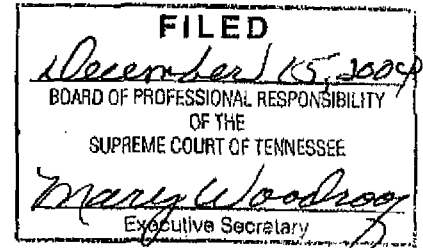


IN THE DISCIPLINARY DISTRICT V
BOARD OF PROFESSIONAL RESPONSIBILITY
OF THE
SUPREME COURT OF TENNESSEE



IN RE: THOMAS L. WHITESIDE, Respondent B.O.P.R. Docket No. 2004-1450-5-CH
An Attorney Licensed to
Practice Law in Tennessee
(Davidson County, BPR#16371)

JUDGMENT OF THE HEARING PANEL

INTRODUCTION

This matter came before this Hearing Panel of the Board of Professional Responsibility of the Supreme Court of Tennessee on the filing of a Motion for Default Judgment by Disciplinary Counsel seeking a Judgment by Default on a Petition for Discipline filed against the Respondent. The Motion was based on the fact that the Respondent was served with the Petition for Discipline and failed to answer within twenty days as required by Section 8.2 of Supreme Court Rule⁹. The Panel set a hearing date on November 19, 2004, and a Notice of Hearing was provided to the Respondent. The hearing was conducted as noticed, with the Respondent failing to appear or otherwise do anything to respond to the Petition for Discipline that was filed June 28, 2004, and served upon him on June 30, 2004.

In addition to requesting that the allegations in the Petition be deemed admitted, Disciplinary Counsel provided the affidavit of Dewey Floyd Campbell, who verified the allegations in the Petition for Discipline pertaining to him. Disciplinary Counsel also called Mr. William Blessing as a witness before the Panel.

The Panel considered the testimony of Mr. Blessing and the affidavit of Mr. Campbell, the allegations contained in the Petition for Discipline, the statements of Disciplinary Counsel, and the entire record in this cause. As a result, the hearing Panel has concluded, for the reasons stated below, that the Motion for Default Judgment should be granted, that the allegations in the Petition for Discipline be deemed admitted, and that the Respondent be disbarred from the practice of law pursuant to Section 4.1 of Rule 9 of the Rules of the Tennessee Supreme Court.

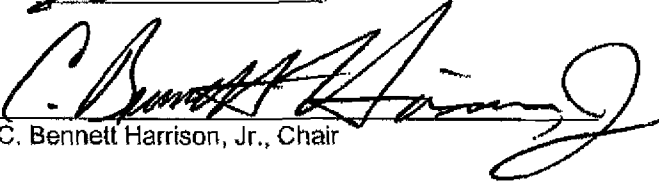
BASIS FOR THE DECISION

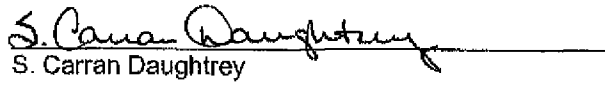
The record before the Panel reflects that the Respondent was served appropriately on June 30, 2004, based upon a return receipt bearing his signature. The record reflects that the Respondent was sent a copy of the Motion for Default by certificate dated August 12, 2004, to the same address where he was served with the Petition for Discipline. Finally, he was sent copies of the Notice of Appointment of the Hearing Panel and the Notice Of Hearing to that same address. None of these mailed documents have been returned. Therefore, the Panel finds that the Respondent has been given proper notice of this proceeding and has made no attempt to respond, to articulate any defense to the Petition for Discipline, or to notify Disciplinary Counsel, either orally or in writing, of any interest in participating.

The Respondent's failure to respond to the Petition for Discipline evidences the same manner in which he represented the clients identified in the three files to which the Petition for Discipline pertains. The Panel specifically finds that the Respondent violated the Disciplinary Rules identified in Paragraph 33 of the Petition for Discipline. In general, the Panel finds that the Respondent effectively abandoned his practice, knowingly failed to perform services, and engaged in a pattern of neglect with respect to the client matters involved, all to the serious or potentially serious injury to the identified clients. Moreover, the Panel concludes that the Respondent knowingly deceived the clients identified in the Petition for Discipline, taking their money under false pretenses and promising services he never intended to provide, all to the serious injury or potential serious injury to the clients in question.

In determining the nature of the proposed punishment to be imposed in this matter, the Panel consulted the 1991 edition of Standards for Imposing Lawyer Sanctions published by the American Bar Association. The Respondent's lack of diligence and lack of candor stand out as having been particularly egregious. Indeed, when contacted by Disciplinary Counsel, the Respondent made representations that he would return documents sought by his former clients, but as of November 19, 2004, he had failed to do so. Aggravating the circumstances is the Respondent's disinterest in this proceeding, evidenced by his failure to respond to the Petition for Discipline and other filings, or to appear at the hearing. It is therefore the recommendation of this Panel that the Respondent be disbarred from the practice of law in the State of Tennessee.

ENTERED this 1st day of December 2004.


C. Bennett Harrison, Jr., Chair


S. Carran Daughtrey


Linda W. Knight