

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



F I L E D
Oct. 01, 2020

THE BOARD of DISCIPLINARY APPEALS
Appointed by the Supreme Court of Texas

IN THE MATTER OF §
ALEX JAMES WASHINGTON, JR., § **CAUSE NO. 64776**
STATE BAR CARD NO. 24107554 §

PETITION FOR RECIPROCAL DISCIPLINE

TO THE BOARD OF DISCIPLINARY APPEALS:

Petitioner, the Commission for Lawyer Discipline, (hereinafter called “Petitioner”), brings this action against Respondent, Alex James Washington, Jr., (hereinafter called “Respondent”), showing as follows:

1. This action is commenced by Petitioner pursuant to Part IX of the Texas Rules of Disciplinary Procedure. Petitioner is also providing Respondent a copy of Section 7 of this Board’s Internal Procedural Rules, relating to Reciprocal Discipline Matters.

2. Respondent is a member of the State Bar of Texas and is licensed and authorized to practice law in Texas. Respondent may be served with a true and correct copy of this Petition for Reciprocal Discipline at Alex James Washington, Jr., 10462 Railswood Drive, Frisco, Texas 75035.

3. On or about July 2, 2020, an Attorney Disciplinary Proceeding opinion (Exhibit 1) was entered by the Supreme Court of the State of Louisiana in a case styled: *In Re: Alex Washington, Jr. Attorney Disciplinary Proceeding*, in Case No. 2020-B-0577, which states in pertinent part:

The Office of Disciplinary Counsel ("ODC") commenced an investigation into allegations that respondent mishandled his client trust account and failed to supervise a non-lawyer employee. Prior to the filing of formal charges, respondent and the ODC submitted a joint petition for consent discipline in which respondent admitted that his conduct violated Rules 1.15(a)(f) and 5.3 of the Rules of Professional Conduct. Having reviewed the petition,

IT IS ORDERED that the Petition for Consent Discipline be accepted and that Alex Washington, Jr., Louisiana Bar Roll number 26545, be suspended from the practice of law for a period of one year and one day. This suspension shall be deferred in its entirety, subject to respondent's successful completion of a two-year period of probation governed by the conditions set forth in the petition for consent discipline. The probationary period shall commence from the date respondent and the ODC execute a formal probation plan. Any failure of respondent to comply with the conditions of probation, or any misconduct during the probationary period, may be grounds for making the deferred suspension executory, or imposing additional discipline, as appropriate.

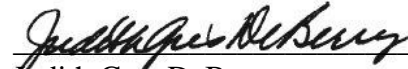
4. Copies of the Attorney Disciplinary Proceeding opinion entered by the Supreme Court of the State of Louisiana in a case styled: *In Re: Alex Washington, Jr. Attorney Disciplinary Proceeding*, in Case No. 2020-B-0577 is attached hereto as Petitioner's Exhibit 1 and made a part hereof for all intents and purposes as if the same was copied verbatim herein. Petitioner expects to introduce certified copies of Exhibit 1 at the time of hearing of this cause.

5. Petitioner prays that, pursuant to Rule 9.02, Texas Rules of Disciplinary Procedure, that this Board issue notice to Respondent, containing a copy of this Petition with exhibits, and an order directing Respondent to show cause within thirty (30) days from the date of the mailing of the notice, why the imposition of the identical discipline in this state would be unwarranted. Petitioner further prays that upon trial of this matter that this Board enters a judgment imposing discipline identical with that imposed by the Supreme Court of Louisiana and that Petitioner have such other and further relief to which it may be entitled.

Respectfully submitted,

Seana Willing
Chief Disciplinary Counsel

Judith Gres DeBerry
Assistant Disciplinary Counsel
Office of the Chief Disciplinary Counsel
State Bar of Texas
P.O. Box 12487
Austin, Texas 78711
Telephone: 512.427.1350
Telecopier: 512.427.4167
Email: jdeberry@texasbar.com



Judith Gres DeBerry
Bar Card No. 24040780

ATTORNEYS FOR PETITIONER

The Supreme Court of the State of Louisiana

IN RE: ALEX WASHINGTON, JR.

No.2020-B-00577

IN RE: Disciplinary Counsel - Applicant Other; Alex Washington, Jr. - Applicant
Other; Joint Petition for Consent Discipline;

July 02, 2020

Joint petition for consent discipline accepted. See per curiam.

JHB

JLW

JDH

JTG

Johnson, C.J., would reject and assigns reasons.

Crichton, J., would reject and assigns reasons.

Crain, J., would reject for reasons assigned by Justice Crichton.

Supreme Court of Louisiana
July 02, 2020

Clerk of Court
For the Court

EXHIBIT

1

07/02/20

SUPREME COURT OF LOUISIANA

NO. 2020-B-0577

IN RE: ALEX WASHINGTON, JR.

ATTORNEY DISCIPLINARY PROCEEDING

PER CURIAM

The Office of Disciplinary Counsel (“ODC”) commenced an investigation into allegations that respondent mishandled his client trust account and failed to supervise a non-lawyer employee. Prior to the filing of formal charges, respondent and the ODC submitted a joint petition for consent discipline in which respondent admitted that his conduct violated Rules 1.15(a)(f) and 5.3 of the Rules of Professional Conduct. Having reviewed the petition,

IT IS ORDERED that the Petition for Consent Discipline be accepted and that Alex Washington, Jr., Louisiana Bar Roll number 26545, be suspended from the practice of law for a period of one year and one day. This suspension shall be deferred in its entirety, subject to respondent’s successful completion of a two-year period of probation governed by the conditions set forth in the petition for consent discipline. The probationary period shall commence from the date respondent and the ODC execute a formal probation plan. Any failure of respondent to comply with the conditions of probation, or any misconduct during the probationary period, may be grounds for making the deferred suspension executory, or imposing additional discipline, as appropriate.

IT IS FURTHER ORDERED that all costs and expenses in the matter are assessed against respondent in accordance with Supreme Court Rule XIX, § 10.1, with legal interest to commence thirty days from the date of finality of this court’s judgment until paid.

07/02/2020 "See News Release 023 for any Concurrences and/or Dissents."

SUPREME COURT OF LOUISIANA

No. 2020-B-00577

IN RE: ALEX WASHINGTON, JR.

ATTORNEY DISCIPLINARY PROCEEDING

JOHNSON, C.J., would reject the consent discipline and assigns reasons.

I would reject the petition for consent discipline, finding it imposes too harsh a penalty. Although respondent committed technical violations of the Rules of Professional Conduct resulting from errors related to his trust account, the calculation errors and the deficiency in the trust account were not intentional and respondent's actions did not result in any actual client harm. In my view, the technical violations by respondent do not warrant a period of suspension or probation, even if deferred. I would impose a public reprimand with a requirement that respondent successfully complete the Louisiana State Bar Association's Trust Accounting School. *See, e.g., In re Hoychick*, 20-00532 (La. 6/22/20) --So. 3d --; *In re Monroe*, 13-1817 (La. 9/27/13), 121 So. 3d 1199; *In re Jones*, 08-0204 (La. 9/19/08), 990 So. 2d 731; *In re Mayeux*, 99-3549 (La. 5/16/00), 762 So. 2d 1072.

07/02/2020 "See News Release 023 for any Concurrences and/or Dissents."

SUPREME COURT OF LOUISIANA

No. 2020-B-00577

IN RE: ALEX WASHINGTON, JR.

ATTORNEY DISCIPLINARY PROCEEDING

CRICHTON, J., would reject the consent discipline and assigns reasons.

Although this matter has presented itself to this Court as a petition for consent discipline, I would reject the petition, as I find the discipline imposed unduly harsh.

As I have stated before:

The Louisiana Constitution vests this Court with original jurisdiction in all "disciplinary proceedings against a member of the bar." La. Const. art. V, § 5(B). Notwithstanding the fact that petitioner and the Office of Disciplinary Counsel have submitted this matter as a joint petition for consent discipline, I believe – as our Constitution provides – that the seven justices determine if violations of the Rules of Professional Conduct have been proven by clear and convincing evidence and, if so, the appropriate punishment after consideration of applicable aggravating and mitigating circumstances.

In Re: Frank Stanton Hardee, III, 18-B-1555 (La. 11/14/18), 259 So.3d 329 (Crichton, J., dissenting).¹

Violations of Rules 1.15(a)(f) and 5.3 of the Louisiana Rules of Professional Misconduct are serious; however, the underlying facts in this case that technically support the violations are, in my view, de minimis. Consequently, the proposed sanction, although presented via consent, is disproportionate to the facts under these circumstances. A fully deferred suspension of six months, imposed with the same conditions as presented in the original petition for consent discipline, is more appropriate in this case.

¹ See also, *In re: Jesse Phillip Terrel, Jr.*, 15-499, (La. 5/1/15), 166 So.3d 238 (Crichton, J., would reject petition for consent discipline as unduly harsh); and *In re: John Roumain Peters, III*, 15-775 (La. 5/22/15), 165 So.3d 916 (Crichton, J., would reject petition for consent discipline as unduly harsh).