

IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE

IN RE: STEVEN LEE WILLIAMS, BPR NO. 011889  
An Attorney Licensed To Practice Law In Tennessee  
(Knox County)

**FILED**

AUG 25 2009

Clerk of the Courts

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No. M2009-01588-SC-BPR-BP

BOPR No. 2009-1829-2-RS(4.3)

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**ORDER**

On July 31, 2009, the Court entered an Order of Temporary Suspension suspending Steven Lee Williams pursuant to Section 4.3 of Supreme Court Rule 9 for failing to respond to a complaint of misconduct. On August 7, 2009, Mr. Williams filed a Petition For Dissolution of Temporary Suspension pursuant to Section 4.3 of Supreme Court Rule 9.

On August 19, 2009, a hearing was conducted before a three-member Hearing Panel of the Board of Professional Responsibility. On August 19, 2009, the Hearing Panel entered its Report and Recommendation, recommending that the temporary suspension imposed by the Order of Temporary Suspension be dissolved. A copy of the Report and Recommendation of the 4.3 Hearing Panel is attached hereto and incorporated herein by reference.

It is, therefore, **ORDERED, ADJUDGED and DECREED** that:

1. The temporary suspension imposed upon Steven Lee Williams by Order of Temporary Suspension filed July 31, 2009, is hereby dissolved and Steven Lee Williams is reinstated to the practice of law;
2. Mr. Williams shall reimburse and pay to the Board of Professional Responsibility the costs and expenses of this proceeding in the amount of \$215.00, and, in addition, shall pay to the Clerk of this Court the costs incurred herein, for all of which execution shall issue, if necessary.

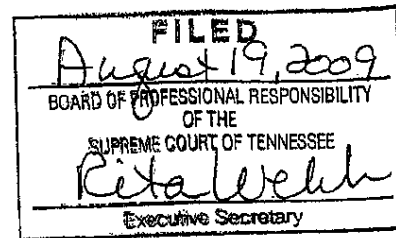
*Cornelia A. Clark*

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CORNELIA A. CLARK  
JUSTICE

IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE

IN RE: STEVEN LEE WILLIAMS, BPR #011889  
An Attorney Licensed to Practice Law in  
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No. M2009-01588-SC-BPR-BP  
BOPR No. 2009-1829-2-RS (4.3)

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**REPORT AND RECOMMENDATION OF TENNESSEE  
SUPREME COURT RULE 9, SECTION 4.3 PANEL**

This matter came on to be heard telephonically on the 19<sup>th</sup> day of August, 2009, before a Hearing Panel consisting of William A. Young, Esq., of the Knoxville, Tennessee Bar, David Lane Mason, a lay member of the Board of Professional Responsibility of the Supreme Court of Tennessee (herein "Board"), and, William C. Bovender, Esq., a member of the Board. Mr. Bovender served as Chair of the Panel.

At issue was the Petition of Steven Lee Williams, BPR#011889, ("Petitioner") pursuant to Tennessee Supreme Court Rule 9, Section 4.3, seeking dissolution of the Order temporarily suspending Petitioner from the practice of law, said Order having been filed July 31, 2009.

In addition to the Panel, participants included Petitioner, Mr. Dennis McClane, Esq., of Woolf, McClane, Bright, Allen and Carpenter, PLLC, Knoxville, Tennessee, on behalf of Petitioner, Randal J. Spivey, Esq., Disciplinary Counsel – Litigation, Board of Professional Responsibility, and Court Reporter Parks.

**EXHIBITS**

The following Exhibits were entered into the record without objection:

(1) Exhibit 1: Petition for Temporary Suspension, served July 29, 2009; including Exhibit A, Affidavit of Preston Shipp; Attachment A, May 13, 2009, letter to Petitioner transmitting copy of original complaint; Attachment B, Notice of Petition for Temporary Suspension, served June 16, 2009; and a copy of the original complaint against Petitioner, filed with the Board on May 12, 2009.

(2) Exhibit 2: Order of Temporary Suspension entered July 31, 2009.

(3) Exhibit 3: Petition for Dissolution of Temporary Order of Suspension filed on August 7, 2009, including Exhibit A, email letter from Mr. Heldman to Nancy Jones; and, Exhibit B, an x-ray.

(4) Exhibit 4: Response of Disciplinary Counsel to Petitioner for Dissolution of Temporary Suspension.

(5) Exhibit 5: Order from Tennessee Supreme Court for a Rule 9, Section 4.3 Hearing, filed August 10, 2009.

(6) Exhibit 6: Appointment of Panel of Young, Mason and Bovender by Mr. Scott, Chair of the Board.

(7) Exhibit 7: Notice of Telephonic Hearing filed August 12, 2009.

During the course of the hearing, Counsel for Petitioner introduced the following Exhibits into evidence without objection.

(8) Exhibit 8: Affidavit of Eric A. Morgan, M.D.; and

(9) Exhibit 9: Affidavit of Leroy Heldman.

#### TESTIMONY

The sole witness offering testimony during the proceeding was the Petitioner.

### BURDEN OF PROOF

The burden of showing good cause as to why the temporary suspension should be lifted fell on Petitioner.

### RECOMMENDATION OF PANEL

The Panel unanimously recommends that the Order temporarily suspending Petitioner, Steven Lee Williams, from the practice of law, be dissolved as Petitioner met his burden of showing good cause as to why said Order should be dissolved in compliance with Tennessee Supreme Court Rule 9, Section 4.3.

### DISCUSSION

The testimony of Petitioner, combined with the Affidavit of Eric A. Morgan, M.D., established that Petitioner had experienced significant knee problems commencing in May, 2007, and reoccurring in February, 2009, when tests revealed Petitioner was suffering from a hematogenous e-coli infection which resulted in two more surgical procedures in February, 2009, and July, 2009. (See, Exhibit 8).

Petitioner testified that he made appearances in certain courts and took other measures to inform his clients and the courts of his condition in the early portion of 2009.

One client, Mr. Leroy Heldman, filed a complaint against the Petitioner with the Board in May, 2009, concerning inaction on the part of Petitioner involving a claim against an insurance company. After discussions with Petitioner, Mr. Heldman eventually informed Chief Disciplinary Counsel he wished to withdraw his complaint against Petitioner and remain a client of Petitioner. Mr. Heldman's position was reiterated in his Affidavit. (See, Exhibit 9). (The Panel attaches Exhibits 8 and 9, the

Affidavits of Dr. Morgan and Mr. Heldman to this Report and Recommendation. Exhibits 1-7 are contained in the Board file on the matter).

The Panel is of the opinion that because (1) Petitioner did make contact with Disciplinary Counsel Shipp of the Board on more than one occasion, seeking extensions of time to reply to the charge primarily due to his medical condition; (2) Petitioner did reply to the complaint on July 31, 2009; (3) Mr. Heldman has requested his complaint be withdrawn; (4) Petitioner's medical condition was serious but he is able to resume full time practice; and (5) neither any client nor the public have been injured by Petitioner's acts or omissions, the temporary suspension should be lifted.

This the 19<sup>th</sup> day of August, 2009.

By: William C. Bovender  
William C. Bovender, Esq.  
Panel Chair

By: David Lane Mason By William C. Bovender  
David Lane Mason, Ph.D. *per permission*

By: William Alton Young By  
William Alton Young, Esq. *William C. Bovender*  
*per permission*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing REPORT AND RECOMMENDATION OF TENNESSEE SUPREME COURT RULE 9, SECTION 4.3 PANEL via email and U.S. Mail, postage prepaid, to the following on this the 19<sup>th</sup> day of August, 2009.

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