

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

FILED
2011 JUN 29 PM 4:13
BOARD OF PROFESSIONAL
RESPONSIBILITY
Rew EXEC. SEC'Y

IN RE: DAVID P. BURLISON, JR.
BPR No. 010924
Attorney Licensed to
Practice Law in Tennessee
(Shelby County)

DOCKET NO. 2011-2005-9-RS

JUDGMENT OF THE HEARING PANEL

This matter came before a duly appointed Hearing Panel of the Board of Professional Responsibility of the Supreme Court of Tennessee on June 20, 2011 pursuant to the Petition for Discipline filed by the Board against David P. Burlison on January 25, 2011. Based upon the entire record in this matter, the documents presented by the Board and the Respondent at the hearing and the testimony of the Respondent, the Hearing Panel makes the following findings of fact and conclusions of law.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Hearing Panel adopts herein all the facts alleged in the Petition for Discipline. Specifically, that an overdraft occurred in the Respondent's trust account, that the trust account contained personal funds of the Respondent and the Respondent made a number of personal transactions with the trust account.

The Respondent ceased practicing law in Tennessee after his suspension for failure to comply with Continuing Legal Education requirements in 2006, and maintained the trust account for personal use. No client funds were in the account.

The Respondent admitted these facts in his Answer to the Petition for Discipline and

during his testimony at the June 20, 2011 hearing.

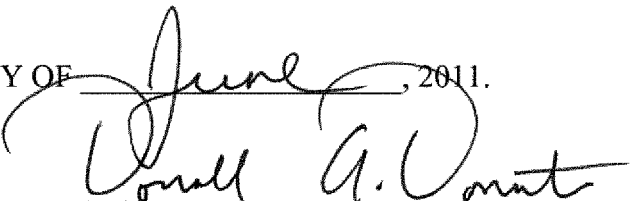
Based upon the facts alleged in the Petition for Discipline and the admissions made by the Respondent, the Hearing Panel hereby finds that the respondent violated Rule of Professional Conduct 1.15.

The Hearing Panel also finds that the Respondent's violation of Rule 1.15 created no real or potential injury to the public or a client.

RECOMMENDATION OF THE HEARING PANEL

Based upon the facts alleged in the Petition, the admissions and stipulations of the Respondent, the Respondent's prior discipline, and the ABA Standards for Imposing Lawyer Sanctions, the Hearing Panel recommends that the Respondent be publicly censured. The Hearing Panel also orders that the Respondent close the trust account in question within seventy (70) days from the entry of this Order.

ENTERED ON THIS THE 27 DAY OF June, 2011.


DONALD A. DONATI
Chairman of the Hearing Panel


HAYDEN LAIT
Hearing Panel Member


ROBERT SPENCE
Hearing Panel Member

NOTICE: THIS JUDGMENT MAY BE APPEALED PURSUANT TO SECTION 1.3 OF SUPREME COURT RULE 9 BY FILING A PETITION FOR WRIT OF CERTIORARI, WHICH PETITION SHALL BE MADE UNDER OATH OR AFFIRMATION AND SHALL STATE THAT IT IS THE FIRST APPLICATION FOR THE WRIT. SEE TENN. CODE ANN. § 27-8-104(a) AND 27-8-106