

**IN DISCIPLINARY DISTRICT 0  
OF THE  
BOARD OF PROFESSIONAL RESPONSIBILITY  
OF THE  
SUPREME COURT OF TENNESSEE**

IN RE:           TIMOTHY R. BALDUCCI,           DOCKET NO. 2008-1745-0-RS(14)  
                  BPR No. 15153, An Attorney  
                  Licensed to Practice Law in  
                  Tennessee (New Albany, MS)

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

After a hearing held on August 13, 2008 and based upon the entire record in this matter, the undersigned Hearing Panel enters the following Findings of Fact and Conclusions of Law:

**FINDINGS OF FACT**

1. Respondent is an attorney licensed to practice law in the State of Tennessee, holding Board of Professional Responsibility Number 15153.
2. The most recent address of the Respondent provided to the Board of Professional Responsibility is P.O. Box 1771, New Albany, Mississippi, 38652.
3. Respondent is subject to the disciplinary jurisdiction of the Supreme Court of Tennessee and the Board of Professional Responsibility.
4. On April 10, 2008, the Supreme Court of Tennessee ordered the immediate suspension of Timothy Balducci from the practice of law in Tennessee. The Supreme Court further ordered the institution of formal proceedings to determine the extent of final discipline based upon the Respondent's pleading guilty to one count of conspiracy to commit bribery of an elected state official in violation of 18 U.S.C. § 371.
5. The Petition for Final Discipline was filed in this cause on April 14, 2008, and served upon the Respondent by certified mail on April 22, 2008.

6. Section 8.2 of Rule 9 provides that Respondent shall serve his answer upon Disciplinary Counsel and file the original with the Board within twenty days after service of the Petition, unless such time is extended by the Chair.

7. In the event the Respondent fails to answer, the charges shall be deemed admitted; provided, however, that a Respondent who fails to answer within the time provided may obtain permission of the Chair (of the Board) to file an answer if such failure to file an answer was attributable to mistake, inadvertence, surprise or excusable neglect.

8. No answer or response to the Petition for Final Discipline was filed with the Executive Secretary of the Board of Professional Responsibility and no answer or response was served on Disciplinary Counsel within the time permitted by Section 8.2 of Rule 9 and the time for filing the answer or response was not extended by the Chair of the Board of Professional Responsibility; nor was a request or motion for an extension of time made or filed by Respondent to answer or respond to the Petition for Final Discipline.

9. On July 2, 2008, the Hearing Panel entered an Order granting the Board a Judgment by default against the Respondent and deeming all allegations contained in the Petition for Final Discipline admitted.

#### PROPOSED CONCLUSIONS OF LAW

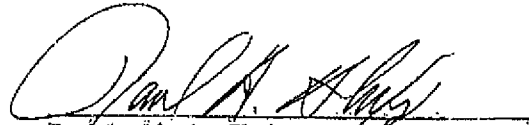
1. The Respondent's pleading guilty to one count of conspiracy to commit bribery of an elected state official in violation of 18 U.S.C. § 371 constitutes a violation of Rule of Professional Conduct 8.4.

2. Based upon the facts of this matter, the applicable ABA Standard for Imposing Lawyer Sanctions is Standard 5.1.1 which reads as follows:


Disbarment is generally appropriate when:

- (a) a lawyer engages in serious criminal conduct, a necessary element of which includes intentional interference with the administration of justice, false swearing, misrepresentation, fraud, extortion, misappropriation, or theft, or the sale, distribution or importation of controlled substances; or the intentional killing of another, or an attempt or conspiracy or solicitation of another to commit any of these offenses; or
- (b) a lawyer engages in any other intentional conduct involving dishonesty, fraud, deceit, or misrepresentation that seriously adversely reflects the lawyer's fitness to practice.

- 3. No mitigating or aggravating factors have been presented to the panel in this matter.
- 4. Based upon the facts of this matter, the comparative discipline and the applicable ABA Standard for Imposing Lawyer Sanctions, the recommendation of the Hearing Panel is that the Respondent be disbarred.

  
Paul A. Alexis, Chair

  
Mark S. Beveridge, Panel Member

  
N. Courtney Hollins, Panel Member