

THE BOARD *of* DISCIPLINARY APPEALS
APPOINTED BY THE SUPREME COURT *of* TEXAS

REPORT 2009

THE BOARD *of* DISCIPLINARY APPEALS

APPOINTED BY THE SUPREME COURT *of* TEXAS

CHAIR

Thomas E. Pitts, *Lubbock*

VICE CHAIR

Jose I. Gonzalez-Falla, *Corpus Christi*

MEMBERS

Alice A. Brown, *Houston*

David A. Chaumette, *Houston*

W. Clark Lea, *Midland*

Kathy J. Owen, *Dallas*

Carol E. Prater, *Temple*

Deborah J. Race, *Tyler*

Ben Selman, *Waco*

JoAl Cannon Sheridan, *Austin*

Charles L. Smith, *San Antonio*

Thomas J. Williams, *Fort Worth*

SUPREME COURT LIAISON

The Honorable Dale Wainwright

STAFF

Christine E. McKeeman, *Executive Director/General Counsel*

Gayle Riley Vickers, *Deputy Director/Counsel*

Jackie L. Truitt, *Executive Assistant*

P.O. Box 12426

Austin, TX 78711

(512) 427-1578

FAX (512) 427-4130

www.txboda.org

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On behalf of the Board of Disciplinary Appeals, I am pleased to submit this report summarizing BODA's activities for 2008–2009. The report describes BODA's jurisdiction and operations, case dockets, membership, and staff. Through the dedication of its members and staff, BODA held en banc hearings five times and met 71 times by conference call, disposing of more than 2,100 attorney discipline cases during the past fiscal year at 5 percent under budget.

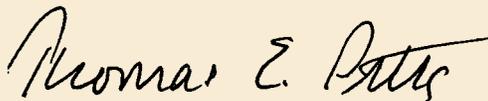
During my tenure over the past six years, BODA wrote and issued its first opinions, and, during my term as Chair, the Supreme Court approved publishing those opinions in the official reporter system. This step significantly advances BODA's efforts to disseminate public decisions and information about the substantive disciplinary and related procedural rules. BODA, with the Court's affirmation, also settled several substantive and procedural issues central to the disciplinary system.

BODA continues, through the Supreme Court's judiciousness, to represent the many members of the Bar in its diversity of practice, geographic area, ethnicity, gender, and experience. BODA members and staff have continued efforts to educate the Bar and the public about BODA, the rules of professional conduct, and the disciplinary system.

As my BODA term expires, I thank the Court personally, and on behalf of each BODA member, for the opportunity to serve. I would especially like to thank our liaison from the Court, Justice Dale Wainwright, for his time, support, and assistance, which consistently made our job easier. The experience is uniquely rewarding, and we are honored to serve the Court, the legal profession, and the citizens of Texas.

Once again, I would like to commend and thank our extremely capable staff, whose consistently outstanding assistance allows us to serve effectively, for their service and dedication to BODA.

We are available to discuss this report, provide any additional information, or answer any questions.



Thomas E. Pitts
Chair, 2008–2009

THE BOARD of DISCIPLINARY APPEALS
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MEMBERS 2008-2009



*Back row: Kathy J. Owen, David A. Chaumette, W. Clark Lea, Thomas J. Williams, Ben Selman, Deborah J. Race, JoAl Cannon Sheridan
Front Row: Alice A. Brown, Carol E. Prater, Thomas E. Pitts, Jose I. Gonzalez-Falla, Charles L. Smith*

The Board of Disciplinary Appeals consists of 12 attorneys appointed by the Supreme Court of Texas to serve up to two three-year terms. Members represent diverse geographic and law practice areas, from sole practitioners to corporate counsel, including a federal public defender, personal injury attorney, an appellate specialist, experienced family practitioners, complex commercial litigators, and employment and first amendment lawyers. Approximately half of the board's members previously served on grievance committees.

BODA members typically participate in twice weekly telephone panels to decide classification appeals twice each month and attend hearings en banc four to six times per year. The board elects its own chair and vice chair. All members serve without compensation.

Chair **Thomas E. Pitts** is a partner in Splawn Simpson Pitts in Lubbock. He graduated from Texas Tech University School of Law in 1983 and was appointed to BODA in 2003. From 1993 to 1999, Pitts served on the State Bar of Texas District 16-A Grievance Committee, including two years as chair.

Vice Chair **Jose I. Gonzalez-Falla** is an assistant federal public defender for the Western District of Texas in Austin, having recently served as the senior supervisory assistant public defender for the Southern District of Texas in Corpus Christi. Gonzalez-Falla graduated from Southern Methodist University School of Law in 1984 and was appointed to BODA in 2003. He is certified in criminal law by the Texas Board of Legal Specialization.

Alice A. Brown is government environmental litigation coordinator for ExxonMobil Corp. in Houston, where she supervises and manages environmental litigation brought by governmental agencies. She graduated from the University of Houston Law Center in 1982 and was appointed to BODA in 2006.

David Chaumette, who was appointed to BODA in 2008, is a partner with De la Rosa & Chaumette and has tried a wide variety of commercial matters in state and federal court involving oil and gas issues, securities, software licensing, and real estate disputes. He earned his J.D. from the University of Chicago Law School. He is first vice president of the Houston Bar Association and is a former president of the Houston Young Lawyers Association.

W. Clark Lea is a shareholder in Cotton, Bledsoe, Tighe & Dawson in Midland. He graduated from Baylor Law School in 1990 and was appointed to BODA in 2007. Lea has served as vice chair of the State Bar of Texas Law Office Management Committee and is a life fellow of the Texas Bar Foundation.

Kathy J. Owen is a partner in the Dallas office of DLA Piper L.L.P. She graduated from Baylor Law School in 1989. Owen was a member of the State Bar of Texas District 6-A Grievance Committee from 1996 to 2000. She was first appointed to BODA in 2000, serving until 2006, including a term as vice chair. She was reappointed in 2008.

Carol E. Prater is a partner in Prater & Ridley in Temple. She graduated from Baylor Law School in 1970 and was appointed to BODA in 2003. Prater has served as secretary of the Bell-Lampasas-Mills County Bar Association and is a fellow of the Texas Bar Foundation. She is certified in family law by the Texas Board of Legal Specialization.

Deborah J. Race is a partner in Ireland, Carroll & Kelley, P.C. in Tyler. She graduated from the University of Houston Law Center in 1982 and was appointed to BODA in 2007. Race served as chair of the State Bar of Texas District 2-A Grievance Committee and is a life fellow of the Texas Bar Foundation. She is certified in civil appellate law by the Texas Board of Legal Specialization.

Ben Selman is a shareholder in Naman, Howell, Smith & Lee, L.L.P. in Waco. He graduated from Baylor Law School in 1973 and was initially appointed to BODA in 1995, serving as chair and vice chair. Selman was reappointed to the board in 2006. From 2003 to 2006, he served on the State Bar of Texas Commission for Lawyer Discipline.

JoAl Cannon Sheridan, appointed to BODA in 2008, specializes in family law with Ausley, Algert, Robertson and Flores, L.L.P. in Austin. She received her J.D. from Baylor Law School. She is a former director of the State Bar of Texas and served on the State Bar of Texas District 2-A Grievance Committee. She currently serves on the board of the State Bar Family Law Section and on the executive committee of the Texas Bar Foundation, of which she is a sustaining life fellow.

Charles L. Smith is of counsel to Jackson Walker L.L.P. in San Antonio. He graduated from St. Mary's School of Law in 1955 and was appointed to BODA in 2006. Smith has served as president of the State Bar of Texas and as chair of the State Bar Board of Directors, the Commission on Judicial Conduct, and the Commission for Lawyer Discipline. In 2007, he received the Texas Bar Foundation's Outstanding 50-Year Lawyer Award.

Thomas J. Williams is a partner in Haynes and Boone, L.L.P. in Fort Worth. He graduated from the University of Texas School of Law in 1975 and was appointed to BODA in 2007. Williams is chair of the Tarrant County Bar Foundation Board of Directors and is a life fellow of the Texas Bar Foundation. He is a past recipient of the Tarrant County Bar Association's Professionalism Award.

OVERVIEW

AUTHORITY

Every lawyer admitted or specially admitted to practice in Texas is subject to the disciplinary and disability jurisdiction of the Supreme Court of Texas, which has the inherent power under the Texas Constitution to regulate the practice of law. The Supreme Court of Texas has delegated certain power to the Board of Disciplinary Appeals (BODA) to hear and decide attorney discipline. BODA is a statewide tribunal with original and appellate jurisdiction to hear six types of attorney discipline as well as disability matters. BODA members are attorneys appointed by the Supreme Court of Texas. In hearing and determining disciplinary proceedings, BODA exercises the powers of a trial court or appellate court.

BODA reviews grievance classification screening dismissals by the State Bar of Texas Office of the Chief Disciplinary Counsel; decides appeals from State Bar district grievance committee evidentiary judgments; has exclusive original jurisdiction to hear compulsory and reciprocal discipline cases; hears petitions to revoke probations imposed by grievance committees; and handles attorney disability cases. With the exception of appeals from classification screening decisions, which are final, BODA decisions are appealable directly to the Supreme Court of Texas.



BODA proposes rules of procedure and administration to the Supreme Court for promulgation. In 2009, BODA is again revising its internal rules to incorporate provisions for electronic filing and delivery of documents, reflect recent changes to the State Bar Act and Texas Rules of Disciplinary Procedure (TRDP), provide clarity regarding the confidentiality of the grievance process, model the rules governing appellate cases after the Texas Rules of Appellate Procedure (TRAP), revise procedures for disability matters, and establish procedure in compulsory discipline cases in light of recent Texas Supreme Court opinions. BODA last revised the Internal Procedural Rules in 2004 with the changes to the Texas Rules of Disciplinary Procedure. The BODA website, www.txboda.org, contains more information about BODA, its members, operations, issued opinions, current hearings docket, past decisions, and previous reports.

OFFICE

BODA holds hearings in the Supreme Court courtroom with the assistance of the office of the Clerk of the Court. BODA's administrative offices are located in the Texas Law Center in Austin.

BODA's staff consists of an Executive Director/General Counsel, who administers and supervises BODA operations, advises the Board, and serves as the official custodian of BODA records; a Deputy Director/Counsel, who assists with all operations and has primary responsibility for the disability docket, acts as the clerk for District Disability Committees and appeals from BODA to the Supreme Court, and maintains the BODA website; and an Executive Assistant, who assists with office management, case intake and management, docket control, hearings coordination, and requests for information and assistance from the public and attorneys. The Executive Director and Deputy Director have a combined 31 years' experience with the Board of Disciplinary Appeals. The Executive Assistant joined BODA in 2000.

CASE DOCKETING AND HEARINGS

During weeks that BODA does not meet en banc for hearings, BODA considers appeals from grievance screening decisions by panels in a telephone conference. These panels consist of three BODA members assigned randomly and either the Executive Director or Deputy Director with a typical docket of approximately 30 grievances. In order to save time and natural resources, BODA has begun receiving these grievance files electronically from the Office of the Chief Disciplinary Counsel. In addition, staff distributes the docket and its grievance files to the panel members electronically and on paper with the goal of reducing paper copies in the future.



A BODA member may refer any classification appeal to the full Board for consideration for any reason. The Board considers those matters at the next scheduled en banc conference. Grievance screening decisions, the appeals, and all associated files are confidential.

BODA hears all other disciplinary cases, including compulsory discipline, reciprocal discipline, revocations of probation, and appeals from evidentiary judgments en banc. The BODA chair may also assign any matter to a panel of three members to decide. BODA hearings are open to the public. As with classification appeals, staff distributes the materials for the hearings on these matters to the members electronically and on paper.



Jose I. Gonzalez-Falla (vice chair), Texas Supreme Court Justice Dale Wainwright (BODA liaison), and Thomas E. Pitts (chair)

INFORMATION ABOUT THE GRIEVANCE PROCESS

BODA responds to requests for information concerning the grievance system from attorneys and the public. Except for restrictions discussing pending matters and confidential deliberations, BODA assists the public and the bar by providing information concerning disciplinary procedure and operations. As a tribunal, BODA cannot directly assist a party to any disciplinary proceeding with the underlying complaint.

PROFESSIONAL DEVELOPMENT

In addition to its adjudicatory functions, BODA members and staff regularly participate in local and national seminars, conferences, and committees to provide information about current ethical issues and rules revisions. In addition to writing and speaking at ethics seminars, BODA members and staff meet with local and national disciplinary entities to develop procedures to improve the discipline system and discuss substantive issues. In October 2008, the Executive Director and Deputy Director participated in an educational program for the State Bar of Texas Office of the Chief Disciplinary Counsel.

The Executive Director also served as a director on the National Council of Lawyer Disciplinary Boards, Inc. (www.nclldb.org), a forum for the exchange of information and ideas about the administration, conduct, and improvement of formal disciplinary and related proceedings for lawyers admitted to practice law in one or more jurisdictions of the United States. During 2008–2009, the NCLDB had 26 state members. The NCLDB meets annually in conjunction with the American Bar Association midyear meeting to present a program of substantive and procedural issues. The NCLDB also works with the National Organization of Bar Counsel and the Association of Professional Responsibility Lawyers to plan and present programs.

BODA strongly encourages coordination among the Board, State Bar of Texas, Commission for Lawyer Discipline, Grievance Oversight Committee, and related groups to identify and propose improvements to the existing disciplinary system.

RECORD RETENTION



For several years, BODA has made electronic copies of all files and now retains the paper file for only one year. The change to electronic records has greatly reduced the space and associated expense of on- and off-site storage.

BODA GREEN INITIATIVES

- **Electronic record retention**
- **Internal Procedural Rules allow electronic filing and delivery of documents**
- **Electronic transfer of files from Office of the Chief Disciplinary Counsel**
- **Circulates files to members electronically**
- **Clerk's record for appeals filed electronically with the Supreme Court of Texas**

BODA JURISDICTION

ORIGINAL JURISDICTION

Compulsory Discipline

BODA has exclusive original jurisdiction to hear petitions for compulsory discipline filed by the State Bar of Texas Chief Disciplinary Counsel's Office when an attorney has been convicted of, or placed on deferred adjudication for, an "Intentional Crime."

Reciprocal Discipline

BODA has exclusive original jurisdiction to hear petitions for reciprocal discipline filed by the State Bar of Texas Chief Disciplinary Counsel's Office on behalf of the Commission for Lawyer Discipline. Attorneys licensed in Texas and another jurisdiction are subject to reciprocal discipline in Texas following a disciplinary sanction in the second jurisdiction.

Revocations of Probation

BODA has exclusive original jurisdiction for the full term of a probated suspension imposed by a State Bar grievance committee to hear petitions to revoke the probation.

DISABILITY

Disability Cases and Reinstatements

BODA has exclusive original jurisdiction to suspend indefinitely an attorney who is suffering from a disability: any physical, mental, or emotional condition, with or without a substantive rule violation, which results in the attorney's inability to practice law or otherwise carry out his or her professional responsibilities to clients, the courts, the profession, or the public.

APPELLATE JURISDICTION

Grievance Screening and Classification Appeals

The State Bar of Texas Chief Disciplinary Counsel's Office (CDC) screens every writing received that alleges professional misconduct to determine whether the writing describes conduct that, if true, would violate the Texas Disciplinary Rules of Professional Conduct (TDRPC). If the CDC determines that the writing does not allege misconduct and dismisses the grievance, the complainant can appeal that decision to BODA.

Appeals from Evidentiary Judgments

The Commission for Lawyer Discipline or an attorney against whom discipline has been imposed by a State Bar grievance committee may appeal any judgment from an evidentiary proceeding, including a dismissal, the findings of professional misconduct, or the sanction imposed. Appeals to BODA from evidentiary judgments proceed similarly to civil appeals with a notice of appeal, record, briefs, and oral argument.

For more detailed information about BODA jurisdiction and procedures, visit www.txboda.org.

SUPREME COURT OPINIONS

Discretion to Disbar. The Rules of Disciplinary Procedure give BODA discretion to suspend or disbar an attorney convicted of an Intentional Crime whose criminal sentence is fully probated.

In re Caballero, 272 S.W.3d 595 (Tex. 2008)

Evidentiary Panel Quorum. An evidentiary panel quorum consisting of three attorneys and one public member satisfied the statutory composition requirements set out in the State Bar Act and Texas Rules of Disciplinary Procedure that there be at least one public member for every two attorney members present at a hearing. The panel as originally appointed consisted of four attorneys and two public members. *In re Allison*, 288 S.W.3d 413 (Tex. 2009)

BODA OPINIONS

Disqualification. BODA member not disqualified to hear petition to revoke attorney's probation merely because member's firm formerly represented a party adverse to one of attorney's clients in an unrelated matter. *In re Watson*, BODA Case 30648.

Delivery of Controlled Substance Is an Intentional Crime. Attorney convicted of unlawful delivery of controlled substance subject to compulsory discipline under Part VIII of the Texas Rules of Disciplinary Procedure. BODA distinguished unlawful delivery from mere possession of a controlled substance. *In re Filippov*, BODA Case 30611.

Abuse of Discretion in Assessing Sanction. Respondent attorney failed to show that Evidentiary Panel abused its discretion in imposing sanction where the record indicated that the panel considered the proper factors as set out in the Texas Rules of Disciplinary Procedure, including mitigating factors. *Molina v. Comm'n for Lawyer Discipline*, BODA Case 35426.

Unconscionable Fee. Unconscionability of fee for disciplinary purposes is generally determined at the outset of the representation. *Weir v. Comm'n for Lawyer Discipline*, BODA Case 32082.

Substituted Service. An affidavit in support of a Motion for Substituted Service must strictly comply with the Texas Rules of Civil Procedure to support a default judgment. *Shelton v. Comm'n for Lawyer Discipline*, BODA Case 36059.

Return of Service. Proof of return of service by certified mail must bear the respondent attorney's signature in compliance with Texas Rules of Civil Procedure to support a default judgment. *Sims v. Comm'n for Lawyer Discipline*, BODA Case 34229.

BODA OPINIONS

Evidentiary Panel Quorum. Quorum of evidentiary panel consisting of four attorneys and one layperson did not satisfy the statutory requirement that a quorum must include at least one public member for every two attorney members present. The panel consequently lost the authority to render judgment. *Cafiero v. Comm'n for Lawyer Discipline*, BODA Case 37811.

Evidentiary Panel Quorum. Quorum of evidentiary panel consisting of three attorneys and one layperson satisfies the statutory requirement that a quorum must include at least one public member for every two attorney members present. *Allison v. Comm'n for Lawyer Discipline*, BODA Case 41135.

Possession with Intent to Promote Obscene Material Depicting Minor Is an Intentional Crime.

Attorney placed on deferred adjudication for possession with intent to promote obscene material depicting children engaging in sexual acts was convicted of a crime involving moral turpitude as a matter of law, and therefore an Intentional Crime, subjecting the attorney to compulsory discipline under Part VIII of the Texas Rules of Disciplinary Procedure. *In re Pope*, BODA Case 41472.

Mandamus Jurisdiction and Scope of

Discovery. The Board has jurisdiction to consider whether an evidentiary panel's order compelling discovery was an abuse of discretion for which there is no adequate remedy by appeal. As the only appellate body besides the Supreme Court of Texas with review of evidentiary panel orders, BODA necessarily has the authority to correct abuses of discretion as a result of its power to act as a trial or appellate court delegated to it by the Supreme Court of Texas. An order compelling the attorney to produce all trust account records for a six-year period was overly broad where the State Bar Commission for Lawyer Discipline had not shown on the record how the records were relevant to the grievance being tried. *In re Texas Lawyer*, BODA Case 43081.

NEW TEXAS RULE OF DISCIPLINARY PROCEDURE 6.06

BODA may render judgment with or without a written opinion. By order of the Texas Supreme Court on June 8, 2009, BODA opinions are now made available in the public reporting system, in accordance with the Texas Rules of Disciplinary Procedure 6.06. The Rules & BODA opinions are available at www.txboda.org.

COMPULSORY DISCIPLINE SUMMARY

June 1, 2008 to May 31, 2009

INTERLOCUTORY SUSPENSIONS PENDING APPEAL OF THE CRIMINAL CONVICTION

Theft

Attorney sentenced to 10 years probation. Mary S. Roberts (State Bar Card No. 00788294); BODA case 41806.

Theft by a Public Servant, aggregated over \$1,500 but less than \$20,000

Attorney sentenced to four years in prison and ordered removed as District Attorney for Rockwall County, Texas. Galen Ray Sumrow (State Bar Card No. 19511375); BODA Case 42036.

Forgery

Attorney sentenced to one year in prison probated for two years. Attorney suspended by agreed judgment. Patricia Foster Skelton (State Bar Card No. 07307200); BODA Case 42223.

Theft by a Public Servant

Attorney sentenced to 15 years in prison. Galen Ray Sumrow (State Bar Card No. 19511375); BODA Case 42678.

Forgery of a Financial Instrument

Attorney was sentenced to 24 months in prison. Helen Tyne Mayfield (State Bar Card No. 24014721); BODA Case 42845.

Misapplication of Fiduciary Property \$100,000 to \$200,000

Attorney was sentenced to 10 years in prison. Lee Alexander Magness (State Bar Card No. 00795495); BODA Case 43039.

Misapplication of Fiduciary Property over \$200,000

Attorney was sentenced to 35 years in prison. Steven Alexander Bearman (State Bar Card No. 90000546); BODA Case 43040.

FINAL JUDGMENTS

Mail Fraud and Engaging in Monetary Actions in Property Derived from Unlawful Activity

Attorney sentenced to 92 months in prison total with three years supervised release. Attorney disbarred. Craig Bryan Sokolow (State Bar Card No. 18824600); BODA Case 07285.

Barratry

Attorney sentenced to seven years community supervision. Attorney disbarred. James Jeffrey Crook (State Bar Card No. 05111000); BODA Case 27195.

Conspiracy and Fabricating Physical Evidence

Attorney sentenced to two years in prison probated for five years and had to serve 30 days in jail as condition of probation. Attorney disbarred. Mikel Peter Eggert (State Bar Card No. 24030354); BODA Case 35970.

COMPULSORY DISCIPLINE SUMMARY

First Degree Murder and Use of a Firearm in Commission of Felony

Attorney sentenced to life in prison and three years imprisonment, respectively. Attorney disbarred. Piper A. Rountree (State Bar Card No. 173230850); BODA Case 39905.

Conspiracy to Commit Visa Fraud and Inducing Aliens to Enter the United States for Commercial Advantage

Attorney was sentenced to 51 months imprisonment on each of multiple counts with three years supervised release. Attorney disbarred. Yali Huang (State Bar Card No. 00795433); BODA Case 40220.

Possession of Obscene Material with Intent to Promote

Attorney sentenced to four years deferred adjudication. Attorney suspended for the term of the deferred adjudication. Eddie Michael Pope (State Bar Card No. 16135500); BODA Case 41472.

Conspiracy to Commit Mail Fraud

Attorney was sentenced to five months in prison followed by home detention for five months and supervised release for two years. Attorney disbarred. Wendell Conn Radford, Jr. (State Bar Card No. 16455520); BODA Case 42611.

Misapplication of Fiduciary/Financial Property of an Elderly Person

Attorney received deferred adjudication and he was placed on community supervision for five years. Attorney disbarred. Steve Sims (State Bar Card No. 18427500); BODA Case 42613.

Conspiracy to Violate Federal Law: False Statement Related to a Loan and Wire Fraud and Conspiracy to Commit Wire Fraud

Attorney was sentenced to 57 months in prison. Attorney disbarred. George Hill Watson (State Bar Card No. 20938200); BODA Case 43195.

Theft of Property Over \$50 and Under \$500 by Check

Attorney sentenced to six months deferred adjudication. Attorney suspended for term of deferred adjudication by agreed judgment. Ronald Dewayne Cross (State Bar Card No. 00787305); BODA Case 43275.

RESIGNATIONS IN LIEU OF DISCIPLINE

Conspiracy to Commit Health Care Fraud, Making False Statement, Obstructing a Federal Auditor, Aiding and Abetting

Conspiracy to Commit Wire Fraud and Bank Fraud, Bank Fraud and Wire Fraud, Aiding and Abetting

Conspiracy to Commit Money Laundering and Mail Fraud

PETITIONS WITHDRAWN

Securing Execution of a Document by Deception

Mail Fraud

Conspiracy to Commit Wire Fraud and Wire Fraud

BODA CASE STATISTICS

June 1, 2008 – May 31, 2009

BODA CASES

Total cases filed with BODA	2,174	
Total BODA dispositions	2,187	
Dispositions*	Filed	Decided
Appeals from evidentiary judgments	12	14
Compulsory cases	17	24
Petitions to revoke probation	0	2
Disabilities	1	0
Reciprocal	4	3
Mandamus	3	2
Appeals from BODA to Supreme Court	9	8 (3 pending)

All BODA decisions appealed to Supreme Court and decided during 2008–2009 affirmed.

* Other than classification appeals

GRIEVANCES FILED

Total grievances filed with State Bar of Texas	7,108**
Total upgraded for investigation by State Bar	1,759 (25%)
Total dismissed by State Bar	5,169 (73%)
Total dismissed complaints appealed to BODA	2,149 (43%)
Total appeals upgraded by BODA	205 (9.6%)
Appeals with just cause finding	32 (15.6%)***

** Source: Office of the Chief Disciplinary Counsel, State Bar of Texas

*** Eight cases still pending just cause determination

CLASSIFICATION APPEALS TO BODA

Total appeals from classification dismissals decided 2,146[†]

Dismissed grievances appealed to BODA:

	Filed	Decided	Reversed
Austin	182	178	16
Dallas	810	821	73
Houston	647	641	59
San Antonio	510	505	57
<i>Total</i>	<i>2,149</i>	<i>2,145</i>	<i>205</i>

Average wait to receive file from State Bar 21 days

Average time to decide classification appeal once file received 21 days

Total appeal time from appeal filed until decision 42 days

[†] Regional source of one appeal unknown

HEARINGS AND CONFERENCES

En banc meetings to hold hearings 5

Telephone conferences 71

BUDGET

Total budget FY 08–09 \$397,034

Funds expended \$377,181

Variance (favorable) 5%

THE BOARD of DISCIPLINARY APPEALS OATH

I do solemnly swear (or affirm) that I will faithfully execute my duties as a member of the Board of Disciplinary Appeals, as required by the Texas Rules of Disciplinary Procedure, and will, to the best of my ability, preserve, protect, and defend the Constitution and laws of the United States and of the State of Texas.

I further solemnly swear (or affirm) that I will keep secret all such matters and things as shall come to my knowledge as a member of the Board of Disciplinary Appeals arising from or in connection with each Disciplinary Action and Disciplinary Proceeding unless permitted to disclose the same in accordance with the Rules of Disciplinary Procedure or unless ordered to do so in the course of a judicial proceeding or a proceeding before the Board of Disciplinary Appeals.

I further solemnly swear (or affirm) that I have neither directly paid, offered, or promised to pay, contributed any money or valuable thing, or promised any public or private office to secure my appointment. So help me God.

— *Texas Rule of Disciplinary Procedure 7.04*