



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

**REPORT 2012**

**THE BOARD *of* DISCIPLINARY APPEALS**  
**APPOINTED BY THE SUPREME COURT OF TEXAS**  
**2011-2012**

**CHAIR**

W. Clark Lea, *Midland*

**VICE CHAIR**

JoAl Cannon Sheridan, *Austin*

**MEMBERS**

Alice A. Brown, *Houston*

David A. Chaumette, *Houston*

Jack R. Crews, *Temple*

Gary R. Gurwitz, *McAllen*

Marvin W. Jones, *Amarillo*

Kathy J. Owen, *Dallas*

Deborah J. Race, *Tyler*

Ben Selman, *Waco*

Charles L. Smith, *San Antonio*

Thomas J. Williams, *Fort Worth*

**SUPREME COURT OF TEXAS LIAISON**

The Honorable Justice Dale Wainwright

**STAFF**

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

Gayle Vickers, *Deputy Director/Counsel*

Jackie L. Truitt, *Executive Assistant*

*P.O. Box 12426*

*Austin TX 78711*

*(512) 427-1578*

*txboda.org*

*info@txboda.org*

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

During 2011-2012, BODA diligently worked to address each and every matter brought before it. During this process, Justice Dale Wainwright, BODA's liaison with the Texas Supreme Court, advised BODA on the challenges it faced and the ways that it can become more effective. As we go to press with this report, we have learned that Justice Wainwright will resign from the Court to pursue other interests. While happy for Justice Wainwright, we express our sadness for the loss to BODA. As its longest serving liaison, Justice Wainwright wisely guided BODA through changes in the discipline process and developments in BODA's operations. On behalf of BODA, I thank Justice Wainwright for his dedication and support. We look forward to working with our new liaison to further our relationship with the Court.

In the past fiscal year BODA disposed of 1,818 matters brought before it (two more than the number of matters filed). With respect to classification appeals, BODA averaged decisions within 36 days of filing. To accomplish its goals and maintain its docket, BODA relies on 12 attorney members located throughout the state and appointed by the Supreme Court of Texas. These members work countless hours without compensation in order to fulfill BODA's role in the grievance system.

At the 20<sup>th</sup> anniversary of BODA's formation, we honor all those who have made BODA a healthy and functioning part of the grievance system and on whose work we will continue to build. In observance of this milestone, we asked the former chairs to reflect on their time as a BODA member. Excerpts from their comments are included in this report with the full text available at [txboda.org](http://txboda.org). I want to thank them for their leadership and for their comments.

Thank you to the Supreme Court of Texas for making excellent appointments to BODA and for their support. In making this report, I personally thank the current members of BODA who do the heavy lifting of accomplishing the work that we have been asked to do.



W. Clark Lea  
Chair  
2011-2012

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

## MEMBERS 2011-2012



*Back row: Deborah Race, David Chaumette, Tom Williams, Jack Crews, Marty Jones, Gary Gurwitz, Kathy Owen  
Front row: Alice Brown, Charlie Smith, Clark Lea, JoAl Cannon Sheridan, Ben Selman*

*The Board of Disciplinary Appeals is a tribunal 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 small firm to large multi-state firm, corporate counsel, appellate specialist, experienced family practitioners, corporate and business litigators, complex commercial litigators, and employment and first amendment lawyers. Several board members have previous experience on grievance committees.*

Chair, **W. Clark Lea** is a shareholder in Cotton Bledsoe Tighe & Dawson P.C. 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.

Vice Chair, **JoAl Cannon Sheridan**, appointed to BODA in 2008, specializes in family law with Ausley, Algert, Robertson and Flores, L.L.P. in Austin. She graduated from Baylor Law School and is a former director of the State Bar of Texas and served on the District 2A Grievance Committee. She served on the SBOT Family Law Section Council from 2001-2011 and is a member of the section's Legislative Committee. She serves as secretary of the Texas Family Law Foundation and is a sustaining life fellow of both the Texas Bar Foundation and Texas Family Law Foundation.

**Alice A. Brown** is the Coordinator for Downstream Environmental Litigation for Exxon Mobil Corp. in Houston, where she supervises and manages environmental litigation. She graduated from the University of Houston Law Center in 1982 and was appointed to BODA in 2006.

**David A. Chaumette** was appointed to BODA in 2008. He is a partner with Chaumette, PLLC in Sugar Land. He practices in state and federal court in matters involving oil and gas, employment, software licensing, and real estate. He is a graduate of the University of Chicago Law School. He is president-elect of the Houston Bar Association, the chairman of Neighborhood Centers, Inc., and is a former president of the Houston Young Lawyers Association.

## BOARD MEMBERS 2011-2012

**Jack R. Crews** is a shareholder of Baird, Crews, Schiller & Whitaker, P. C. in Temple. He graduated from Baylor Law School in 1983 and was named Bell County Bar Association Lawyer of the Year in 2006. Mr. Crews served on the District 8C Grievance Committee and is a fellow of the Texas Bar Foundation. He was appointed in September 2009.

**Gary R. Gurwitz** is managing partner of Atlas, Hall & Rodriguez, L.L.P. in McAllen. He graduated from The University of Texas School of Law with honors and was an associate editor of the Law Review. He received the Honorary Order of the Coif Award by the Law School. He is a past member of the State Bar of Texas Board of Directors and the Texas Disciplinary Rules of Professional Conduct Committee and a fellow of the American College of Trial Lawyers. Mr. Gurwitz was awarded the Hidalgo County Bar Association's Lifetime Achievement Award. He was appointed in September 2009.

**Marvin W. Jones** is a shareholder in Sprouse Shrader Smith P.C. in Amarillo. He graduated from Baylor Law School in 1977 where he was editor-in-chief of the Baylor Law Review. He is board certified in civil trial law and is a fellow of the American College of Trial Lawyers. He is a member of the Texas Association of Defense Counsel and the International Association of Defense Counsel. He was appointed to the Board in September 2009.

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

**Deborah J. Race** is a partner at Ireland, Carroll & Kelley, P.C. in Tyler. She is board certified in civil appellate law. She previously served as chair of the District 2-A Grievance Committee and was appointed to BODA in 2007. She is the immediate past president of the Smith County Bar Association; a life fellow of the Texas Bar Foundation; a fellow of the American Bar Association; and a member of the Litigation Council of America. She serves on the council for the Women and the Law Section of the State Bar.

**Ben Selman** is a shareholder in Naman, Howell, Smith & Lee, PLLC 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.

**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 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 a former chair of the Tarrant County Bar Foundation and is a life fellow of the Texas Bar Foundation. He is a past recipient of the Tarrant County Bar Association's Professionalism Award.

## DEVELOPMENTS 2011-2012

### BODA WEBSITE TXBODA.ORG

BODA launched its redesigned website in fall 2011. New features include case, hearing, and decision information that is completely searchable across the site by case number, hearing date, attorney's name and bar card number, and decision/sanction. Cases on the current hearing docket link to a description

of the case and to the respondent attorney's State Bar of Texas website entry. Recent decisions include a case synopsis, a link to the BODA judgment or order and a link to video of the hearing if available. Archived decisions for the previous ten years are also searchable.

Once upon a time a long time ago, there was no Board of Disciplinary Appeals. Twenty years ago, a Texas Supreme Court justice asked me to be the first chairman of the newly created Board. I would write the rules and hire staff. Cathy Werner, my paralegal, and I began writing rules. Not having much to go on, we just made up the rules as we went along. The best thing we did was hire Chris McKeeman who finalized the Board's official rules. The first meetings of the Board were in the conference room at the old Hilgers and Watkins law firm and were very informal. It has been very interesting and gratifying to watch the Board progress over the years, to grow and become more sophisticated. The Board now functions as it was intended in providing some consistency to the grievance process state-wide. Thank you Chris and the BODA staff and all current and former Board chairs and members for their service to the Board over the past 20 years.

**TOM WATKINS**

*Chair 1992-1994*

*Reflections are edited. Full versions are available at [txboda.org](http://txboda.org)*

BODA began posting videos of all public hearings, including compulsory cases, reciprocal cases, revocations of probation, and reinstatements from disability suspensions on the website in January 2011. Videos from the most recent hearings docket are posted. Videos for earlier specific cases are available by contacting BODA. Comments from both parties and the public indicate that the videos provide valuable assistance understanding BODA's jurisdiction and procedure.

The next planned phase of BODA website development will allow the electronic filing of petitions, pleadings and appeals and will include docket sheets for each case with links to all case documents. Secure member access will also facilitate sharing confidential case materials among members.

### BODA DIRECTOR IS PRESIDENT OF NCLDB

BODA Executive Director and General Counsel Christine E. McKeeman served as President of the National Council of Lawyer Disciplinary Boards, Inc. during the 2011-2012 term. NCLDB reached its highest membership since its creation in 2003 with 28 jurisdictions. NCLDB is a nonprofit corporation whose principal purpose is to serve as a national 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 or more jurisdictions of the United States. Members include board members or staff of any disciplinary entity to which the court of last resort of a United States jurisdiction has delegated authority either to decide lawyer disciplinary matters or to hear evidence and make recommendations for the decision of lawyer disciplinary matters.

The Council held its ninth annual meeting in New Orleans in conjunction with the ABA midyear meeting in February of 2012. Topics included determining sanctions, making the disciplinary process more efficient, training of volunteers, ethical issues in social media, and effectively using lawyers' assistance programs. NCLDB also participated in a joint program with the National Organization of Bar Counsel and Association of Professional Responsibility Lawyers presenting a mock disability reinstatement hearing.

## DEVELOPMENTS 2011-2012

### BODA MEMBER WORKS TO IMPROVE DISCIPLINARY SYSTEM IN KOSOVO

From June 13 to June 22, BODA member Kathy J. Owen (DLA Piper Rudnick Gray Cary, LLP, Dallas) (BODA member 2000-2006, and 2008-present) and two other DLA Piper attorneys, through a DLA Piper New Perimeter project (newperimeter.com), spent time in Kosovo delivering training on legal ethics and consulting with local lawyers on ways to improve the country's disciplinary system and delivery methods for continuing legal education. This ongoing New Perimeter project focuses on developing a capable and well-regulated Kosovar legal profession, which fell into disarray following years of conflict within the former Yugoslavia. Working in collaboration with project partner the National Center for State Courts (NCSC), Ms. Owen and her colleagues will draft new rules and guidelines for disciplinary procedures and develop a curriculum for ethics training for lawyers, among other tasks. The project partnership is a three-year commitment.

While in Kosovo, the lawyers met with a diverse array of legal practitioners including leading members of the Kosovo Chamber of Advocates ("KCA"), Kosovo's bar association. They carried out needs assessments of Kosovo's existing ethics, disciplinary and MCLE schemes in addition to delivering two day-long training sessions on modern teaching methodologies and curriculum development for legal ethics in a "train the trainers" exercise. They are currently assisting the KCA in redrafting its rules relating to disciplinary procedures and ethics. They plan return to Kosovo after the new rules and guidelines are adopted to assess their implementation and conduct additional training.

My service as Chairman followed that of Tom Watkins, under whose able leadership BODA established the framework for its operations and began the work for which it was created. The members of BODA with whom I served are ethical, intelligent, dedicated, dependable, fair, and deserving of great praise for the gift of their service. They worked very hard to reach a fair and unbiased decision in each matter. I would be remiss if I did not specifically mention Gaines West of Bryan and Ben Selman of Waco, each of whom served as vice chairman during my tenure as chairman. Their contributions to BODA during that time were substantial, and have not been forgotten by me. For the staff of BODA, I have only the greatest praise and admiration. Because of BODA, the public and the bar have the fair, independent, decisive, and well organized body to which they are entitled.

**STEVE WATKINS**  
*Chair 1994-1999*



*Above: DLA Piper Team, Peter Lindau (Chicago), Sheldon Krantz (D.C.), and Kathy Owen (Dallas), with Ibrahim Dobruna, Kosovo Chamber of Advocates President*

*Below: Kathy Owen conducting an ethics training seminar for Kosovo Chamber of Advocates members*



## BODA OPINIONS 2011-2012

### **Mustafa Engin Derkunt** (*State Bar of Texas Card No. 00785818*) v. **Commission for Lawyer Discipline**

*BODA judgment affirmed, Supreme Court of Texas (Case No. 11-0133, August 31, 2012); BODA case 48512 (November 11, 2011); Opinion after remand; On appeal from the District 9-2 (Austin) Grievance Committee*

The issue in this appeal from an evidentiary judgment was whether the record supported the imposition of a harsher sanction after remand. On first appeal from a judgment of three years active suspension, BODA reversed the finding that the attorney had violated Texas Disciplinary Rule of Professional Conduct 7.03(d) as a matter of law, reversed the sanction, and remanded the case for a

new sanctions hearing. Following the second sanctions hearing, the evidentiary panel imposed disbarment. Derkunt appealed the new sanction to BODA, arguing that it was not supported by the record and was therefore retaliatory.

BODA adopted the principle from criminal law set out in *North Carolina v. Pearce*, 395 U.S. 711 (1969) holding that, to assure that a harsher sanction after remand is not retaliatory, the reasons for imposing a more severe sanction must affirmatively appear in the record and be based on objective information and facts made a part of the record. BODA found that the new evidence relied on to justify the greater punishment did not rise to the level of professional misconduct.

BODA reversed the disbarment and rendered sanction for the time Derkunt had already been without his license during the first period of suspension and during the period he was disbarred pending his appeal to BODA.

Twelve years on the Board of Disciplinary Appeals is one of my most rewarding times of public service. The Board's creation was a far-sighted answer to a pressing due process need within the disciplinary system for appellate oversight specific to the unique issues associated with self-regulation by the Bar. The Board has, from the first, led the way in interpreting the disciplinary rules and procedures while facilitating access and oversight for all persons interested in the ethical delivery of attorney services in Texas. The culture of the Board in study, preparation, pre-hearing conference, and during hearings has been rewarding beyond measure. The quality of legal thought, and the dedication of members and staff to the mission of the Board produces an atmosphere where decisions are made in the spirit of the disciplinary rules with meticulous and informed consideration.

**BEN SELMAN**  
*Chair 1999-2001*

## BODA OPINION UPDATE

**Commission for Lawyer Discipline v. Heather Schaefer** (*State Bar of Texas Card No. 24027840*)  
*BODA judgment reversed, Supreme Court of Texas (Case No. 10-0609; August 19, 2011); BODA Case 44292 (January 28, 2011); Judgment of Disbarment Vacated; On appeal from the District 01A-2 Grievance Committee (Dallas)*

BODA held that, where the record disclosed on its face that an evidentiary panel of a grievance committee failed to meet the mandatory statutory composition requirements of two-thirds attorneys and one-third public members, the panel did not have capacity to convene a hearing and render judgment. BODA vacated the disbarment and remanded for a new hearing.

The Supreme Court originally affirmed the BODA judgment without opinion, but later granted the motion for rehearing filed by the Commission for Lawyer Discipline. Without hearing oral argument, the Court held that, while the failure to appoint a full evidentiary panel of two-thirds attorneys and one-third public members was error, the error was not jurisdictional. The Court reversed the BODA judgment and reinstated the evidentiary panel judgment of disbarment.

*BODA opinions are available at [txboda.org](http://txboda.org)*

## 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 on behalf of the Commission for Lawyer Discipline when an attorney has been convicted of, or placed on deferred adjudication for an "Intentional Crime." TRDP, Part VIII

#### 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. TRDP, Part IX

#### 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 if the attorney violates a term or condition of probation. TRDP, Part II

#### 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. A specialized District Disability Committee appointed by BODA first holds a hearing to determine whether the attorney is disabled and certifies its finding to BODA. BODA has concurrent jurisdiction with district courts to hear petitions for reinstatement to terminate an indefinite disability suspension. TRDP, Part XII

### SUPREME COURT LIAISONS

Justice Raul A. Gonzalez	1992 – 1994
Justice John Cornyn	1995 – 1997
Justice Craig T. Enoch	1998 – 2003
Justice Michael H. Schneider	2003 – 2004
Justice Dale Wainwright	2004 – 2012

### APPELLATE JURISDICTION

#### Grievance Screening and Classification Appeals

The State Bar of Texas Chief Disciplinary Counsel's Office screens every writing received that alleges professional misconduct to determine whether the writing describes conduct which, if true, would violate the Texas Disciplinary Rules of Professional Conduct. If the CDC determines that the writing does not allege misconduct and dismisses the grievance, the complainant can appeal that decision to BODA. Approximately 30 percent of dismissed grievances were appealed to BODA during 2011-2012. TRDP, Part II

#### Appeals from Evidentiary Judgments

Either 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, findings of professional misconduct, or sanction imposed. Appeals to BODA from evidentiary judgments proceed similarly to civil appeals with a notice of appeal, record, briefs, and oral argument. TRDP, Part II

*For more detailed information about BODA jurisdiction and procedures, visit [txcboda.org](http://txcboda.org).*

## Who BODA Is

BODA is a statewide tribunal of 12 lawyers appointed by the Supreme Court of Texas with original and appellate jurisdiction to hear five types of attorney discipline cases as well as disability matters. BODA elects its own chair and vice chair every year. BODA members represent a broad range of practice contexts, geography, ethnicity, and specialty areas. In hearing and determining disciplinary proceedings, BODA exercises the powers of a trial court or an appellate court. *In re State Bar of Texas*, 113 S.W.3d 730, 734 (Tex. 2003) (orig. proceeding).

My best memories serving as a member of BODA are of the dedicated lawyers who served voluntarily on this grievance body, striving always to get it right. I was struck with the talent, energy and focus of fellow BODA members who respected the complainants and attorney respondents throughout every single matter. I also learned how dedicated, talented and excellent our staff was, especially as Chair. I also found that I became a better lawyer by really knowing and applying our Disciplinary Rules of Conduct and Procedure to some pretty unimaginable situations. I reached out to other states to identify grievance governance bodies like BODA – looking for “life on other planets” – and found friends in similar venues struggling with like problems. Those contacts became the National Council for Lawyer Disciplinary Boards, a sounding board for changes that made our system of self-governance even better. I am honored that the Supreme Court gave me the opportunity to be a part of an awesome group of lawyers working hard to do the right thing.

**GAINES WEST**  
*Chair 2001-2003*

## 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. Tex. Gov’t Code § 81.071 (Subtitle G to Title 2, Judicial Branch “State Bar Act”). The Texas Supreme Court created BODA by implementing Texas Rules of Disciplinary Procedure (TRDP) in 1992 and outlined BODA jurisdiction and authority. Tex. Gov’t Code § 81.072(b)(7) & (8); Part VII, Texas Rules of Disciplinary Procedure, reprinted in Tex. Gov’t Code Ann., tit. 2, subtit. G, app. A-1 (2005) (Tex. State Bar R. Art. X, § 9). The TRDP have the force and effect of statute. *O’Quinn v. State Bar of Texas*, 763 S.W.2d 397, 399 (Tex. 1988). The Texas Supreme Court has delegated to BODA the authority to hear and determine disciplinary and disability cases. BODA proposes rules of procedure and administration to the Supreme Court for promulgation.

## STAFF

BODA’s administrative offices and all current records are located on the sixth floor of the Texas Law Center in Austin. The State Bar of Texas provides support services for BODA, including information technology, accounting, and human resources services.

BODA’s staff consists of the Executive Director/General Counsel, Christine E. McKeeman, who administers and supervises BODA operations, advises the Board, and serves as the official custodian of BODA records; the Deputy Director/Counsel, Gayle Vickers, 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 who maintains the BODA website; and the Executive Assistant, Jackie Truitt, who has primary responsibility for classification panels, assists with office management, case intake and management, docket control, hearings coordination, and requests for information and assistance from the public and attorneys. The staff has a combined 49 years of experience working for the Board of Disciplinary Appeals.

## WHAT BODA DOES

BODA reviews grievance classification screening dismissals by the State Bar of Texas Chief Disciplinary Counsel's Office; 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 and reinstatement cases. With the exception of appeals from classification screening decisions, which are final, BODA decisions are appealable directly to the Supreme Court of Texas.

## CLASSIFICATION APPEAL CONFERENCES

BODA decides appeals from classification screening decisions through panels in two telephone conferences each week with a typical docket of approximately 30 grievances for each hearing. These panels consist of three BODA members assigned randomly. A 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 classification decisions, appeals of classification decisions, and all associated files are confidential. During 2011-2012, BODA conducted 59 telephone conferences and decided 1,772 classification appeals. BODA notifies the complainants and attorneys of its decision by letter.

## EN BANC HEARINGS

BODA typically considers all other cases including compulsory discipline, reciprocal discipline, revocations of probation, and appeals from evidentiary judgments *en banc*, with or without hearing. BODA holds hearings in the courtroom of the Supreme Court of Texas with the assistance of the Clerk of the Supreme Court Blake A. Hawthorne and his deputy, Blanca Valdez. The State Bar of Texas provides video services and the recordings of the hearings are available on our website, [txboda.org](http://txboda.org). BODA hearings, other than certain disability proceedings and appeals from private reprimands, are open to the public. The chair of BODA may assign any matter to a panel of three members to decide.

## INFORMATION ABOUT THE GRIEVANCE PROCESS

BODA responds daily 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.

## WEBSITE

BODA maintains a website at [txboda.org](http://txboda.org). In addition to all published BODA opinions, the website provides information about BODA members, jurisdiction, and operations, and answers to frequently asked questions. Copies of the Annual Report from 2005 to present with case statistics are available. The current hearings docket is posted and all recent decisions and archived decisions since 2002 are fully searchable. Videos of *en banc* hearings are available for most recent cases. The website also has copies of the Texas Disciplinary Rules of Professional Conduct, the Texas Rules of Disciplinary Procedure, and the BODA Internal Procedural Rules.

My tenure as chair of BODA is a highlight of my career. What an honor it was to follow Tom Watkins, Steve Watkins, Ben Selman and Gaines West in the chair. I tried to follow their example of excellent judgment, knowledge of and belief in the system, openness to and respect for the views of others, a fair and judicious leadership style, and the ability to seek consensus when appropriate. Every member of the Board exhibited complete and total dedication to its mission. Meetings were never rancorous, were often collegial and always respectful. The staff of BODA is outstanding. Chris McKeeman, Gayle Vickers and Jackie Truitt are true experts on the disciplinary rules and the Texas grievance system. We are indebted to them for their commitment to the disciplinary process and efforts to improve the legal profession.

**JACK BALAGIA**  
*Chair 2003-2005*

## PROFESSIONAL DEVELOPMENT AND EXCHANGE

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 May 2012, Board members participated in the Grievance Symposium hosted by the Office of the Chief Disciplinary Counsel of the State Bar of Texas. The symposium covered many aspects of the disciplinary system and grievance support including the Office of the Chief Disciplinary Counsel, grievance committees, BODA, respondent counsel, the Grievance Oversight Committee, CAAP, TLAP, Advertising Review, the Client Security Fund, and the Ethics Hotline.

BODA members Clark Lea, Charlie Smith, Ben Selman, Tom Williams, and Gary Gurwitz discussed BODA original and appellate jurisdiction and operations. Topics included caseload and management, digital case files and paperless hearings, and information available on the BODA website. Charlie Smith gave his perspective on how the addition of BODA as a statewide tribunal has improved the disciplinary system. Ben Selman discussed attorney disability proceedings and how “disability” in the attorney discipline context differs from the concept of being disabled in common usage. Tom Williams pointed out how important making a good record during evidentiary hearings is to the BODA review on appeal.



*W. Clark Lea (chair), Texas Supreme Court Justice Dale Wainwright (BODA Liaison), JoAl Cannon Sheridan (vice chair), Texas Supreme Court Chief Justice Wallace Jefferson*

## COMPULSORY DISPOSITIONS

*June 1, 2011– May 31, 2012*

BODA has original jurisdiction to suspend or disbar attorneys convicted of certain crimes. The Chief Disciplinary Counsel of the State Bar of Texas files a petition for compulsory discipline with BODA under Part VIII of the TRDP. BODA must find that the crime for which the respondent attorney was convicted is an Intentional Crime as defined in TRDP 1.06T: any Serious Crime that requires proof of knowledge or intent as an essential element or any crime involving misapplication of money or other property held as a fiduciary. Serious Crimes include barratry, any felony involving moral turpitude, any misdemeanor involving theft, embezzlement, or fraudulent or reckless misappropriation of money or other property, or any attempt, conspiracy or solicitation of another to commit any of these.

If an attorney convicted of an Intentional Crime has been sentenced to prison, BODA must disbar the attorney. If the attorney's criminal sentence is fully probated, BODA has discretion to disbar the attorney or suspend for the term of the criminal probation.

If an attorney convicted of an Intentional Crime has appealed the conviction and the appeal is still pending at the time the Chief Disciplinary Counsel files the compulsory action, BODA will place the attorney on interlocutory suspension pending the outcome of the appeal. BODA retains jurisdiction to enter final judgment when the appeal of the conviction is final.

During the last fiscal year, BODA disposed of 17 petitions for compulsory discipline and motions for final judgment in compulsory cases. Additional details are available at [txboda.org](http://txboda.org).

### **Receipt and Possession of Child Pornography**

Attorney sentenced to 170 months in prison for receipt and possession of child pornography. Attorney resigned in lieu of discipline (Sup. Ct. Misc. Docket No. 12-9007). Stephen J. Jabbour; State Bar of Texas Card No. 10444700; BODA case 49551.

### **Theft**

Attorney sentenced to 10 years in prison, fully probated, for theft. Attorney disbarred. Mary Schorlemer Roberts; State Bar of Texas Card No. 00788294; BODA case 41806.

### **Theft**

Attorney sentenced to five years in prison for theft. Attorney disbarred. Ted H. Roberts; State Bar of Texas Card No. 17019705; BODA case 40196.

I learned an enormous amount while serving on BODA. The Board was, and continues to be, a group of incredible lawyers, representative of many different types of practice and demographics. These lawyers showed humor and compassion while handling cases involving lawyers who lack ethics entirely or who fell afoul of the disciplinary system because they were overwhelmed and did not ask for help. Considering the volume of work involved, the members' willingness to donate their time to this endeavor is astounding. It is not an exaggeration to say that my service on the Board has been the single most valuable professional experience in my 21 years of practicing law.

**KAREN WATKINS**  
*Chair 2006-2007*

## COMPULSORY DISPOSITIONS

June 1, 2011– May 31, 2012

### **Misapplication of Fiduciary Property; Theft; and Money Laundering**

Attorney sentenced to 10 years in jail, fully probated for misapplication of fiduciary property, theft, and money laundering. Attorney suspended pending the appeal of his criminal conviction. Walter E. Demond; State Bar of Texas Card No. 05736600; BODA case 48985.

### **Misapplication of Fiduciary Property**

Attorney sentenced to 10 years in prison and ordered to pay \$199,999.00 in restitution for misapplication of fiduciary property. Attorney suspended pending the appeal of his criminal conviction. Lee Alexander Magness; State Bar of Texas Card No. 00795495; BODA case 43039.

### **Forgery**

Attorney sentenced to one year in jail, suspended and on probation for two years for forgery. Attorney suspended for the term of her criminal conviction. Patricia Foster Skelton; State Bar of Texas Card No. 07307200; BODA case 42223.

### **Misuse of Official Information and Retaliation**

Attorney sentenced to 10 years in jail, suspended and placed on community supervision for 10 years for misuse of official information and retaliation. Attorney suspended pending the appeal of his criminal conviction. Scott M. Tidwell; State Bar of Texas Card No. 20020730; BODA case 49518; appealed to the Supreme Court of Texas; case no. 12-0132; appeal pending.

### **Tampering with a Governmental Record**

Attorney sentenced to 80 days in jail for tampering with a governmental record. Attorney disbarred. Todd R. Phillippi; State Bar of Texas Card No. 00790178; BODA case 48678.

### **False Declaration in Bankruptcy Proceedings; Bankruptcy Fraud; Money Laundering/ Concealment**

Attorney sentenced to 13 months in prison for false declaration in bankruptcy proceedings, bankruptcy fraud, money laundering/concealment. Attorney disbarred. James Joseph Everett; State Bar of Texas Card No. 06742100; BODA case 44745.

### **Conspiracy to Commit Bribery**

Attorney sentenced to prison for four months for conspiracy to commit bribery in federally funded programs. Attorney disbarred. Robert Leonadis “Pete” McKinney; State Bar of Texas Card No. 13723400; BODA case 48984; appealed to the Supreme Court of Texas; case no. 12-0113; BODA judgment affirmed August 31, 2012.

BODA's hallmark, year in and year out, is fairness, objectivity, and consistency. The composition of BODA changes but the commitment to intellectual honesty and absolute fairness remains. It was an extraordinary benefit to work with such talented and dedicated Texas lawyers. The camaraderie and *esprit de corps* of BODA's volunteers and staff remains a gift. For 20 years, members of the Texas bar who are the subject of disciplinary actions have received principled adjudication by lawyers whose sole commitment is to apply the substantive disciplinary rules and the procedural rules in a completely impartial and objective manner.

**PAUL D. CLOTE**  
*Chair 2007-2008*

## COMPULSORY DISPOSITIONS

June 1, 2011– May 31, 2012

### **Conspiracy to Commit Bribery**

Attorney sentenced to probation for three years for conspiracy to commit bribery in federally funded programs. Attorney suspended for the term of his criminal probation. Bryan P. Cartall; State Bar of Texas Card No. 03907300; BODA case 49552.

### **Aiding and Abetting Wire Fraud**

Attorney sentenced to probation for five years for aiding and abetting wire fraud. Attorney suspended for the term of his criminal probation. Patrick H. Cordero Jr.; State Bar of Texas Card No. 00787286; BODA case 49554.

### **Conspiracy to Commit Mail and Wire Fraud**

Attorney sentenced to 39 months in prison for conspiracy to commit mail and wire fraud. Attorney disbarred. Daniel F. Ayers; State Bar of Texas Card No. 00796149; BODA case 50073.

### **Wire Fraud and Deprivation of Honest Services; Conspiracy to Commit Wire Fraud**

Attorney sentenced to 72 months in prison for wire fraud and deprivation of honest services and conspiracy to commit wire fraud. Attorney suspended pending the appeal of his criminal conviction. Luther Jones; State Bar of Texas Card No. 10928000; BODA case 49601.

### **Wire Fraud; Deprivation of Honest Services; Material False Statement**

Attorney sentenced to 60 months in prison for wire fraud and deprivation of honest services and making a material false statement as to a matter within the jurisdiction of the United States Department of Justice -- FBI. Attorney disbarred. Manuel J. Barraza; State Bar of Texas Card No. 01805270; BODA case 47270.

### **Conspiracy to Commit Mail Fraud and Wire Fraud; Conspiracy to Commit Engaging in Monetary Transaction in Criminally Derived Property**

Attorney sentenced to 63 months in prison for conspiracy to commit mail fraud and wire fraud, aiding and abetting wire fraud, conspiracy to engage in monetary transaction in criminally derived property, aiding and abetting engaging in monetary transaction in criminally derived property. Attorney suspended pending the appeal of his criminal conviction. Vincent W. Aldridge; State Bar of Texas Card No. 00793244; BODA number 49053.

### **Conspiracy to Commit Securities Registration Violations, Securities Fraud and Wire Fraud**

Attorney sentenced to 96 months in prison, a money judgment of \$4,838,986.00 and ordered to pay restitution of \$30,110.90 for conspiracy to commit securities registration violations, securities fraud and wire fraud. Attorney disbarred. Phillip Windom Offill Jr.; State Bar of Texas Card No. 75004273; BODA cause number 47265.

Before I began my tenure on the Board, I believed I had a good understanding of the duties and responsibilities. I was clueless. I received my first packet for the *en banc* hearing and was overwhelmed by the amount of preparation necessary to properly perform my job as a member of the Board. The people with whom I served made my service on the Board a worthwhile endeavor. This hard working group did tremendous service and had great comradere while doing so. It was an honor to serve with these wonderful attorneys. I would take nothing for the experience. I especially enjoyed my experience with the Honorable Justice Dale Wainwright. I am thankful for the excellent guidance, support, and friendship he provided during my tenure.

**THOMAS E. PITTS**

*Chair 2008-2009*

## DISABILITY SUSPENSIONS

*June 1, 2011 – May 31, 2012*

BODA has exclusive original jurisdiction under Part XII of the TRDP 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.

Attorney agreed to an indefinite disability suspension. Althea M. Bailey; State Bar of Texas Card No. 01513450; BODA case 50349.

### CHAIRS

Thomas H. Watkins	1992-1994
Steven J. Watkins	1994-1999
Ben Selman	1999-2001
Gaines West	2001-2003
S. Jack Balagia	2003-2005
James S. Frost	2005-2006
Karen L. Watkins	2006-2007
Paul D. Clote	2007-2008
Thomas E. Pitts	2008-2009
W. Clark Lea	2009-present

## RECIPROCAL DISCIPLINE DISPOSITIONS

*June 1, 2011 – May 31, 2012*

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.

### District of Columbia

Attorney disbarred by the District of Columbia Court of Appeals. BODA imposed the same sanction. Lucy R. Edwards; State Bar of Texas Card No. 06473000; BODA case 46777.

### Louisiana

Attorney suspended from the practice of law for six months by the Supreme Court of Louisiana. BODA imposed the same sanction. Joanne Engum; State Bar of Texas Card No. 24007161; BODA case 50071.

### Louisiana

Attorney suspended from the practice of law for one year with six months deferred subject to the completion of a two-year probation by the Supreme Court of Louisiana. Finding that the conduct does not constitute professional misconduct in Texas, BODA imposed no discipline. Leonard Cardenas III; State Bar of Texas Card No. 00792159; BODA case 48983.

## RECIPROCAL DISCIPLINE DISPOSITIONS

*June 1, 2011 – May 31, 2012*

### **New Mexico**

Attorney resigned in lieu of discipline from the State Bar of New Mexico in the face of four discipline cases. Attorney resigned in lieu of discipline from the State Bar of Texas. John M. Burnett Jr.; State Bar of Texas Card No. 03436000; BODA case 48982.

### **North Dakota**

Attorney publicly reprimanded by the Supreme Court of North Dakota. BODA imposed the same sanction. David Duane Dusek; State Bar of Texas Card No. 00792478; BODA case 48571.

### **Oklahoma**

Attorney resigned in lieu of discipline from the State Bar of Oklahoma in the face of discipline. Attorney resigned in lieu of discipline from the State Bar of Texas. John M. Merritt; State Bar of Texas Card No. 13967425; BODA case 49550.

### **South Carolina**

Attorney disbarred by the Supreme Court of South Carolina. BODA imposed the same sanction. Heather Anne Glover; State Bar of Texas Card No. 24013828; BODA case 48979.

### **Tennessee**

Attorney publicly censured by the Supreme Court of the State of Tennessee. BODA imposed the same sanction. Peggy J. Lee; State Bar of Texas Card No. 12130500; BODA case 48981.

### **Utah**

Attorney disbarred by the Utah Supreme Court. BODA imposed the same sanction. Richard B. Reynolds; State Bar of Texas Card No. 00797306; BODA case 47268.

Conflict brings out both the best and the worst in people. During my tenure on the Board I have seen behavior that has ranged from at best, deplorable (by those appearing before us), to some of the most thoughtful, kind and respectful conduct I have ever seen. Sometimes, we see good people caught in extraordinary situations who come before us. Board members and staff never lose sight of the fact that we deal with real people. All appreciate the fact that we deal with people's livelihoods and at the same time strive to protect the public. What I admire most about the Board, and what its members have consistently demonstrated, is the humanity that each brings to the table. I am thankful for the opportunity to participate and am proud to have done so.

**W. CLARK LEA**  
*Chair 2009-present*

## REVOCATIONS OF PROBATION

*June 1, 2011 – May 31, 2012*

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 if the attorney violates a term or condition of probation.

Probation revoked and attorney suspended from the practice of law for two years. William Conrad Hanlon; State Bar of Texas Card No. 24011949; BODA case no. 47916.

Probation revoked and attorney suspended from the practice of law for three years. Annette R. Loyd; State Bar of Texas Card No. 16731100; BODA case no. 48710. Appealed to the Supreme Court of Texas, case 11-0577; appeal dismissed.

## EVIDENTIARY APPEAL DISPOSITIONS

June 1, 2011 – May 31, 2012

BODA has appellate jurisdiction to review a judgment by a District Grievance Committee evidentiary panel, including findings of professional misconduct, dismissal of a complaint, or sanction imposed. BODA may affirm in whole or in part, modify the judgment and affirm as modified, reverse the judgment in whole or in part and render the judgment it determines should have been entered, or reverse the judgment and remand the complaint for a new hearing. BODA may grant or deny oral argument. If oral argument is granted, the matter is heard *en banc* unless specially assigned to a three-member panel.

Affirmed in part and reversed in part the judgment of active suspension by the District 4F Grievance Committee and rendered new sanction of time served on active suspension. James Okoro Okorafor; State Bar of Texas Card No. 15241710; BODA Case No. 44357. Appealed to the Supreme Court of Texas; case 12-0405; appeal pending.

Affirmed in part and reversed in part the judgment of disbarment by the District 09-2 Grievance Committee and rendered sanction of time served on active suspension. Mustafa Engin Derkunt; State Bar of Texas Card No. 00785818; BODA Case No. 48512. Appealed to the Supreme Court of Texas; case no. 11-0941; BODA judgment affirmed August 31, 2012.

Affirmed in part and reversed in part the judgment of active suspension by the District 10-2 Grievance Committee and rendered the same sanction of 60 days active suspension. Daniel A. Bass; State Bar of Texas Card No. 01875695; BODA Case No. 48740. Appealed to the Supreme Court of Texas; case 12-0149; appeal dismissed for want of prosecution.

Affirmed the judgment of disbarment by the District 4D Grievance Committee. Beatrice E. Oliver, State Bar of Texas Card No. 00789847; BODA case 48339. Appealed to the Supreme Court of Texas; case 12-0166; BODA judgment affirmed August 31, 2012.

Affirmed the judgment of disbarment by the District 2-4 Grievance Committee. David Robertson, State Bar of Texas Card No. 17052600; BODA case 48769.

Affirmed the judgment of partially probated suspension by the District 4E Grievance Committee. Kristin Wilkinson, State Bar of Texas Card No. 24037708; BODA case 48195. Appealed to the Supreme Court of Texas; case 12-0130; BODA judgment affirmed August 31, 2012.

### VICE CHAIRS

Gaines West	1995-1996 1999-2001
Stanley M. Serwatka	2002-2003
James S. Frost	2003-2005
Kathy J. Owen	2005-2006
Paul D. Clote	2006-2007
Thomas E. Pitts	2007-2008
Jose I. Gonzalez-Falla	2007-2009
JoAl Cannon Sheridan	2009-present

## **EVIDENTIARY APPEAL DISPOSITIONS**

*June 1, 2011 – May 31, 2012*

Dismissed for want of prosecution the appeal from a judgment of disbarment signed by the District 10-1 Grievance Committee. Roberto E. “Eddie” De La Garza; State Bar of Texas Card No. 05646875; BODA case 48249.

Dismissed for want of prosecution the appeal from a default judgment of partially probated suspension signed by the District 13-2 Grievance Committee. Stephen M. Naslund; State Bar of Texas Card No. 14812600; BODA case 48051.

Dismissed for want of prosecution the appeal from two judgments of partially probated suspension signed by the District 14 Grievance Committee. Donald G. MacPhail; State Bar of Texas Card No. 00788757; BODA cases 48194 and 48247.

Dismissed for want of prosecution the appeal from a judgment of probated suspension and judgment of public reprimand signed by the District 8-4 Grievance Committee. William S. McCants Jr.; State Bar of Texas Card No. 13363000; BODA cases 47981 and 47982.

Dismissed for want of prosecution the appeal from a judgment of partially probated suspension signed by the District 8 Grievance Committee. William S. McCants Jr.; State Bar of Texas Card No. 13363000; BODA case 48799.

Dismissed for want of prosecution the appeal from a judgment of partially probated suspension signed by the District 10-2 Grievance Committee. Charles Russell Bomba; State Bar of Texas Card No. 02580499; BODA case 49085.

Dismissed for want of prosecution the appeal from a judgment of disbarment signed by the District 3-B Grievance Committee. Douglas L. Haynes; State Bar of Texas Card No. 24025417; BODA case 48371.

Dismissed for want of prosecution the appeal from a judgment of disbarment signed by the District 10-2 Grievance Committee. Edward Wade Garrison; State Bar of Texas Card No. 24010559; BODA case 48798. Appealed to the Supreme Court of Texas; case no. 12-0720.

Dismissed as moot the appeal from a judgment of partially probated suspension signed by the District 1-2 Grievance Committee. Attorney disbarred in separate proceeding on March 25, 2011. Jeffrey Mark Bragg; State Bar of Texas Card No. 02859100; BODA case 48248.

Dismissed as moot the appeal from a judgment of partially probated suspension signed by the District 7-4 Grievance Committee. Attorney disbarred in separate proceeding on July 6, 2011. Todd R. Phillippi; State Bar of Texas Card No. 00790178; BODA case 48613.

## BODA CASE STATISTICS

June 1, 2011 – May 31, 2012

### BODA CASES

Total cases filed with BODA	1,816
Appeals from grievances dismissed	1,773
Other cases filed	43
Total BODA dispositions	1,818

### HEARINGS AND CONFERENCES

<i>En banc</i> conferences and hearing dates	4
Panel conferences by telephone	59
Average panel docket	30 classification appeals

### TOTAL BODA DISPOSITIONS

	Filed	Decided
Appeals from grievances dismissed	1,773	1,772
Appeals from evidentiary judgments	16	16
Compulsory discipline	16	17
Reciprocal discipline	8	9
Petitions to revoke probation	1	2
Transfer Request	1	1
Disabilities	1	1
Reinstatement after disability suspension	0	0
Mandamus	0	0

### APPEALS FROM BODA DECISIONS TO SUPREME COURT OF TEXAS

<b>BODA decisions appealed</b>	9
Compulsory discipline	2
Evidentiary appeal	5
Reciprocal discipline	1
Revocation of probation	1
 <b>Supreme Court dispositions of cases appealed from BODA</b>	1
Evidentiary appeal	1

### BUDGET

Total budget FY 2011-2012	\$475,537
Actual funds expended*	\$396,965
Variance: favorable	(17%)

\* Unaudited; source: State Bar of Texas Accounting Office

## BODA CASE STATISTICS

June 1, 2011 – May 31, 2012

### CLASSIFICATION APPEALS TO BODA

#### Grievances filed with the Chief Disciplinary Counsel, State Bar of Texas\*\*

Total grievances filed with CDC	7,239	
Total grievances upgraded for investigation by CDC	1,839	(25%)
Total grievances dismissed by CDC	5,040	(70%)
Screening decision pending	360	(5%)

#### Appeals from dismissed grievances to BODA by regional location of attorney

	Filed	Decided	Reversed
Austin	192	184	12
Dallas	666	670	48
Houston	490	495	24
San Antonio	425	422	30

*All grievances are initially reviewed and either dismissed or upgraded for further investigation by the Austin office of the Chief Disciplinary Counsel.*

#### Grievances dismissed by the Chief Disciplinary Counsel and appealed to BODA

Total dismissed grievances appealed to BODA	1,773/5,040 (30%)
Total appeals from classification dismissals decided	1,772
Total appeals granted by BODA	169/1,772 (6.4%)

#### Appeals granted by BODA: disposition after investigation by CDC\*\*

Sanction imposed by evidentiary panel	2
Just cause found – further proceedings pending	13
No just cause found – pending dismissal by summary disposition	10
Dismissed at summary disposition after investigation	70
Just cause determination pending	17

<b>Average time to decide classification appeal once file received</b>	15 days
Average time to receive file from State Bar CDC	21 days
Total appeal time from appeal filed until decision	36 days

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

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

**MEMBERS 1992-2012**

S. Jack Balagia, <i>Houston</i> *	2000-05
Faye M. Bracey, <i>San Antonio</i>	1992-95; 1999-03
Alice A. Brown, <i>Houston</i>	2006-12
David A. Chaumette, <i>Sugar Land</i>	2008-present
Paul D. Clote, <i>Houston</i> *	2002-08
Frank Costilla, <i>Brownsville</i>	1995-01
Jack R. Crews, <i>Temple</i>	2009-present
Yolanda de León, <i>Harlingen</i>	2002-08
Josephine V. Dye, <i>Dallas</i>	1996-02
Ramon Luis Echevarria II, <i>Houston</i>	2012-present
Robert Flowers, <i>Austin</i> †	2001-07
Susan Saab Fortney, <i>Lubbock</i>	1995-99
James S. Frost, <i>Seguin</i> *	1994-97; 2000-06
Alexander J. Gonzales, <i>Austin</i>	1994-00
Jose I. Gonzalez-Falla, <i>Corpus Christi, Austin</i> **	2003-09
William D. Greenhill, <i>Fort Worth</i>	2001-07
Gary R. Gurwitz, <i>McAllen</i>	2009-present
Rhonda F. Hunter, <i>Dallas</i>	1993-96
Tim James, <i>Nacogdoches</i>	1993-96
Marvin W. Jones, <i>Amarillo</i>	2009-present
John E. Kinney, <i>Austin</i>	1992
David N. Kitner, <i>Dallas</i>	2012-present
W. Clark Lea, <i>Midland</i> *	2007-present
Ann Crawford McClure, <i>El Paso</i>	1992
Mary Alice McLarty, <i>Dallas</i>	1992-94
Evelina Ortega, <i>El Paso</i>	1994-97
Clement H. Osimetha, <i>Dallas</i>	2002-08
Kathy J. Owen, <i>Dallas</i> **	2000-06; 2008-present
Thomas E. Pitts, <i>Lubbock</i> *	2003-09
Carol E. Prater, <i>Temple</i>	2003-09
Deborah J. Race, <i>Tyler</i>	2007-present
William J. Rice, <i>Houston</i>	1992-93
Eduardo Roberto Rodriguez, <i>Brownsville</i>	1992-95
Ben Selman, <i>Waco</i> *	1995-01; 2006-12
Stanley M. Serwatka, <i>El Paso</i> **	1997-03
JoAl Cannon Sheridan, <i>Austin</i> **	2008-present
Charles L. Smith, <i>San Antonio</i>	2006-12
George A. Taylor, <i>San Antonio</i>	2012-present
Bill Turner, <i>Bryan</i>	1996-02
Karen L. Watkins, <i>Austin</i> *	2001-07
Steven J. Watkins, <i>Houston</i> *	1992-00
Thomas H. Watkins, <i>Austin</i> *	1992-94; 2001
J. Michael Watson, <i>Houston</i>	1996-02
Cheryl B. Wattley, <i>Dallas</i>	1992-95
Carol Herring Weir, <i>San Antonio</i> †	1995-01
Tom Wells, <i>Paris</i> †	1992-93
Robert J. Werner, <i>Austin</i>	1994-00
Gaines West, <i>College Station</i> *	1992-96; 1997-03
Thomas J. Williams, <i>Fort Worth</i>	2007-present

\* Chair \*\* Vice Chair † Deceased

## ❧ 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 Rules of Disciplinary Procedure 7.04*

