

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

IN THE MATTER OF	§	
WENDELL CONN RADFORD, JR.	§	CAUSE NO. 42611
STATE BAR CARD NO. 16455520	§	

JUDGMENT OF DISBARMENT

On the 22ND day of August 2008, the above-styled and numbered disciplinary action was called for hearing before the Board of Disciplinary Appeals. Petitioner Commission for Lawyer Discipline of the State Bar of Texas appeared by attorney, Laura Bayouth Popps, and announced ready. Respondent, Wendell Conn Radford, Jr., although duly cited to appear and having been notified 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, Wendell Conn Radford, Jr., State Bar Card Number 16455520, is currently licensed to practice law in the State of Texas but is not authorized to practice pursuant to an Agreed Order Granting Petitioners Petition for Immediate Interim Suspension signed June 7, 2007 in Case No. E-179307, styled *Commission for Lawyer Discipline v. Wendell Conn Radford, Jr.*, in the 172nd District Court of Jefferson County, Texas.
- (2) On or about November 15, 2006, Respondent, Wendell Conn Radford, Jr. was charged by Indictment with ten (10) counts involving Conspiracy to Commit Mail Fraud, Mail Fraud and Money Laundering in Case No. 1:06-CR-163, styled *United States of*

America v. Wendell "Chip" Radford, Jr., in the United States District Court for the Eastern District of Texas, Beaumont Division.

- (3) On August 30, 2007, a Judgment in a Criminal Case was entered in Case No. 1:06CR00163-001, styled *United States of America v. Wendell "Chip" Radford, Jr.*, in the United States District Court for the Eastern District of Texas, Beaumont Division, wherein Respondent pled guilty to Count 1, Conspiracy to Commit Mail Fraud in violation of Title 18 U.S.C. § 371, of the ten-count Indictment dated November 15, 2006. Respondent was committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of five (5) months with the Special Condition of Supervision that, immediately upon release from confinement, Respondent be placed on home detention for a period of five (5) months. The judgment also required that, upon release from imprisonment, the Respondent be on supervised release for a total term of two (2) years, perform 300 hours of community service, pay restitution in the amount of \$393,433.53, and pay an Assessment of \$100.00.
- (4) Respondent, Wendell Conn Radford, Jr., is same person as Defendant Wendell "Chip" Radford, Jr., in the criminal case and Judgment described above.
- (5) Respondent was personally served with the Petition for Compulsory Discipline and the hearing notice on July 18, 2008, as evidenced by the Affidavit of Service filed with this Board on August 12, 2008.
- (6) Respondent's 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. Texas Rules of Disciplinary Procedure 7.08(G) ("TRDP").
- (2) Respondent, Wendell Conn Radford, Jr. has been convicted for purposes of TRDP 8.04 of an Intentional Crime as defined by TRDP 1.06(T) and of a Serious crime as defined by TRDP 1.06(Z).
- (3) Having been convicted of an Intentional Crime and sentenced to a term of incarceration, Respondent, Wendell Conn Radford, Jr.,

should be disbarred. TRDP 8.05.

It is, accordingly, **ORDERED, ADJUDGED, and DECREED** that Respondent, Wendell Conn Radford, Jr., State Bar Card No. 16455520, 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, Wendell Conn Radford, Jr., 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 before 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, Wendell Conn Radford, Jr., not later than thirty (30) days from the date of this judgment, shall notify in writing each and every justice of any court in which Wendell Conn Radford, Jr., 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, Wendell Conn Radford, Jr., 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 on which this Judgment is signed by the Board. Respondent is further **ORDERED** to file with the Statewide Compliance Monitor, Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711, 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, Wendell Conn Radford, Jr., 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 26th day of August 2008.



CHAIR PRESIDING