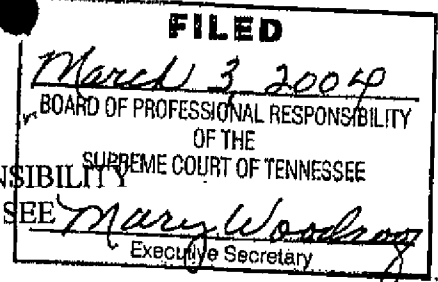


IN THE DISCIPLINARY DISTRICT I  
OF THE BOARD OF PROFESSIONAL RESPONSIBILITY  
OF THE SUPREME COURT OF TENNESSEE



IN RE: LAWRENCE A. WELCH, JR., DOCKET NO. 2001-1266-1-SG  
BPR#14684, Respondent  
An attorney Licensed to Practice  
Law in Tennessee (Greene County)

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FINDINGS AND JUDGMENT OF HEARING PANEL

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This matter came before the Hearing Panel on February 16, 2004, upon the original and supplemental petitions for discipline filed by the Board of Professional Responsibility of the Supreme Court of Tennessee; the Answer to the original petition, the judgment by default of the supplemental petitions; the Judgment to Deem Facts Admitted; the evidence and exhibits presented to the Hearing Panel at the hearing, and the record as a whole, from all of which it appeared as follows:

**I. Procedural History**

1. Present at the hearing were Mark Dugger, Chairman of the Panel, Panel Members, Janice Russell and Clifton Corker, Disciplinary Counsel for the Board of Professional Responsibility Ms. Sandy Garrett, Esq. The Respondent was not in attendance. The hearing was scheduled to begin at 9:00 a.m. at the General Morgan Inn, Greeneville, Tennessee, for which all parties had been duly notified. The Panel waited until 9:15 a.m. for the Respondent to appear, at which time the Chairman requested the Bailiff to inquire as to the presence of the Respondent in any public places at the General Morgan Inn, the Bailiff returned and advised that the Respondent was not present in the Inn nor waiting immediately outside the Inn, whereupon the hearing began at

approximately 9:20 a.m.; Ms. Garrett made an opening statement and submitted a number of exhibits, which were accepted into evidence.

2. A Petition for Discipline was filed against the Respondent on October 29, 2001, and sent to the Respondent. On approximately January 14, 2002, the Respondent filed an Answer to this Petition and also filed a Motion to Dismiss. On November 10, 2003, this Hearing Panel held a hearing with Disciplinary Counsel and the Respondent and scheduled the matter for a hearing on February 16, 2004 at the General Morgan Inn, Greeneville, Tennessee. By Order, filed December 1, 2003, the Hearing Panel denied Respondent's Motion to Dismiss.

3. The Board filed a Supplemental Petition for Discipline and sent it to the Respondent on July 11, 2002. The Respondent failed to answer this Petition. On October 17, 2002, Judgment by Default was granted on this Petition.

4. On October 8, 2002, a Second Supplemental Petition for Discipline was filed against the Respondent. The Respondent did not answer this Petition either. On December 20, 2002, another Judgment by Default was entered.

5. On March 21, 2003, a Third Supplemental Petition for Discipline was filed against the Respondent. The Respondent again failed to answer this Petition. On May 19, 2003, another Judgment by Default was granted on the Third Supplemental Petition for Discipline.

6. Respondent filed a motion requesting the Panel to require Disciplinary Counsel Sandy Garrett, Esq. to withdraw because of an alleged conflict of interest. The Panel DENIED this motion. Respondent also filed a motion to prohibit the late filed

motion to deem facts admitted. The Panel DENIED that motion and permitted the motion filed by Disciplinary Counsel.

7. On December 31, 2003, the Board filed a motion that Facts be Taken as Established. A telephone conference was held in which the Respondent received notice. Moments before the Conference was to begin, the Respondent faxed a letter to each member of the Panel and advised that he would not participate in the call. He provided no reason for this position. On January 30, 2004, the Hearing Panel entered an Order deeming admitted the facts outlined in the Petition for Discipline.

## II.

### STATEMENT OF THE FACTS

#### A. File No. 21764-1-SG Misuse of Family's Credit Cards

8. The Respondent has misused his deceased father's credit cards for his own personal benefit. The Respondent's father died in 1994.

9. The Respondent changed the billing address and phone number for the Respondent's deceased father's credit card account at J.C. Penny's to reflect the Respondent's address and phone number while leaving the Respondent's father's social security number and birth date on the account.

10. The Respondent caused two collection accounts to be reflected on the Respondent's deceased father's credit report.

11. The Respondent caused his deceased father's Union Planter's Visa Account to be changed so that the billing address reflected on the account was the Respondent's while the Respondent's deceased father's name, Social Security number and birthday remained on the account as the identifying information.

12. In or around April 1996, the Respondent opened a Cohn account in the name of the Respondent's deceased father.

13. The Respondent opened an account with First USA Bank, NA, in the names of the Respondent and the Respondent's deceased father in approximately March 1999.

14. In or around May 1999, the Respondent opened a second First USA Bank, NA account in the names of the Respondent and the Respondent's deceased father.

15. In or around January 1998, the Respondent opened a Seventh Avenue account in the Respondent's deceased father's name.

16. The Respondent misused his mother's credit cards for the Respondent's personal benefit and without the knowledge or permission of the Respondent's mother.

17. The Respondent opened or caused to be open the following joint accounts for the Respondent's mother and the Respondent:

- a. A Discover account;
- b. A First USA Bank account;
- c. Two Goldsmith's accounts.

18. The Respondent used the name and address of the Respondent's former brother-in-law, John Bane, in applying for Visa, Texaco and BP credit cards.

19. The Respondent used John Bane's credit card without Mr. Bane's knowledge or permission.

20. The acts of the Respondent constitute ethical misconduct in violation of DR 1-102(A)(1)(4) and (6).

**B. File No. 22850-1-SG**  
**Unauthorized Placement of Respondent's name on Deed**  
**For Property Belonging to his Mother**  
**Complaint of Thomas Kilday, Attorney**

21. Respondent handled for his mother the construction and purchase of a condominium in Greeneville, Tennessee.
22. On July 15, 1997, on behalf of his mother, the Respondent entered into a purchase agreement contracting for the construction and purchase of a condominium for the sum of \$130,760.00.
23. Without the knowledge or permission of his mother, the Respondent placed his name on the purchase agreement for the condominium so that the title to the condominium was vested in both the Respondent's mother's name and the Respondent's name.
24. On approximately April 30, 1998, the Respondent received a warranty deed to the Respondent's mother's condominium.
25. The warranty deed reflected both the Respondent's name and his mother as one-half owner of this condominium.
26. The warranty deed, reflecting the Respondent as one-half owner of the condominium, was prepared without the knowledge or permission of the Respondent's mother.
27. On approximately May 7, 1998, the Respondent recorded this warranty deed and signed the affidavit which stated, "the actual consideration for this transfer or value of the property transferred, whichever amount is greater, is \$75,000..."
28. The actual value of the condominium was \$130,760.00.

29. The Respondent's mother wrote the Respondent a letter dated May 18, 2000 in which she stated "It was brought to my attention several months ago, that your name appears as co-owner of the condominium, in the original purchasing paper work and subsequent deed. This came as quite a surprise to me, as I had no previous knowledge of it, nor have we ever discussed such an arrangement, as I provided all monies used to buy the condominium ... it was never my intention for you to be named as co-owner."

30. The Respondent's mother asked Respondent to sign a quitclaim deed to her so she could sell the condominium.

31. The Respondent failed to sign any such quitclaim deed.

32. On May 30, 2000, Respondent's mother's counsel, Alan Dunstan, wrote the Respondent asking the Respondent to sign a quitclaim deed relinquishing the Respondent's rights to his mother's condominium.

33. The Respondent failed to respond to that correspondence.

34. On August 9, 2000, a complaint was filed in the Chancery Court for Greene County regarding the Respondent's actions in the handling of the Respondent's mother's condominium.

35. On September 22, 2000, the Greene County Chancery court case was dismissed after the parties announced a settlement whereby the Respondent agreed to execute and deliver to the Complainant a deed to the Respondent's mother's condominium.

36. Following the entry of the order of dismissal in said case, the Complainant filed a motion to strike the Respondent's false pleadings.

37. On July 31, 2001, an Order was entered in said case granting the Complainant's Rule 12.06 Motion to Strike and Rule 11 Motion for Sanctions.

38. The actions of the Respondent constitute ethical misconduct in violation of DR 1-102(A)(1)(4)(5) and (6), DR 7-102(A)(1), and DR 7-106(C)(1)(4)(5)(6) and (7).

**C. File No. 22167-1-SG  
Conspiracy to File a False Complaint  
Complaint of William Nunnally, Attorney**

39. The Respondent filed a sexual harassment lawsuit on behalf of certain plaintiffs Wanda Campbell, Christy Banks, and April Cox against Greene County Materials, LLC.

40. On February 14, 2000, Plaintiff Wanda Campbell contacted defense counsel, William Nunnally, and indicated that she wished to make a statement in order to set the matter straight and confess her role in a wrongful conspiracy.

41. Wanda Campbell stated to William Nunnally that the Respondent encouraged Christy Banks and herself to fabricate sexual harassment charges. Her statement was videotaped, and submitted into evidence at the hearing.

42. The Respondent did not cooperate with Disciplinary Counsel and the Board of Professional Responsibility during the investigation of this complaint.

43. The Respondent was temporarily suspended by the Supreme Court of Tennessee August 13, 2001 for failing to respond to the Board's requests for information regarding this complaint.

44. On September 17, 2001, the Supreme Court reinstated the Respondent while adopting the Hearing Panel's finding, which questioned the adequacy and timeliness of the Respondent's response to the Board.

45. The acts of the Respondent constitute ethical misconduct in violation of DR 1-102(A)(1)(4)(5) and (6), DR 6-101(A)(3); DR 7-101(A)(1)(2)(3)(4), and DR 7-102(A)(2)(4)(5)(6)(7)(8).

**D. File No. 24241-1-SG  
Failure To Prosecute Client's Case  
Complaint Discovered During Investigation**

46. The Respondent was retained to represent Ann Crabtree in Circuit Court for Coker County in an action against Stinnett Chevrolet and Chrysler Insurance Company.

47. On June 26, 2001, an Order was entered in said case dismissing the Plaintiff's case for failure to prosecute.

48. The Respondent filed a letter to the Board, dated October 15, 2001, that the Summary of the Complaint was the Respondent's first knowledge of any Motion to Dismiss, any hearing or subsequent Order dismissing Ann Crabtree's complaint.

49. The Respondent took no action on behalf of his client after the Respondent learned of the dismissal.

50. The Respondent failed to respond timely and fully to the complaint filed with the Board.

51. The Respondent neglected his client's case to the extent that it was dismissed for failure to prosecute.

52. The acts of the Respondent constitute ethical misconduct in violation of DR 1-102(A)(1)(5) and (6), DR 6-101(A)(3), and DR 7-101(A)(1)(4).



**E. File No. 25270-1-SG  
Failure to Advise Client and to Send Motion  
to Opposing Counsel  
Complaint of Francis Santore, Attorney**

53. The Respondent represented Maria Dunaway in Dunaway v. Cobble, Case No. 00CV555, in which he filed a petition for custody and visitation on Ms. Dunaway's behalf on June 30, 2000.

54. After a November 20, 2000 hearing, the Complainant sent a proposed order to the Respondent on June 18, 2001. The Respondent did not respond to the proposed order.

55. The Complainant submitted the proposed order to the court and the order was entered on July 10, 2001.

56. On August 10, 2001, Respondent filed a Motion to Alter or Amend the Judgment.

57. The Respondent's Motion to Alter or Amend reflects the Respondent sent a copy of said motion to the Complainant. However, the Complainant states he never received this Motion and had no knowledge of the motion.

58. The Respondent failed to keep his client informed about developments with her case.

59. The Complainant learned of the Respondent's motion while reviewing the Clerk's Master Docket and observing Dunaway v. Cobble was still listed as an active case.

60. At a May 1, 2002 hearing, Maria Dunaway testified that she did not authorize the Respondent to file a motion to alter or amend the judgment.

61. The Court denied Respondent's motion by order entered on June 21, 2002.

62. The acts by the Respondent constitute ethical misconduct in violation of.

DR 1-102(A)(1)(5)(6), DR 7-101(A)(2)(4) and DR 7-106(C)(5)(7).

**F. File No. 25225-1-SG**  
**Respondent's Misrepresentation to Client**  
**Regarding Filing of Complaint**  
**Complaint of James and Anna Wykle**

63. Mr. and Mrs. James and Anna Wykle retained the Respondent regarding a cause of action they had against Tennessee Motor Company and Ford Motor Company.

64. The Wykles paid the Respondent a filing fee on August 7, 2000.

65. The Respondent misled the Wykle's to believe that he had filed their lawsuit when in fact he had not.

66. The Respondent failed to file the Wykle's lawsuit and allowed the statute of limitations to expire.

67. The Respondent failed to keep his clients informed regarding their case.

68. The Respondent's clients requested the return of their filing fee and file by way of a letter of April 4, 2002.

69. The Respondent refused to refund to his clients the filing fee and failed to provide them a copy of their file.

70. The acts of the Respondent constitute ethical misconduct in violation of DR 1-102(A)(1)(5)(6), DR 2-110(A)(2), DR 6-101(A)(3), DR 7-101(A)(1)(2)(3)(4), and DR 9-102(B)(4).

### III.

#### **Mitigating and Aggravating Factors**

The Respondent had the opportunity to present mitigating factors to the Hearing Panel. Because the Respondent did not attend the hearing, no mitigating factors were presented to the Panel. The Panel notes that the Respondent had notice of the hearing as it was scheduled with the Respondent being present on November 10, 2003.

The Panel finds several aggravating factors. First, the Respondent has displayed a level of contempt for the legal profession and the disciplinary system on several fronts. He failed to respond to the Supplemental Petitions filed against him by the Board and he refused to cooperate in resolving those matters. Second, the Respondent filed Discovery Requests on the Board that the Panel found outrageous. His requests when examined by even a liberal application of discovery rules were sanctionable under Rule 11. Third, he did not participate in either the telephone conference set by the Board with the Panel nor did he participate in the hearing for which he had notice. The Panel was mindful of scheduling issues regarding the telephone conference. However, immediately preceding the conference, the Respondent sent each Panel member a fax stating he could not participate without any explanation.

Second, the Respondent has failed to communicate with his clients, zealously represent them, and properly care for their potential causes of actions to the detriment of his clients and to the profession as a whole.

Third, the Board introduced a videotape of one of the Respondent's clients for whom the Respondent had filed a sexual harassment case. As it turned out, the complaint was spurious, and the Respondent knew so before filing. The client was so grieved by

her involvement in the suit she met with the Defense counsel and confessed to her involvement and that of the Respondent. Such actions have no place in the legal profession and must be met with serious sanctions.

Fourth, the Respondent has had a history of misconduct.

Fifth, some of the acts complained of herein involve his family members. It sadden the Panel to hear of the accusations leveled against the Respondent by his family. The accusations were not denied nor rebutted by the Respondent. Such conduct on a prima facie basis constitutes violations of the Tennessee Criminal Code. This is the case even though he was not prosecuted.

Thus, the Panel finds that the totality of the Respondent's conduct constitutes extremely serious violations of the Code of Ethics and deserves the imposition of the discipline of DISBARMENT. It is therefore the recommendation of the panel that Mr. Lawrence Welch, Jr. be DISBARRED from the practice of law.

IT IS THEREFORE ORDERED AND ADJUDGED:

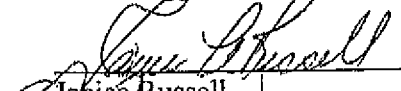
1. That the Respondent has violated the following disciplinary rules of the Code of Professional Responsibility and authorities: DR 1-102(A)(1)(4) (5) (6); DR 7-102(A)(1)(2)(4)(5)(6)(7)(8); DR 7-106(C)(1)(4)(5)(6) and (7); DR 6-101(A)(3); DR 7-101(A)(1)(2)(3)(4); DR 7-101(A)(1)(2)(4); DR 2-110(A)(2); and DR 9-102(B)(4).

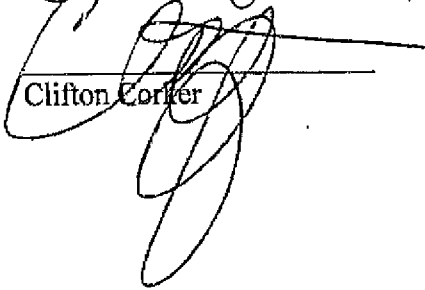
2. That the judgment of the Hearing Panel and recommendation to the Tennessee Supreme Court that the Respondent, Lawrence Welch, Jr. be DISBARRED from the practice of law.

Entered this the 3rd day of March 2004.

Hearing Panel:

  
Mark Dugger, Chair

  
Janice Russell

  
Clifton Corker

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