



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

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| IN THE MATTER OF | § | |
| JOSEPH Wm. BAILEY | § | CAUSE NO. 52881 |
| <i>State Bar of Texas Card No. 01529200</i> | § | |

DEFAULT JUDGMENT OF DISBARMENT

On the 2nd day of May 2014, the above-styled and numbered disciplinary action was called for hearing before the Board of Disciplinary Appeals. Petitioner appeared by attorney and announced ready. Respondent, Joseph Wm. Bailey, although duly cited to appear, failed to appear and wholly made default. All matters of fact as well as all matters 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, Joseph Wm. Bailey, State Bar Card Number 01529200, is licensed and authorized to practice law in the State of Texas by the Supreme Court of Texas.
- (2) On or about April 12, 2013, an Order/Per Curium disbarring Respondent was entered in the Supreme Court of the State of Louisiana in a matter styled: *In Re: Joseph W. Bailey*, No. 2012-B-2536.
- (3) In the Order/Per Curium, the Court found that Respondent: "...violated Rule 1.5 by charging the trust unreasonable fees on several occasions...violated Rule 1.7 because, while he was the attorney for the trust and Mr. Morris, he had his wife appointed trustee of Mr. Morris' trust. While, Mrs. Bailey was trustee, she worked in respondent's law office. Respondent never reviewed the bills Mrs. Bailey submitted to the trust for payment of her services as

trustee, and she charged three to four times the amount charged by the Trust Company of Louisiana. Respondent billed the trust monthly for his services ...it is clear that respondent's personal interests materially limited his representation of Mr. Morris....[R]espondent was not able to credibly explain why more than \$4000 in trust funds was used to pay his personal credit card bill...respondent appears to have retained all of the funds paid to him for legal services that he is only partially able to prove he provided. For these reasons...respondent violated Rule 1.15. ...Respondent did not review his wife's management of the trust, nor did he attempt to stop her mismanagement of the funds. Furthermore, respondent failed to advise Mrs. Bailey of her duty to file an annual accounting of the trust. As a result, there is no documentation accurately reflecting the disbursements made from the trust. Thus...respondent violated Rule 5.3. Finally...respondent violated Rule 8.4(c) because his overall conduct was dishonest, resulting in the depletion of a large trust fund belonging to an essentially disabled young man."

- (4) Respondent, Joseph Wm. Bailey, is the same person as the Joseph W. Bailey who is the subject of the Order described above.

Conclusions of Law. Based upon the foregoing findings of fact 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(H).
- (2) Reciprocal discipline identical to that imposed by the Supreme Court of the State of Louisiana is warranted in this case.

It is, accordingly, ORDERED, ADJUDGED, AND DECREED that Respondent, Joseph Wm. Bailey, State Bar Card No. 01529200, be and he is hereby DISBARRED from the practice of law in the State of Texas and his license to practice law in this state be and is hereby revoked.

It is further ORDERED, ADJUDGED and DECREED that Respondent, Joseph Wm. Bailey, is hereafter permanently 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, appearing as counsel or in any representative capacity 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, Joseph Wm. Bailey, 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, Joseph Wm. Bailey, has any legal matter pending, if any, of his disbarment, 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, Joseph Wm. Bailey, shall immediately notify each of his current clients and opposing counsel, if any, in writing, of his disbarment. 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, if any, to those respective clients or former clients within thirty (30) days after the date on which this Judgment is signed by the Board. Respondent is further ORDERED to file with this Board, within the same thirty (30) days, an affidavit stating that all current clients have been notified of his disbarment 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. 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 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, Joseph Wm. Bailey, immediately surrender his Texas law license and permanent State Bar Card to the Statewide Compliance Monitor, Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711, for transmittal to the Clerk of the Supreme Court of Texas.

Signed this 7th day of May 2014.


CHAIR PRESIDING