



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

IN THE MATTER OF §
BARRY JOSEPH JEWELL § CAUSE NO. 44743
STATE BAR CARD NO. 24033546 §

JUDGMENT OF DISBARMENT

On the 28th day of January 2011, the Board of Disciplinary Appeals considered the 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, Barry Joseph Jewell.

Interlocutory Suspension

On October 19, 2009, the Board of Disciplinary Appeals signed an Agreed Interlocutory Order of Suspension which included the following findings of fact:

- (1) Respondent, Barry Joseph Jewell, Bar Card Number 24033546, is licensed by the Supreme Court of Texas to practice law but is not currently authorized to practice law in the State of Texas.
- (2) On or about April 4, 2007, Respondent was charged by Indictment with crimes involving Conspiracy, Money Laundering and Tax Evasion in Case No. 4:07CR00103GH, styled *United States of America v. Barry J. Jewell*, in the District Court of the United for the Eastern District of Arkansas.
- (3) On or about April 14, 2009, a Judgment in a Criminal Case was entered in Case Number. 4:07CR00103 JLH, styled *United States of America v. Barry J. Jewell*, in the United States District Court for the Eastern District of Arkansas, wherein Respondent was found guilty of violating Title 26 U.S.C. § 7201 and Title 18 U.S.C. § 2, Tax Evasion, a Class D Felony offense, as charged in Count 5 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 thirty (30) months and ordered upon release from imprisonment to be on supervised release for three (3) years and further ordered to pay an assessment of \$100.00, and a fine of \$25,000.00.

- (4) Respondent, Barry Joseph Jewell, is the same person as the Barry J. Jewell who is the subject of the Jewell criminal case described above.
- (5) Respondent has appealed the criminal conviction.

and conclusions of law:

- (1) This Board has jurisdiction to hear and determine this matter. Rule 7.08(G), Texas Rules of Disciplinary Procedure.
- (2) Respondent, Barry Joseph Jewell, having been convicted of Tax Evasion has been convicted of an Intentional Crime as defined by TRDP 1.06(T).
- (3) Respondent has also been convicted of a Serious Crime as defined by TRDP 1.06(Z).
- (4) Having been found guilty and convicted of an Intentional and Serious Crime and having appealed such conviction, Respondent, Barry Joseph Jewell, should have his license to practice law in Texas suspended during the appeal of his conviction. TRDP 8.04.
- (5) The Board retains jurisdiction to enter a final judgment in this matter when the criminal appeal is final.

Motion for Entry of Final Judgment

The Board finds that:

- (1) Petitioner filed its Motion for Entry of Judgment of Disbarment on or about December 7, 2010.
- (2) Respondent was personally served with the Motion for Entry of Judgment and Hearing Notice on December 22, 2010 by a Shelby County, Tennessee, Deputy Sheriff, and the affidavit of service was filed with this Board on January 12, 2011.
- (3) Although having been duly served and having notice of the hearing, Respondent failed to respond to the Motion or appear at the hearing.

- (4) The United States Court of Appeals for the Eighth Circuit affirmed Respondent's criminal conviction on July 30, 2010.
- (5) The United States Court of Appeals for the Eighth Circuit issued its Mandate on September 16, 2010.
- (6) Respondent's criminal sentence was not fully probated, and he is currently serving a term of 30 months imprisonment.

Based on these findings, the Board concludes that:

- (1) It has continuing jurisdiction of this matter pursuant to Texas Rules of Disciplinary Procedure 8.05 ("TRDP") to render final judgment when the criminal conviction is final.
- (2) Respondent's criminal conviction was affirmed and is now final.
- (3) Having been convicted of an Intentional Crime, that conviction being final, and Respondent having been sentenced to a term of imprisonment, Respondent should be disbarred. TRDP 8.05.

Disbarment

Having determined that Respondent should be disbarred, the Board finds that Petitioner's Motion for Entry of Final Judgment should be granted. It is, therefore, accordingly, ORDERED, ADJUDGED, AND DECREED that Respondent, Barry Joseph Jewell, State Bar No. 24033546, 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, Barry Joseph Jewell, 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, in any

manner, in conjunction with the words "attorney," "counselor," or "lawyer."

It is further ORDERED that Respondent, Barry Joseph Jewell, 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, Barry Joseph Jewell, 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 Statewide Compliance Monitor, 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, Barry Joseph Jewell, 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 2nd day of February 2011.



CHAIR PRESIDING