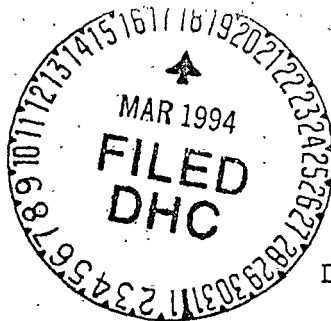


15486



NORTH CAROLINA  
WAKE COUNTY

BEFORE THE  
DISCIPLINARY HEARING COMMISSION  
OF THE  
NORTH CAROLINA STATE BAR  
93 DHC 33

THE NORTH CAROLINA STATE BAR,  
Plaintiff

vs.

JESSE L. BURKE III, ATTORNEY  
Defendant

FINDINGS OF FACT  
AND CONCLUSIONS OF LAW

THIS CAUSE was heard by a Hearing Committee of the Disciplinary Hearing Commission of the N.C. State Bar consisting of Frank E. Emory Jr., Chair, R. B. Smith and A. James Early III on Friday, March 18, 1994. The Defendant did not appear and was not represented by counsel. The Plaintiff was represented by Carolin Bakewell. Based upon the pleadings, prehearing order and evidence presented by the Plaintiff, the Committee makes the following:

#### FINDINGS OF FACT

1. The Plaintiff, the North Carolina State Bar, is a body duly organized under the laws of North Carolina and is the proper party to bring this proceeding under the authority granted it in Chapter 84 of the General Statutes of North Carolina, and the Rules and Regulations of the North Carolina State Bar promulgated thereunder.

2. The Defendant, Jesse L. Burke III, was admitted to the North Carolina State Bar in 1988, and is an Attorney at Law licensed to practice in North Carolina, subject to the rules, regulations, and Rules of Professional Conduct of the North Carolina State Bar and the laws of the State of North Carolina.

3. On March 5, 1987, Burke applied to take the July 1987 North Carolina Bar Examination by submitting to the North Carolina Board of Law Examiners a Supplemental Application of Admission to the North Carolina Bar Examination (hereafter, July 1987 bar application form).

4. On or about Oct. 8, 1987, Burke applied to take the February 1988 North Carolina Bar Examination by submitting to the North Carolina Board of Law Examiners a Supplemental Application of Admission to the North Carolina Bar Examination (hereafter February 1988 bar application form).

5. In his response to Question No. 18 on the July 1987 bar application form and to Question No. 18 on the February 1988 bar application form, Burke falsely indicated that he had never been addicted to the use of narcotics, drugs, or intoxicating liquors.

6. In his response to Question No. 19 on the July 1987 bar application form and to Question No. 19 on the February 1988 application form, Burke falsely indicated that he had never undergone treatment for or consulted any doctor about the use of drugs, narcotics or intoxicating liquors.

7. Burke lived in Bartow, Florida between November 1990 and July 1, 1993.

8. Burke has never been licensed to practice law in the State of Florida.

9. Between April 3, 1991 and December 1991, Burke used stationery which bore the legend "Jesse Lane Burke III -- tax counselor -- attorney at law." The stationery also listed Burke's Bartow, Florida address and a telephone and fax number.

10. The stationery referred to in paragraph 9 did not reveal that Burke was not licensed to practice law in the State of Florida.

11. Burke used the stationery referred to in paragraph 9 in communicating with members of the public at various times while he was living in Bartow, Florida.

12. In 1991, while he was living in Florida, Burke performed legal work for John Tunnell, a resident of Maryland; G. William Bailey, a resident of Delaware; and Clinton Tighe, a resident of Florida.

13. Burke has never been licensed to practice law in the State of Maryland.

14. Burke was licensed to practice law in Delaware in 1975. However, Burke was placed on inactive status by the Delaware Supreme Court on or about July 7, 1986. Burke has not sought reinstatement to active status with the Delaware Supreme Court at any time since July 7, 1986.

15. As an inactive member of the Delaware Bar, Burke may not engage in the practice of law pursuant to his Delaware license for the benefit of private individuals.

Based upon the foregoing FINDINGS OF FACT, the Committee makes the following:

#### CONCLUSIONS OF LAW

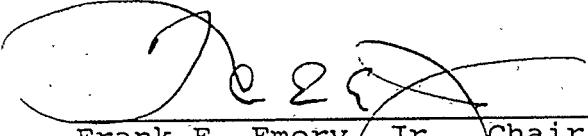
1. By giving untrue responses to questions no. 18 and no. 19 on the July 1987 and February 1988 bar application forms, the

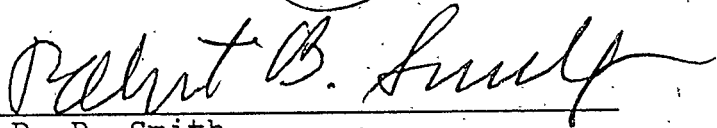
Defendant knowingly made false statements of material fact regarding an application for admission to the N.C. State Bar, in violation of Rule 1.1(A).

2. By using letterhead which referred to Defendant as a tax counselor and attorney at law and which gave a Florida address, without revealing that Defendant was not licensed to practice law in Florida, Defendant made a false or misleading communication about himself in violation of Rule 2.1(A), and engaged in conduct involving dishonesty, fraud, deceit or misrepresentation, in violation of Rule 1.2(C).

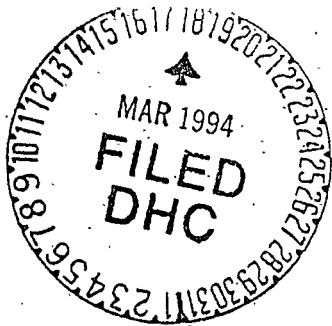
3. By performing legal work for John Tunnell, G. William Bailey and Clinton Tighe in at a time when Defendant was not licensed to practice law in Florida or Maryland and at a time when he was an inactive member of the Delaware Bar, Defendant engaged in the unauthorized practice of law, in violation of Rule 3.1(A).

This the 18<sup>th</sup> day of March, 1994.

  
Frank E. Emory, Jr., Chair  
Disciplinary Hearing Committee

  
R. B. Smith

  
A. James Early, III



NORTH CAROLINA  
WAKE COUNTY

BEFORE THE  
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THE NORTH CAROLINA STATE BAR,  
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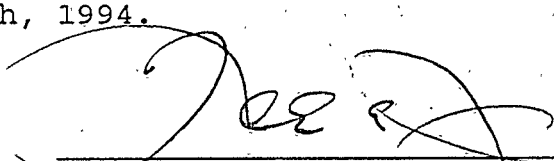
ORDER OF DISCIPLINE

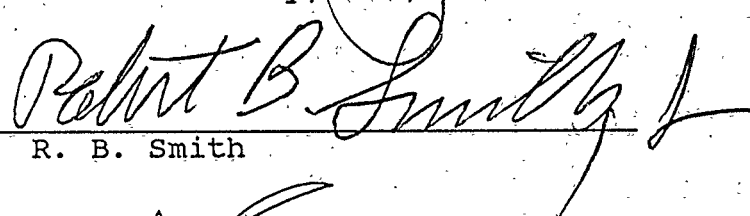
THIS CAUSE was heard by the undersigned Hearing Committee of the Disciplinary Hearing Commission of the N.C. State Bar on Friday, March 18, 1994. Based upon the Findings of Fact and Conclusions of Law, the Hearing Committee enters the following:

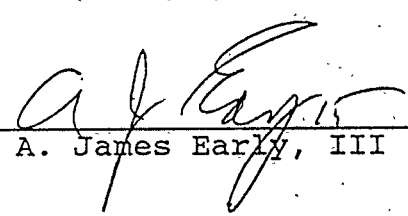
ORDER OF DISCIPLINE

1. The Defendant, Jesse L. Burke III, is hereby disbarred.
2. The Defendant shall pay the costs of this proceeding.
3. The Defendant shall comply with the provisions of Section 24, Art. IX of the Discipline & Disbarment Rules of the N.C. State Bar.
4. The Defendant shall surrender his membership card and license to the Secretary of the N.C. State Bar.

This the 18th day of March, 1994.

  
Frank E. Emory, Jr., Chair

  
R. B. Smith

  
A. James Early, III