



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

IN THE MATTER OF	§	
PHILLIP WINDOM OFFILL, JR.	§	CAUSE NO. 47265
STATE BAR CARD NO. 75004273	§	

JUDGMENT OF DISBARMENT

On the 20th day of April 2012, 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, Phillip Windom Offill, Jr. Petitioner appeared by counsel and announced ready. Respondent, although having been duly served with the motion and having notice of the hearing, failed to answer or appeal and wholly made default.

The Board finds that:

- (1) It has continuing jurisdiction of this matter pursuant to Texas Rule of Disciplinary Procedure 8.05 ("TRDP");
- (2) The United State Court of Appeals for the Fourth Circuit affirmed Respondent Phillip Windom Offill Jr.s' criminal conviction and issued its Mandate indicating that the decision was final on or about December 28, 2011;
- (3) Petitioner filed its Motion for Entry of Judgment of Disbarment on or about March 7, 2012;
- (4) Respondent was personally served by a duly authorized process server with the Motion for Entry of Judgment of Disbarment on March 13, 2012, and the affidavit of service has been on file with the Board since April 3, 2012;
- (5) 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 Eastern District of Virginia, Alexandria Division, has become

final and is not subject to further direct appeal;

- (6) Respondent's criminal sentence included incarceration for a total term of 96 months;
- (7) Petitioner's Motion for Entry of Judgment of Disbarment should be granted.

INTERLOCUTORY SUSPENSION

Following a hearing on the 19th day of October 2010, at which Petitioner Commission for Lawyer Discipline of the State Bar of Texas appeared by attorney and announced ready and Respondent, Phillip Windom Offill, Jr., although duly cited to appear and having been given notice of the hearing, failed to answer or appear and wholly made default, the Board of Disciplinary Appeals entered an Interlocutory Order of Suspension on or about October 22, 2010, which included the following findings of fact and conclusions of law:

- (1) Respondent, Phillip Windom Offill, Jr., whose State Bar Card number is 75004273, 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 a prior disciplinary suspension.
- (2) On or about March 12, 2009, Respondent was charged by Indictment with one count of Conspiracy to Evade Securities Registration Violations; Securities Fraud and Wire Fraud, and nine counts of Wire Fraud and a Forfeiture Notice in Cause No. 1:09cr134, styled *United States of America v. Phillip Windom Offill, Jr.*, in the United States District Court for the Eastern District of Virginia, Alexandria Division.
- (3) On or about April 23, 2010, a Judgment in a Criminal Case was entered in Case No. 1:09CR00134-001, styled *United States of America v. Phillip Windom Offill, Jr.*, in the United States District Court for the Eastern District of Virginia, Alexandria Division, wherein Respondent was found guilty of Count 1 - Conspiracy to Commit Securities Registration Violations, Securities Fraud and Wire Fraud in violation of 18 U.S.C. § 371 and Counts 2 through 10 - Wire Fraud in violation of 18 U.S.C. § 1343 and 2 and was committed into the custody of the United States Bureau of Prisons to be imprisoned for a total term of ninety six (96) months, which consists of a term of imprisonment of sixty (60) months on Count 1 and ninety six (96) months on each of Counts 3 through 10, to run concurrently with each other and concurrent with Count 1, with credit for time served. Upon release from

imprisonment, Offill shall be on supervised release for a term of three (3) years for each count, to run concurrently. Offill was further ordered to pay restitution in the amount of \$30,110.90 and the United States was granted a personal money judgment against Offill in the amount of \$4,838,986.00.

- (4) On or about April 26, 2010, an Amended (to correct the attached "Consent" Order of Forfeiture to Preliminary Order of Forfeiture) Judgment in a Criminal Case was entered in Case No. 1:09CR00134-001, styled *United States of America v. Phillip Windom Offill, Jr.*, in the United States District Court for the Eastern District of Virginia, Alexandria Division, wherein Respondent was found guilty of Count 1 - Conspiracy to Commit Securities Registration Violations, Securities Fraud and Wire Fraud in violation of 18 U.S.C. § 371 and Counts 2 through 10 - Wire Fraud in violation of 18 U.S.C. § 1343 and 2 and was committed into the custody of the United States Bureau of Prisons to be imprisoned for a total term of ninety six (96) months, which consists of a term of imprisonment of sixty (60) months on Count 1 and ninety six (96) months on each of Counts 3 through 10, to run concurrently with each other and concurrent with Count 1, with credit for time served. Upon release from imprisonment, Offill shall be on supervised release for a term of three (3) years for each count, to run concurrently. Offill was further ordered to pay restitution in the amount of \$30,110.90 and the United States was granted a personal money judgment against Offill in the amount of \$4,838,986.00.
- (5) Respondent, Phillip Windom Offill, Jr., is the same person as the Phillip Windom Offill, Jr., who is the subject of the Offill criminal case described above.
- (6) Respondent has appealed the criminal conviction.
- (7) Respondent was personally served by a duly authorized process server with the Petition for Compulsory Discipline and hearing notice on September 2 2010, and the affidavit of service was filed with the Board on September 29, 2010.
- (8) This Board has jurisdiction to hear and determine this matter. TRDP 7.08(G).
- (9) Respondent, Phillip Windom Offill, Jr., having been convicted of Conspiracy to Commit Securities Registration Violations, Securities Fraud and Wire Fraud and nine counts of Wire Fraud, 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, Phillip Windom Offill, Jr., 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 appeal of the criminal conviction is final.

DISBARMENT

Having determined that the motion should be granted, it is, therefore, accordingly, ORDERED, ADJUDGED, AND DECREED that Respondent, Phillip Windom Offill, Jr., State Bar No. 75004273, 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, Phillip Windom Offill, Jr., 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, Phillip Windom Offill, Jr., 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, Phillip Windom Offill, Jr., 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 Office of 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 and opposing counsel 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 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, Phillip Windom Offill, Jr., 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 23rd day of April 2012.



CHAIR PRESIDING