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of the
SUPREME COURT OF TENNESSEE

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RELEASE OF INFORMATION
IN RE: EMILIA GREEN BALLENTINE, BPR # 19957
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BOARD OF PROFESSIONAL RESPONSIBILITY
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February 28, 2005

MEMPHIS LAWYER SUSPENDED

By Order of the Tennessee Supreme Court filed on February 23, 2005, Emilia Green Ballentine, of Memphis, was suspended from the practice of law for one year effective March 6, 2005. Ballentine had previously been temporarily suspended from the practice of law on July 3, 2003 for failure to respond to a complaint of misconduct, and administratively suspended from the practice due to her failure to comply with the rule on mandatory continuing legal education on January 29, 2002.

A petition for discipline was filed by the Board of Professional Responsibility against Ballentine on November 3, 2003 alleging that she continued to practice law at the Suskind, Susser firm through March of 2003 even though her law license had been in a continuous state of suspension since January 29, 2002 for failure to obtain mandatory minimum CLE. When Ballentine failed to respond to the petition, a motion for default judgment was filed and granted against her on September 8, 2004.

A hearing on the petition for discipline as to disciplinary sanction was conducted before a Hearing Panel of the Board on September 15, 2004. Ballentine did not appear at the hearing. The Hearing Panel in its October 6, 2004 Judgment found that Ballentine violated the Code of Professional Responsibility, and the Tennessee Rules of Professional Conduct by engaging in the unauthorized practice of law for over in excess of one year. The Panel also found that her failure to update her address information with the Board, and her evading properly addressed certified mail and service of process, was an aggravating circumstance in this case.

The Hearing Panel found that Ballentine should be suspended from the practice of law for one year effective 10 days after the date of any Supreme Court order incorporating the Panel's Judgment, and that any reinstatement of her license should be conditioned upon her filing a petition for reinstatement and complying with the conditions imposed in such a reinstatement proceeding, and upon her obtaining dissolution from the Tennessee Supreme Court of both the January 29, 2002 and July 3, 2003 suspension orders.

The Tennessee Supreme Court incorporated the October 6, 2004 Judgment of the Hearing Panel in its February 23, 2005 suspension order.

The suspension will remain in effect until an Order of Reinstatement, if any, is issued by the Tennessee Supreme Court. Reinstatement would be granted only if Ballentine demonstrates by clear and convincing evidence that she has the moral qualifications, competency, and learning required for admission to the practice of law and that her resumption of practice would not be detrimental to the integrity and standing of the bar or administration of justice or subversive to the public interest.

The Order requires Ballentine to pay the costs of the disciplinary proceeding as a condition to being reinstated to the practice of law.

JDJ:mw

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