



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

IN THE MATTER OF §
JAMES WILLIAM RICHARDS, IV § **CAUSE NO. 55908**
STATE BAR CARD NO. 00797313 §

INTERLOCUTORY ORDER OF SUSPENSION

On the 1st day of May 2015, the above-styled and numbered disciplinary action was called for hearing before the Board of Disciplinary Appeals. Petitioner Commission for Lawyer Discipline of the State Bar of Texas appeared by attorney and announced ready. Respondent, James William Richards, IV, although duly cited to appear and having notice of the hearing, failed to answer or appear and wholly made default. All questions of fact as well as all issues of law were submitted to the Board of Disciplinary Appeals for determination. Having considered the pleadings on file, having received evidence, and having heard the argument of counsel, the Board of Disciplinary Appeals is of the opinion that Petitioner is entitled to entry of the following findings and orders:

Findings of Fact. The Board of Disciplinary Appeals finds that:

- (1) Respondent, James William Richards, IV, whose State Bar Card number is 00797313, is licensed but currently on inactive status and therefore not authorized by the Supreme Court of Texas to practice law in the State of Texas.
- (2) On or about June 28, 2012, Respondent, James William Richards, IV, was charged by Charge Sheet with the following: Charge I: Violation of the UCMJ, Article 134, Specifications 1 through 6—Child Pornography, Specifications 7 through 11—Sexual Abuse of a Child; Charge II: Violation of the UCMJ, Article 92, Specifications 1 through 4—Failure to Obey Order; Charge III: Violation of the UCMJ, Article 133—Conduct

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Unbecoming an Officer and Gentleman; and Additional Charge: Violation of the UCMJ, Article 134—Child Pornography.

- (3) On or about December 18, 2012, the Charge Sheet was amended to dismiss the following: Charge I, Specifications 2 through 6, Charge III, and Additional Charge.
- (4) On or about April 26, 2013, a General Court-Martial Order was entered in Cause No. 38346, in the Department of the Air Force Headquarters Air Education and Training Command Joint Base San Antonio Randolph, Texas 78150-4544, wherein Respondent was found guilty of Charge I: Violation of the UCMJ, Article 134, Specification 1—Child Pornography, Specifications 7 through 11—Sexual Abuse of a Child; and Charge II: Violation of the UCMJ, Article 92, Specifications 1 through 4—Failure to Obey Order and was committed to the custody of the Air Force Correction System for a term of 17 years confinement, forfeiture of all pay and allowances, and dismissal from the service.
- (5) Respondent, James William Richards, IV, is the same person as the Lieutenant Colonel James W. Richards, IV who is the subject of the criminal case described above.
- (6) Respondent has appealed the criminal convictions.
- (7) Respondent was personally served with the Petition for Compulsory Discipline and hearing notice by a Leavenworth County Deputy Sheriff on March 19, 2015, and the return of service was filed with the Board on April 2, 2015.
- (8) Respondent's criminal sentence is not fully probated.

Conclusions of Law. Based upon the foregoing findings of facts the Board of

Disciplinary Appeals makes the following conclusions of law:

- (1) This Board has jurisdiction to hear and determine this matter. Tex. R. Disciplinary P. 7.08(G) ("TRPD");
- (2) Respondent, James William Richards, IV, having been convicted of Charge I: Violation of the UCMJ, Article 134, Specification 1—Child Pornography, and Specifications 7 through 11—Sexual Abuse of a Child; has been convicted of Intentional Crimes as defined by TRDP 1.06(T).
- (3) Respondent has also been convicted of Serious Crimes as defined by TRDP 1.06(Z).

- (4) Having been found guilty and convicted of Intentional and Serious Crimes and having appealed such conviction, Respondent, James William Richards, IV, should have his license to practice law in Texas suspended during the appeal of his criminal convictions. TRDP 8.04.
- (5) The Board retains jurisdiction to enter a final judgment in this matter when the criminal appeal is final.

It is, accordingly, **ORDERED, ADJUDGED, and DECREED** that Respondent, James William Richards, IV, State Bar Card No. 00797313, is hereby **SUSPENDED** from the practice of law in the State of Texas effective immediately upon entry of this order and continuing hereafter until further order of this Board.

It is further **ORDERED, ADJUDGED and DECREED** that Respondent, James William Richards, IV, during said suspension is hereby prohibited, effective immediately, from practicing law in Texas, holding himself out as an attorney at law, performing any legal service for others, accepting any fee directly or indirectly for legal services not completed before the date of this order, appearing as counsel in any proceeding in any Texas court or before any Texas administrative body, or holding himself out to others or using his name, in any manner, in conjunction with the words “attorney,” “counselor,” or “lawyer.”

It is further **ORDERED** that Respondent, James William Richards, IV, shall notify in writing, no later than thirty (30) days from the date of this Order, each and every justice of the peace, judge, magistrate, and chief justice of each and every court in which Respondent, James William Richards, IV, has any legal matter pending, if any, of his suspension, of the style and cause number of the pending matter(s), and of the name, address, and telephone number of the client(s) Respondent is representing in that court. Respondent is also **ORDERED** to mail copies of all such notifications to the Statewide Compliance Monitor, Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711.

It is further **ORDERED** that Respondent, James William Richards, IV, shall immediately notify each of his current clients, if any, in writing, of his suspension. In addition to such notification, Respondent is **ORDERED** to return all files, papers, unearned fees paid in advance, and all other monies and properties which are in his possession but which belong to current or former clients with active cases pending, if any, to those respective clients or former clients with active cases pending within thirty (30) days after the date of this Order. Respondent is further **ORDERED** to file with the Statewide Compliance Monitor, Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711, within the same thirty (30) days, an affidavit stating either (a) that all current clients have been notified of his suspension and that all files, papers, unearned fees paid in advance, and all other monies and properties belonging to clients and former clients with active cases pending have been returned as ordered herein or (b) that Respondent has no current clients, files, or papers, and that any unearned fees paid in advance or other monies or properties belonging to clients have previously been returned to the appropriate client. If Respondent is unable to return any file, papers, money or other property to any client or former client with active cases pending, Respondent's affidavit shall state with particularity the efforts made by Respondent with respect to each particular client and the cause of her inability to return to said client any file, paper, money or other property. Respondent is also **ORDERED** to mail a copy of all notification letters to the Statewide Compliance Monitor, Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711.

It is further **ORDERED** that Respondent, James William Richard, IV, immediately surrender his Texas law license and permanent State Bar Card to the Statewide Compliance Monitor, Office of the Chief Disciplinary, State Bar of Texas, P.O. Box 12487, Capitol Station,

Austin, Texas 78711, for transmittal to the Clerk of the Supreme Court of Texas.

It is further **ORDERED** that a certified copy of the Petition for Compulsory Discipline on file herein, along with a copy of this Order, be sent to the Chief Disciplinary Counsel of the State Bar of Texas, P.O. Box 12487, Austin, Texas 78711.

It is further **ORDERED** that this Order is interlocutory and that the Board retains jurisdiction to enter a final judgment when the appeal of the criminal conviction is final. *In the Matter of Mercier*, 242 SW 3d 46 (Tex. 2007).

It is further **ORDERED** that Respondent shall promptly notify the Board and the State Bar of Texas Chief Disciplinary Counsel when the appeal of the criminal conviction is final.

It is further **ORDERED** that the Chief Disciplinary Counsel of the State Bar of Texas shall monitor the status of the appeal of the criminal conviction on at least a quarterly basis and promptly file an appropriate motion for entry of final judgment with the Board when the appeal of the criminal conviction is final.

Signed this 4 day of May 2015.



VICE CHAIR PRESIDING