

**BEFORE THE BOARD OF COMMISSIONERS  
ON  
GRIEVANCES AND DISCIPLINE  
OF  
THE SUPREME COURT OF OHIO**

**In Re:** : **08-2052**

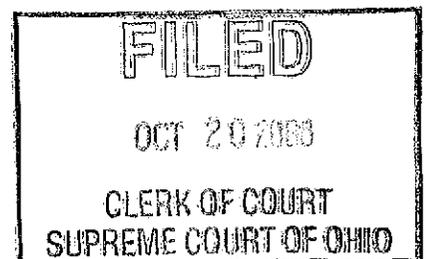
**Complaint against** : **Case No. 07-060**

**Fred J. Burkholder** : **Findings of Fact,**  
**Attorney Reg. No. 0014094** : **Conclusions of Law and**  
: **Recommendation of the**  
**Respondent** : **Board of Commissioners on**  
: **Grievances and Discipline of**  
**Ohio State Bar Association** : **the Supreme Court of Ohio**

Relator :  
:

This matter was heard May 22, 2008, in Columbus, Ohio before a panel consisting of Martha L. Butler of Columbus, Lawrence R. Elleman of Cincinnati, and Nancy D. Moore, Chair, of Columbus, Ohio. None of the panel members is a resident of the appellate district from which the complaint originated or a member of the probable cause panel that certified this matter to the Board.

Eugene P. Whetzel and Amelia A. Bower represented Relator, Ohio State Bar Association. Respondent, Fred Joseph Burkholder, was present and represented by James S. Adray.



## FINDINGS OF FACT

The parties submitted stipulations to the panel at the commencement of the hearing. Those stipulations were admitted and adopted by the panel and are attached this report.

Respondent testified and was the only witness called during the hearing. Respondent indicated that he is a graduate of the University of Toledo College of Law. He was admitted to the practice of law in the State of Ohio in 1983 at the age of 23. At the time of the hearing Respondent was 48 years old.

Respondent initially practiced with a firm and developed some expertise in social security disability work. He used that experience to become a sole practitioner with a caseload that grew quickly. He continued to do social security disability work, but over time developed a large domestic law practice. Respondent testified that he had one of the largest domestic law practices in Lucas County by October 2005.

Respondent married in 1990 and had two children as issue of that marriage. By 1998 or 1999, Respondent's daughter had health problems and his marriage was failing. He and his wife actually separated in 2001. As a result of his marriage difficulties, Respondent began drinking alcohol again. The alcohol consumption was confined to weekends at first, but continued to increase until "it got really bad" in the summer of 2006.<sup>1</sup>

In October 2005, Respondent "walked away" from his practice and "voluntarily withdrew from the practice of law."<sup>2</sup> His "very healthy" practice was taken over by Attorney James Adray at that point.<sup>3</sup> Respondent testified that he did this because he had reached the point where he could no longer effectively practice law and knew he needed to address his alcohol problem.

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<sup>1</sup> Transcript, p. 45.

<sup>2</sup> Transcript, p. 57.

<sup>3</sup> Transcript, p. 17.

Because of the loss of income from his lucrative law practice, Respondent fell behind on his child support payments.

In February 2006, Respondent went through an alcohol detoxification program in Toledo, Ohio, but was unsuccessful in staying sober. In September 2006, he moved to Boston, Massachusetts with the hope of becoming sober with the help of his sister who lives in that area. Respondent failed to update his address with the Supreme Court of Ohio when he moved to Boston.

In October 2006, Respondent was charged with and was eventually convicted of three offenses in Massachusetts: Assault and Battery, Threat to Commit Crime, and an Abuse Prevention Order violation in Boston. The victim of those crimes was Christine Felix, his fiancée at that time and with whom he resided.

Then in April 2007, Respondent was again charged with and convicted of violating an Abuse Prevention Order in Massachusetts. As a result, Respondent served six months in jail. He was placed on probation until October 7, 2009, and an additional one and one-half years of incarceration were suspended conditioned upon successful completion of his probationary period.

On April 16, 2007, Respondent received a child support suspension from the Supreme Court of Ohio. Respondent testified that the child support issues have been resolved and he is currently paying more than his monthly child support obligation.<sup>4</sup> On December 3, 2007, Respondent also received an attorney registration suspension from the Supreme Court of Ohio. Both suspensions are currently in effect.

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<sup>4</sup> Respondent indicated that prior to leaving his law practice he had regularly and voluntarily paid significantly more than his required monthly payment. After being credited for those excesses, which he was able to document, Respondent testified that his child support arrearage was reduced from about \$140,000 to about \$10,000. Transcript, p. 20 & 21.

Respondent continues to live in Boston and is abiding by the terms of his probation. He hopes to eventually be able to return to the State of Ohio.

### **CONCLUSIONS OF LAW**

The Panel accepted the stipulations of the parties and considered the evidence presented at the hearing. Based upon the evidence, the Panel finds that Respondent's conduct, by clear and convincing evidence, violated the following rules with which he was charged in the amended complaint:

Count One (Child Support): DR 1-102(A)(6), conduct that adversely reflects on the lawyer's fitness to practice law; Prof. Cond. Rule 8.4(h), conduct that adversely reflects on the lawyer's fitness to practice law.

Count Two (Address): Rule V(1)(D), requirement to register a lawyer's current address.

Count Four (Convictions): DR 1-102(A)(3), illegal conduct involving moral turpitude; DR 1-102(A)(6), conduct that adversely reflects on the lawyer's fitness to practice law; Prof. Cond. Rule 8.4(h), conduct that adversely reflects on the lawyer's fitness to practice law; Prof. Cond. Rule 8.4(d), conduct that is prejudicial to the administration of justice.

The panel dismissed Count Three which charged Respondent with failure to fulfill CLE requirements.

### **MITIGATION AND AGGRAVATION**

Respondent began drinking moderately at the age of 13 or 14 and has a family history of alcoholism. His drinking increased while in law school until his late twenties when he realized it had become an issue. He sought help and quit drinking at age twenty-nine, and remained "dry"<sup>5</sup> for nearly ten years. During that period of time, Respondent served on the Toledo Bar

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<sup>5</sup> Respondent distinguished being dry from being sober. He indicated that during this period of time he was dry, but not sober.

Association's Lawyer Assistance Committee and helped others who were suffering from substance abuse. He frequently attended AA meetings during that period of time, but never chose a sponsor and never worked the twelve steps. Eventually he began attending fewer and fewer AA meetings until he quit participating in the AA program completely.

By October 2006, while living in Boston, Respondent's alcohol consumption had spun out of control and he was drinking a half gallon of vodka daily. Respondent got "sober" while incarcerated and has maintained that sobriety since April 1, 2007. Since his release from jail, Respondent has attended five AA meetings per week and has participated in domestic abuse counseling. He successfully completed an eight month in-patient alcohol abuse program. Respondent has contacted OLAP and hopes to participate in that program upon his return to Ohio.

Following the panel hearing, Respondent met with Dr. Daniel Chandler in Boston for an evaluation regarding his chemical dependency. Dr. Chandler wrote a report which, with the agreement of the Panel and Relator, was received into evidence after the panel hearing. Dr. Chandler's report, based upon only one meeting with Respondent, indicated that Respondent's alcohol abuse "almost certainly contributed to his previous misconduct," but that he believes Respondent is "competent to return to Ohio and attempt to start working again as a lawyer." Dr. Chandler believes that continued involvement in AA, finding a local sponsor, and monitoring are appropriate and sufficient to insure that Respondent remains drug and alcohol free. See attached Exhibit 1. Respondent appears committed to changing his life, conquering his addiction, and returning to permanent sobriety.

Based upon the testimony of Respondent and the report from Dr. Chandler the panel accepts chemical dependency as a mitigating factor in this case.

Respondent has lived in homeless shelters in the Boston area. He has now secured a job in corporate sales and works full-time. During the hearing, Respondent accepted responsibility for his actions, although he continuously minimized and attempted to explain away his actions and convictions. Respondent has had no contact with Christine Felix since his release from jail. Respondent is currently paying child support in an amount greater than required.

Respondent has been previously disciplined in *Toledo Bar Assn. v. Burkholder*, 109 Ohio St.3d 443, 2006-Ohio-2817. Respondent testified that the panel hearing in that case involving his inappropriate sexual advances made to a divorce client, which occurred two weeks before he left the practice of law, was the event that made him realize that he could no longer practice law effectively. A stayed six-month suspension with conditions was imposed in that case on June 21, 2006.<sup>6</sup> On September 17, 2008, the Supreme Court of Ohio found Respondent in contempt, revoked the stay and suspended Respondent for the six month term originally imposed in his prior case.

The panel further finds that Respondent committed multiple violations. There was no evidence that any clients were harmed as a result of Respondent's conduct, and he was cooperative throughout the disciplinary process.

The panel found the Respondent to be a talented lawyer with much to offer clients if clean and sober. However, Respondent presents a danger to himself, clients and other if he fails to maintain his sobriety.

### **RECOMMENDATION**

The parties jointly recommended a two year suspension from the practice of law beginning April 16, 2007, when his child support suspension began. The Panel rejects the joint

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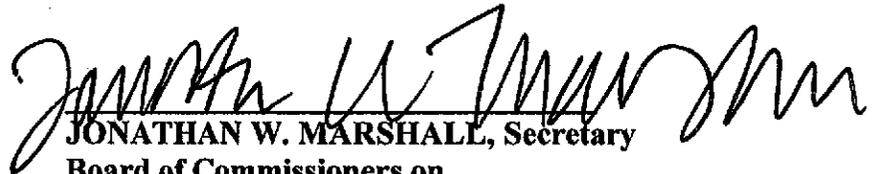
<sup>6</sup> Respondent's misconduct in the case at hand occurred after his prior case had been decided.

recommendation and hereby recommends an indefinite suspension from the practice of law beginning April 16, 2007. The Panel believes that proof of sobriety and compliance with an OLAP contract should be conditions of possible reinstatement in the future.

### **BOARD RECOMMENDATION**

Pursuant to Gov. Bar Rule V(6)(L), the Board of Commissioners on Grievances and Discipline of the Supreme Court of Ohio considered this matter on October 3, 2008. The Board adopted the Findings of Fact, Conclusions of Law and Recommendation of the Panel and recommends that the Respondent, Fred J. Burkholder, be indefinitely suspended from the practice of law in the State of Ohio beginning on April 16, 2007, and that this suspension run concurrent with the six month suspension. The Board further recommends that the cost of these proceedings be taxed to the Respondent in any disciplinary order entered, so that execution may issue.

**Pursuant to the order of the Board of Commissioners on Grievances and Discipline of the Supreme Court of Ohio, I hereby certify the foregoing Findings of Fact, Conclusions of Law, and Recommendation as those of the Board.**



**JONATHAN W. MARSHALL, Secretary**  
**Board of Commissioners on**  
**Grievances and Discipline of**  
**The Supreme Court of Ohio**

FILED

MAY 09 2008

BOARD OF COMMISSIONERS  
ON GRIEVANCES & DISCIPLINE

**BEFORE THE BOARD OF COMMISSIONERS  
ON GRIEVANCES AND DISCIPLINE  
OF  
THE SUPREME COURT OF OHIO**

In re:

Amended Complaint against

Case No. 07-060

FRED JOSEPH BURKHOLDER

Respondent

OHIO STATE BAR ASSOCIATION  
LEGAL ETHICS AND PROFESSIONAL  
CONDUCT COMMITTEE

Relator

**STIPULATION BY RELATOR, OHIO STATE BAR ASSOCIATION, LEGAL ETHICS  
AND PROFESSIONAL CONDUCT COMMITTEE, AND RESPONDENT, FRED  
JOSEPH BURKHOLDER OF FACTS AND CONCLUSIONS OF LAW AND JOINT  
RECOMMENDATION BY RELATOR AND RESPONDENT FOR SANCTION AND  
WAIVER OF HEARING**

For purposes of this proceeding only, Relator, Ohio State Bar Association, Legal Ethics and Professional Conduct Committee, and Respondent, Fred Joseph Burkholder, stipulate that:

1. Respondent, Fred Joseph Burkholder, was admitted to the practice of law in the State of Ohio on November 1, 1983.
2. Respondent is subject to the Rules for the Government of the Bar of Ohio, was subject to the Code of Professional Responsibility, and after February 1, 2007, is subject to the Rules of Professional Conduct.

3. At all relevant times, Respondent has been a lawyer residing in either Toledo, Ohio, or Boston, Massachusetts area.

4. On or about May 16, 2006, pursuant to ORC §3123, the Lucas County Child Support Enforcement Agency issued a Notice to Obligor of Default and Potential Action regarding respondent's failure to pay child support for two of his children, Nicole Burkholder and Samantha Burkholder, who currently reside in Lucas County, Ohio. A true and accurate copy of the Notice is attached hereto as Exhibit A.

5. On April 16, 2007, pursuant to Gov. Bar R. V (5)(A)(1)(b), the court suspended respondent's license to practice law for an interim period of time. A true and accurate copy of the court's order is attached hereto as Exhibit B.

6. On January 31, 2008, the Lucas County Court of Common Pleas Domestic Relations Division entered an order reducing Respondent's child support to One hundred thirty-three 47/100 dollars per month for two (2) children, consistent with the Ohio Child Support Guidelines. A true and accurate copy of the order dated January 31, 2008 is attached hereto as Exhibit C.

7. As of December 31, 2007, Respondent's unpaid child support obligation was ten thousand three hundred fifty-nine and 78/100 (\$10,359.78) dollars. Pursuant to this new Order the Respondent is to pay the sum of \$402.00 plus processing fee on the arrearage in addition to the current order for support.

8. On or about April 20, 2007, April 30, 2007, and May 3, 2007, relator forwarded respondent a letter of inquiry regarding this matter by certified mail. Each of these letters was returned. On May 10, 2007, relator sent a letter of inquiry to respondent by ordinary U.S. mail to

the address shown on the website of the Supreme Court of Ohio. True and accurate copies of the various envelopes are attached hereto as Exhibits D, E, F, and G.

9. Respondent was at all times cognizant of his obligation to keep the attorney registration office apprised of his current resident and office addresses and to notify the attorney registration office of any change in the information on his certificate of registration pursuant to Gov. Bar R. VI(I)(D).

10. Respondent failed to apprise the attorney registration office of his current resident and office addresses or to apprise it of any change in his registration status until September 24, 2007, a date after the filing and certification of the Complaint filed against him by the Ohio State Bar Association.

11. The Respondent's current address is 18 Vermont Road, Summerville, Massachusetts 02415.

12. At all times relevant hereto Respondent was aware of the requirement that he satisfy the continuing legal education requirements under Gov. Bar X.

13. For the 2005-2006 reporting period, Respondent was 22.75 hours deficient in his continuing legal education requirement under Gov Bar R. X. A true and accurate copy of a letter dated November 21, 2007, from the Office of Attorney Services is attached hereto as Exhibit H.

14. On or about April 13, 2007, pursuant to his pleas, Respondent was found guilty of the following offenses: Case No. 0601CR006759 (on October 20, 2006, did assault and beat Christine Felix, and threaten to commit crime against the property of another); Case No. 0601CR008768 (on October 20, 2006, did fail to comply with a court order to refrain from abuse, to vacate the household, multiple family dwelling or workplace, to have no contact with the plaintiff or the plaintiff's minor child(ren), or to surrender any license to carry firearms

and/or firearms identification cards which the defendant held, or to surrender all firearms, rifles, shotguns, machine guns and ammunition which the defendant then possessed), and Case No. 0701CR001758 (on April 1, 2007, did fail to comply with a court order to refrain from abuse, to vacate the household, multiple family dwelling or workplace, to have no contact with the plaintiff or the plaintiff's minor child(ren), or to surrender any license to carry firearms and/or firearms identification cards which the defendant held, or to surrender all firearms, rifles, shotguns, machine guns and ammunition which the defendant then possessed) by the Boston Municipal Court Department, Commonwealth of Massachusetts.

15. The authorized penalty for the offenses described in paragraph 14, above, exceeded two and one-half years incarceration in the house of correction. True and accurate copies of the criminal complaints and tender of plea in each of these cases are attached hereto as Exhibits I, J, and K.

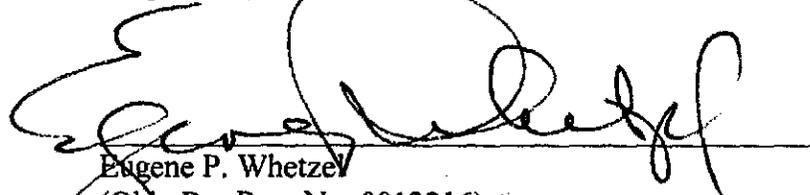
16. On or about June 21, 2006, the Supreme Court of Ohio suspended Respondent from the practice of law in Ohio with the entire suspension stayed. *Toledo Bar Ass'n v. Burkholder*, 109 Ohio St.3d 443, 2006-Ohio-2817.

17. The parties in this disciplinary action agree that Respondent failed to comply with a court order to pay child support and was thus in arrears of his child support payment obligations, failed to apprise the attorney registration office of his addresses until after the Complaint herein was certified, failed to satisfy and complete the minimum required continuing legal education requirements, and in the Commonwealth of Massachusetts, engaged in illegal conduct involving moral turpitude and engaged in conduct adversely reflecting on his fitness to practice law.

18. Respondent agrees that his conduct, as admitted herein, violated: DR 2-102(A)(6), and, after February 1, 2007, Prof. Con. R. 8.4(h); Gov. Bar R. V(1)(d); Gov. Bar R. X(3)(A)(1) and (3)(B)(1); DR 1-102(A)(5), and, DR 1-102(A)(3).

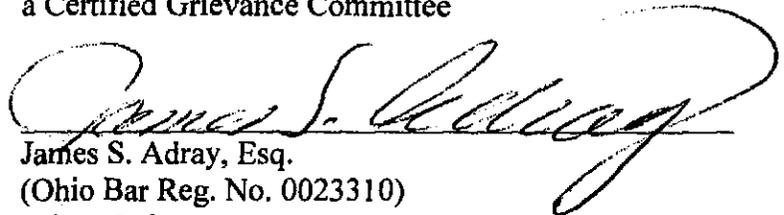
19. Based on the facts and circumstances outlined above, Relator and Respondent believe that the appropriate sanction for Respondent's conduct is suspension of his license to practice law for two years, with credit for time served on the interim suspension since April 16, 2007.

Respectfully submitted,



Eugene P. Whetzel  
(Ohio Bar Reg. No. 0013216)  
General Counsel  
Ohio State Bar Association  
1700 Lake Shore Drive  
P.O. Box 16562  
Columbus, Ohio 43216-6562  
Telephone: (614) 487-2050  
Telecopier: (614) 485-3191

Counsel for Relator  
Ohio State Bar Association  
Legal Ethics and Professional Conduct Committee,  
a Certified Grievance Committee



James S. Adray, Esq.  
(Ohio Bar Reg. No. 0023310)  
Adray & Grna  
709 Madison Avenue, Suite 209  
Toledo, Ohio 43604-6697  
Telephone: (419) 241-2000  
Telecopier: (419) 241-2148

Counsel for Respondent  
Fred Joseph Burkholder

## EXHIBIT INDEX

- A. Notice to Obligor of Default and Potential Action dated May 16, 2006
- B. Order of the Supreme Court of Ohio in Case No. 2007-403, filed April 16, 2007.
- C. Lucas County, Ohio, Court of Common Pleas Domestic Relations Division order entered January 31, 2008.
- D. Envelope addressed to Fred J. Burkholder, returned to sender.
- E. Envelope addressed to Fred J. Burkholder, returned to sender.
- F. Envelope addressed to Fred J. Burkholder, returned to sender.
- G. Envelope addressed to Fred J. Burkholder, returned to sender.
- H. Letter dated November 21, 2007, from Office of Attorney Services, The Supreme Court of Ohio.
- I. Boston Municipal Court - Central Division documents in Case No. 0601 CR 6759.
- J. Boston Municipal Court - Central Division documents in Case No. 0601 CR 008768.
- K. Boston Municipal Court - Central Division documents in Case No. 0701 CR 001758.

FILED

JUL 23 2008

**BEFORE THE BOARD OF COMMISSIONERS  
ON GRIEVANCES AND DISCIPLINE  
OF  
THE SUPREME COURT OF OHIO**

BOARD OF COMMISSIONERS  
ON GRIEVANCES & DISCIPLINE

In re:

Amended Complaint against

Case No. 07-060

FRED JOSEPH BURKHOLDER

Respondent

OHIO STATE BAR ASSOCIATION  
LEGAL ETHICS AND PROFESSIONAL  
CONDUCT COMMITTEE

Relator

**SUPPLEMENTAL STIPULATIONS BY RELATOR, OHIO STATE BAR  
ASSOCIATION, LEGAL ETHICS AND PROFESSIONAL CONDUCT COMMITTEE,  
AND RESPONDENT, FRED JOSEPH BURKHOLDER**

For purposes of this proceeding only, Relator, Ohio State Bar Association, Legal Ethics and Professional Conduct Committee, and Respondent, Fred Joseph Burkholder, stipulate that prior to submitting a petition for reinstatement, Respondent:

1. shall participate actively and meaningfully in the Lawyers Support System of the Ohio Lawyers Assistance Program, Inc.;
2. shall counsel, and shall treat, with a psychiatrist, psychologist, or other licensed health-care professional concerning any factors relevant to domestic violence;

3. upon applying for re-admission to the practice of law in the State of Ohio, Respondent shall present evidence that he has:

- A. actively and meaningfully participated in the Lawyers Support System of the Ohio Lawyers Assistance Program, Inc.;
- B. counseled and treated with a psychiatrist, psychologist, or other licensed health-care professional concerning any factors relevant to domestic violence; this acknowledges that he has treated and been counseled previously and that this may not be necessary at this time;
- C. completed all continuing legal education requirements; and
- D. is in compliance with the current child support Order in that he has made all payments on the Order as amended January 31, 2008 allocated to the current support and the application of monies on the arrears, as that Order may be amended in the future.

4. upon applying for re-admission to the practice of law in the State of Ohio, with and as part of the application for re-admission, Respondent shall present a written report from a psychiatrist, psychologist, or other licensed health-care professional evidencing that the psychiatrist, psychologist, or other licensed health-care professional has evaluated and assessed Respondent within 30 days of the date Respondent applies for re-admission, and has concluded, to a reasonable degree of psychiatric, psychological, or scientific certainty or probability, (a) that Respondent can then emotionally and psychologically withstand the pressures and demands associated with the practice of law and (b) that none of the conditions or disorders with which Respondent then suffers will impair his ability to practice law or to meet the demands of the

practice of law, and upon request by the Bar Association, Respondent shall provide its representatives a copy of the report.

Respectfully submitted,

*Eugene P. Whetzel per e-mail authority attached*

Eugene P. Whetzel  
(Ohio Bar Reg. No. 0013216)  
General Counsel  
Ohio State Bar Association  
1700 Lake Shore Drive  
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Columbus, Ohio 43216-6562  
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Telecopier: (614) 485-3191

Counsel for Relator  
Ohio State Bar Association  
Legal Ethics and Professional Conduct Committee,  
a Certified Grievance Committee

*James S. Adray*

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Toledo, Ohio 43604-6697  
Telephone: (419) 241-2000  
Telecopier: (419) 241-2148

Counsel for Respondent  
Fred Joseph Burkholder

**James Adray**

**From:** Gene Whetzel [GWhetzel@ohiobar.org]  
**Sent:** Monday, July 21, 2008 3:48 PM  
**To:** James Adray  
**Subject:** RE: Burkholder

Jim,  
I think that is the best way of handling it at this point.  
Gene

**From:** James Adray [mailto:jim@adray-grna.com]  
**Sent:** Monday, July 21, 2008 3:43 PM  
**To:** Gene Whetzel  
**Subject:** RE: Burkholder

Gene,  
Shall I sign per phone authorization and submit with the closing?  
Jim

Jim Adray  
jim@adray-grna.com  
709 Madison Ave.  
Suite 209 Toledo, OH 43624  
Phone (419) 241-2000  
Fax (419) 241-2148

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Pursuant to the Fair Debt Collection Practices Act, you are advised that this office is deemed to be a debt collector and any information obtained may be used for that purpose.

**From:** Gene Whetzel [mailto:GWhetzel@ohiobar.org]  
**Sent:** Monday, July 21, 2008 3:06 PM  
**To:** James Adray  
**Subject:** RE: Burkholder

Jim,  
This is fine with me.  
Gene

7/22/2008

**From:** James Adray [mailto:jim@adray-grna.com]  
**Sent:** Monday, July 21, 2008 3:01 PM  
**To:** Gene Whetzel  
**Subject:** RE: Burkholder

Gene,  
Oer our discussions this morning I have attached the Stips and have re-worked a couple of them. Please let me have your comments. My purpose is to give credence to the fact that he has received DV counselling and that it may not be necessary in the future.  
Jim

Jim Adray  
jim@adray-grna.com  
709 Madison Ave.  
Suite 209 Toledo, OH 43624  
Phone (419) 241-2000  
Fax (419) 241-2148

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Pursuant to the Fair Debt Collection Practices Act, you are advised that this office is deemed to be a debt collector and any information obtained may be used for that purpose.

**From:** Gene Whetzel [mailto:GWhetzel@ohiobar.org]  
**Sent:** Thursday, July 17, 2008 3:10 PM  
**To:** James Adray  
**Subject:** FW: Burkholder

Jim,  
Here are some fairly simple supplemental stipulations in this case to comply with the panel's suggestions. If your schedule permits, call me tomorrow at 800 282 6556 and we can discuss these and your material. I will be out of town from Tuesday on next week so intend to submit my memo on Tuesday.  
Gene

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**From:** Paula Hickey  
**Sent:** Thursday, July 17, 2008 3:06 PM  
**To:** Gene Whetzel  
**Subject:** Burkholder

7/22/2008

**Tufts** Medical  
Center

**Division of General Medicine**  
800 Washington Street Boston MA 02111  
Main: 617-636-5000 Fax:

June 30, 2008

RE: FRED BURKHOLDER  
18 VERMONT STREET  
SOMERVILLE, MA 02145

To Whom It May Concern:

I am writing to you regarding FRED BURKHOLDER, a patient I saw and evaluated in General Medicine at Tufts Medical Center on June 20th, 2008. Mr. Burkholder asked me to write a letter detailing my evaluation in several specific areas: 1) regarding his diagnosis of chemical dependency; 2) that this dependency contributed to the cause of his previous misconduct; 3) that he has received certification of successful completion of an approved treatment program; 4) that he is competent, and healthy enough to return to his law practice; and 5) a description of what I feel he needs to do to remain free from alcohol dependence in the future.

Mr. Burkholder is very honest about his previous alcohol dependency and this diagnosis seems clear and correct to me based on his recounting of his own history and my review of the documented records he provided to me. I have not met him before June 20th, 2008, so I have no personal interactions or experience on which to base my assessments, but I reviewed the extensive amount of documents he provided that corroborated his personal accounting of his history.

Alcohol dependency is a frequent contributing factor to many acts of misconduct and domestic abuse. I believe it almost certainly contributed to his previous misconduct.

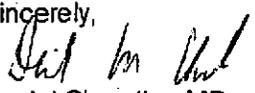
He submitted to me copies of signed statements that he completed a program called Working to Stop Domestic Violence and Abuse at Common Purpose, Inc, in Cambridge with Mitch Rothenberg in Cambridge, MA. He had no unexcused absences during his tenure there. He also is a resident at the Holy Family Shelter in a sober and drug free community setting and has been there since September, 2007. Wendell Saunders wrote a letter stating that he has been a "model guest" and states that he "is more than ready to transition on to independent living."

Not knowing Mr. Burkholder personally prior to June 20th makes it difficult to assess his competence fully. However, I do believe he is competent to return to Ohio and attempt to start working again as a lawyer. I base my judgement on the demonstration of his continued sobriety and determination over the last many months to combat his dependency with regular Alcoholics Anonymous (AA) meetings, participation in program to prevent future domestic violence, and exemplary behavior in his sobriety house.

As Mr. Burkholder already knows, alcoholism is a life-long illness. It can represent at any time and its recurrence can be quick or insidious. He has expressed the desire to continue to go to AA meetings in Ohio and get another local sponsor. I understand there will be regular monitoring of his sobriety both through this group and through the Court. I believe this will be appropriate and sufficient to both document continued sobriety and provide an early alarm if Mr. Burkholder needs any additional support in the future.

I hope my assessment and thoughts are adequate for your consideration of Mr. Burkholder's case. However, if you have any further questions, please do not hesitate to call me.

Sincerely,

  
Daniel Chandler, MD

Division of General Medicine  
Tufts Medical Center  
(617) 636-1496

Division of General Medicine  
(617)636-1496

05-03

FILED

# The Supreme Court of Ohio

JUN 21 2006

Case No. 05-2394

MARGI J. MENGEL, CLERK  
SUPREME COURT OF OHIO

Toledo Bar Association,  
Relator,  
v.  
Fred J. Burkholder,  
Respondent.

**RECEIVED**  
JUN 22 2006

ON CERTIFIED REPORT BY THE  
BOARD OF COMMISSIONERS ON  
GRIEVANCES AND DISCIPLINE OF  
THE SUPREME COURT

BOARD OF COMMISSIONERS  
ON GRIEVANCES & DISCIPLINE

ORDER

The Board of Commissioners on Grievances and Discipline filed its Final Report in this Court on December 21, 2005, recommending that pursuant to Rule V(6)(B)(5) of the Supreme Court Rules for the Government of the Bar of Ohio the respondent, Fred J. Burkholder, be publicly reprimanded. Respondent filed no objections to said Final Report, and this cause was considered by the Court. On consideration thereof,

IT IS ORDERED AND ADJUDGED by this Court that pursuant to Gov.Bar R. V(6)(B)(3) and consistent with the opinion rendered herein, respondent, Fred J. Burkholder, Attorney Registration Number 0014094, last known business address in Toledo, Ohio, be suspended from the practice of law for a period of six months, stayed on the condition that respondent commit no further misconduct during the stayed suspension period.

IT IS FURTHER ORDERED that respondent be taxed the costs of these proceedings in the amount of Two Thousand One Hundred Fifty-Three Dollars and Fifty-One Cents (\$2,153.51), which costs shall be payable to this Court by certified check or money order on or before 90 days from the date of this order. It is further ordered that if these costs are not paid in full on or before 90 days from the date of this order, interest at the rate of 10% per annum shall accrue as of 90 days from the date of this order, on the balance of unpaid Board costs. It is further ordered that if costs are not paid in full on or before 90 days from the date of this order, respondent may be found in contempt and suspended until costs, including any accrued interest, are paid in full.

IT IS FURTHER ORDERED, sua sponte, by the Court, that within 90 days of the date of this order, respondent shall reimburse any amounts that have been awarded against the respondent by the Clients' Security Fund pursuant to Gov.Bar R. VIII(7)(F). It is further ordered, sua sponte, by the Court that if, after the date of this order, the Clients' Security Fund awards any amount against the respondent pursuant to Gov.Bar R. VIII(7)(F), the respondent shall reimburse that amount to the Clients' Security Fund within 90 days of the notice of such award.

IT IS FURTHER ORDERED, sua sponte, that all documents filed with this Court in this case shall meet the filing requirements set forth in the Rules of Practice of the

*modified*

Supreme Court of Ohio, including requirements as to form, number, and timeliness of filings.

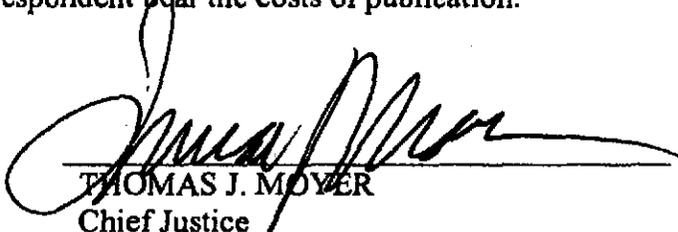
IT IS FURTHER ORDERED, sua sponte, that service shall be deemed made on respondent by sending this order, and all other orders in this case, by certified mail to the most recent address respondent has given to the Attorney Registration Section.

IT IS FURTHER ORDERED that the Clerk of this Court issue certified copies of this order as provided for in Gov.Bar R. V(8)(D)(1), that publication be made as provided for in Gov.Bar R. V(8)(D)(2), and that respondent bear the costs of publication.

I HEREBY CERTIFY that this document is a true and accurate copy of the entry of the Supreme Court of Ohio filed 6/21/06 in Supreme Court case number 05-2344

In witness whereof I have hereunto subscribed my name and affixed the seal of the Supreme Court of Ohio on this 21 day of June, 2006.

by Marcia J. Mengel, Deputy  
MARCIA J. MENGEL, Clerk

  
THOMAS J. MOYER  
Chief Justice