

**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	§	

INTERLOCUTORY ORDER OF SUSPENSION

On the 19th day of October 2010, the above-styled and numbered compulsory discipline action pursuant to Part VIII, Texas Rules of Disciplinary Procedure ("TRDP") was called for hearing before the Board of Disciplinary Appeals. Petitioner Commission for Lawyer Discipline of the State Bar of Texas appeared by attorney and announced ready. Respondent, Phillip Windom Offill, Jr., although duly cited to appear and having notice of the hearing, failed to answer or appear and wholly made default. All issues of fact as well as all questions 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, 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. 1:09CR00134-001, styled *United States of*

America v. Phillip Windom Offill, Jr., in the United States District Court for the Eastern District of Virginia, Alexandria Division.

- (3) On or about April 23, 2010, the court signed a Judgment in a Criminal Case 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. The judgment further ordered, that, 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. The judgment further ordered that, 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.

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. TRDP 7.08(G);
- (2) 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).
- (3) Respondent has also been convicted of Serious Crimes as defined by TRDP 1.06(Z).
- (4) 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.
- (5) The Board retains jurisdiction to enter a final judgment in this matter when the appeal of the criminal conviction is final.

It is, accordingly, ORDERED, ADJUDGED, and DECREED that Respondent, Phillip Windom Offill, Jr., State Bar Card No. 75004273, 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, Phillip Windom Offill, Jr., 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, Phillip Windom Offill, Jr., 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, Phillip Windom Offill, Jr., 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.

It is further ORDERED that Respondent, Phillip Windom Offill, Jr., 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, if any, to those respective clients or former clients 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 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, 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, Phillip Windom Offill, Jr., 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 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 22nd day of October 2010.



CHAIR PRESIDING