

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

<b>IN THE MATTER OF</b>	§	
<b>BARRY WAYNE BROWN</b>	§	<b>CAUSE NO. 37539</b>
<b>STATE BAR CARD NO. 24045566</b>	§	

**INTERLOCUTORY ORDER OF SUSPENSION**

On the 9th day of June 2006, 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 through Assistant Disciplinary Counsel, Stephen A. Moyik, and announced ready. Respondent, Barry Wayne Brown, having been notified of the hearing and having filed an answer *pro se*, failed to appear and made default. All issues of fact as well as all questions of law were submitted to the Board of Disciplinary Appeals for determination. The Board also considered Respondent's request for an extension pending the outcome of his appeal of his criminal conviction. 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, Barry Wayne Brown, State Bar Card Number 24045566, is currently licensed to practice law in the State of Texas.
  
- (2) On or about May 5, 2005, Respondent, Barry Wayne Brown, was charged with: Charge I, violation of the Uniform Code of Military Justice ("UCMJ"), Article 80, attempt to commit the offense of premeditated murder of Irene B. Brown by soliciting Gregory Williams to murder Irene B. Brown; Charge II in violation of UCMJ, Article 81, conspire with Staff Sergeant Ramona R. Greiner to commit the premeditated murder of Irene B. Brown; Charge III in violation of UCMJ, Article 92, did, on divers occasions violate a lawful general regulation, to wit: paragraph 5, Air Force Instruction 36-2909, dated

1 May 1999, by wrongfully fraternizing with Staff Sergeant Ramona R. Greiner, an enlisted person, on terms of military equality.

- (3) On or about January 24, 2006, Respondent pled guilty to three Charges in General Court Martial Order, Cause Number 431-43-9656FR, and was sentenced to confinement for 18 years in the Air Force Corrections System.
- (4) Respondent, Barry Wayne Brown, is same person as the Barry W. Brown who is the defendant in the General Court Martial Order and was convicted as described above.
- (5) Under the UCMJ, Respondent receives as automatic appeal of the Court Martial.
- (6) 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) Respondent's Court Martial constitutes a conviction for purposes of compulsory discipline under Texas Rules of Disciplinary Procedure Part VIII ("TRDP"), and this Board has jurisdiction to hear and determine this matter. TRDP 7.08(G).
- (2) The crimes of attempt to commit premeditated murder and conspiracy to commit premeditated murder for which Respondent has been convicted are Intentional Crimes as defined by TRDP 1.06(T) and are also Serious Crimes as defined by TRDP 1.06(Z).
- (3) Having been found guilty and convicted of an Intentional Crime and such conviction currently being appealed, Respondent, Barry Wayne Brown, should be suspended as an attorney licensed to practice law in Texas during the appeal of his conviction. TRDP 8.04.
- (4) In the event that the conviction of Respondent, Barry Wayne Brown, is affirmed and becomes final, Respondent, Barry Wayne Brown, should be disbarred. TRDP 8.05.

It is, accordingly, **ORDERED**, **ADJUDGED**, and **DECREED** that Respondent, Barry Wayne Brown, State Bar Card No. 24045566, is hereby **SUSPENDED** from the practice of law in the State of Texas effective immediately upon signing of this order and continuing hereafter until Interlocutory Order of Suspension/Pro Se Disbarment – Barry Wayne Brown

further order of this Board. Respondent's request for an extension is **DENIED**.

It is further **ORDERED** that, in the event that Respondent's criminal conviction is affirmed and becomes final, he shall be disbarred.

It is further **ORDERED, ADJUDGED and DECREED** that Respondent, Barry Wayne Brown, 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 prior to 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."

Respondent is further **ORDERED** to notify in writing, not 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, Barry Wayne Brown, 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 Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Austin, Texas 78711.

Respondent is further **ORDERED** to notify immediately in writing each of his current clients, if any, in writing, of his suspension. Respondent is further **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, if any, to those respective clients or former clients within thirty (30) days after the date on which this Order is signed by the Board. Respondent

is further **ORDERED** to file with this Board, 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 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 should be unable to return any file, papers, money or other property to any client or former client, Respondent's affidavit shall state with particularity the efforts made by Respondent with respect to each particular client and the cause of his inability to return to said client any file, paper, money or other property. Respondent is also **ORDERED** to mail a copy of said affidavit and copies of all notification letters to clients, to the Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Austin, Texas 78711.

Respondent is further **ORDERED** to surrender immediately his Texas law license and permanent State Bar Card to the Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, 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 pending the further orders of this Board upon the conclusion of Respondent's appeal of his criminal conviction. In the event that the conviction of Respondent, Barry Wayne Brown, is reversed, this Board, upon the filing by Respondent or his attorney of an appropriate motion supported by affidavits or certified copies of court documents showing that the conviction has been reversed, shall immediately terminate the

suspension. In the event that the conviction of Respondent, Barry Wayne Brown, becomes final, this Board, upon the filing by the Chief Disciplinary Counsel of an appropriate motion supported by affidavits or certified copies of court documents showing that the conviction has become final pursuant to TRDP 8.05, shall enter a final judgment of disbarment.

Signed this 15 day of June 2006.



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**CHAIRMAN**