coleman.

114. The Respondent was interested in returning to Milligan & Coleman after he resigned.

115. The Respondent had conversations with Judge John Wilson about the possibility of the Respondent returning to Milligan & Coleman.

116. On the Respondent's behalf, Judge Wilson asked Nat Coleman to speak with his partners about the Respondent returning to Milligan & Coleman.

117. Judge Wilson spoke with Milligan & Coleman about the Respondent's returning to the firm shortly before or after the Respondent left the employment of Tom Rogan in 1995.

118. Milligan & Coleman did not invite the Respondent to return to the firm after the Respondent resigned.

119. After leaving Milligan & Coleman, the Respondent leased office space at the Round Table Office Complex from October, 1994 through February, 1997.

120. While at the Round Table Office Complex from October 1994 through February 1997, the Respondent had access to the receptionist's typewriter.

121. While at the Round Table Office Complex, the Respondent worked early in the morning or late at night several times a week.

122. The Respondent had access to the Round Table Office Complex receptionist's typewriter early in the morning or late at night.

123. On August 26, 1997, Tennessee Bureau of Investigation (TBI) Special Agent Greg Monroe collected samples of type styles produced on the receptionist's typewriter at the Round Table Office Complex.

124. Robert Muehlberger, Forensic Document Analyst and Manager of the Forensic Lab for the United States Postal Inspection Service, analyzed the samples from the Round Table Office Complex along with other samples and made the following findings in his report: "The questioned typewriting appearing on Exhibit Q-1 through Q-4 [Q-1: One page of white, legal size paper bearing a typewritten letter dated September 28, 1995; Q-2: One white envelope addressed to Mr. John T. Milburn Rogers, 100 S. Main St., Greeneville, TN 37743; Q-3: One yellow post it note bearing typewriting; and Q-4: One yellow post it note bearing typewriting.] was typed on a Brother typewriter using the same Prestige 10/12 printwheel element that was used to type the samples on Exhibit K-4-1. [K-4-1: Samples of type styled produced on equipment at receptionist area of Round Table Offices, 1104 Tusculum Blvd., Greeneville, TN.] Common defects found in some of the typewritten characters on Exhibits Q-Z through Q-4 and on Exhibit K-4-1 allowed for the identification.

125. Everyone who leased space at the Round Table Office Complex had access to the receptionist's typewriter and word processor located at the front desk of the Round Table Office Complex.

126. During the time period the September 28, 1995 memo was postmarked and mailed on December 16, 1996, the Respondent leased office space at the Round Table Office Complex.

127. The Respondent knew John Rogers has an antagonistic relationship with Nat Coleman.

128. The Respondent knew John Rogers has an antagonistic relationship with Judge John Wilson.

129. John Rogers is a friend of District Attorney Berkeley Bell.

130. The September 28, 1995 memo was mailed to John Rogers on December 12, 1996.

131. John Rogers gave the memo to District Attorney Bell.

132. District Attorney General Berkeley Bell referred the memo to the TBI who began investigating it in August 1997.

133. The Respondent is friends with Bill Hall Bell, another attorney in Greeneville and the brother of District Attorney Berkeley Bell.

134. Susan Payne sought representation from Bill Hall Bell in her suit against Judge Wilson, but Mr. Bell declined to represent her.

135. The September 28, 1995 memo states that "Susan was videotaped leaving the office of Bill Hall Bell the day before her lawsuit was filed."

136. Judge Wilson first saw the September 28, 1995 memo when it was shown to him by TBI Special Agent Greg Monroe on August 20, 1997.

137. The Respondent previously had provided accurate information to Judge Wilson that Respondent had obtained from Bill Bell concerning Judge Wilson's run for re-election.

138. Sometime after the memo was sent on December 12, 1995, but prior to the TBI showing the memo to Judge Wilson on August 20, 1997, the Respondent told Judge Wilson that Bill Bell said "We have a letter that will blow Nat Coleman out of the water."

139. A few weeks before the TBI interviewed Judge Wilson on August 20, 1997, Respondent told Judge Wilson "Bill Bell says that we have a letter that's so bad that Judge Wilson will jump out his window" and "Don't have a heart attack."

140. After the TBI interviewed Judge Wilson on August 20, 1997, the next day or possibly the following day, Judge Wilson testified that the Respondent was in Rogersville at the Hawkins County Courthouse when Judge Wilson came out of the courthouse and the Respondent said to Judge Wilson "I understand you had some visitors."

141. Judge Wilson was surprised the Respondent knew the TBI had talked with Judge Wilson on August 20, 1997 because Judge Wilson had not told anyone about his conversation with the TBI.

142. The Respondent was interviewed by the TBI concerning the memo on August 28, 1997.

143. The Respondent denies going to the Hawkins County Courthouse in Rogersville the day after the TBI interviewed Judge Wilson.

144. Judge Wilson testified that he had another conversation with the Respondent during which Judge Wilson said to the Respondent "Larry, the TBI thinks you're involved." Judge Wilson testified the Respondent did not answer or respond to his comment.

145. Judge Wilson testified that he also said to the Respondent "Larry, the TBI believes or has evidence that your typewriter was used in this letter." Judge Wilson testified that again, the Respondent did not respond to this statement.

146. Judge Wilson testified that he talked with the Respondent and said "Larry, the TBI believes Bill Bell's also involved in this, or they have evidence, something to that effect." Judge Wilson testified that the Respondent did not answer or respond to this comment.

147. The Respondent testified at his deposition and on cross-examination that he did not see the memo or hear rumors about the memo prior to the TBI showing the Respondent the memo on August 28, 1997.

148. The Respondent subsequently testified on direct examination that he had heard talk about some kind of documents from Milligan & Coleman that would implicate Milligan & Coleman in some kind of wrongdoing.

149. The Respondent testified on direct examination that at some point he heard some kind of documents implicated Judge Wilson as being involved in wrongdoing.

150. The Respondent testified Judge Wilson is a good friend of the Respondent's.

151. The Respondent testified that at his deposition he did not recall any conversations with Judge Wilson about the memo.

152. After Judge Wilson's testimony, the Respondent testified that he did tell Judge Wilson that there was a document or documents that involve Judge Wilson and are so bad they'll make Judge Wilson want to jump out a window.

153. The Respondent testified that Judge Wilson did tell the Respondent that the TBI thought the Respondent was involved in the memo, but the Respondent testified "I didn't just stand there. I told him flat out, I did not do it." "Why would I be involved in anything like that?"

154. The Respondent testified that Judge Wilson did tell the Respondent "They think they have proof that you typewriter did it." The Respondent testified his response to Judge Wilson was "My typewriter didn't do it." "Why would I be involved in anything like that?"

155. The Respondent testified that Judge Wilson's testimony is inaccurate regarding these occasions where the Judge said the Respondent offered no response to the Judge's statements about the Respondent possibly being involved in creating the memo."

This Court is convinced beyond a shadow of any doubt that the Respondent is guilty as charged based upon the facts proven by the Disciplinary Board, and that he did these acts with the evil intent to harm and discredit his former associates and his friend, Judge John K. Wilson. It was stipulated at the hearing and entirely clear and unquestioned that all the alleged facts and conduct in this Memo are false and with absolutely no basis in fact, and that the Respondent made up this conduct in order to harm the law firm and his friend. He violated this friendship and violated all confidence reposed in him by the members of this firm and his associates, and in the opinion of this Court this man has a serious mental problem and should seek serious counseling for his own good.


CONCLUSIONS OF LAW

The issue in this matter is very simple as stated by the hearing panel: Did the Respondent prepare and mail the September 28, 1995 memo at issue? The Hearing Panel and this Court have both found that he did so and did so for evil purposes and that the publication of this memo violated T.C.A. 23-3-201, DR 1-102(A)(1)-(6) and DR 8-102(B).

JUDGMENT

It is the judgment of this Court and recommended to the Supreme Court of Tennessee that the Respondent be suspended from the practice of law for three (3) years.

This the 15 day of July, 2004.



HONORABLE BILLY JOE WHITE,
Chancellor of the Eighth Judicial District
Sitting by Designation

CERTIFICATE OF SERVICE

I certify that I have mailed, or personally furnished, an exact copy of the foregoing Opinion to each attorney of record (or each party), at his/her respective address as shown in the Court file, this the 19 day of July, 2004



KAY ARMSTRONG, J.D.
CLERK & MASTER

- 1. Sandy Barrett, Disciplinary Council
- 2. Johnny V. Dunaway, Esq.