

FILED

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

2012 MAR 26 PM 4: 03

BOARD OF PROFESSIONAL
RESPONSIBILITY

EXEC. SEC.

**IN RE: William Lee Wheatley,
BPR #22339, Respondent
An Attorney Licensed and
Admitted to Practice
Law in Tennessee
(Sevier County)**

NO. 2011-2039-1-SG

**Findings of Fact, Conclusions of Law and
Recommendation of the Hearing Panel**

This cause was heard on March 13, 2012, before the Hearing Panel of the Board of Professional Responsibility of the Tennessee Supreme Court (the "Board") upon the Board's Petition for Discipline filed April 21, 2011, and Answer filed by William Lee Wheatley, (the "Respondent") on August 25, 2011. The Board was represented at the March 13, 2012, hearing by Disciplinary Counsel Sandy Garrett while Mr. Wheatley appeared and represented himself. Upon the sworn testimony of witnesses, exhibits introduced into evidence, statements of counsel and the entire record, the Hearing Panel, consisting of Andrew Todd Wampler, Esq. (Chair), Steven Douglas Drinnon, Esq., and Barry Staubus, Esq., makes the following Findings of Fact, Conclusions of Law and renders the following Recommendation.

Conclusions of Law

1. Based upon the evidence and admissions of Mr. Wheatley, the Hearing Panel finds Mr. Wheatley violated Rules of Professional Conduct 1.3, 1.4, 1.5, 1.6, 3.2, 8.1 and 8.4.

2. The Hearing Panel finds Mr. Wheatley has been rehabilitated and therefore does not need a reinstatement proceeding to prove his rehabilitation.

Aggravating Circumstances

1. Mr. Wheatley's pattern of misconduct;
2. Mr. Wheatley's multiple violations of the Rules of Professional Conduct;
3. The vulnerability of the victims;
4. Mr. Wheatley's failure to make restitution.

Mitigating Circumstances

1. Mr. Wheatley's prior suspension from the practice of law for sixteen (16) months for substantial noncompliance with his TLAP monitoring agreement is a mitigating circumstance.

2. Mr. Wheatley's current strict compliance with his TLAP monitoring agreement is a mitigating circumstance.

3. Mr. Wheatley's sincere remorse for his actions is mitigating.

4. Mr. Wheatley's significant life circumstances, including the death of his father and wife, is a mitigating circumstance.

5. Mr. Wheatley's completion of many steps in his recovery is a mitigating circumstance.

6. Mr. Wheatley does not presently pose any harm to the public.

Recommendation

Based upon the facts and conclusions of law, including the aggravating and mitigating factors, the Hearing Panel concludes Mr. Wheatley should receive a two year suspension, with 120 days actual suspension and the remaining 20 months to be suspended and served as probation.

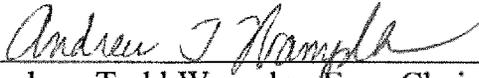
During Mr. Wheatley's probation, and for the remainder of his five-year TLAP monitoring agreement, Mr. Wheatley shall be required to maintain strict compliance with his TLAP monitoring agreement.

The Hearing Panel further finds Mr. Wheatley shall be required to pay restitution to his former clients as follows:

| | | |
|----|----------------------|--------------------|
| 1. | Samantha Neel | \$800.00 |
| 2. | James Scott Williams | \$250.00 |
| 3. | Jennifer McGlaugh | \$6,500.00 |
| 4. | Jerry Raby | \$4,000.00 |
| 5. | Christopher Crain | \$800.00 |
| 6. | Melvin Branham | <u>\$2,520.00</u> |
| | Total | <u>\$14,870.00</u> |

It is so ORDERED.

For the Panel:



Andrew Todd Wampler, Esq., Chair

 *by ATW w/ permission*

Steven Douglas Drinnon, Esq.

 *by ATW w/ permission*

Barry Staubus, Esq.