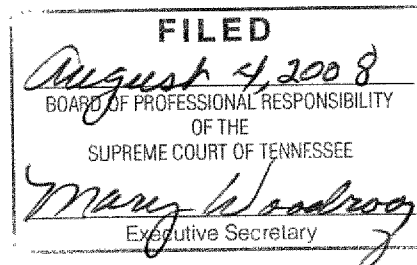


**IN DISCIPLINARY DISTRICT IX
OF THE
BOARD OF PROFESSIONAL RESPONSIBILITY
OF THE
SUPREME COURT OF TENNESSEE**



**IN RE: DAVID P. BURLISON, JR.,
BPR #010924, Respondent, An
Attorney Licensed and
Admitted to the Practice of
Law in Tennessee
(Shelby County)**

Docket No. 2007-1683-9-LC

FINDINGS OF FACT, CONCLUSIONS OF LAW AND JUDGMENT

This cause came on to be heard on the 15th day of April, 2008 before the Hearing Panel in Memphis, Tennessee, upon the pleadings, statements of counsel and the entire record in this cause, from which the Panel hereby submits the following Findings of Fact, Conclusions of Law and Judgment.

PROCEDURAL HISTORY

Respondent is an attorney admitted by the Supreme Court of Tennessee to practice law in the State of Tennessee, with his last known office address at 6263 Poplar Avenue, Suite 1037, Memphis, Tennessee 38119, and his last known home address at 2836 Rockcreek Parkway, Memphis, Tennessee 38016, located in Shelby County, and Disciplinary District IX, Board of Professional Responsibility No. 010924.

The Board authorized the filing of formal charges on March 16, 2007. The Petition for Discipline was filed on June 4, 2007 embracing BPR File No. 29639-9-LC. Respondent was served with the Petition for Discipline at his office address by certified mail and regular mail,

both of which were returned "not deliverable unable to forward". A copy of the Petition for Discipline was mailed to Respondent at his home address by certified mail which was delivered on June 6, 2007. A copy was mailed via regular mail to his home address which was not returned.

Respondent did not file an answer to the Petition for Discipline within twenty (20) days as required by Rule 9 of the Rules of the Supreme Court. Pursuant to Rule 9, § 8.2, the charges in the Petition are deemed admitted.

The Board filed a Motion for Default on August 30, 2007. The Motion was granted on February 29, 2008.

Respondent contacted Disciplinary Counsel Krisann Hodges shortly before this hearing and requested that she inform the Panel that he admits to the allegations and is willing to submit to the proposed disciplinary sanction. Although Respondent was aware of the hearing date and time, he informed Disciplinary Counsel that he would not be able to attend.

FINDINGS OF FACT

The following facts are already deemed admitted due to Respondent's failure to answer the Petition for Discipline pursuant to Supreme Court Rule 9, § 8.2.

1. A complaint was received from Sam Blaiss, Esquire, which was designated as File No. 29639-9-LC.
2. Not having received a response, the Respondent was again notified on November 21, 2006, and furnished a copy of the Complainant's complaint.
3. On December 6, 2006, Respondent submitted his response, a copy of which was attached to the Petition for Discipline as Exhibit B.
4. On September 14, 2004, Respondent signed an agreement with Dr. Michael

Hellman to withhold from any settlement funds due to him from his client, Paula Jones.

5. On December 20, 2004, Respondent signed an agreement with Dr. Michael Hellman to withhold from any settlement funds due to him from his client, Justin Jones.

6. Respondent filed a lawsuit on behalf of Paula Jones and Justin Jones on October 4, 2005, in General Sessions Court Docket No. 1053989.

7. Complainant looked at the court file and found a Consent Order of Dismissal had been entered in 2006.

8. On October 24, 2006, Complainant sent a letter to Respondent confirming the amounts due were \$5,721.00 for Paula Jones and \$3,469.00 for Justin Jones.

9. Complainant notified the Board of Professional Responsibility that Respondent had not paid to Dr. Michael Hellman the amounts he had signed agreements to withhold from settlements.

10. Investigation revealed that Paula Jones is the wife of Respondent and that he disputes the doctor's charges, but realizes he has to compensate the doctor.

11. Respondent admitted during investigation that he could not pay the charges.

12. On March 27, 2007, the Board of Professional Responsibility notified Respondent that it concluded that it would issue a Public Censure on the condition that Respondent pay the sum of \$9,190.00 to Dr. Hellman within thirty (30) days.

13. The notice which was sent by Certified Mail was returned "unclaimed".

14. On April 19, 2007, the identical notice and proposed Public Censure was sent to Respondent by regular mail. Respondent has not responded.

15. Respondent's actions have violated Rules 1.15(b) and (c) and 8.4(a) and (d) of the Tennessee Rules of Professional Conduct.

16. The Panel finds that Respondent did not act in a dishonest or fraudulent manner.
17. Respondent has substantial experience in the practice of law, having practiced approximately twenty three (23) years, having been licensed in 1984.
18. Respondent has been suspended by the Tennessee Supreme Court for failure to comply with Section 7.02 of Rule 21 since September 1, 2006.
19. Respondent has evidenced indifference to making restitution.
20. The exhibits attached to the Petition for Discipline are admitted as further documentary evidence in this matter.

CONCLUSIONS OF LAW

Pursuant to Section 1 of Tennessee Supreme Court Rule 9, any attorney admitted to practice law in Tennessee is subject to the disciplinary jurisdiction of the Supreme Court, the Board, the Hearing committee, hereinafter established, and the Circuit and Chancery Courts.

Pursuant to Section 3 of Rule 9, the license to practice law in this State is a privilege and it is the duty of every recipient of that privilege to conduct himself at all times in conformity with the standards imposed upon members of the bar as conditions for the privilege to practice law. Acts or omissions by an attorney which violate the Code of Professional Responsibility of the State of Tennessee shall constitute misconduct and be grounds for discipline.

The evidence demonstrates that Respondent, while representing his client-wife, knowingly signed agreements whereby any settlement money collected by Paula and Justin Jones would be paid to satisfy their medical debt to Dr. Hellman. Upon researching the matter on Dr. Hellman's behalf, attorney Samuel Blaiss determined that a settlement had likely been reached, however no funds were paid to Dr. Hellman. Respondent admitted to the Board that a settlement had been reached but that he failed to make payment to Dr. Hellman as previously agreed.

Respondent has failed to conduct himself in conformity with said standards and is guilty of acts and omissions in violation of the authorities cited.

By his actions, the Respondent has violated the following Rules of Professional Conduct: Rule 1.5 (b) and (c), Safekeeping Property and Rule 8.4.(a) and (d), Misconduct.

The Supreme Court has adopted for use by its Hearing Panels the ABA Center for Professional Responsibility Standards for Imposing Lawyer Sanctions (ABA Standards). Further, Section 9 of the ABA Standards addresses the use of aggravating or mitigating circumstances in determining the appropriate level of discipline.

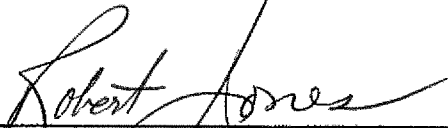
The following aggravating circumstances have been considered in deciding what sanctions to impose. First, Respondent is already suspended by the Tennessee Supreme Court for failure to comply with Section 7.02 of Rule 21. He has been suspended since September 1, 2006. Second, he has substantial experience in the practice of law. Third, Respondent has shown indifference to making restitution. Instead of making an effort to compensate Dr. Hellman in any amount, he merely states that he disputes the amount and that he is unable to pay him. Respondent has admitted that he owes the debt and that he is guilty of the allegations, however, he has failed to respond in a timely or meaningful manner to this disciplinary proceeding.

CONCLUSION

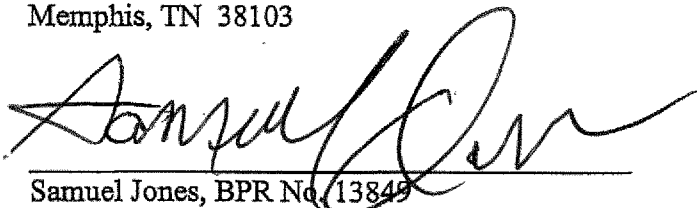
Based upon the foregoing facts, aggravating factors, and the established violations of ethical authorities, the Panel finds that Respondent shall be suspended for three (3) months. Since Respondent has been on administrative suspension due to CLE noncompliance since 2006, the Panel finds that this disciplinary suspension should begin immediately following Respondent's completion of CLE requirements and subsequent administrative reinstatement and

shall not run concurrently with the administrative suspension. Further, the Panel finds that Respondent shall make full payment of \$9,190.00 to Dr. Michael Hellman. If payment has not been made before the expiration of the three (3) months suspension, Respondent shall remain indefinitely suspended until he makes full payment.

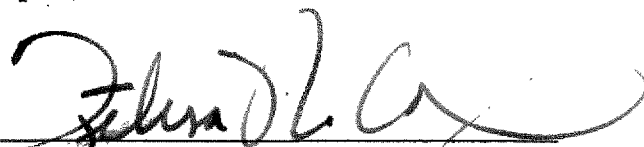
SO ORDERED on this 15th day of April, 2008.



Robert Jones, BPR No. 5299
Hearing Panel Chairperson
Shelby County Public Defender
201 Poplar Avenue, Suite 201
Memphis, TN 38103

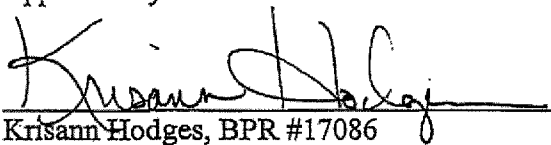


Samuel Jones, BPR No. 13849
Hearing Panel Member
Attorney at Law
100 N. Main Street, Suite 946
Memphis, TN 38103



Felisa Cox, BPR No. 20034
Hearing Panel Member
Shelby County Attorney's Office
160 N. Main, 6th Floor
Memphis, TN 38103

Approved by:

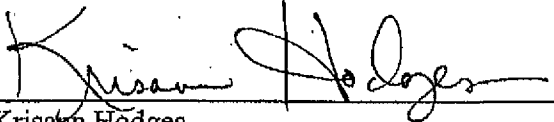


Krisann Hodges, BPR #17086
Disciplinary Counsel
1101 Kermit Drive, Suite 730
Nashville, TN 37217
615-361-7500

CERTIFICATE OF SERVICE

I certify that I have mailed a copy of this Findings of Fact, Conclusions of Law and Judgment to Respondent, David P. Burlison, Jr., by regular mail to the following address on the 17th day of April, 2008:

David P. Burlison, Jr., Esquire
2836 Rockcreek Parkway
Memphis, TN 38016


Krisann Hodges