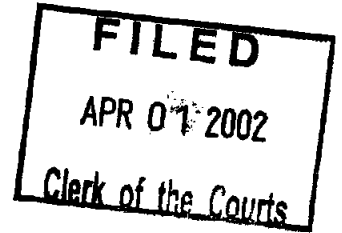


IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FRANK G. ABERNATHY, BPR #13692
Attorney, Davidson County



BOPR DOCKET NO. 2001-1251-5-LC

NO. M2002-00746-SC-BPO-BP

ORDER OF ENFORCEMENT

The Board of Professional Responsibility of the Supreme Court of Tennessee, by and through Disciplinary Counsel, filed a Petition for Discipline against the Respondent, Frank G. Abernathy, a Nashville, Tennessee lawyer, which was served on July 27, 2001.

Pursuant to Section 16.1 of Tennessee Supreme Court Rule 9, Respondent submitted a Conditional Guilty Plea in exchange for a stated form of discipline. The stated form of discipline shall be that Respondent, Frank G. Abernathy, shall be suspended from the practice of law for a period of one (1) year, beginning April 16, 2002; and shall make restitution in the amount of \$180,403.94 to Juditka Kasper-Fox.

A copy of the Conditional Guilty Plea is attached hereto as Exhibit A and incorporated herein. The Conditional Guilty Plea was approved by the Board of Professional Responsibility.

It is therefore **ORDERED, ADJUDGED and DECREED** that the Respondent, Frank G. Abernathy is suspended from the practice of law for a period of one (1) year; and shall make restitution in the amount of \$180,403.94 to Juditka Kasper-Fox.

It is further **ORDERED, ADJUDGED and DECREED** that Respondent, Frank G. Abernathy, shall pay the costs in this matter of \$722.00 and in addition, shall pay the Clerk of this Court the costs incurred herein as a condition precedent to reinstatement, for all of which execution shall issue, if necessary.


The Board of Professional Responsibility is directed to make notification of this suspension as provided in Section 18.5 of Supreme Court Rule 9.

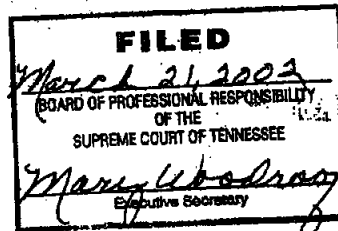
ENTERED this 1st day of April, 2002.

FOR THE COURT:


Adolpho A. Birch, Jr., Justice

APPROVED FOR ENTRY:


Laura L. Chastain, BPR #12018
Deputy Chief Disciplinary Counsel
1101 Kermit Drive, Suite 730
Nashville, TN 37217
(615) 361-7500
AbernathyOrderEnforcement-LC



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

IN RE: FRANK G. ABERNATHY; DOCKET NO. 2001-1251-5-LC
Respondent, BPR #13692,
An Attorney Licensed to
Practice Law in Tennessee
(Davidson County)

CONDITIONAL GUILTY PLEA

Comes now the Respondent, Frank G. Abernathy, and pursuant to Section 16.1 of Tennessee Supreme Court Rule 9 tenders this Conditional Guilty Plea showing the Court as follows:

1. Respondent has been served with a Petition for Discipline on July 27, 2001.
2. Respondent is represented by Steven L. Lefkowitz.
3. Respondent has been advised by his counsel and is aware that he is entitled to a hearing to determine the extent of discipline based on the charges set forth in the Petition for Discipline before a Hearing Committee.
4. Respondent is aware that he is entitled to make appeals of the Hearing Committee's decision to the Chancery Court and to the Supreme Court of Tennessee if he is dissatisfied with the decision of the lower tribunal.
5. Respondent desires to specifically waive such hearing and appeals provided that this Conditional Guilty Plea is accepted by the Board of Professional Responsibility and the Supreme Court of Tennessee.

6. Respondent is aware that, should he desire a hearing as to the extent of discipline based upon the charges set forth in the Petition for Discipline, he would have the right to testify and to present evidence in his behalf, including the right to subpoena witnesses in his favor, however, he desires to waive those rights and to submit this Conditional Guilty Plea.

7. Respondent enters this Conditional Guilty Plea freely and voluntarily, without being subjected to coercion or duress, and he is fully aware of the implications of submitting this Conditional Guilty Plea.

8. Respondent admits his guilt of violating the following Disciplinary Rules of the Code of Professional Responsibility set forth in the Petition for Discipline as follows: DR 1-102(A)(1)(4)(5)(6); DR 4-101; DR 5-101(A); DR5-103(A); DR 5-104(A); DR 5-105(A)(B) and DR 7-102(A)(2)(3)(4)(a)(b)(c) complaint. This Conditional Guilty Plea embraces File No. 23546-9-LC.

9. If approved, the discipline or stated form of punishment shall be that the Respondent shall be suspended for a period of one (1) year beginning April 16th, 2002; and shall make restitution to Juditka Kasper-Fox in the amount of \$ 180,403.94.

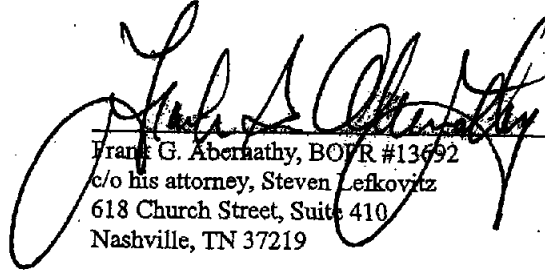
10. Respondent agrees to reimburse the Board of Professional Responsibility the cost of the expenses of this proceeding in the amount of \$ 722.00.

11. It is agreed by the Board of Professional Responsibility and Respondent that he may continue work as a lobbyist, and AS A sports agent for N.F.L. athletes, and as an officer in a Bermuda based Insurance Company, so long as he is not General Counsel or any other position in said company offering legal advice, as these employments do not constitute the practice of law.

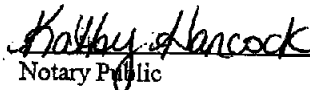
llc
business consultant

12. In the event this Conditional Guilty Plea is not accepted and approved by the Board of Professional Responsibility and the Supreme Court of Tennessee, it shall be considered void and of no effect.

This Conditional Guilty Plea has been executed on this 25th day of February, 2002 by the Respondent.

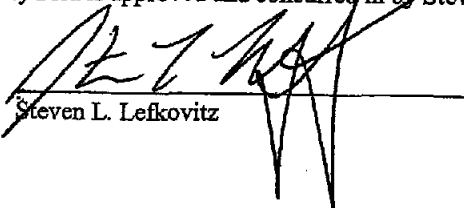

Frank G. Abernathy, BOPR #13692
c/o his attorney, Steven Lefkowitz
618 Church Street, Suite 410
Nashville, TN 37219

SWORN to and subscribed before me this 25th day of February, 2002.

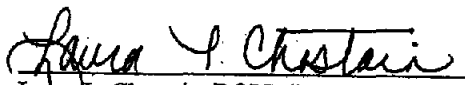

Kathy Hancock
Notary Public

My Commission Expires: My Commission Expires MAY 26, 2002

This Conditional Guilty Plea is approved and concurred in by Steven L. Lefkowitz, attorney for Respondent.


Steven L. Lefkowitz

This Conditional Guilty Plea is hereby submitted by Disciplinary Counsel, who has approved and recommends this discipline by consent of Respondent as evidenced by counsel's signature below.


Laura L. Chastain, BOPR #12018
Deputy Chief Disciplinary Counsel
1101 Kermit Drive, Suite 730
Nashville, TN 37217
615/361-7500