

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

WILLIAM T. WINCHESTER, BPR #21282
An Attorney Licensed to Practice Law in Tennessee
(Evansville, Indiana)

NO. M2013-01158-SC-BPR-BP

BOPR No. 2010-1902-9-RS

FILED

MAY 21 2013

Clerk of the Courts

ORDER OF ENFORCEMENT

This matter is before the Court upon a Petition for Discipline filed February 25, 2010 by the Board of Professional Responsibility ("Board") against William T. Winchester; upon Mr. Winchester's Answer to the Petition for Discipline filed on March 22, 2010; upon Motions to Dismiss and Motions for Summary Judgment filed by Mr. Winchester; upon the Board's Responses to the Motions to Dismiss and Motions for Summary Judgment; upon entry of an Order denying the Motions to Dismiss and Motions for Summary Judgment entered on October 22, 2010; upon Mr. Winchester's Objection to Proceeding with Final Hearing and Motion for Continuance filed December 20, 2010; upon the Panel's denial of the Motion to Continue and final hearing held on December 21, 2010; upon failure of Mr. Winchester to appear; upon Findings of Fact and Conclusions of Law and Judgment of the Panel entered on January 20, 2011; upon service of the Judgment on Mr. Winchester by the Executive Secretary for the Board on January 20, 2011; upon consideration and approval of the Board on March 11, 2011; upon Mr. Winchester's Writ of Certiorari filed on March 21, 2011; upon the Board's Motion to Dismiss for Failure to Prosecute on August 30, 2011; upon Mr. Winchester's Objection to Appointment of Judge Donald Harris; upon a Judgment entered by the Chancery Court on April 9, 2012; upon Mr. Winchester's Motion to Make Additional Findings of Fact and Motion to Alter or Amend filed May 8, 2012 and entry of the Chancery Court's Order denying same on September 12, 2012; upon the expiration of the time to appeal with no appeal taken; and upon the entire record in this cause.

From all of which the Court approves the Findings of Fact and Conclusions of Law and Judgment of the Hearing Panel and adopts the judgment of the Hearing Panel as the Court's Order.

On December 3, 2010, Mr. Winchester was suspended for failure to pay professional privilege tax. On August 31, 2011, Mr. Winchester was suspended for failing to comply with continuing legal education requirements. Further, by Order entered August 5, 2011, in Case No. M2011-01664-SC-BPO-BP, Mr. Winchester was suspended from the practice of law for two (2) years for disciplinary misconduct. To date, Mr. Winchester has not been reinstated from these suspensions.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that:

1. William T. Winchester is hereby disbarred from the practice of law pursuant to Tenn. Sup. Ct. R. 9, § 4.1.

2. Pursuant to Tenn. Sup. Ct. R. 9, § 4.7, Mr. Winchester shall pay restitution to the following individuals. Payment of restitution by Mr. Winchester shall be a condition precedent to reinstatement. In the event restitution is made by the Tennessee Lawyer's Fund for Client Protection ("TLFCP"), Mr. Winchester will be responsible for reimbursement to the TLFCP of the same amount.

- (a) Kristine Buck, \$500.00
- (b) Karen Edwards, \$500.00
- (c) John Holtzman, \$2,500.00
- (d) Anna Howard, \$1,500.00
- (e) Martin Ursery, \$3,000.00

3. Mr. Winchester shall comply in all aspects with Tenn. Sup. Ct. R. 9, §§ 18 and 19 regarding the obligations and responsibilities of disbarred attorneys. Mr. Winchester must meet all CLE requirements, professional privilege tax requirements, and all registration requirements prior to reinstatement. Further, entry of this Order shall have no effect on the reinstatement requirements of Case No. M2011-01664-SC-BPO-BP.

4. Pursuant to Tenn. Sup. Ct. R. 9 § 18.5, this Order shall be effective ten (10) days after the date of entry.

5. Pursuant to Tenn. Sup. Ct. R. 9, § 24.3, Mr. Winchester shall pay to the Board of Professional Responsibility the expenses and costs of this matter in the amount of \$2,32.89 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.

6. The Board shall cause notice of this discipline to be published as required by Supreme Court Rule 9, Section 18.10.

FOR THE COURT:

Cornelia A. Clark
CORNELIA A. CLARK, JUSTICE