



**BOARD OF PROFESSIONAL RESPONSIBILITY  
OF THE  
SUPREME COURT OF TENNESSEE**

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**RELEASE OF INFORMATION**  
**RE: MICHAEL LEE WEST, BPR #1868**  
**CONTACT: A. RUSSELL WILLIS**  
**BOARD OF PROFESSIONAL RESPONSIBILITY**  
**615-361-7500**

November 19, 2014

**HAMILTON COUNTY LAWYER DISBARRED**

On November 14, 2014, Michael Lee West, of Hamilton County, Tennessee, was disbarred by the Tennessee Supreme Court, pursuant to Tennessee Supreme Court Rule 9 Section 4.2 and ordered to pay restitution to four (4) former clients. The order of disbarment is effective November 24, 2014.

On April 11, 2014, a Petition for Discipline was filed against Mr. West based upon three complaints of misconduct. Subsequent to the filing of the Petition for Discipline, the Board received three additional ethical complaints. In the first complaint, Mr. West misappropriated approximately \$45,000.00 in settlement proceeds he held in trust for his client and/or third-party medical providers. In the second complaint, Mr. West accepted a retainer fee to file a detainer action but delayed filing the detainer action for a year. After being terminated, Mr. West refused to refund the retainer fee or communicate with his client. In the third complaint, Mr. West deposited a non-refundable earned fee into his trust account and, thereafter, wrote a trust check payable to himself for the fee. The bank honored Mr. West's trust check; however, the client's check was subsequently returned for insufficient funds placing the trust account in a negative balance. Mr. West represented to the Board he would deposit funds into his trust account sufficient to reimburse the bank for its loss but did not honor his commitment. In the fourth and fifth complaints, Mr. West failed to provide legal services for which he was retained, failed to communicate with his clients to apprise them of the status of their respective case and failed to respond to requests for refunds by the clients. In the last complaint, Mr. West engaged in the unauthorized practice law in violation of the Order of Temporary Suspension entered by the Supreme Court on March 18, 2014.

Mr. West has admitted his conduct is in violation of Rules of Professional Conduct 1.3 (diligence); 1.4 (communication); 1.5 (fees); 1.15 (safekeeping property and funds); 1.16 (declining or terminating representation); 3.2 (expediting litigation) and 8.4(a), (c) and (d) (misconduct).

Mr. West must comply with Tennessee Supreme Court Rule 9, Section 18 (2006) and Rule 9, Section 30.4 (2014) regarding the obligations and responsibilities of disbarred attorneys and the procedure for reinstatement. Mr. West must pay the Board's costs and expenses prior to reinstatement to the practice of law.

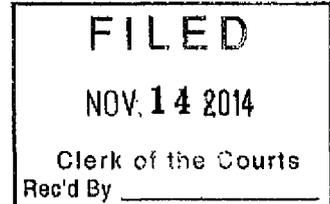
IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE

**IN RE: MICHAEL LEE WEST, BPR# 001868**  
An Attorney Licensed to Practice Law in Tennessee  
(Hamilton County)

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No. M2014-00387-SC-BAR-BP  
BOPR No. 2014-2310-3-AW

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**ORDER OF ENFORCEMENT**

This matter is before the Court upon a Petition for Discipline filed against Michael Lee West on April 11, 2014; upon Response to Petition for Discipline filed by Mr. West on May 6, 2014; upon entry of a Conditional Guilty Plea filed by Mr. West on September 26, 2014; upon an Order Recommending Approval of Conditional Guilty Plea entered on October 3, 2014; upon consideration and approval by the Board on October 19, 2014; and upon the entire record in this cause.<sup>1</sup>

From all of which the Court approves the Order of the Hearing Panel and adopts the Hearing Panel's Order Recommending Approval of Conditional Guilty Plea as the Court's Order.

On March 18, 2014, Mr. West was temporarily suspended by this Court pursuant to Tenn. Sup. Ct. R. 9, § 4.3 (Case No. M2014-00387-SC-BAR-BP) for misappropriation of client funds. To date, Mr. West has not requested, nor been granted, reinstatement.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED BY THE COURT THAT:

(1) Pursuant to Tenn. Sup. Ct. R. 9, § 4.1 (2006), Michael Lee West is disbarred. Further, Mr. West is ordered to make restitution as follows:

(a) Payment of restitution to Ms. Harvey of the balance of the \$50,000.00, settlement less any documented payments to Ms. Harvey and/or the subrogation liens paid on her behalf.

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<sup>1</sup>This matter was initiated before the Board prior to January 1, 2014, and is governed by Tenn. Sup. Ct. R. 9 (2006) unless otherwise noted.

- (b) Payment of restitution to SunTrust Bank in the amount of \$5,000.00, less any documented payments to SunTrust Bank.
- (c) Payment of restitution to Tiffany Rogers in the amount of \$500.00, less any documented payments to Ms. Rogers.
- (d) Payment of restitution to Aliceon Varner in the amount of \$1,000.00 less any documented payments to Ms. Varner.

(2) Mr. West shall comply in all aspects with Tenn. Sup. Ct. R. 9, § 18 (2006) and Tenn. Sup. Ct. R. 9, § 30.4 (2014) regarding the obligations and responsibilities of disbarred attorneys, and the procedure for reinstatement. Mr. West must meet all CLE requirements and all registration requirements prior to reinstatement.

(3) Pursuant to Tenn. Sup. Ct. R. 9, § 24.3 (2006), Mr. West shall pay to the Board of Professional Responsibility the expenses and costs of this matter in the amount of \$1,165.43 and shall pay to the Clerk of this Court the costs incurred herein, within ninety (90) days of the entry of this Order, for all of which execution may issue if necessary.

(4) Upon entry of this Order, the Temporary Suspension entered on March 18, 2014, pursuant to Tenn. Sup. Ct. R. 9, § 4.3, shall be dissolved.

(5) Pursuant to Tenn. Sup. Ct. R. 9, § 18.5 (2006), this Order shall be effective ten (10) days after the date of entry.

(6) The Board of Professional Responsibility shall cause notice of this discipline to be published as required by Tenn. Sup. Ct. R. 9, § 18.10 (2006).

PER CURIAM