

**BEFORE THE BOARD OF DISCIPLINARY APPEALS
APPOINTED BY
THE SUPREME COURT OF TEXAS**

| | | |
|------------------------------------|---|------------------------|
| IN THE MATTER OF | § | |
| TIMOTHY REESE BALDUCCI | § | CAUSE NO. 44269 |
| STATE BAR CARD NO. 24049213 | § | |

JUDGMENT OF DISBARMENT

On the 12th day of June 2009, the above-styled and numbered compulsory disciplinary action pursuant to Part VIII of the Texas Rules of Disciplinary Procedure (“TRDP”) was called for hearing before the Board of Disciplinary Appeals. Petitioner, Commission for Lawyer Discipline of the State Bar of Texas, appeared by attorney and announced ready. Respondent, Timothy Reese Balducci, although duly cited to appear and having notice of the hearing, failed to answer or appear and wholly made default. All issues of fact as well as all questions of law were submitted to the Board of Disciplinary Appeals for determination. Having considered the pleadings on file, having received evidence, and having heard the argument of counsel, the Board of Disciplinary Appeals is of the opinion that Petitioner is entitled to entry of the following findings and orders:

Findings of Fact. The Board of Disciplinary Appeals finds that:

- (1) Respondent, Timothy Reese Balducci, State Bar Card Number 24049213, is licensed but administratively suspended and therefore not currently authorized to practice law in the State of Texas by the Supreme Court of Texas.
- (2) On November 28, 2007, Respondent was charged by Indictment with 6 counts involving Conspiracy to Commit Bribery of an Elected State Official by Means of Wire Fraud in Criminal Case No. 3:07CR192, styled *United States of America v. Richard F. “Dickie” Scruggs, David Zachary Scruggs, Sidney A. Backstrom, Timothy R. Balducci, Steven A. Patterson*, in the United States District Court for the Northern District of Mississippi.
- (3) On December 4, 2007, a Plea Agreement was entered in Criminal Case No. 3:07CR192, styled *United States of America v. Timothy R. Balducci*, in the

United States District Court for the Northern District of Mississippi, wherein Respondent pled guilty to Count One of the Indictment.

- (4) On February 23, 2009, a Judgment in a Criminal Case was signed in Case Number: 3:07CR00192-004, styled *United States of America v. Timothy R. Balducci*, in the United States District Court for the Northern District of Mississippi, wherein Respondent pled guilty to one count of Conspiracy to Commit Bribery of an Elected State Official by Means of Wire Fraud and was committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of twenty-four (24) months, placed on supervised release for a term of three (3) years upon release from imprisonment, and ordered to pay an assessment of \$100.00.
- (5) Respondent, Timothy Reese Balducci, is the same person as the Timothy R. Balducci who is the subject of the Judgment described above.
- (6) Respondent was personally served with the Petition for Compulsory Discipline and hearing notice on April 16, 2009
- (7) The affidavit of service was filed with the Board on May 6, 2009.
- (8) The criminal sentence is not fully probated.
- (9) The criminal conviction is final.

Conclusions of Law. Based upon the foregoing findings of fact the Board of Disciplinary Appeals makes the following conclusions of law:

- (1) This Board has jurisdiction to hear and determine this matter. TRDP 7.08(G).
- (2) Respondent, Timothy Reese Balducci, has been convicted for purposes of TRDP 8.04 of an Intentional Crime as defined by TRDP 1.06(T) that is also a Serious Crime as defined by TRDP 1.06(Z).
- (3) Having been convicted of an Intentional Crime with the criminal sentence not fully probated, Respondent, Timothy Reese Balducci, should be disbarred. TRDP 8.05.

It is, accordingly, ORDERED, ADJUDGED, AND DECREED that Respondent, Timothy Reese Balducci, State Bar Card No. 24049213, be and he is hereby DISBARRED from the practice of law in the State of Texas and his license to practice law in this state be and is hereby revoked.

It is further ORDERED, ADJUDGED and DECREED that Respondent, Timothy Reese Balducci, is hereafter permanently prohibited, effective immediately, from practicing law in Texas, holding himself out as an attorney at law, performing any legal service for others, accepting any fee directly or indirectly for legal services not completed prior to the date of this Judgment, appearing as counsel in any proceeding in any Texas court or before any Texas administrative body, or holding himself out to others or using his name, in any manner, in conjunction with the words "attorney," "counselor," or "lawyer."

It is further ORDERED that Respondent, Timothy Reese Balducci, shall notify in writing, no later than thirty (30) days from the date of this Judgment, each and every justice of the peace, judge, magistrate, and chief justice of each and every court in which Respondent, Timothy Reese Balducci, has any legal matter pending, if any, of his disbarment, of the style and cause number of the pending matter(s), and of the name, address, and telephone number of the client(s) Respondent is representing in that court. Respondent is also ORDERED to mail copies of all such notifications to the Statewide Compliance Monitor, Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711.

It is further ORDERED that Respondent, Timothy Reese Balducci, shall immediately notify each of his current clients, if any, in writing, of his disbarment. In addition to such notification, Respondent is ORDERED to return all files, papers, unearned fees paid in advance, and all other

monies and properties which are in his possession but which belong to current or former clients, if any, to those respective clients or former clients within thirty (30) days after the date of this Judgment. Respondent is further ORDERED to file with the Statewide Compliance Monitor, within the same thirty (30) days, an affidavit stating that all current clients have been notified of his disbarment and that all files, papers, unearned fees paid in advance, and all other monies and properties belonging to clients and former clients have been returned as ordered herein. If Respondent should be unable to return any file, papers, money or other property to any client or former client, Respondent's affidavit shall state with particularity the efforts made by Respondent with respect to each particular client and the cause of his inability to return to said client any file, paper, money or other property. Respondent is also ORDERED to mail a copy of said affidavit and copies of all notification letters to clients, to the Statewide Compliance Monitor, Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711

It is further ORDERED that Respondent, Timothy Reese Balducci, immediately surrender his Texas law license and permanent State Bar Card to the Statewide Compliance Monitor, Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Austin, Texas 78711, for transmittal to the Clerk of the Supreme Court of Texas.

Signed this 16th day of June 2009



CHAIRMAN PRESIDING