



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

IN THE MATTER OF	§	
JAMES JOSEPH EVERETT	§	CAUSE NO. 44745
STATE BAR CARD NO. 06742100	§	

JUDGMENT OF DISBARMENT

On the 27th day of January 2012, the Board of Disciplinary Appeals called for the hearing the Second Amended Motion for Entry of Judgment of Disbarment filed in the above case by Petitioner, Commission for Lawyer Discipline of the State Bar of Texas, against Respondent, James Joseph Everett. Petitioner appeared by counsel and announced ready. Respondent, James Joseph Everett, although having answered and having notice of the hearing, failed to appear and made default.

The Board finds that:

- (1) The Board signed an Order of Interlocutory Suspension against Respondent on August 18, 2009 suspending him from the practice of law until further order.
- (2) Respondent was personally served with the Second Amended Motion for Entry of Judgment of Disbarment on December 7, 2011, and the affidavit has been on file with the Board since January 19, 2012.
- (3) It has continuing jurisdiction of this matter pursuant to Texas Rules of Disciplinary Procedure 8.05 ("TRDP");
- (4) The United States Court of Appeals for the Ninth Circuit affirmed Respondent's criminal conviction and issued its mandate indicating that the decision was final on or about November 8, 2010;
- (5) Petitioner filed its Second Amended Motion for Entry of Judgment of

Disbarment on or about November 15, 2011, and served same on Respondent in accordance with TRDP 8.05;

- (6) Respondent's conviction for the commission of Intentional Crimes as defined by TRDP 1.06(T), for which he was sentenced in the United States District Court for the District of Arizona, has become final and is not subject to appeal;
- (7) Respondent's criminal sentence was not fully probated.
- (8) Petitioner's Motion for Entry of Judgment of Disbarment should be granted.

Interlocutory Suspension

Following a hearing on the 14th day of August 2010, at which Petitioner, Commission for Lawyer Discipline of the State Bar of Texas, appeared by attorney and announced ready and Respondent, James Joseph Everett, although having entered an appearance and requested a continuance of the hearing on the merits, did not appear in person or by attorney at the hearing and defaulted, the Board of Disciplinary Appeals entered an Interlocutory Order of Suspension on or about August 18, 2009, which included the following findings of fact and conclusions of law:

- (1) Respondent, James Joseph Everett, whose State Bar Card number is 06742100, is licensed and authorized to practice law in the State of Texas by the Supreme Court of Texas.
- (2) On or about August 29, 2006, Respondent was charged by Indictment with crimes involving False Declarations in Bankruptcy Proceeding in violation of Title 18 U.S.C. § 152(3), Bankruptcy Fraud in violation of Title 18 U.S.C. § 157 and Money Laundering - Concealment in violation of Title 18 U.S.C. § 1956(a)(1)(B)(i), in No. CR06-0795PHX-JAT (ECV), styled *United States of America v. James Joseph Everett*, in the United States District Court for the District of Arizona.
- (3) On or about January 23, 2009, a Judgment in a Criminal Case was entered in No. CR06-00795-00 I-PHX -JAT, styled *United States of America v. James Joseph Everett*, in the United States District Court for the District of Arizona, wherein Respondent was found guilty of violating Title 18 U.S.C. § 152(3), False Declaration in Bankruptcy Proceedings, a Class D Felony offense, as charged in Counts 1 through 6 of the Indictment; Title 18 U.S.C. § 157, Bankruptcy Fraud, a Class D Felony offense, as charged in Count 8 of the Indictment; and Title 18

U.S.C. § 1956(a)(1)(B)(i), Money Laundering/Concealment, a Class C Felony offense, as charged in Counts 9 through 34 of the Indictment. The Court ordered that Respondent be committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of thirteen (13) months, that Respondent be on supervised release for three (3) years upon release from imprisonment, and further ordered Respondent to pay an assessment of \$3,300.00 and a fine of \$7,500.00.

- (4) Respondent, James Joseph Everett, is the same person as the James Joseph Everett who is the subject of the Everett criminal case described above.
- (5) Respondent's criminal sentence is not fully probated.
- (6) Respondent has appealed the criminal conviction.
- (7) Respondent was personally served with the Petition and hearing notice on July 9, 2009, and the affidavit of service was filed with this Board on July 24, 2009.
- (8) This Board has jurisdiction to hear and determine this matter. TRDP 7.08(G).
- (9) Respondent, James Joseph Everett, having been convicted of False Declaration in Bankruptcy Proceedings, Bankruptcy Fraud, and Money Laundering/Concealment, has been convicted of Intentional Crimes as defined by TRDP 1.06(T).
- (10) Respondent has also been convicted of Serious Crimes as defined by TRDP 1.06(Z).
- (11) Having been found guilty and convicted of Intentional and Serious Crimes and having appealed such conviction, Respondent, James Joseph Everett, should have his license to practice law in Texas suspended during the appeal of his criminal conviction. TRDP 8.04.
- (12) The Board retains jurisdiction to enter a final judgment in this matter when the criminal appeal is final. TRDP 8.06.
- (13) Respondent's request for a continuance of this proceeding should be denied.

Disbarment

The Board has determined that Respondent should be disbarred. It is, therefore, accordingly, ORDERED, ADJUDGED, AND DECREED that Respondent, James Joseph Everett, State Bar No. 06742100, 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, James Joseph Everett, 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 in any proceeding in any Texas court or before any Texas administrative body, or holding himself out to others or using his name or bar card number, in any manner, in conjunction with the words "attorney," "counselor," or "lawyer."

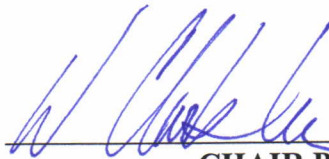
It is further ORDERED that Respondent, James Joseph Everett, not later than thirty (30) days from the date of the entry of this judgment, shall notify in writing each and every justice of the peace, judge, magistrate, and chief justice of each and every court, if any, in which Respondent has any legal 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 Office of the Chief Disciplinary Counsel, Statewide Compliance Monitor, State Bar of Texas, P.O. Box 12487, Austin, Texas 78711.

It is further ORDERED that Respondent, James Joseph Everett, shall immediately notify each of his current clients, 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 the Chief Disciplinary Counsel, Statewide Compliance Monitor, State Bar of Texas, P.O. Box 12487, Austin,

Texas 78711, 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 copies of all notification letters to clients to the Office of the Chief Disciplinary Counsel, Statewide Compliance Monitor, State Bar of Texas, P.O. Box 12487, Austin, Texas 78711.

It is further ORDERED that Respondent, James Joseph Everett, if he has not already done so, immediately surrender his Texas law license and permanent State Bar Card to the Office of the Chief Disciplinary Counsel, Statewide Compliance Monitor, State Bar of Texas, P. O. Box 12487, Austin, Texas 78711, for transmittal to the Clerk of the Supreme Court of Texas.

Signed this 31st day of January 2012.



CHAIR PRESIDING