



THE MISSISSIPPI BAR

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To: Members of The Mississippi Bar
Re: Balducci-Patterson Unauthorized Practice of Law
Date: January 23, 2008

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In light of the recent indictments, guilty pleas, and the involvement of a non-lawyer who has also pled guilty, The Mississippi Bar leadership feels that it is appropriate to provide details regarding the Bar's actions. Specifically, there have been questions raised as to whether the Bar was aware of Steve Patterson being involved in the judicial bribery cases and whether the Bar did anything about it. In addition, there have been questions as to whether the Bar knew about allegations of Mr. Patterson engaging in the unauthorized practice of law and whether the Bar took any action.

First, The Mississippi Bar had no information from any source regarding Mr. Patterson's involvement in an attempt to bribe a member of the judiciary. These matters came to the Bar's attention in the same fashion as the general public.

On April 26, 2007, the Bar was made aware of Mr. Patterson possibly engaging in the unauthorized practice of law by a member of the Union County Bar Association speaking with then Bar President York Craig and then President-Elect Bobby Bailless. At that time the concern expressed was related to the law firm name of "Patterson Balducci" containing a non-lawyer name in violation of the Mississippi Rules of Professional Conduct (MRPC). General Counsel Adam Kilgore was made aware that allegation. What follows is a detailed timeline of events related to the Bar's actions in this matter by way of the Unauthorized Practice of Law Committee and the Committee on Professional Responsibility.

May 3, 2007- Bar General Counsel sends Mr. Balducci a letter inquiring about the firm name having a non-lawyer's name included in the title.

May 7, 2007 - General Counsel receives a letter from Mr. Balducci stating the belief that the name is not in violation of the Mississippi Rules of Professional Conduct (MRPC).

May 8, 2007 - General Counsel has a telephone conversation with Mr. Balducci regarding the name.

May 9, 2007 - Mr. Balducci sends General Counsel an email with a draft of his proposed letterhead changes.

May 14, 2007 - General Counsel sends Mr. Balducci correspondence

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expressing the opinion that the name "Patterson Balducci" is in violation of Rules 7.1 and 7.7(a), MRPC.

May 14, 2007 - Mr. Balducci, after having received an email with attached correspondence of letter from General Counsel, sends an email response stating that he will change the firm name and letterhead to insure compliance with the MRPC.

May 30, 2007 - Mr. Balducci sends General Counsel an email advising that the firm name, letterhead, business cards and internet web page have all been changed in light of the MRPC and also inquiring about some proposed signage changes in the event that Mr. Patterson's son is admitted to the Bar and begins work at the firm.

May 30, 2007 - General Counsel responds to email regarding proposed changes.

As of May 30, 2007, the matter related to Mr. Balducci and Mr. Patterson's name seemed to be settled. At some point Mr. Balducci advised the Bar that he had made all the name changes to comply with the MRPC, except for changing the Yellow Pages advertisement containing the name "Patterson Balducci." The deadline for changes in the Yellow Pages had passed before the Bar was made aware of the name concerns.

On July 11, 2007, the Bar received new information, again from a member of the Union County Bar, alleging that Mr. Patterson was engaging in the unauthorized practice of law by appearing in Municipal Court asserting that he was a lawyer working for the Balducci firm.

July 19, 2007 - General Counsel received additional information from another Union County Bar member providing a copy of the yellow pages with the name "Patterson Balducci."

July 25, 2007 - Unauthorized Practice of Law Committee member assigned to investigate the allegations of unauthorized practice of law.

July 26, 2007 - General Counsel received additional information from a Union County Bar member with copies of local advertisements attached.

July 30, 2007 - Mr. Patterson is advised by letter that allegations of the unauthorized practice of law have been made against him and that a response is requested as part of the investigation.

August 14, 2007 - Mr. Patterson and Mr. Balducci submit a response to the UPL allegations, stating, among other things, that Mr. Patterson had not held himself out to be an attorney.

September 19, 2007 - UPL Committee meets and considers detailed investigative report from the assigned UPL Committee member. This report outlines the history of the firm and the changes that were supposedly made by Mr. Balducci to bring him into compliance with the MRPC. The report concludes with the UPL Committee member asserting the belief that Mr.

Patterson has engaged in the unauthorized practice of law by asserting that he is a member of Mr. Balducci's "legal staff" constituting violations of Rules 5.5, 5.4 and 5.3, MRPC, by Mr. Balducci.

September 24, 2007 - The UPL Committee reports to General Counsel regarding Mr. Balducci's possible violations of Rules 5.5, 5.4 and 5.3, MRPC, in accordance with the reporting requirement set forth in Rule 8.3, MRPC.

As is the policy of the Bar's General Counsel, once the Rule 8.3 letter was submitted, an "information and belief" memorandum was generated and provided to the Committee on Professional Responsibility for its consideration and direction on filing a Bar Complaint. The matter was voted upon at the next scheduled meeting of the Committee on Professional Responsibility which occurred on December 7, 2007. The Committee directed General Counsel to file a Bar Complaint, which was so filed on December 17, 2007. The Office of

General Counsel sent the Bar Complaint to Mr. Balducci on December 17, 2007, and demanded a response by January 2, 2008.

Rule 15 of the Mississippi Rules of Discipline (MRD) requires General Counsel to keep all disciplinary matters confidential until public discipline is imposed or a Formal Complaint with the Supreme Court is filed. Because the UPL Committee's investigation eventually led to General Counsel filing a Bar Complaint, the Bar's General Counsel was prohibited from advising anyone of the results of the UPL investigation or the filing of the Bar Complaint.

Mr. Balducci has since submitted an irrevocable resignation admitting the allegations in the underlying judicial bribery criminal case, as well as the associated violations of the MRPC. In addition, he has also admitted to the allegations related to the unauthorized practice of law. The submission of an irrevocable resignation was in response to the Bar's Rule 6, MRD, Formal Complaint filed with the Supreme Court. It is the filing of the Formal Complaint that enables the Bar under Rule 15, MRD, to provide this information.