



**BOARD OF PROFESSIONAL RESPONSIBILITY
OF THE
SUPREME COURT OF TENNESSEE**

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RELEASE OF INFORMATION
RE: TED AUSTIN BURKHALTER, JR., BPR #020674
CONTACT: WILLIAM C. MOODY
BOARD OF PROFESSIONAL RESPONSIBILITY
615-361-7500

June 19, 2018

BLOUNT COUNTY LAWYER SUSPENDED

On June 19, 2018, Ted Austin Burkhalter, Jr., was suspended from the practice of law by Order of the Tennessee Supreme Court for three (3) years, with one (1) year active suspension and the remainder on probation. The suspension is to take effect immediately. As conditions of his probation, Mr. Burkhalter must undergo an evaluation by Tennessee Lawyers Assistance Program (TLAP) and enter into a monitoring agreement if deemed appropriate by TLAP, and commit no further acts of misconduct resulting in a recommendation of discipline. Mr. Burkhalter must pay the Board's costs and expenses and the court costs within ninety days of the entry of the Order of Enforcement.

Mr. Burkhalter represented the executrix of an estate. He prepared a waiver of accounting and inventory calling for the signatures of three persons. Mr. Burkhalter notarized the three signatures appearing on the waiver but one of those signatures was not made by the person whose signature it purports to be. Mr. Burkhalter filed the pleading with the court.

Mr. Burkhalter's ethical misconduct violated Rules of Professional Conduct 3.3, Candor toward the Tribunal; and 8.4, Misconduct.

Mr. Burkhalter must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 28 and 30, regarding the obligations and responsibilities of suspended attorneys.

Burkhalter 2705-2 rel.doc

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED
06/19/2018
Clerk of the
Appellate Courts

IN RE: TED AUSTIN BURKHALTER, JR., BPR #020674
An Attorney Licensed to Practice Law in Tennessee
(Blount County)

No. M2018-01101-SC-BAR-BP
BOPR No. 2017-2705-2-WM

ORDER OF ENFORCEMENT

This matter is before the Court upon a Petition for Discipline filed against Ted Austin Burkhalter, Jr., on April 20, 2017; upon the Response to Petition for Discipline filed by Mr. Burkhalter on June 20, 2017; upon entry of a Conditional Guilty Plea filed by Mr. Burkhalter on April 20, 2018; upon an Order Recommending Approval of Conditional Guilty Plea entered on April 23, 2018; upon consideration and approval by the Board on June 8, 2018; and upon the entire record in this cause.

From all of which the Court approves the Order of the Hearing Panel and adopts the Hearing Panel's Order Recommending Approval of Conditional Guilty Plea as the Court's Order.

IT IS, THEREFORE, CONSIDERED, ORDERED, ADJUDGED AND DECREED BY THE COURT THAT:

(1) Ted Austin Burkhalter, Jr., is suspended for three (3) years with one (1) year to be served as an active suspension, pursuant to Tenn. Sup. Ct. R. 9, § 12.2, and the remainder to be served on probation, pursuant to Tenn. Sup. Ct. R. 9, § 14.1, subject to the following conditions of probation:

- (a) Mr. Burkhalter shall contact the Tennessee Lawyers Assistance Program (TLAP) for evaluation. If TLAP determines that a monitoring agreement is appropriate, Mr. Burkhalter shall comply with the terms and conditions of the TLAP monitoring agreement. Mr. Burkhalter shall give TLAP permission to communicate with the Board regarding any monitoring agreement. TLAP has been consulted and accepted involvement in the matter.

(b) During the period of probation, Mr. Burkhalter shall incur no new complaints of misconduct that relate to conduct occurring during the period of probation and which results in the recommendation by the Board that discipline be imposed.

(2) In the event Mr. Burkhalter fails to meet any condition of probation, the probation may be revoked pursuant to Tenn. Sup. Ct. R. 9, § 14.2.

(3) Prior to seeking reinstatement, Mr. Burkhalter must meet all CLE requirements; have remitted all outstanding registration fees and outstanding professional privilege taxes, including those due from the date of this suspension until the date of reinstatement; and have remitted all court costs and Board costs in this matter.

(4) Additionally, Mr. Burkhalter shall comply in all aspects with Tenn. Sup. Ct. R. 9, §§ 28 and 30.4, regarding the obligations and responsibilities of suspended attorneys and the procedure for reinstatement.

(5) Pursuant to Tenn. Sup. Ct. R. 9, § 28.1, this Order shall be effective upon entry.

(6) Pursuant to Tenn. Sup. Ct. R. 9, § 31.3(d), Mr. Burkhalter shall pay to the Board of Professional Responsibility the expenses and costs of this matter in the amount of \$2,864.57 and shall pay to the Clerk of this Court the costs incurred herein, within ninety (90) days of the entry of this Order, for all of which execution may issue if necessary.

(7) The Board of Professional Responsibility shall cause notice of this discipline to be published as required by Tenn. Sup. Ct. R. 9, § 28.11.

PER CURIAM