



REPORT 2013

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

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

CHAIR

W. Clark Lea, *Midland*

VICE CHAIR

JoAl Cannon Sheridan, *Austin*

MEMBERS

David A. Chaumette, *Houston*

Jack R. Crews, *Temple*

Ramon Luis Echevarria II, *Houston*

Gary R. Gurwitz, *McAllen*

Marvin W. Jones, *Amarillo*

David N. Kitner, *Dallas*

Kathy J. Owen, *Dallas*

Deborah J. Race, *Tyler*

George A. Taylor, *San Antonio*

Thomas J. Williams, *Fort Worth*

SUPREME COURT OF TEXAS LIAISONS

The Honorable Justice Dale Wainwright, *2012*

The Honorable Justice Debra H. Lehrmann, *2013*

STAFF

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

Gayle Vickers, *Deputy Director/Counsel*

Jackie L. Truitt, *Executive Assistant*

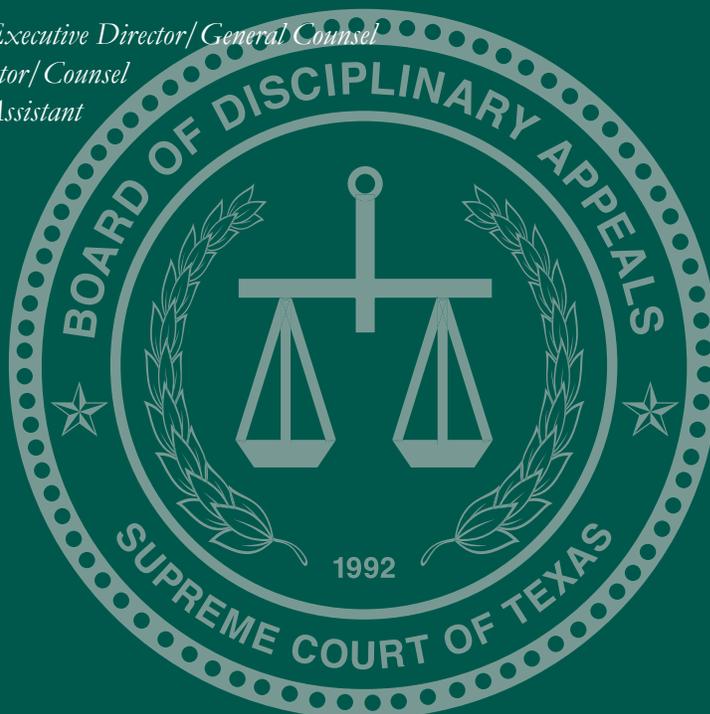
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THE BOARD *of* DISCIPLINARY APPEALS

APPOINTED BY THE SUPREME COURT OF TEXAS

August 31, 2013

On behalf of the members and the staff of the Board of Disciplinary Appeals, I submit this report summarizing BODA's activities for the 2012-2013 fiscal year. The report details BODA's activities during the year and describes its staff, members, jurisdiction and operations.

In 2012-2013, while sitting in three member panels, BODA disposed of 1,791 grievances appealed to it in an average decision time of 19 days after BODA's receipt of the appeal. On average, each volunteer member of BODA read and decided 150 appeals of classification decisions by the office of the Chief Disciplinary Counsel. BODA staff read each of the 1,791 classifications appealed and participated in each panel hearing (60 hearings in all). In addition to deciding appeals of grievance classifications, BODA members met in Austin on four different occasions for *en banc* hearings of appeals from evidentiary judgments, probation revocations, compulsory discipline cases, reciprocal discipline cases, and other proceedings within its jurisdiction.

In October of 2012, BODA marked its 20th anniversary. I commend your attention to several photographs in this report of current and former BODA members who have contributed so willingly. I also commend your attention to the list of former and present members presented in this report and ask that you thank, as do I, each of them for their service.

The Supreme Court of Texas, who appoints the attorney volunteer members of BODA, has provided skilled individuals to carry out BODA's mission. Further, the Court has provided guidance on a myriad of matters that do not involve pending BODA cases. We especially thank Justice Dale Wainwright, the Court's liaison to BODA from 2004 through October 2012 for his years of wise counsel and wish him success in his private practice. We also thank Justice Debra H. Lehrmann, Justice Wainwright's successor as liaison, for her time, attention and direction. BODA could not exist without the Court's support, the dedication of its volunteer members and the tireless professional work of its staff. I credit all three groups for making BODA a court that deals efficiently with the matters before it while never losing sight of the importance of the role it plays in the grievance system.

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



Chair
2012-2013

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

MEMBERS 2012-2013



*Back row: Gary Gurwitz, George Taylor, David Kitner, Jack Crews, Ray Echevarria, Marty Jones, David Chaumette
Front row: Deborah Race, JoAl Cannon Sheridan, Clark Lea, Tom Williams, Kathy Owen*

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, is the vice-president of the Hospice of Midland Endowment, Inc. board, serves on the Board of Hospice of Midland, and is a life fellow of the Texas Bar Foundation.

Vice Chair, **JoAl Cannon Sheridan**, appointed to BODA in 2008, specializes in family law and is a partner in 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 president-elect of the Texas Family Law Foundation and as treasurer of the Texas Academy of Family Law Specialists, and is a sustaining life fellow of both the Texas Bar Foundation and Texas Family Law Foundation. Ms. Sheridan is a frequent speaker on family law issues at State Bar courses, and was recently named to the 2014 Best Lawyers in America, Family Law.

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 of the Houston Bar Association, the chairman of Neighborhood Centers, Inc., and former president of the Houston Young Lawyers Association.

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 and reappointed in 2012.

Ramon L. Echevarria II is counsel for Exxon Mobil Corp. in Houston, where he supervises and manages a worldwide portfolio of compliance issues and related litigation cases as well as matters involving the Department of Justice and State Attorney Generals offices. He graduated from Texas Tech University School of Law in 1993 and from the United States Military Academy at West Point in 1985. Echevarria was appointed to BODA in September 2012.

BOARD MEMBERS 2012-2013

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 and reappointed in 2012.

Marvin W. Jones is the managing shareholder of 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 and reappointed in 2012.

David N. Kitner is a partner in Strasburger & Price, LLP in Dallas, Texas. He graduated with honors from the University of Texas School of Law in 1973 where he was a member of the Texas Law Review and a member of the Order of the Coif. He served on the District 6A grievance committee of the State Bar of Texas from 2003-2009. He is a fellow in the American College of Trial Lawyers and serves as chair of its Texas State Committee. He is a life fellow of the Texas Bar Foundation and a senior life fellow of the Dallas Bar Foundation. He was appointed in September of 2012.

Kathy J. Owen is senior counsel 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 and again in 2011.

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 Counsel of America. She serves on the council for the Women and the Law Section of the State Bar.

George A. Taylor is principal of George A. Taylor, Attorney at Law in San Antonio. He graduated from St. Mary's University School of Law in 1974. Taylor is a former First Assistant District Attorney of Victoria, Texas and is a director of the Texas Criminal Defense Lawyers' Association for 2010-2012. He is also a member of the San Antonio Criminal Defense Lawyers' Association, serving as president from 2007 until 2008. He was appointed in September 2012.

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.

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.

OPERATIONS

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 of Texas for promulgation.

ORIGIN OF A BODA MATTER

- A complainant submits a grievance dismissed by the Chief Disciplinary Counsel of the State Bar of Texas for review.
- A party to an evidentiary panel hearing, either the attorney or the Chief Disciplinary Counsel, but not the complainant, appeals a judgment or order.
- The Chief Disciplinary Counsel initiates a compulsory, reciprocal, or revocation of probation matter by filing a petition with the clerk.
- The Chief Disciplinary Counsel or an attorney seeking a disability suspension, or a suspended attorney seeking a reinstatement, initiates the case by filing a petition with the clerk.

STAFF

BODA's administrative offices 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.

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 52 years of experience working for the Board of Disciplinary Appeals.

CLASSIFICATION APPEAL CONFERENCES

BODA decides appeals from classification screening decisions through panels in weekly telephone conferences with a typical docket of approximately 30 grievances. These panels are composed of three BODA members assigned randomly. A member may refer any classification appeal to the full Board for consideration for any reason. BODA considers those matters at the next scheduled *en banc* conference. Grievance classification decisions, appeals of classification decisions, and all associated files are confidential. During 2012-2013, BODA conducted 60 telephone conferences and decided 1,791 classification appeals. BODA immediately notifies the complainants and attorneys of its decision by letter.



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

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. 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. 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.

JUSTICE LEHRMANN APPOINTED LIAISON



Justice Debra H. Lehrmann was appointed to serve as the liaison from the Texas Supreme Court to the Board of Disciplinary Appeals after Justice Wainwright's retirement from the Court in the fall of 2012. Justice Lehrmann was appointed to the Texas Supreme Court by Governor Rick Perry on June 21, 2010. Before her appointment, she served as the District Judge of the 360th District Court in Fort Worth, Texas, and served as a family law judge in Tarrant County for 22 years. A member of Phi Beta Kappa, Justice Lehrmann graduated from the University of Texas at Austin in 1979 and the University of Texas School of Law in 1982.

Prior to her appointment to the bench, she practiced law with the Fort Worth law firm of Law, Snakard & Gambill. She also worked as the lead attorney and director of the Enforcement Division of the Tarrant County Domestic Relations Office. In 1990, she was recognized as the Outstanding Young Lawyer of Tarrant County.

In 2005, Justice Lehrmann was appointed by Governor Perry to serve as a commissioner on the National Conference of Commissioners on Uniform State Laws and previously served as the chair of the drafting committee on the Uniform Relocation Act. She is a past president of the Texas Chapter of the Association of Family and Conciliation Courts, is a past president of the Tarrant County Young Lawyers Association, is a master member of the Eldon B. Mahon Inn of Court, served on the advisory board of Tarrant County Dispute Resolution Services, is a fellow of the Texas Bar Foundation and the American Bar Foundation and is a charter member of the Tarrant County Bar Foundation.

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
Justice Debra H. Lehrmann	2012 -

An active member of the Family Law Section of the American Bar Association, she serves as chair of the section and as the judicial liaison to the Judicial Division of the ABA. She previously served on the executive committee of the Section Officers Conference of the ABA.

In 2005, Justice Lehrmann received the Court Appointed Special Advocates (CASA) Scott Moore Award and in 2009 received the Eva Barnes Award for leadership and uncommon contributions to the field of family law. She speaks frequently at continuing legal education events throughout the state and country and lectures at Texas Wesleyan University School of Law. The author of numerous published articles,

in 2003 she received the Texas Bar Foundation's award for the best bar journal article of the year, for *The Child's Voice--An Analysis of the Methodology Used to Involve Children in Custody Litigation* (Texas Bar Journal, November 2002). She is the author of two legal treatises which are updated yearly, *Texas Annotated Family Code* (LexisNexis-Matthew Bender) and *Court-Appointed Legal Representation of Children in Texas Family Law Cases—A Practical Guide for Attorneys* (LexisNexis-Matthew Bender)



Texas Supreme Court Justice Dale Wainwright (retired), former BODA liaison, addresses the guests at the Board's 20th anniversary dinner.

JURISDICTION

“BODA shall have and exercise all the powers of either a trial court or an appellate court, as the case may be, in hearing and determining disciplinary proceedings.” *In re State Bar of Texas*, 113 S.W.3d 730, 734 (Tex. 2003) (citing Board of Disciplinary Appeals Internal Procedural Rule 1.02). 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.

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.

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 33 percent of dismissed grievances were appealed to BODA during 2012-2013. 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 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.

20th Anniversary

1992
October



The Supreme Court of Texas 2012
Standing: Justice Eva Guzman, Justice Phil Johnson, Justice Dale Wainwright (retired), Justice Paul W. Green, Justice Don R. Willett, Justice Debra H. Lehrmann Seated: Justice Nathan L. Hecht, Chief Justice Wallace B. Jefferson
Not pictured: Justice David Medina



The Board of Disciplinary Appeals 2012-2013
Standing: David Chaumette, George Taylor, Ray Echeverria, Jack Crews, Tom Williams, David Kitner, Clark Lea, Gary Gurwitz, Marty Jones
Seated: JoAl Cannon Sheridan, Kathy Owen, Deborah Race

Anniversary

2012
22, 2012



*Retiring Members of BODA 2012
Chief Justice Wallace B. Jefferson, Alice A. Brown, Charles L. Smith, Justice Dale Wainwright (retired) Not pictured: Ben Selman*



*Past Chairs
Standing: Jack Balagia, Clark Lea, Paul Clote, Karen Watkins, Gaines West, Jim Frost, Tom Pitts
Seated: Steve Watkins, Tom Watkins Not pictured: Ben Selman*

COMPULSORY DISCIPLINE

June 1, 2012– May 31, 2013

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 15 petitions for compulsory discipline and motions for final judgment in compulsory cases. Additional case details are available at txboda.org.

Possession of Child Pornography

Attorney sentenced to 48 months in prison for possession of child pornography. Attorney suspended pending the appeal of his criminal conviction. William George Gammon III; State Bar of Texas card 07611300; BODA case 50072.

Possession of Child Pornography

Attorney sentenced to 36 months in prison for possession of child pornography. Attorney was suspended pending the appeal of his criminal conviction, which was affirmed. Attorney disbarred. William J. Kleinkauf; State Bar of Texas card 11566500; BODA case 50490.

Aggravated Assault

Attorney sentenced to eight years in prison for aggravated assault in the second degree. Attorney was suspended during the appeal of his conviction, which was affirmed. Attorney disbarred. Kenneth Alan Thomas; State Bar of Texas card 19857100; BODA case 37431; appealed to the Supreme Court of Texas 12-0658; BODA judgment affirmed December 14, 2012.

Forgery of a Financial Instrument

Attorney sentenced to 24 months in prison for six counts of forgery of a financial instrument. Attorney was suspended during the appeal of her criminal conviction, which was affirmed. Attorney disbarred. Helen Tyne Mayfield; State Bar of Texas card 24014721; BODA case 42845; appealed to the Supreme Court of Texas 12-0593; BODA judgment affirmed February 15, 2013.

Fraudulent Possession of a Controlled Substance or Prescription

Attorney sentenced to five years in prison for possession of a controlled substance by fraud. Attorney disbarred. Dawn Darice Handy ("DeDe Rhoden"); State Bar of Texas card 24002223; BODA case 50075.

Burglary of a Building; Theft by a Public Servant

Attorney sentenced to two years in prison, suspended for two years, and 80 hours of community service for burglary of a building and theft by a public servant. By agreement, attorney suspended pending the appeal of his criminal conviction. Eric Lyle Williams; State Bar of Texas card 24013851; BODA case 51062.

COMPULSORY DISCIPLINE

June 1, 2012 – May 31, 2013

Engaging in Organized Criminal Activity; Bribery; Money Laundering; Tampering with a Governmental Record to Defraud or Harm

Attorney sentenced to ten years in prison, suspended for ten years, and placed on community supervision for engaging in organized criminal activity; bribery; money laundering; tampering with a governmental record to defraud or harm. Attorney suspended for the term of her criminal probation. Suzanne H. Wooten; State Bar of Texas card 00794881; BODA case 50489; appealed to the Supreme Court of Texas 12-0898; appeal withdrawn by the appellant, Commission for Lawyer Discipline.

Theft; Tampering with a Witness

Attorney sentenced to ten years in prison, suspended for ten years, for theft and sentenced to two years in prison for tampering with a witness. Attorney was suspended during the appeal of his criminal convictions, which were affirmed. Attorney disbarred. Emeka M. Uyamadu; State Bar of Texas card 00788571; BODA case 46776.

Theft

Attorney sentenced to 20 years in prison for aggregated theft. Attorney was suspended during the appeal of his criminal conviction, which was affirmed. Attorney disbarred. John Phillip Bender; State Bar of Texas card 02126500; BODA case 45600; appealed to the Supreme Court of Texas 13-0377; appeal pending.

Filing False Tax Return

Attorney sentenced to 27 months in prison for filing a false tax return. Attorney suspended during the appeal of his criminal conviction. Meredith L. Lawrence; State Bar of Texas card 12049680; BODA case 51566.

Conspiracy to Commit Wire Fraud

Attorney sentenced to 18 months in prison for conspiracy to commit wire fraud. Attorney suspended during the appeal of his criminal conviction. Roger Lee Shoss; State Bar of Texas card 18304000; BODA case 51567.

Conspiracy to Commit Wire Fraud and Deprivation of Honest Services; Conspiracy to Commit Mail Fraud and Deprivation of Honest Services

Attorney sentenced to 72 months in prison for conspiracy to commit wire fraud and deprivation of honest services; conspiracy to commit mail fraud and deprivation of honest services. Attorney disbarred. Luther Jones; State Bar of Texas card 10928000; BODA case 49601.

Conspiracy to Commit Mail and Wire Fraud

Attorney sentenced to 39 months in prison for conspiracy to commit mail and wire fraud. Attorney resigned in lieu of discipline while the compulsory discipline matter was pending (Sup. Ct. Misc. Docket 12-1994). Anthony J. Flores; State Bar of Texas card 00796556; BODA case 50074.

False Statement to Obtain Credit

Attorney received deferred adjudication, community supervision for ten years and 90 days in jail, for making a false statement to obtain credit. Attorney disbarred. Marc Manuel Ariza; State Bar of Texas card 01302250; BODA case 49553.

Racketeering; Conspiracy to Commit Racketeering; Interference with Commerce Under Color of Official Right; Aiding and Abetting Deprivation of Honest Services-Mail Fraud

Attorney sentenced to 42 months in prison for racketeering; conspiracy to commit racketeering; interference with commerce under color of official right; aiding and abetting deprivation of honest services-mail fraud. Case non-suited after the death of the attorney. Ray R. Marchan; State Bar of Texas card 12969050; BODA case 51756.

DISABILITY SUSPENSIONS

June 1, 2012 – May 31, 2013

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. Gina Dawn Patterson, State Bar of Texas card 24013301; BODA case 50977.

Attorney agreed to an indefinite disability suspension. Basil Sartin St. Clair, State Bar of Texas card 18984700; BODA case 51671.

Attorney agreed to an indefinite disability suspension. Albert A. Peña III, State Bar of Texas card 1574100; BODA case 51898.

REINSTATEMENTS

June 1, 2012 – May 31, 2013

BODA has concurrent original jurisdiction under Part XII of the TRDP with the district courts to hear petitions for reinstatement to the practice of law after a disability suspension.

Dismissed for want of prosecution the petition for reinstatement after an agreed disability suspension. Paige Horelica; State Bar of Texas card 24010112; BODA case 46280-R. Appealed to the Supreme Court of Texas; case 13-0417; appeal pending.

RECIPROCAL DISCIPLINE

June 1, 2012 – May 31, 2013

BODA has exclusive original jurisdiction under TRDP Part IX 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.

Arizona

Attorney's license to practice law suspended by the Supreme Court of Arizona for six months and one day. By agreement, BODA imposed the same sanction. Alan Edward Gooding; State Bar of Texas card 24028488; BODA case 49549.

Arizona

Attorney's license to practice law suspended by the Supreme Court of Arizona for one year. By agreement, BODA imposed the same sanction. Philip M. Kleinsmith; State Bar of Texas card 11567650; BODA case 51059.

Arizona

Attorney's license to practice law suspended by the Supreme Court of Arizona for 30 days. By agreement, BODA imposed the same sanction. Gary L. Lassen; State Bar of Texas card 11969500; BODA case 51061.

RECIPROCAL DISCIPLINE

June 1, 2012 – May 31, 2013

Arizona

Attorney's license to practice law suspended by the Supreme Court of Arizona for one year and one day, stayed for a two-year period of probation. BODA imposed a two-year probated suspension. Hal Parker Jr.; State Bar of Texas card 15484020; BODA case 51387.

Florida

Attorney disbarred by the Supreme Court of Florida. BODA imposed the same sanction. Eric Paul Gifford, State Bar of Texas card 00796628; BODA case 51060.

Louisiana

Attorney's license to practice law suspended by the Supreme Court of Louisiana for three years. BODA imposed the same sanction. John Cucci Jr., State Bar of Texas card 24030107; BODA case 51058.

Tennessee

Attorney publicly censured by the Board of Professional Responsibility of the Supreme Court of Tennessee. By agreement, BODA issued a public reprimand. Robin Jeffrey Gordon, State Bar of Texas card 08206200; BODA case 52070.

Washington

Attorney reprimanded by the Washington State Bar Association for two related violations. By agreement, BODA issued two public reprimands. Sammy K. Eck, State Bar of Texas card 06396000; BODA case 51568.

REVOCATIONS OF PROBATION

June 1, 2012 – May 31, 2013

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 filed by the Chief Disciplinary Counsel of the State Bar of Texas if the attorney violates a term or condition of probation.

None.

EVIDENTIARY APPEALS

June 1, 2012 – May 31, 2013

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 partially probated suspension by the District 4D Grievance Committee and remanded to the evidentiary panel for a new hearing on the sanction. Cyril O. Chukwurah; State Bar of Texas card 24048394; BODA case 49938. Appealed to the Supreme Court of Texas; case 13-0113; appeal withdrawn by appellant, Commission for Lawyer Discipline.

EVIDENTIARY APPEALS

June 1, 2012 – May 31, 2013

Granted a joint motion to reverse and remand the judgment of disbarment by the District 4A Grievance Committee for an agreed sanction of active suspension. William B. Harrison; State Bar of Texas card 09125100; BODA case 49760.

Affirmed the judgment of active suspension by the District 4D Grievance Committee. Cyril O. Chukwurah, State Bar of Texas card 24048394; BODA case 51156. Appealed to the Supreme Court of Texas; case 13-0341; appeal pending.

Affirmed the judgment of dismissal by the District 7-2 Grievance Committee. Texas Attorney; BODA case 50186. Appealed to the Supreme Court of Texas; case 13-0111; appeal withdrawn by appellant, Commission for Lawyer Discipline.

Dismissed for want of prosecution the appeal from a four-year suspension signed by the District 14 Grievance Committee. Donald G. MacPhail; State Bar of Texas card 00788757; BODA case 49459; appealed to the Supreme Court of Texas 12-1027; appeal pending.

Dismissed for want of prosecution the appeal from a judgment of disbarment signed by the District 14 Grievance Committee. Donald G. MacPhail; State Bar of Texas card 00788757; BODA case 49514; appealed to the Supreme Court of Texas 12-1023; appeal pending.

Dismissed for want of prosecution the appeal from a one-year suspension signed by the District 14 Grievance Committee. Donald G. MacPhail; State Bar of Texas card 00788757; BODA case 49515; appealed to the Supreme Court of Texas 12-1024; appeal pending.

Dismissed for want of prosecution the appeal from a seven-year suspension signed by the District 14 Grievance Committee. Donald G. MacPhail; State Bar of Texas card 00788757; BODA case 49516; appealed to the Supreme Court of Texas 12-1025; appeal pending.

Dismissed for want of prosecution the appeal from a judgment of disbarment signed by the District 14 Grievance Committee. Donald G. MacPhail; State Bar of Texas card 00788757; BODA case 49517; appealed to the Supreme Court of Texas 12-1026; appeal pending.

Dismissed for want of prosecution the appeal from a judgment of disbarment signed by the District 6-B2 Grievance Committee. Jesus Armando Miranda; State Bar of Texas card 14199599; BODA case 51384.

Dismissed for want of prosecution the appeal from a judgment of suspension signed by the District 6-B2 Grievance Committee. Jesus Armando Miranda; State Bar of Texas card 14199599; BODA case 51385.

Dismissed for want of prosecution the appeal from a judgment of suspension signed by the District 6-B2 Grievance Committee. Jesus Armando Miranda; State Bar of Texas card 14199599; BODA case 51386.

Dismissed for want of prosecution the appeal from a judgment of disbarment signed by the District 3A Grievance Committee. Robert J. Smith; State Bar of Texas card 00789634; BODA case 49420.

Dismissed for want of prosecution the appeal from a judgment of disbarment signed by the District 3B Grievance Committee. Matthew Taylor Morones; State Bar of Texas card 24039074; BODA case 48741.

THE BOARD *of* DISCIPLINARY APPEALS

APPOINTED BY THE SUPREME COURT OF TEXAS

Members 1992-2013

S. Jack Balagia, <i>Houston*</i>	2000-05
Robert A. Black, <i>Beaumont</i>	2013-present
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
Jeanne C. "Cezy" Collins, <i>El Paso</i>	2013-present
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
Roland K. Johnson, <i>Fort Worth</i>	2013-present
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>	2007-13
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>	2007-13
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>	2007-13

* Chair ** Vice Chair † Deceased

STATISTICS

June 1, 2012 – May 31, 2013

Hearings and Conferences

En banc hearing dates	4
Cases decided	19
Telephone panels	60
Cases decided (<i>average number per panel is 30</i>)	1,791

Cases Filed and Decided

	Filed	Decided
Classification appeals	1,809	1,791
Compulsory cases	9	15
Reciprocal cases	7	8
Appeals from evidentiary judgments	11	14
Revocations of probation	0	0
Disabilities	3	3
Reinstatements	0	1
Total cases filed		1,839
Total dispositions		1,832

Grievances Generally

Total grievances filed with CDC	7,882
<i>a nine percent increase from the previous year</i>	
Total grievances classified by CDC	7,123
Upgraded (23%)	1,628
Dismissed (77%)	5,495

STATISTICS

June 1, 2012 – May 31, 2013

Grievance Decisions Appealed to BODA

Total grievances dismissed by CDC	5,495
Appeals filed with BODA	1,809
<i>33 percent of dismissed grievances, a three percent increase from previous year</i>	
Total Appeals disposed	1,791
Appeal denied	1,641
Appeal granted (8.4%)	150

Classification Appeals – Average Decision Time

Number of days from filing to receipt of file from SBOT	23
Number of days from receipt of file to decision by BODA	19
Total days from filing of appeal to decision	42

Disposition of classification appeals granted by BODA

Total Appeals granted in 2011-2012	114
Appeals granted that resulted in sanction or hearing (14%)	
Sanction entered	2
Just cause found and proceeded to a hearing	14
Appeals granted and ultimately dismissed (86%)	
No just cause found (summary disposition pending)	12
Dismissed at Summary Disposition	86

Appeals from BODA Decisions to the Supreme Court

All appeals were either affirmed or dismissed.

Filed	13
Decided	13

