



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

IN THE MATTER OF §
WILLIAM TOPP MAXWELL § **CAUSE NO. 56591**
STATE BAR CARD NO. 24028775 §

INTERLOCUTORY ORDER OF SUSPENSION

On the 29th day of January 2016, the above-styled and numbered compulsory disciplinary action was called for hearing before the Board of Disciplinary Appeals. Petitioner Commission for Lawyer Discipline of the State Bar of Texas appeared by attorney. Respondent, having answered and, although duly cited to appear and having notice of the hearing, failed to appear. All questions of fact as well as all issues 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, William Topp Maxwell, whose State Bar Card number is 24028775, is licensed by the Supreme Court of Texas to practice law but is not currently authorized to practice law in the State of Texas due to being administratively suspended for failure to pay state bar dues.
- (2) On or about October 26, 2011, Respondent was charged by Indictment with Count One - RICO Conspiracy, in violation of 18 U.S.C. §1962(d), Count Two - Securities Fraud Conspiracy, in violation of 18 U.S.C. §371, Count Three - Wire Fraud Conspiracy, in violation of 18 U.S.C. §1349, Counts Four through Sixteen - Wire Fraud, in violation of 18 U.S.C. §1343, Counts Seventeen through Nineteen - Wire Fraud, in violation of 18 U.S.C. §1343, Count Twenty - Conspiracy to Commit Money

Laundering, in violation of 18 U.S.C. §1956(h), Count Twenty-One – Conspiracy to Commit Bank Fraud, in violation of 18 U.S.C. §1349, County Twenty-Two – Conspiracy to Make False Statements in Connection with Loan Application, in violation of 18 U.S.C. §371, County Twenty-Three – Conspiracy to Obstruct Justice, in violation of 18 U.S.C. §1512(k), Count Twenty-Four – Conspiracy to Sell or Transfer Firearms and Ammunition to a Prohibited Person or Possess a Firearm by a Convicted Felon, in violation of 18 U.S.C. §371, and Count Twenty-Five – Felon in Possession of a Firearm, in violation of 18 U.S.C. §922(g)(1), in Cause No. 11-740(RBK), styled *United States of America, v. (among others) William Maxwell a/k/a "Bill"*, in the United States District Court for the District of New Jersey.

- (3) On or about June 18, 2014, Respondent was charged by Redacted Indictment with Count One - RICO Conspiracy, in violation of 18 U.S.C. §1962(d), Count Two - Securities Fraud Conspiracy, in violation of 18 U.S.C. §371, Count Three - Wire Fraud Conspiracy, in violation of 18 U.S.C. §1349, Counts Four through Sixteen - Wire Fraud, in violation of 18 U.S.C. §1343, Counts Seventeen through Nineteen – Wire Fraud, in violation of 18 U.S.C. §1343, Count Twenty – Conspiracy to Commit Money Laundering, in violation of 18 U.S.C. §1956(h), Count Twenty-One – Conspiracy to Commit Bank Fraud, in violation of 18 U.S.C. §1349, County Twenty-Two – Conspiracy to Make False Statements in Connection with Loan Application, in violation of 18 U.S.C. §371, County Twenty-Three – Conspiracy to Obstruct Justice, in violation of 18 U.S.C. §1512(k), Count Twenty-Four – Conspiracy to Sell or Transfer Firearms and Ammunition to a Prohibited Person or Possess a Firearm by a Convicted Felon, in violation of 18 U.S.C. §371, and Count Twenty-Five – Felon in Possession of a Firearm, in violation of 18 U.S.C. §922(g)(1), in Cause No. 11-740, styled *United States of America, v. (among others) William Maxwell a/k/a "Bill"*, in the United States District Court for the District of New Jersey.
- (4) On or about July 30, 2015, a Judgment in a Criminal Case was entered in Case No. 1:11-CR-00740 (03), styled *United States of America v. William Maxwell, Defendant*, in the United States District Court for the District of New Jersey, wherein Respondent was found guilty of Count One - Racketeering Conspiracy, Count Two - Conspiracy to Commit Securities Fraud, Count Three - Conspiracy to Commit Wire Fraud, Counts Four through Nineteen - Wire Fraud, Count Twenty - Conspiracy to Commit Money Laundering, County Twenty-Three - Conspiracy to Obstruct Justice, Count Twenty-Four - Conspiracy to Sell or Transfer Firearms and Ammunition to a Prohibited Person and was committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 240 months on each of Counts 1, 3 through 20, and 23; and 60 months on each

of Counts 2 and 24; all such terms to run concurrent, to produce a total term of imprisonment of 240 months. Respondent was ordered upon release from imprisonment to be on supervised release for 3 years on each of Counts 1 through 20, 23, and Count 24, all such terms to run concurrently, ordered to pay an assessment of \$2,200.00 and ordered to pay restitution in the amount of \$14,180,798.00.

- (5) On or about August 11, 2015, an Amended Judgment (as to forfeiture) in a Criminal Case was entered in Case No. 1:11-CR-00740 (03), styled *United States of America v. William Maxwell, Defendant*, in the United States District Court for the District of New Jersey, wherein Respondent was found guilty of Count One - Racketeering Conspiracy, Count Two - Conspiracy to Commit Securities Fraud, Count Three - Conspiracy to Commit Wire Fraud, Counts Four through Nineteen - Wire Fraud, Count Twenty - Conspiracy to Commit Money Laundering, County Twenty-Three - Conspiracy to Obstruct Justice, Count Twenty-Four - Conspiracy to Sell or Transfer Firearms and Ammunition to a Prohibited Person and was committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 240 months on each of Counts 1, 3 through 20, and 23; and 60 months on each of Counts 2 and 24; all such terms to run concurrent, to produce a total term of imprisonment of 240 months. Respondent was ordered upon release from imprisonment to be on supervised release for 3 years on each of Counts 1 through 20, 23, and Count 24, all such terms to run concurrently, ordered to pay an assessment of \$2,200.00 and ordered to pay restitution in the amount of \$14,180,798.00.
- (6) Respondent, William Topp Maxwell is the same person as the William Maxwell, who is the subject of the criminal case described above.
- (7) Respondent has appealed the criminal conviction.
- (8) 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) This Board has jurisdiction to hear and determine this matter. Tex. Rules Disciplinary P. R. 7.08(G) ("TRDP").
- (2) Respondent, William Topp Maxwell, having been convicted of Racketeering Conspiracy, Conspiracy to Commit Securities Fraud, Conspiracy to Commit Wire Fraud, Wire Fraud, Conspiracy to Commit Money Laundering, Conspiracy to Obstruct Justice, and Conspiracy to

Sell or Transfer Firearms and Ammunition to a Prohibited Person, has been convicted of Intentional Crimes as defined by TRDP 1.06(T).

- (3) Respondent has also been convicted of Serious Crimes as defined by TRDP 1.06(Z).
- (4) Having been found guilty of and convicted of Intentional and Serious Crimes and having appealed such conviction, Respondent, William Topp Maxwell, should have his license to practice law in Texas suspended during the appeal of his criminal convictions. TRDP 8.04.
- (5) The Board retains jurisdiction to enter a final judgment in this matter when the criminal appeal is final.

It is, accordingly, ORDERED, ADJUDGED, and DECREED that Respondent, William Topp Maxwell, State Bar Card No. 24028775, is hereby SUSPENDED from the practice of law in the State of Texas effective immediately upon entry of this order and continuing hereafter until further order of this Board.

It is further ORDERED, ADJUDGED and DECREED that Respondent, William Topp Maxwell, 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 before 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."

It is further ORDERED that Respondent, William Topp Maxwell, 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, William Topp Maxwell, 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 Statewide Compliance Monitor, Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711. Respondent is further ORDERED to file with the Statewide Compliance Monitor, Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711, within the same thirty (30) days, an affidavit stating wither (a) that each and every justice of the peace, judge, magistrate, and chief justice of each and every court in which Respondent, William Topp Maxwell, has any legal matter pending, if any, of his suspension, has been notified or (b) that Respondent has no legal matters pending in any court.

It is further ORDERED that Respondent, William Topp Maxwell, shall immediately notify each of his current clients, if any, in writing, of his suspension. 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 with active cases pending, if any, to those respective clients or former clients with active cases pending within thirty (30) days after the date of this Order. Respondent is further ORDERED to file with the Statewide Compliance Monitor, Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711, 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 with active cases pending 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 is unable to return any file, papers, money

or other property to any client or former client with active cases pending, 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 all notification letters 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, William Topp Maxwell, immediately surrender his Texas law license and permanent State Bar Card to the Statewide Compliance Monitor, Office of the Chief Disciplinary, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711, for transmittal to the Clerk of the Supreme Court of Texas.

It is further ORDERED that a certified copy of the First Amended 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 and that the Board retains jurisdiction to enter a final judgment when the appeal of the criminal conviction is final. *In the Matter of Mercier*, 242 SW 3d 46 (Tex. 2007).

It is further ORDERED that Respondent shall promptly notify the Board and the State Bar of Texas Chief Disciplinary Counsel when the appeal of the criminal conviction is final.

It is further ORDERED that the Chief Disciplinary Counsel of the State Bar of Texas shall monitor the status of the appeal of the criminal conviction on at least a quarterly basis and promptly file an appropriate motion for entry of final judgment with the Board when the appeal of the criminal conviction is final.

Signed this 2 day of February 2016.



CHAIR PRESIDING