



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

REPORT 2010

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

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 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

FAX (512) 427-4130

www.txboda.org

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

On behalf of the members and staff of the Board of Disciplinary Appeals, I submit this report summarizing BODA's activities for the 2009-2010 fiscal year. The report details BODA's activities during the year and describes its staff, members, jurisdiction and operations.

In 2010, and while sitting in three member panels, BODA disposed of 2,129 grievances appealed to it with an average decision time falling 25 days after receipt of the appeal. On average, each volunteer member of BODA read and decided 540 grievances; BODA staff read all 2,129 grievances and participated in each panel hearing (73 in all). In addition to deciding appeals of grievance classifications, BODA members met in Austin on five different occasions for *en banc* hearings of appeals from evidentiary judgments, probation revocations, compulsory discipline cases and other proceedings within its jurisdiction.

Also during 2010, BODA switched to electronic submission of documentation to its members. The new process saves time, increases security for sensitive materials and saves thousands of dollars in copying and mailing costs.

The Supreme Court of Texas supports BODA and provides valuable guidance in security and other areas. We especially thank Justice Wainwright, the Court's liaison to BODA, for his wise counsel. BODA could not exist without the Court's support, the dedication of its volunteer members and the tireless professional work of 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.



W. Clark Lea
Chair, 2009-2010

NEW IN 2009-2010

REVISION OF INTERNAL PROCEDURAL RULES

The Board of Disciplinary Appeals proposes rules of procedure and administration for its own operation to the Supreme Court of Texas for promulgation. BODA completed a comprehensive revision of its Internal Operating Rules in 2010 and forwarded the draft proposed rules to the Supreme Court of Texas for review. The Supreme Court last promulgated changes to the IPR in 2004, a limited revision to make the IPR consistent with changes mandated to the Texas Rules of Disciplinary Procedure effective January 1, 2004.

The primary goal of the 2010 revision was to update the rules to reflect certain practices, clarify procedures to provide better guidance, and reorganize the rules in a more logical and familiar arrangement.

To accomplish this goal, BODA made changes tracking more closely the Texas Rules of Disciplinary Procedure and the Texas Rules of Appellate Procedure, updating the rules to reflect BODA's written published opinions, clarifying pre-hearing and hearing procedure and making hearings more consistent with proceedings in district court, and updating the rules to incorporate electronic filing, record storage, and transmission of documents. In addition, the proposed changes include new rules for original proceedings (petitions for writ of mandamus) filed with BODA.

PAPERLESS FILING AND HEARING DOCKETS

In 2009 BODA began receiving copies of classification appeal files from the Office of the Chief Disciplinary Counsel electronically. This step reduced both the distribution and storage cost of the more than 2,000 classification appeals BODA decides annually.

BODA now stores all closed classification appeals digitally to reduce the space required for retired paper files. BODA retains classification appeals for three years, and previously the paper files filled multiple file cabinets and storage boxes in the Law Center and off-site.

BODA now accepts digital files for both clerk's records and reporter's records for appeals from evidentiary judgments, as well as briefs. Because records for evidentiary appeals can be very large, digital files save significant amounts of paper and storage space.

As of January 2010, BODA conducts paperless conferences and hearings. Through a secure FTP site which only members can access, the Executive Assistant posts weekly classification appeals dockets electronically in .pdf format. Members download the files to their computers to read. All materials for *en banc* conferences and hearings are placed on the FTP site, and BODA members conduct conference and hearings with laptop computers.

WEBSITE REDESIGN

BODA completely redesigned and updated its website in 2010 to improve function and to prepare for future electronic filing of appeals, pleadings and motions. Future improvements include a fully searchable database and dynamic pages.

VIDEORECORDING OF HEARINGS

With assistance from Blake Hawthorne, Clerk of the Supreme Court of Texas, and St. Mary's Law School, BODA is videorecording its *en banc* hearings. These videos, together with the decision in the matter, will be available on the BODA website, www.txboda.org, beginning in 2011.

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

MEMBERS 2009-2010



Back row: Gary R. Gurwitz, Thomas J. Williams, Deborah J. Race, Jack R. Crews, Kathy J. Owen, David A. Chaumette
Front row: Ben Selman, Charles L. Smith, W. Clark Lea, JoAl Cannon Sheridan, Alice A. Brown
Not pictured: Marvin W. Jones

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 serving on grievance committees.

Chair, **W. Clark Lea** is a shareholder in Cotton, Bledsoe, Tighe & Dawson 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 received her J.D. from Baylor Law School. She is a former director of the State Bar of Texas and served on the District 2A Grievance Committee. She currently serves on the board of the State Bar of Texas Family Law Section. She is a sustaining life fellow of the Texas Bar Foundation.

Alice A. Brown is government environmental litigation coordinator for Exxon Mobil Corp. in Houston, where she supervises and manages environmental litigation brought by governmental agencies. 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 and is a partner with De la Rosa & Chaumette in Houston. He has tried a wide variety of commercial matters in state and federal court involving oil and gas issues, securities, software licensing, and real estate disputes. He graduated from the University of Chicago Law School. He is secretary of the Houston Bar Association and is a former president of the Houston Young Lawyers Association.

Jack R. Crews is a shareholder of Baird, Crews, Schiller & Whitaker, P. C. in Temple, Texas. He graduated from the Baylor University School of Law 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, L.L.P. in McAllen. He graduated from the University of Texas School of Law. 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 is a leader in his community and is a recipient of 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 University School of Law in 1977 where he served as editor-in-chief of the Baylor Law Review. He is board certified in civil trial law by the Texas Board of Legal Specialization 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 University 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 in Ireland, Carroll & Kelley, P.C. in Tyler. She graduated from the University of Houston Law Center in 1982 and was appointed to BODA in 2007. Race served as chair of the State Bar of Texas District 2-A Grievance Committee and is a life fellow of the Texas Bar Foundation. She is certified in civil appellate law by the Texas Board of Legal Specialization.

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.

OVERVIEW

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 six types of attorney discipline cases as well as disability matters. BODA elects its own chair and vice chair and proposes its own rules of administration and procedure to the Supreme Court of Texas for promulgation. 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 appellate court. *In re State Bar of Texas*, 113 S.W.3d 730, 734 (Tex. 2003) (orig. proceeding).

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 Supreme Court has delegated to BODA the authority to hear and determine disciplinary and disability cases. The Texas Rules of Disciplinary Procedure (TRDP) originally created BODA in 1992 as a result of statutory changes requiring an administrative system for reciprocal and compulsory discipline 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).

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 cases. With the exception of appeals from classification screening decisions, which are final, BODA decisions are appealable directly to the Supreme Court of Texas.

BODA proposes rules of procedure and administration to the Supreme Court for promulgation. In 2010, BODA revised its internal rules to incorporate provisions for electronic filing and delivery of documents, reflect recent changes to the State Bar Act and TRDP, provide clarity regarding the confidentiality of the grievance process, model the rules governing appellate cases after the Texas Rules of Appellate Procedure (TRAP), revise procedures for disability matters, and establish procedure in compulsory discipline cases in light of recent Texas Supreme Court opinions. BODA last revised the Internal Procedural Rules in 2004 with the changes to the Texas Rules of Disciplinary Procedure.

WEBSITE

BODA maintains a website at www.txboda.org. 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 as well as recent decisions and archived decisions to 2002. The website also provides copies of the Texas Disciplinary Rules of Professional Conduct, the Texas Rules of Disciplinary Procedure, and the Internal Procedural Rules.

CLASSIFICATION APPEAL HEARINGS

BODA decides appeals from classification screening decisions through panels in weekly telephone conferences with a typical docket of approximately 30 grievances. 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 screening decisions, the appeals, and all associated files are confidential.

During 2009-2010, BODA conducted 73 telephone conferences and decided 2,129 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 Hawthorne and his deputies, who arrange for security and videotaping assistance. The BODA chair may also assign any matter to a panel of three members to decide. BODA hearings, other than certain disability proceedings and appeals from private reprimands, are open to the public.

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 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. BODA staff has a combined 43 years of experience working for the Board of Disciplinary Appeals.

RECORD RETENTION

For several years, BODA has made electronic copies of all files and now retains the paper file for only one year. This change to electronic records has greatly reduced the space and associated expense of on-site and off-site storage.

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.

PROFESSIONAL DEVELOPMENT AND EXCHANGE WITH OTHER GRIEVANCE ENTITIES

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.



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

The Executive Director served as secretary of the National Council of Lawyer Disciplinary Boards, Inc. (www.ncldb.org) during 2009-2010 and is president-elect during 2010-2011. Formed in 2003 with Texas as a founding member, the NCLDB is a 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 one or more jurisdictions in the United States.

BODA meets annually with the Grievance Oversight Committee of the Supreme Court of Texas to discuss issues. BODA strongly encourages and supports coordination between the Board, the State Bar of Texas, the Commission for Lawyer Discipline, the Grievance Oversight Committee, and related groups to identify and propose improvements to the existing disciplinary system.

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."

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.

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.

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 42 percent of dismissed grievances are appealed to BODA annually.

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, the 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.

Disability Cases and Reinstatements

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

For more detailed information about BODA jurisdiction and procedures, visit www.txboda.org.

COMPULSORY DISPOSITIONS

June 1, 2009 – May 31, 2010

BODA has original jurisdiction to suspend or disbar attorneys convicted of certain crimes. The Office of 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 imprisonment, 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 State Bar 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 14 petitions for compulsory discipline and motions for final judgment in compulsory cases. Additional details are available at www.txboda.org under "Archived Decisions."

Murder

Attorney sentenced to 18 years imprisonment for attempt to commit premeditated murder, conspiracy to commit premeditated murder, and wrongful fraternization with an enlisted person by general court martial. Attorney disbarred. Barry Wayne Brown; State Bar of Texas Card No. 24045566; BODA case 37539. Appeal pending in the Supreme Court of Texas.

Theft by Public Servant

Attorney sentenced to four years in prison for theft by public servant. Attorney disbarred. Galen Ray Sumrow; State Bar of Texas Card No. 19511375; BODA case 42036.

Possession of Cocaine with the Intent to Distribute

Attorney sentenced to 168 months imprisonment for possession with intent to distribute cocaine. Attorney resigned in lieu of discipline. Michael Orji-Nwosu; State Bar of Texas Card No. 00795568; BODA case 43555.

Conspiracy to Bribe

Attorney sentenced to 24 months in prison for conspiracy to commit bribery of an elected state official by means of wire fraud. Attorney disbarred. Timothy Reese Balducci; State Bar of Texas Card No. 24049213; BODA Case 44269.

Tampering with a Government Record

Attorney placed on two years deferred adjudication for tampering with a governmental record. Attorney suspended for the term of the deferred adjudication by agreed order. Linda Jane Hevrin McCue; State Bar of Texas Card No. 24034563; BODA case 44270.

Possession of Child Pornography

Attorney sentenced to 78 months in prison for possession of child pornography. Attorney disbarred. Warren Reid Williamson; State Bar of Texas Card No. 21628400; BODA case 44291.

Tax Evasion

Attorney sentenced to 30 months in prison for tax evasion. Attorney suspended by agreement pending the outcome of the appeal of his criminal conviction. Barry Joseph Jewell; State Bar of Texas Card No. 24033546; BODA case 44743.

Bankruptcy Fraud

Attorney sentenced to 13 months in prison for false declaration in bankruptcy, bankruptcy fraud and money laundering. Attorney suspended by agreement pending the outcome of the appeal of his criminal conviction. James Joseph Everett; State Bar of Texas Card No. 06742100; BODA case 44745.

Aggravated Assault with a Deadly Weapon

Attorney placed on 10 years deferred adjudication for aggravated assault with a deadly weapon. Attorney resigned in lieu of discipline. John David Townsend; State Bar of Texas Card No. 20165850; BODA case 44744.

Aggravated Assault with a Deadly Weapon

Attorney placed on 10 years deferred adjudication for aggravated assault with a deadly weapon. Attorney resigned in lieu of discipline. David Neal Duncan; State Bar of Texas Card No. 00793652; BODA case 45282.

Money Laundering

Attorney sentenced to 27 months in prison for money laundering. Attorney disbarred. Chris M. Evans; State Bar of Texas Card No. 06711500; BODA case 45331.

Defraud and Falsely Bill Medicare and Medicaid

Attorney sentenced to 30 months in prison for conspiracy to defraud and falsely bill Medicare and Medicaid. Attorney suspended pending the outcome of the appeal of his criminal conviction. Mazen Younes Abdallah, State Bar of Texas Card No. 24054175; BODA case 45332

Misbranding a Pharmaceutical Drug

Attorney sentenced to four years imprisonment with the sentence probated for misbranding a pharmaceutical drug while held for sale. Attorney suspended. Saul A. Gower; State Bar of Texas Card No. 08031500; BODA case 45574.

Aggravated Theft

Attorney sentenced to 20 years in prison for aggravated theft. Attorney suspended pending the outcome of the appeal of his criminal conviction. John Phillip Bender; State Bar of Texas Card No. 02126500; BODA case 45600.

EVIDENTIARY APPEAL DISPOSITIONS

June 1, 2009 – May 31, 2010

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 enter 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*.

Affirmed judgment of disbarment in Case No. D01000630711 by the District 06A Grievance Committee. Jasper C. Rowe; State Bar of Texas Card No. 17333000, BODA case 42935.

Dismissed for want of prosecution an appeal from a judgment of partially-probated suspension by the District 10A-2 Grievance Committee. O. Wayne Crocker; State Bar of Texas Card No. 05087500; BODA case 43606.

Reversed judgment of disbarment and remanded for new trial the judgment of disbarment by the District 01A-2 Grievance Committee. Don L. Jarvis Jr.; State Bar of Texas Card No. 90002001; BODA case 43660.

Dismissed for want of prosecution an appeal from a judgment of probated suspension signed by the District 06A-B2 Grievance Committee. Gilbert Medina Jr.; State Bar of Texas Card No. 13894975; BODA case 44050.

Granted a joint motion to reverse the judgment of partially-probated suspension by the District 4D Grievance Committee and remand the case for rendition of an agreed judgment of partially-probated suspension. Joseph Onwuteaka; State Bar of Texas Card No. 15291300; BODA case 44073.

Dismissed for want of prosecution an appeal of a judgment of partially-probated suspension signed by the District 4C06 Grievance Committee. Elene B. Glassman; State Bar of Texas Card No. 08016000; BODA case 44074.

Attorney withdrew appeal from a judgment of partially-probated suspension by the 4B03 Grievance Committee. Cris William Craft; State Bar of Texas Card No. 04971250; BODA case 44187.

Affirmed the default judgment of partially probated suspension by the District 4E10 Grievance Committee. Manuel A. Velasco; State Bar of Texas Card No. 20540000; BODA case 44169.

Dismissed appeal as moot. Alice Degregori Morales; State Bar of Texas Card No. 05641900; BODA case 44324.

Affirmed a judgment of partially probated suspension signed by the District 4B Grievance Committee. Thomas Antony Zakes; State Bar of Texas Card No. 22243420; BODA case 44450.

Granted a joint motion to vacate the judgment of private reprimand and dismiss the case. Confidential; BODA case 44451.

Affirmed a judgment of partially probated suspension signed by the District 4B Grievance Committee. Cyril Chukwurah; State Bar of Texas Card No. 24048394; BODA case 44874.

BODA CASE STATISTICS

June 1, 2009 – May 31, 2010

BODA CASES

Total cases filed with BODA	2,219
Total BODA dispositions	2,165

Dispositions*	Filed	Decided
Appeals from evidentiary judgments	11	12
Compulsory cases	12	14
Petitions to revoke probation	2	2
Disabilities	4	5
Reciprocal	7	5
Reinstatement	1	1
Mandamus	1	1
Total	38	38

Appeals from BODA to Supreme Court	4	3 (1 pending)
------------------------------------	---	---------------

All BODA decisions appealed to Supreme Court and decided during 2009 - 2010 affirmed.

* Other than classification appeals

GRIEVANCES FILED

Total grievances filed with State Bar of Texas	7,233**
Total upgraded for investigation by State Bar	2,338 (32%)
Total dismissed by State Bar	4,895 (68%)
Total dismissed complaints appealed to BODA	2,095 (42%)
Total appeals upgraded by BODA	232 (11%)
Appeals with just cause finding	30 (13%)***

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

****20 cases pending just cause determination*

CLASSIFICATION APPEALS TO BODA

Total appeals from classification dismissals decided 2,129

Appeals from dismissed grievances to BODA:

	Filed	Decided	Reversed
Austin	198	226	25
Dallas	826	802	88
Houston	579	606	56
San Antonio	492	495	63
Total	2,095	2,129	232

Average time to decide classification appeal once file received 25 days

HEARINGS AND CONFERENCES

En banc meetings to hold hearings 5
Telephone conferences 73

BUDGET

Total budget FY 09-10 \$458,543
Funds expended \$387,905
Variance (favorable) (15%)

THE BOARD *of* DISCIPLINARY APPEALS 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 Rule of Disciplinary Procedure 7.04*