

FILED



August 25, 2017

Board of Disciplinary Appeal

IN THE MATTER OF §
BRYAN TODD ADAMSON, § **CAUSE NO. 59098**
STATE BAR CARD NO. 24004522 §

FIRST AMENDED PETITION FOR RECIPROCAL DISCIPLINE

TO THE BOARD OF DISCIPLINARY APPEALS:

Petitioner, the Commission for Lawyer Discipline (hereinafter called “Petitioner”), brings this action against Respondent, Bryan Todd Adamson, (hereinafter called “Respondent”), showing as follows:

1. This action is commenced by Petitioner pursuant to Part IX of the Texas Rules of Disciplinary Procedure. Petitioner is also providing Respondent a copy of Section 7 of this Board's Internal Procedural Rules, relating to Reciprocal Discipline Matters.

2. Respondent is a member of the State Bar of Texas and is licensed but not currently authorized to practice law in Texas. Respondent may be served with a true and correct copy of this Petition for Reciprocal Discipline at Bryan Todd Adamson, 82 S. 285 W., Ivans, Utah 84738.

3. On or about June 11, 2014, a Complaint (Exhibit 1) was filed in the Fifth Judicial District Court in and for Washington County, State of Utah, in a matter styled, *In the Matter of the Discipline of: Bryan T. Adamson, Respondent*.

4. On or about March 28, 2016, the Affidavit of Bryan Adamson in Support of Discipline by Consent and Settlement Agreement (Exhibit 2) was filed in the Fifth Judicial District Court in and for Washington County, State of Utah, in a matter styled, *In the Matter of the Discipline of: Bryan T. Adamson, #11982, Respondent*, Civil No. 140500324, Judge Jeffrey C. Wilcox.

5. On or about March 29, 2016, a Discipline by Consent and Settlement Agreement (Exhibit 3) was filed in a matter styled, *In the Matter of the Discipline of: Bryan T. Adamson, #11982, Respondent*, Civil No. 140500324, Judge Jeffrey C. Wilcox.

6. On or about March 29, 2016, an Order of Discipline: Suspension (Exhibit 4) was entered in a matter styled, *In the Matter of the Discipline of: Bryan T. Adamson, #11982, Respondent*, Civil No. 140500324, Judge Paul D. Lyman, that states in pertinent part as follows:

...IT IS HEREBY ORDERED that Mr. Adamson shall be suspended from the practice of law for a period of one (1) year effective thirty (30) days from the date that the discipline order is signed....

7. In the Discipline by Consent and Settlement Agreement Respondent admits that the agreement encompasses four cases and that in those four cases he violated the following Utah Rules of Professional Conduct: 1.1 – a lawyer shall provide competent representation to a client; 1.15(d) – upon receiving funds or other property in which a client or third person has an interest, a lawyer shall promptly notify the client or third person; 1.16(d) – upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled and refunding any advance payment of fee or expense that has not been earned or incurred; 1.2(a) – a lawyer shall abide by a client's decisions concerning the objectives of representation and, as required by Rule 1.4, shall consult with the client as to the means by which they are to be pursued. A lawyer may take such action on behalf of the client as is impliedly authorized to carry out the representation. A lawyer shall abide by a client's decision whether to settle a matter. In a criminal case, the lawyer shall abide by the client's decision, after consultation with the lawyer, as to a plea to be entered, whether to waive jury trial and whether the client will testify; 1.4(b) – a lawyer shall

explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation; and 1.5(a) – a lawyer shall not make an agreement for, charge or collect an unreasonable fee or an unreasonable amount for expenses.

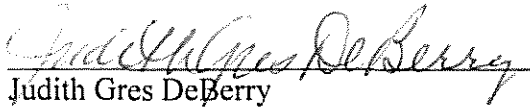
8. Copies of the Complaint, Affidavit of Bryan Adamson in Support of Discipline by Consent and Settlement Agreement, Discipline by Consent and Settlement Agreement, and Order of Discipline: Suspension, are attached hereto as Petitioner's Exhibit 1 through 4 and made a part hereof for all intents and purposes as if the same were copied verbatim herein. Petitioner expects to introduce a certified copies of Exhibits 1 through 4 at the time of hearing of this cause.

9. Petitioner prays that, pursuant to Rule 9.02, Texas Rules of Disciplinary Procedure, that this Board issue notice to Respondent, containing a copy of this Petition with exhibits, and an order directing Respondent to show cause within thirty (30) days from the date of the mailing of the notice, why the imposition of the identical discipline in this state would be unwarranted. Petitioner further prays that upon trial of this matter that this Board enters a judgment imposing discipline identical with that imposed by the Fifth Judicial District in and for Washington County, State of Utah, and that Petitioner have such other and further relief to which it may be entitled.

Respectfully submitted,

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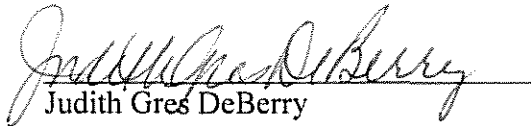
Bar Card No. 24040780

ATTORNEYS FOR PETITIONER

CERTIFICATE OF SERVICE

I certify that upon receipt of the Order to Show Cause from the Board of Disciplinary Appeals, I will serve a copy of this First Amended Petition for Reciprocal Discipline and the Order to Show Cause on Bryan Todd Adamson by personal service.

Bryan Todd Adamson
82 S. 285 W.
Ivans, Utah 84738


Judith Gres DeBerry

INTERNAL PROCEDURAL RULES

Board of Disciplinary Appeals

Effective February 19, 2015 and amended September 20, 2016

Contents

SECTION 1: GENERAL PROVISIONS	1
Rule 1.01 Definitions.....	1
Rule 1.02 General Powers	1
Rule 1.03 Additional Rules in Disciplinary Matters.....	1
Rule 1.04 Appointment of Panels.....	1
Rule 1.05 Filing of Pleadings, Motions, and Other Papers.....	1
Rule 1.06 Service of Petition.....	2
Rule 1.07 Hearing Setting and Notice	3
Rule 1.08 Time to Answer.....	3
Rule 1.09 Pretrial Procedure.....	3
Rule 1.10 Decisions.....	4
Rule 1.11 Board of Disciplinary Appeals Opinions	4
Rule 1.12 BODA Work Product and Drafts	5
Rule 1.13 Record Retention.....	5
Rule 1.14 Costs of Reproduction of Records	5
Rule 1.15 Publication of These Rules.....	5
SECTION 2: ETHICAL CONSIDERATIONS	5
Rule 2.01 Representing or Counseling Parties in Disciplinary Matters and Legal Malpractice Cases.....	5
Rule 2.02 Confidentiality	5
Rule 2.03 Disqualification and Recusal of BODA Members	5
SECTION 3: CLASSIFICATION APPEALS	6
Rule 3.01 Notice of Right to Appeal	6
Rule 3.02 Record on Appeal.....	6
SECTION 4: APPEALS FROM EVIDENTIARY PANEL HEARINGS.....	6
Rule 4.01 Perfecting Appeal.....	6
Rule 4.02 Record on Appeal.....	7
Rule 4.03 Time to File Record	9
Rule 4.04 Copies of the Record.....	10
Rule 4.05 Requisites of Briefs.....	10

Rule 4.06 Oral Argument	11
Rule 4.07 Decision and Judgment	11
Rule 4.08 Appointment of Statewide Grievance Committee	12
Rule 4.09 Involuntary Dismissal	12
SECTION 5: PETITIONS TO REVOKE PROBATION	12
Rule 5.01 Initiation and Service	12
Rule 5.02 Hearing.....	12
SECTION 6: COMPULSORY DISCIPLINE	12
Rule 6.01 Initiation of Proceeding.....	12
Rule 6.02 Interlocutory Suspension.....	12
SECTION 7: RECIPROCAL DISCIPLINE	13
Rule 7.01 Initiation of Proceeding.....	13
Rule 7.02 Order to Show Cause.....	13
Rule 7.03 Attorney’s Response	13
SECTION 8: DISTRICT DISABILITY COMMITTEE HEARINGS	13
Rule 8.01 Appointment of District Disability Committee	13
Rule 8.02 Petition and Answer	14
Rule 8.03 Discovery	14
Rule 8.04 Ability to Compel Attendance.....	15
Rule 8.05 Respondent’s Right to Counsel	15
Rule 8.06 Hearing.....	15
Rule 8.07 Notice of Decision.....	15
Rule 8.08 Confidentiality.....	15
SECTION 9: DISABILITY REINSTATEMENTS	15
Rule 9.01 Petition for Reinstatement.....	15
Rule 9.02 Discovery	15
Rule 9.03 Physical or Mental Examinations.....	16
Rule 9.04 Judgment	16
SECTION 10: APPEALS FROM BODA TO THE SUPREME COURT OF TEXAS.....	16
Rule 10.01 Appeals to the Supreme Court.....	16

SECTION 1: GENERAL PROVISIONS

Rule 1.01 Definitions

- (a) “BODA” is the Board of Disciplinary Appeals.
- (b) “Chair” is the member elected by BODA to serve as chair or, in the Chair’s absence, the member elected by BODA to serve as vice-chair.
- (c) “Classification” is the determination by the CDC under TRDP 2.10 or by BODA under TRDP 7.08(C) whether a grievance constitutes a “complaint” or an “inquiry.”
- (d) “BODA Clerk” is the executive director of BODA or other person appointed by BODA to assume all duties normally performed by the clerk of a court.
- (e) “CDC” is the Chief Disciplinary Counsel for the State Bar of Texas and his or her assistants.
- (f) “Commission” is the Commission for Lawyer Discipline, a permanent committee of the State Bar of Texas.
- (g) “Executive Director” is the executive director of BODA.
- (h) “Panel” is any three-member grouping of BODA under TRDP 7.05.
- (i) “Party” is a Complainant, a Respondent, or the Commission.
- (j) “TDRPC” is the Texas Disciplinary Rules of Professional Conduct.
- (k) “TRAP” is the Texas Rules of Appellate Procedure.
- (l) “TRCP” is the Texas Rules of Civil Procedure.
- (m) “TRDP” is the Texas Rules of Disciplinary Procedure.
- (n) “TRE” is the Texas Rules of Evidence.

Rule 1.02 General Powers

Under TRDP 7.08, BODA has and may exercise all the powers of either a trial court or an appellate court, as the case may be, in hearing and determining

disciplinary proceedings. But TRDP 15.01 applies to the enforcement of a judgment of BODA.

Rule 1.03 Additional Rules in Disciplinary Matters

Except as varied by these rules and to the extent applicable, the TRCP, TRAP, and TRE apply to all disciplinary matters before BODA, except for appeals from classification decisions, which are governed by TRDP 2.10 and by Section 3 of these rules.

Rule 1.04 Appointment of Panels

- (a) BODA may consider any matter or motion by panel, except as specified in (b). The Chair may delegate to the Executive Director the duty to appoint a panel for any BODA action. Decisions are made by a majority vote of the panel; however, any panel member may refer a matter for consideration by BODA sitting en banc. Nothing in these rules gives a party the right to be heard by BODA sitting en banc.
- (b) Any disciplinary matter naming a BODA member as Respondent must be considered by BODA sitting en banc. A disciplinary matter naming a BODA staff member as Respondent need not be heard en banc.

Rule 1.05 Filing of Pleadings, Motions, and Other Papers

- (a) **Electronic Filing.** All documents must be filed electronically. Unrepresented persons or those without the means to file electronically may electronically file documents, but it is not required.
 - (1) **Email Address.** The email address of an attorney or an unrepresented party who electronically files a document must be included on the document.
 - (2) **Timely Filing.** Documents are filed electronically by emailing the document to the BODA Clerk at the email address designated by BODA for that purpose. A document filed by email will be considered filed the day

that the email is sent. The date sent is the date shown for the message in the inbox of the email account designated for receiving filings. If a document is sent after 5:00 p.m. or on a weekend or holiday officially observed by the State of Texas, it is considered filed the next business day.

- (3) It is the responsibility of the party filing a document by email to obtain the correct email address for BODA and to confirm that the document was received by BODA in legible form. Any document that is illegible or that cannot be opened as part of an email attachment will not be considered filed. If a document is untimely due to a technical failure or a system outage, the filing party may seek appropriate relief from BODA.
- (4) **Exceptions.**
 - (i) An appeal to BODA of a decision by the CDC to classify a grievance as an inquiry is not required to be filed electronically.
 - (ii) The following documents must not be filed electronically:
 - a) documents that are filed under seal or subject to a pending motion to seal; and
 - b) documents to which access is otherwise restricted by court order.
 - (iii) For good cause, BODA may permit a party to file other documents in paper form in a particular case.
- (5) **Format.** An electronically filed document must:
 - (i) be in text-searchable portable document format (PDF);
 - (ii) be directly converted to PDF

rather than scanned, if possible;
and

(iii) not be locked.

- (b) A paper will not be deemed filed if it is sent to an individual BODA member or to another address other than the address designated by BODA under Rule 1.05(a)(2).
- (c) **Signing.** Each brief, motion, or other paper filed must be signed by at least one attorney for the party or by the party pro se and must give the State Bar of Texas card number, mailing address, telephone number, email address, and fax number, if any, of each attorney whose name is signed or of the party (if applicable). A document is considered signed if the document includes:
 - (1) an “/s/” and name typed in the space where the signature would otherwise appear, unless the document is notarized or sworn; or
 - (2) an electronic image or scanned image of the signature.
- (d) **Paper Copies.** Unless required by BODA, a party need not file a paper copy of an electronically filed document.
- (e) **Service.** Copies of all documents filed by any party other than the record filed by the evidentiary panel clerk or the court reporter must, at or before the time of filing, be served on all other parties as required and authorized by the TRAP.

Rule 1.06 Service of Petition

In any disciplinary proceeding before BODA initiated by service of a petition on the Respondent, the petition must be served by personal service; by certified mail with return receipt requested; or, if permitted by BODA, in any other manner that is authorized by the TRCP and reasonably calculated under all the circumstances to apprise the Respondent of the proceeding and to give him or her reasonable time to appear and answer. To establish

service by certified mail, the return receipt must contain the Respondent's signature.

Rule 1.07 Hearing Setting and Notice

- (a) **Original Petitions.** In any kind of case initiated by the CDC's filing a petition or motion with BODA, the CDC may contact the BODA Clerk for the next regularly available hearing date before filing the original petition. If a hearing is set before the petition is filed, the petition must state the date, time, and place of the hearing. Except in the case of a petition to revoke probation under TRDP 2.23, the hearing date must be at least 30 days from the date that the petition is served on the Respondent.
- (b) **Expedited Settings.** If a party desires a hearing on a matter on a date earlier than the next regularly available BODA hearing date, the party may request an expedited setting in a written motion setting out the reasons for the request. Unless the parties agree otherwise, and except in the case of a petition to revoke probation under TRDP 2.23, the expedited hearing setting must be at least 30 days from the date of service of the petition, motion, or other pleading. BODA has the sole discretion to grant or deny a request for an expedited hearing date.
- (c) **Setting Notices.** BODA must notify the parties of any hearing date that is not noticed in an original petition or motion.
- (d) **Announcement Docket.** Attorneys and parties appearing before BODA must confirm their presence and present any questions regarding procedure to the BODA Clerk in the courtroom immediately prior to the time docket call is scheduled to begin. Each party with a matter on the docket must appear at the docket call to give an announcement of readiness, to give a time estimate for the hearing, and to present any preliminary motions or matters. Immediately following the docket call, the Chair will set and announce the order of cases to be heard.

Rule 1.08 Time to Answer

The Respondent may file an answer at any time, except where expressly provided otherwise by these rules or the TRDP, or when an answer date has been set by prior order of BODA. BODA may, but is not required to, consider an answer filed the day of the hearing.

Rule 1.09 Pretrial Procedure

- (a) **Motions.**
 - (1) **Generally.** To request an order or other relief, a party must file a motion supported by sufficient cause with proof of service on all other parties. The motion must state with particularity the grounds on which it is based and set forth the relief sought. All supporting briefs, affidavits, or other documents must be served and filed with the motion. A party may file a response to a motion at any time before BODA rules on the motion or by any deadline set by BODA. Unless otherwise required by these rules or the TRDP, the form of a motion must comply with the TRCP or the TRAP.
 - (2) **For Extension of Time.** All motions for extension of time in any matter before BODA must be in writing, comply with (a)(1), and specify the following:
 - (i) if applicable, the date of notice of decision of the evidentiary panel, together with the number and style of the case;
 - (ii) if an appeal has been perfected, the date when the appeal was perfected;
 - (iii) the original deadline for filing the item in question;
 - (iv) the length of time requested for the extension;
 - (v) the number of extensions of time that have been granted

- previously regarding the item in question; and
- (vi) the facts relied on to reasonably explain the need for an extension.
- (b) **Pretrial Scheduling Conference.** Any party may request a pretrial scheduling conference, or BODA on its own motion may require a pretrial scheduling conference.
- (c) **Trial Briefs.** In any disciplinary proceeding before BODA, except with leave, all trial briefs and memoranda must be filed with the BODA Clerk no later than ten days before the day of the hearing.
- (d) **Hearing Exhibits, Witness Lists, and Exhibits Tendered for Argument.** A party may file a witness list, exhibit, or any other document to be used at a hearing or oral argument before the hearing or argument. A party must bring to the hearing an original and 12 copies of any document that was not filed at least one business day before the hearing. The original and copies must be:
 - (1) marked;
 - (2) indexed with the title or description of the item offered as an exhibit; and
 - (3) if voluminous, bound to lie flat when open and tabbed in accordance with the index.

All documents must be marked and provided to the opposing party before the hearing or argument begins.

Rule 1.10 Decisions

- (a) **Notice of Decisions.** The BODA Clerk must give notice of all decisions and opinions to the parties or their attorneys of record.
- (b) **Publication of Decisions.** BODA must report judgments or orders of public discipline:
 - (1) as required by the TRDP; and

- (2) on its website for a period of at least ten years following the date of the disciplinary judgment or order.
- (c) **Abstracts of Classification Appeals.** BODA may, in its discretion, prepare an abstract of a classification appeal for a public reporting service.

Rule 1.11 Board of Disciplinary Appeals Opinions

- (a) BODA may render judgment in any disciplinary matter with or without written opinion. In accordance with TRDP 6.06, all written opinions of BODA are open to the public and must be made available to the public reporting services, print or electronic, for publishing. A majority of the members who participate in considering the disciplinary matter must determine if an opinion will be written. The names of the participating members must be noted on all written opinions of BODA.
- (b) Only a BODA member who participated in the decision of a disciplinary matter may file or join in a written opinion concurring in or dissenting from the judgment of BODA. For purposes of this rule, in hearings in which evidence is taken, no member may participate in the decision unless that member was present at the hearing. In all other proceedings, no member may participate unless that member has reviewed the record. Any member of BODA may file a written opinion in connection with the denial of a hearing or rehearing en banc.
- (c) A BODA determination in an appeal from a grievance classification decision under TRDP 2.10 is not a judgment for purposes of this rule and may be issued without a written opinion.

Rule 1.12 BODA Work Product and Drafts

A document or record of any nature—regardless of its form, characteristics, or means of transmission—that is created or produced in connection with or related to BODA’s adjudicative decision-making process is not subject to disclosure or discovery. This includes documents prepared by any BODA member, BODA staff, or any other person acting on behalf of or at the direction of BODA.

Rule 1.13 Record Retention

Records of appeals from classification decisions must be retained by the BODA Clerk for a period of at least three years from the date of disposition. Records of other disciplinary matters must be retained for a period of at least five years from the date of final judgment, or for at least one year after the date a suspension or disbarment ends, whichever is later. For purposes of this rule, a record is any document, paper, letter, map, book, tape, photograph, film, recording, or other material filed with BODA, regardless of its form, characteristics, or means of transmission.

Rule 1.14 Costs of Reproduction of Records

The BODA Clerk may charge a reasonable amount for the reproduction of nonconfidential records filed with BODA. The fee must be paid in advance to the BODA Clerk.

Rule 1.15 Publication of These Rules

These rules will be published as part of the TDRPC and TRDP.

SECTION 2: ETHICAL CONSIDERATIONS

Rule 2.01 Representing or Counseling Parties in Disciplinary Matters and Legal Malpractice Cases

- (a) A current member of BODA must not represent a party or testify voluntarily in a disciplinary action or proceeding. Any BODA member who is subpoenaed or otherwise compelled to appear at a disciplinary action or proceeding, including at a deposition, must promptly notify the BODA Chair.

- (b) A current BODA member must not serve as an expert witness on the TDRPC.
- (c) A BODA member may represent a party in a legal malpractice case, provided that he or she is later recused in accordance with these rules from any proceeding before BODA arising out of the same facts.

Rule 2.02 Confidentiality

- (a) BODA deliberations are confidential, must not be disclosed by BODA members or staff, and are not subject to disclosure or discovery.
- (b) Classification appeals, appeals from evidentiary judgments of private reprimand, appeals from an evidentiary judgment dismissing a case, interlocutory appeals or any interim proceedings from an ongoing evidentiary case, and disability cases are confidential under the TRDP. BODA must maintain all records associated with these cases as confidential, subject to disclosure only as provided in the TRDP and these rules.
- (c) If a member of BODA is subpoenaed or otherwise compelled by law to testify in any proceeding, the member must not disclose a matter that was discussed in conference in connection with a disciplinary case unless the member is required to do so by a court of competent jurisdiction.

Rule 2.03 Disqualification and Recusal of BODA Members

- (a) BODA members are subject to disqualification and recusal as provided in TRCP 18b.
- (b) BODA members may, in addition to recusals under (a), voluntarily recuse themselves from any discussion and voting for any reason. The reasons that a BODA member is recused from a case are not subject to discovery.
- (c) These rules do not disqualify a lawyer who is a member of, or associated with, the law firm of a BODA member from serving on

a grievance committee or representing a party in a disciplinary proceeding or legal malpractice case. But a BODA member must recuse him- or herself from any matter in which a lawyer who is a member of, or associated with, the BODA member's firm is a party or represents a party.

SECTION 3: CLASSIFICATION APPEALS

Rule 3.01 Notice of Right to Appeal

- (a) If a grievance filed by the Complainant under TRDP 2.10 is classified as an inquiry, the CDC must notify the Complainant of his or her right to appeal as set out in TRDP 2.10 or another applicable rule.
- (b) To facilitate the potential filing of an appeal of a grievance classified as an inquiry, the CDC must send the Complainant an appeal notice form, approved by BODA, with the classification disposition. The form must include the docket number of the matter; the deadline for appealing; and information for mailing, faxing, or emailing the appeal notice form to BODA. The appeal notice form must be available in English and Spanish.

Rule 3.02 Record on Appeal

BODA must only consider documents that were filed with the CDC prior to the classification decision. When a notice of appeal from a classification decision has been filed, the CDC must forward to BODA a copy of the grievance and all supporting documentation. If the appeal challenges the classification of an amended grievance, the CDC must also send BODA a copy of the initial grievance, unless it has been destroyed.

SECTION 4: APPEALS FROM EVIDENTIARY PANEL HEARINGS

Rule 4.01 Perfecting Appeal

- (a) **Appellate Timetable.** The date that the evidentiary judgment is signed starts the appellate timetable under this section. To make TRDP 2.21 consistent with this

requirement, the date that the judgment is signed is the "date of notice" under Rule 2.21.

- (b) **Notification of the Evidentiary Judgment.** The clerk of the evidentiary panel must notify the parties of the judgment as set out in TRDP 2.21.

- (1) The evidentiary panel clerk must notify the Commission and the Respondent in writing of the judgment. The notice must contain a clear statement that any appeal of the judgment must be filed with BODA within 30 days of the date that the judgment was signed. The notice must include a copy of the judgment rendered.

- (2) The evidentiary panel clerk must notify the Complainant that a judgment has been rendered and provide a copy of the judgment, unless the evidentiary panel dismissed the case or imposed a private reprimand. In the case of a dismissal or private reprimand, the evidentiary panel clerk must notify the Complainant of the decision and that the contents of the judgment are confidential. Under TRDP 2.16, no additional information regarding the contents of a judgment of dismissal or private reprimand may be disclosed to the Complainant.

- (c) **Filing Notice of Appeal.** An appeal is perfected when a written notice of appeal is filed with BODA. If a notice of appeal and any other accompanying documents are mistakenly filed with the evidentiary panel clerk, the notice is deemed to have been filed the same day with BODA, and the evidentiary panel clerk must immediately send the BODA Clerk a copy of the notice and any accompanying documents.

- (d) **Time to File.** In accordance with TRDP 2.24, the notice of appeal must be filed within 30 days after the date the judgment

is signed. In the event a motion for new trial or motion to modify the judgment is timely filed with the evidentiary panel, the notice of appeal must be filed with BODA within 90 days from the date the judgment is signed.

- (e) **Extension of Time.** A motion for an extension of time to file the notice of appeal must be filed no later than 15 days after the last day allowed for filing the notice of appeal. The motion must comply with Rule 1.09.

Rule 4.02 Record on Appeal

- (a) **Contents.** The record on appeal consists of the evidentiary panel clerk's record and, where necessary to the appeal, a reporter's record of the evidentiary panel hearing.
- (b) **Stipulation as to Record.** The parties may designate parts of the clerk's record and the reporter's record to be included in the record on appeal by written stipulation filed with the clerk of the evidentiary panel.
- (c) **Responsibility for Filing Record.**
 - (1) Clerk's Record.
 - (i) After receiving notice that an appeal has been filed, the clerk of the evidentiary panel is responsible for preparing, certifying, and timely filing the clerk's record.
 - (ii) Unless the parties stipulate otherwise, the clerk's record on appeal must contain the items listed in TRAP 34.5(a) and any other paper on file with the evidentiary panel, including the election letter, all pleadings on which the hearing was held, the docket sheet, the evidentiary panel's charge, any findings of fact and conclusions of law, all other pleadings, the judgment or other orders appealed from, the notice of decision sent to each

party, any post submission pleadings and briefs, and the notice of appeal.

- (iii) If the clerk of the evidentiary panel is unable for any reason to prepare and transmit the clerk's record by the due date, he or she must promptly notify BODA and the parties, explain why the clerk's record cannot be timely filed, and give the date by which he or she expects the clerk's record to be filed.

(2) Reporter's Record.

- (i) The court reporter for the evidentiary panel is responsible for timely filing the reporter's record if:
 - a) a notice of appeal has been filed;
 - b) a party has requested that all or part of the reporter's record be prepared; and
 - c) the party requesting all or part of the reporter's record has paid the reporter's fee or has made satisfactory arrangements with the reporter.
- (ii) If the court reporter is unable for any reason to prepare and transmit the reporter's record by the due date, he or she must promptly notify BODA and the parties, explain the reasons why the reporter's record cannot be timely filed, and give the date by which he or she expects the reporter's record to be filed.

(d) Preparation of Clerk's Record.

- (1) To prepare the clerk's record, the evidentiary panel clerk must:
 - (i) gather the documents

- designated by the parties' written stipulation or, if no stipulation was filed, the documents required under (c)(1)(ii);
 - (ii) start each document on a new page;
 - (iii) include the date of filing on each document;
 - (iv) arrange the documents in chronological order, either by the date of filing or the date of occurrence;
 - (v) number the pages of the clerk's record in the manner required by (d)(2);
 - (vi) prepare and include, after the front cover of the clerk's record, a detailed table of contents that complies with (d)(3); and
 - (vii) certify the clerk's record.
- (2) The clerk must start the page numbering on the front cover of the first volume of the clerk's record and continue to number all pages consecutively—including the front and back covers, tables of contents, certification page, and separator pages, if any—until the final page of the clerk's record, without regard for the number of volumes in the clerk's record, and place each page number at the bottom of each page.
- (3) The table of contents must:
- (i) identify each document in the entire record (including sealed documents); the date each document was filed; and, except for sealed documents, the page on which each document begins;
 - (ii) be double-spaced;
 - (iii) conform to the order in which documents appear in the clerk's record, rather than in alphabetical order;
 - (iv) contain bookmarks linking each description in the table of contents (except for descriptions of sealed documents) to the page on which the document begins; and
 - (v) if the record consists of multiple volumes, indicate the page on which each volume begins.
- (e) **Electronic Filing of the Clerk's Record.** The evidentiary panel clerk must file the record electronically. When filing a clerk's record in electronic form, the evidentiary panel clerk must:
- (1) file each computer file in text-searchable Portable Document Format (PDF);
 - (2) create electronic bookmarks to mark the first page of each document in the clerk's record;
 - (3) limit the size of each computer file to 100 MB or less, if possible; and
 - (4) directly convert, rather than scan, the record to PDF, if possible.
- (f) **Preparation of the Reporter's Record.**
- (1) The appellant, at or before the time prescribed for perfecting the appeal, must make a written request for the reporter's record to the court reporter for the evidentiary panel. The request must designate the portion of the evidence and other proceedings to be included. A copy of the request must be filed with the evidentiary panel and BODA and must be served on the appellee. The reporter's record must be certified by the court reporter for the evidentiary panel.
 - (2) The court reporter or recorder must prepare and file the reporter's record in accordance with TRAP 34.6 and 35 and the Uniform Format Manual

for Texas Reporters' Records.

- (3) The court reporter or recorder must file the reporter's record in an electronic format by emailing the document to the email address designated by BODA for that purpose.
- (4) The court reporter or recorder must include either a scanned image of any required signature or "/s/" and name typed in the space where the signature would otherwise appear.
- (5) A court reporter or recorder must not lock any document that is part of the record.
- (6) In exhibit volumes, the court reporter or recorder must create bookmarks to mark the first page of each exhibit document.
- (g) **Other Requests.** At any time before the clerk's record is prepared, or within ten days after service of a copy of appellant's request for the reporter's record, any party may file a written designation requesting that additional exhibits and portions of testimony be included in the record. The request must be filed with the evidentiary panel and BODA and must be served on the other party.
- (h) **Inaccuracies or Defects.** If the clerk's record is found to be defective or inaccurate, the BODA Clerk must inform the clerk of the evidentiary panel of the defect or inaccuracy and instruct the clerk to make the correction. Any inaccuracies in the reporter's record may be corrected by agreement of the parties without the court reporter's recertification. Any dispute regarding the reporter's record that the parties are unable to resolve by agreement must be resolved by the evidentiary panel.
- (i) **Appeal from Private Reprimand.** Under TRDP 2.16, in an appeal from a judgment of private reprimand, BODA must mark the record as confidential, remove the

attorney's name from the case style, and take any other steps necessary to preserve the confidentiality of the private reprimand.

Rule 4.03 Time to File Record

- (a) **Timetable.** The clerk's record and reporter's record must be filed within 60 days after the date the judgment is signed. If a motion for new trial or motion to modify the judgment is filed with the evidentiary panel, the clerk's record and the reporter's record must be filed within 120 days from the date the original judgment is signed, unless a modified judgment is signed, in which case the clerk's record and the reporter's record must be filed within 60 days of the signing of the modified judgment. Failure to file either the clerk's record or the reporter's record on time does not affect BODA's jurisdiction, but may result in BODA's exercising its discretion to dismiss the appeal, affirm the judgment appealed from, disregard materials filed late, or apply presumptions against the appellant.
- (b) **If No Record Filed.**
 - (1) If the clerk's record or reporter's record has not been timely filed, the BODA Clerk must send notice to the party responsible for filing it, stating that the record is late and requesting that the record be filed within 30 days. The BODA Clerk must send a copy of this notice to all the parties and the clerk of the evidentiary panel.
 - (2) If no reporter's record is filed due to appellant's fault, and if the clerk's record has been filed, BODA may, after first giving the appellant notice and a reasonable opportunity to cure, consider and decide those issues or points that do not require a reporter's record for a decision. BODA may do this if no reporter's record has been filed because:
 - (i) the appellant failed to request a

- reporter's record; or
- (ii) the appellant failed to pay or make arrangements to pay the reporter's fee to prepare the reporter's record, and the appellant is not entitled to proceed without payment of costs.
- (c) **Extension of Time to File the Reporter's Record.** When an extension of time is requested for filing the reporter's record, the facts relied on to reasonably explain the need for an extension must be supported by an affidavit of the court reporter. The affidavit must include the court reporter's estimate of the earliest date when the reporter's record will be available for filing.
- (d) **Supplemental Record.** If anything material to either party is omitted from the clerk's record or reporter's record, BODA may, on written motion of a party or on its own motion, direct a supplemental record to be certified and transmitted by the clerk for the evidentiary panel or the court reporter for the evidentiary panel.

Rule 4.04 Copies of the Record

The record may not be withdrawn from the custody of the BODA Clerk. Any party may obtain a copy of the record or any designated part thereof by making a written request to the BODA Clerk and paying any charges for reproduction in advance.

Rule 4.05 Requisites of Briefs

- (a) **Appellant's Filing Date.** Appellant's brief must be filed within 30 days after the clerk's record or the reporter's record is filed, whichever is later.
- (b) **Appellee's Filing Date.** Appellee's brief must be filed within 30 days after the appellant's brief is filed.
- (c) **Contents.** Briefs must contain:
 - (1) a complete list of the names and addresses of all parties to the final decision and their counsel;

- (2) a table of contents indicating the subject matter of each issue or point, or group of issues or points, with page references where the discussion of each point relied on may be found;
 - (3) an index of authorities arranged alphabetically and indicating the pages where the authorities are cited;
 - (4) a statement of the case containing a brief general statement of the nature of the cause or offense and the result;
 - (5) a statement, without argument, of the basis of BODA's jurisdiction;
 - (6) a statement of the issues presented for review or points of error on which the appeal is predicated;
 - (7) a statement of facts that is without argument, is supported by record references, and details the facts relating to the issues or points relied on in the appeal;
 - (8) the argument and authorities;
 - (9) conclusion and prayer for relief;
 - (10) a certificate of service; and
 - (11) an appendix of record excerpts pertinent to the issues presented for review.
- (d) **Length of Briefs; Contents Included and Excluded.** In calculating the length of a document, every word and every part of the document, including headings, footnotes, and quotations, must be counted except the following: caption, identity of the parties and counsel, statement regarding oral argument, table of contents, index of authorities, statement of the case, statement of issues presented, statement of the jurisdiction, signature, proof of service, certificate of compliance, and appendix. Briefs must not exceed 15,000 words if computer-generated, and 50 pages if not, except on leave of BODA. A reply brief must not exceed 7,500 words if computer-generated, and 25 pages if not, except on

leave of BODA. A computer-generated document must include a certificate by counsel or the unrepresented party stating the number of words in the document. The person who signs the certification may rely on the word count of the computer program used to prepare the document.

- (e) **Amendment or Supplementation.** BODA has discretion to grant leave to amend or supplement briefs.

- (f) **Failure of the Appellant to File a Brief.** If the appellant fails to timely file a brief, BODA may:

- (1) dismiss the appeal for want of prosecution, unless the appellant reasonably explains the failure, and the appellee is not significantly injured by the appellant's failure to timely file a brief;
- (2) decline to dismiss the appeal and make further orders within its discretion as it considers proper; or
- (3) if an appellee's brief is filed, regard that brief as correctly presenting the case and affirm the evidentiary panel's judgment on that brief without examining the record.

Rule 4.06 Oral Argument

- (a) **Request.** A party desiring oral argument must note the request on the front cover of the party's brief. A party's failure to timely request oral argument waives the party's right to argue. A party who has requested argument may later withdraw the request. But even if a party has waived oral argument, BODA may direct the party to appear and argue. If oral argument is granted, the clerk will notify the parties of the time and place for submission.
- (b) **Right to Oral Argument.** A party who has filed a brief and who has timely requested oral argument may argue the case to BODA unless BODA, after examining the briefs, decides that oral

argument is unnecessary for any of the following reasons:

- (1) the appeal is frivolous;
 - (2) the dispositive issue or issues have been authoritatively decided;
 - (3) the facts and legal arguments are adequately presented in the briefs and record; or
 - (4) the decisional process would not be significantly aided by oral argument.
- (c) **Time Allowed.** Each party will have 20 minutes to argue. BODA may, on the request of a party or on its own, extend or shorten the time allowed for oral argument. The appellant may reserve a portion of his or her allotted time for rebuttal.

Rule 4.07 Decision and Judgment

- (a) **Decision.** BODA may do any of the following:
 - (1) affirm in whole or in part the decision of the evidentiary panel;
 - (2) modify the panel's findings and affirm the findings as modified;
 - (3) reverse in whole or in part the panel's findings and render the decision that the panel should have rendered; or
 - (4) reverse the panel's findings and remand the cause for further proceedings to be conducted by:
 - (i) the panel that entered the findings; or
 - (ii) a statewide grievance committee panel appointed by BODA and composed of members selected from the state bar districts other than the district from which the appeal was taken.
- (b) **Mandate.** In every appeal, the BODA Clerk must issue a mandate in accordance with BODA's judgment and send it to the evidentiary panel and to all the parties.

Rule 4.08 Appointment of Statewide Grievance Committee

If BODA remands a cause for further proceedings before a statewide grievance committee, the BODA Chair will appoint the statewide grievance committee in accordance with TRDP 2.27. The committee must consist of six members: four attorney members and two public members randomly selected from the current pool of grievance committee members. Two alternates, consisting of one attorney and one public member, must also be selected. BODA will appoint the initial chair who will serve until the members of the statewide grievance committee elect a chair of the committee at the first meeting. The BODA Clerk will notify the Respondent and the CDC that a committee has been appointed.

Rule 4.09 Involuntary Dismissal

Under the following circumstances and on any party's motion or on its own initiative after giving at least ten days' notice to all parties, BODA may dismiss the appeal or affirm the appealed judgment or order. Dismissal or affirmance may occur if the appeal is subject to dismissal:

- (a) for want of jurisdiction;
- (b) for want of prosecution; or
- (c) because the appellant has failed to comply with a requirement of these rules, a court order, or a notice from the clerk requiring a response or other action within a specified time.

SECTION 5: PETITIONS TO REVOKE PROBATION

Rule 5.01 Initiation and Service

- (a) Before filing a motion to revoke the probation of an attorney who has been sanctioned, the CDC must contact the BODA Clerk to confirm whether the next regularly available hearing date will comply with the 30-day requirement of TRDP. The Chair may designate a three-member panel to hear the motion, if necessary, to meet the 30-day requirement of TRDP 2.23.

- (b) Upon filing the motion, the CDC must serve the Respondent with the motion and any supporting documents in accordance with TRDP 2.23, the TRCP, and these rules. The CDC must notify BODA of the date that service is obtained on the Respondent.

Rule 5.02 Hearing

Within 30 days of service of the motion on the Respondent, BODA must docket and set the matter for a hearing and notify the parties of the time and place of the hearing. On a showing of good cause by a party or on its own motion, BODA may continue the case to a future hearing date as circumstances require.

SECTION 6: COMPULSORY DISCIPLINE

Rule 6.01 Initiation of Proceeding

Under TRDP 8.03, the CDC must file a petition for compulsory discipline with BODA and serve the Respondent in accordance with the TRDP and Rule 1.06 of these rules.

Rule 6.02 Interlocutory Suspension

- (a) **Interlocutory Suspension.** In any compulsory proceeding under TRDP Part VIII in which BODA determines that the Respondent has been convicted of an Intentional Crime and that the criminal conviction is on direct appeal, BODA must suspend the Respondent's license to practice law by interlocutory order. In any compulsory case in which BODA has imposed an interlocutory order of suspension, BODA retains jurisdiction to render final judgment after the direct appeal of the criminal conviction is final. For purposes of rendering final judgment in a compulsory discipline case, the direct appeal of the criminal conviction is final when the appellate court issues its mandate.
- (b) **Criminal Conviction Affirmed.** If the criminal conviction made the basis of a compulsory interlocutory suspension is affirmed and becomes final, the CDC must

file a motion for final judgment that complies with TRDP 8.05.

- (1) If the criminal sentence is fully probated or is an order of deferred adjudication, the motion for final judgment must contain notice of a hearing date. The motion will be set on BODA's next available hearing date.
- (2) If the criminal sentence is not fully probated:
 - (i) BODA may proceed to decide the motion without a hearing if the attorney does not file a verified denial within ten days of service of the motion; or
 - (ii) BODA may set the motion for a hearing on the next available hearing date if the attorney timely files a verified denial.
- (c) Criminal Conviction Reversed. If an appellate court issues a mandate reversing the criminal conviction while a Respondent is subject to an interlocutory suspension, the Respondent may file a motion to terminate the interlocutory suspension. The motion to terminate the interlocutory suspension must have certified copies of the decision and mandate of the reversing court attached. If the CDC does not file an opposition to the termination within ten days of being served with the motion, BODA may proceed to decide the motion without a hearing or set the matter for a hearing on its own motion. If the CDC timely opposes the motion, BODA must set the motion for a hearing on its next available hearing date. An order terminating an interlocutory order of suspension does not automatically reinstate a Respondent's license.

SECTION 7: RECIPROCAL DISCIPLINE

Rule 7.01 Initiation of Proceeding

To initiate an action for reciprocal discipline under TRDP Part IX, the CDC must file a petition with BODA and request an Order to Show Cause. The petition must request that the Respondent be disciplined in Texas and have attached to it any information concerning the disciplinary matter from the other jurisdiction, including a certified copy of the order or judgment rendered against the Respondent.

Rule 7.02 Order to Show Cause

When a petition is filed, the Chair immediately issues a show cause order and a hearing notice and forwards them to the CDC, who must serve the order and notice on the Respondent. The CDC must notify BODA of the date that service is obtained.

Rule 7.03 Attorney's Response

If the Respondent does not file an answer within 30 days of being served with the order and notice but thereafter appears at the hearing, BODA may, at the discretion of the Chair, receive testimony from the Respondent relating to the merits of the petition.

SECTION 8: DISTRICT DISABILITY COMMITTEE HEARINGS

Rule 8.01 Appointment of District Disability Committee

- (a) If the evidentiary panel of the grievance committee finds under TRDP 2.17(P)(2), or the CDC reasonably believes under TRDP 2.14(C), that a Respondent is suffering from a disability, the rules in this section will apply to the de novo proceeding before the District Disability Committee held under TRDP Part XII.
- (b) Upon receiving an evidentiary panel's finding or the CDC's referral that an attorney is believed to be suffering from a disability, the BODA Chair must appoint a District Disability Committee in compliance with TRDP 12.02 and designate a chair. BODA will reimburse District Disability Committee members for

reasonable expenses directly related to service on the District Disability Committee. The BODA Clerk must notify the CDC and the Respondent that a committee has been appointed and notify the Respondent where to locate the procedural rules governing disability proceedings.

- (c) A Respondent who has been notified that a disability referral will be or has been made to BODA may, at any time, waive in writing the appointment of the District Disability Committee or the hearing before the District Disability Committee and enter into an agreed judgment of indefinite disability suspension, provided that the Respondent is competent to waive the hearing. If the Respondent is not represented, the waiver must include a statement affirming that the Respondent has been advised of the right to appointed counsel and waives that right as well.
- (d) All pleadings, motions, briefs, or other matters to be filed with the District Disability Committee must be filed with the BODA Clerk.
- (e) Should any member of the District Disability Committee become unable to serve, the BODA Chair must appoint a substitute member.

Rule 8.02 Petition and Answer

- (a) **Petition.** Upon being notified that the District Disability Committee has been appointed by BODA, the CDC must, within 20 days, file with the BODA Clerk and serve on the Respondent a copy of a petition for indefinite disability suspension. Service must comply with Rule 1.06
- (b) **Answer.** The Respondent must, within 30 days after service of the petition for indefinite disability suspension, file an answer with the BODA Clerk and serve a copy of the answer on the CDC.
- (c) **Hearing Setting.** The BODA Clerk must set the final hearing as instructed by the

chair of the District Disability Committee and send notice of the hearing to the parties.

Rule 8.03 Discovery

- (a) **Limited Discovery.** The District Disability Committee may permit limited discovery. The party seeking discovery must file with the BODA Clerk a written request that makes a clear showing of good cause and substantial need and a proposed order. If the District Disability Committee authorizes discovery in a case, it must issue a written order. The order may impose limitations or deadlines on the discovery.
- (b) **Physical or Mental Examinations.** On written motion by the Commission or on its own motion, the District Disability Committee may order the Respondent to submit to a physical or mental examination by a qualified healthcare or mental healthcare professional. Nothing in this rule limits the Respondent's right to an examination by a professional of his or her choice in addition to any exam ordered by the District Disability Committee.
 - (1) **Motion.** The Respondent must be given reasonable notice of the examination by written order specifying the name, address, and telephone number of the person conducting the examination.
 - (2) **Report.** The examining professional must file with the BODA Clerk a detailed, written report that includes the results of all tests performed and the professional's findings, diagnoses, and conclusions. The professional must send a copy of the report to the CDC and the Respondent.
- (c) **Objections.** A party must make any objection to a request for discovery within 15 days of receiving the motion by filing a written objection with the BODA Clerk. BODA may decide any objection or contest to a discovery motion.

Rule 8.04 Ability to Compel Attendance

The Respondent and the CDC may confront and cross-examine witnesses at the hearing. Compulsory process to compel the attendance of witnesses by subpoena, enforceable by an order of a district court of proper jurisdiction, is available to the Respondent and the CDC as provided in TRCP 176.

Rule 8.05 Respondent's Right to Counsel

- (a) The notice to the Respondent that a District Disability Committee has been appointed and the petition for indefinite disability suspension must state that the Respondent may request appointment of counsel by BODA to represent him or her at the disability hearing. BODA will reimburse appointed counsel for reasonable expenses directly related to representation of the Respondent.
- (b) To receive appointed counsel under TRDP 12.02, the Respondent must file a written request with the BODA Clerk within 30 days of the date that Respondent is served with the petition for indefinite disability suspension. A late request must demonstrate good cause for the Respondent's failure to file a timely request.

Rule 8.06 Hearing

The party seeking to establish the disability must prove by a preponderance of the evidence that the Respondent is suffering from a disability as defined in the TRDP. The chair of the District Disability Committee must admit all relevant evidence that is necessary for a fair and complete hearing. The TRE are advisory but not binding on the chair.

Rule 8.07 Notice of Decision

The District Disability Committee must certify its finding regarding disability to BODA, which will issue the final judgment in the matter.

Rule 8.08 Confidentiality

All proceedings before the District Disability Committee and BODA, if necessary, are closed to the public. All matters before the District

Disability Committee are confidential and are not subject to disclosure or discovery, except as allowed by the TRDP or as may be required in the event of an appeal to the Supreme Court of Texas.

SECTION 9: DISABILITY REINSTATEMENTS

Rule 9.01 Petition for Reinstatement

- (a) An attorney under an indefinite disability suspension may, at any time after he or she has been suspended, file a verified petition with BODA to have the suspension terminated and to be reinstated to the practice of law. The petitioner must serve a copy of the petition on the CDC in the manner required by TRDP 12.06. The TRCP apply to a reinstatement proceeding unless they conflict with these rules.
- (b) The petition must include the information required by TRDP 12.06. If the judgment of disability suspension contained terms or conditions relating to misconduct by the petitioner prior to the suspension, the petition must affirmatively demonstrate that those terms have been complied with or explain why they have not been satisfied. The petitioner has a duty to amend and keep current all information in the petition until the final hearing on the merits. Failure to do so may result in dismissal without notice.
- (c) Disability reinstatement proceedings before BODA are not confidential; however, BODA may make all or any part of the record of the proceeding confidential.

Rule 9.02 Discovery

The discovery period is 60 days from the date that the petition for reinstatement is filed. The BODA Clerk will set the petition for a hearing on the first date available after the close of the discovery period and must notify the parties of the time and place of the hearing. BODA may continue the hearing for good cause shown.

Rule 9.03 Physical or Mental Examinations

- (a) On written motion by the Commission or on its own, BODA may order the petitioner seeking reinstatement to submit to a physical or mental examination by a qualified healthcare or mental healthcare professional. The petitioner must be served with a copy of the motion and given at least seven days to respond. BODA may hold a hearing before ruling on the motion but is not required to do so.
- (b) The petitioner must be given reasonable notice of the examination by written order specifying the name, address, and telephone number of the person conducting the examination.
- (c) The examining professional must file a detailed, written report that includes the results of all tests performed and the professional's findings, diagnoses, and conclusions. The professional must send a copy of the report to the parties.
- (d) If the petitioner fails to submit to an examination as ordered, BODA may dismiss the petition without notice.
- (e) Nothing in this rule limits the petitioner's right to an examination by a professional of his or her choice in addition to any exam ordered by BODA.

Rule 9.04 Judgment

If, after hearing all the evidence, BODA determines that the petitioner is not eligible for reinstatement, BODA may, in its discretion, either enter an order denying the petition or direct that the petition be held in abeyance for a reasonable period of time until the petitioner provides additional proof as directed by BODA. The judgment may include other orders necessary to protect the public and the petitioner's potential clients.

SECTION 10: APPEALS FROM BODA TO THE SUPREME COURT OF TEXAS

Rule 10.01 Appeals to the Supreme Court

- (a) A final decision by BODA, except a determination that a statement constitutes an inquiry or a complaint under TRDP 2.10, may be appealed to the Supreme Court of Texas. The clerk of the Supreme Court of Texas must docket an appeal from a decision by BODA in the same manner as a petition for review without fee.
- (b) The appealing party must file the notice of appeal directly with the clerk of the Supreme Court of Texas within 14 days of receiving notice of a final determination by BODA. The record must be filed within 60 days after BODA's determination. The appealing party's brief is due 30 days after the record is filed, and the responding party's brief is due 30 days thereafter. The BODA Clerk must send the parties a notice of BODA's final decision that includes the information in this paragraph.
- (c) An appeal to the Supreme Court is governed by TRDP 7.11 and the TRAP.

STATE OF UTAH } :ss
COUNTY OF WASHINGTON }
"I certify that this document or record, is a
full, true, and correct copy of the original,
on file in this office."

Date 3-6, 2017

By [Signature]
Deputy Court Clerk

Todd Wahlquist #9893
Deputy Senior Counsel
OFFICE OF PROFESSIONAL CONDUCT
Utah State Bar
645 South 200 East
Salt Lake City, UT 84111
(801) 531-9110
opc filing@utahbar.org

IN THE FIFTH JUDICIAL DISTRICT COURT IN AND FOR WASHINGTON COUNTY, STATE OF UTAH	
In the Matter of the Discipline of: Bryan T. Adamson, Respondent	COMPLAINT Civil No. Judge

The Utah State Bar's Office of Professional Conduct ("OPC"), by and through Todd Wahlquist, Deputy Senior Counsel, complains against Respondent, Bryan T. Adamson, as follows:

I
PARTIES

1. The attorney charged with unprofessional conduct in this complaint is Bryan T. Adamson, who is an attorney in the State of Utah and a member of the Utah State Bar.

Exhibit

1

2. According to the records of the Executive Director of the Utah State Bar, Bryan T. Adamson's business address is 132 West Tabernacle Street, St. George, Utah 84770.

3. This Complaint is brought pursuant to the directive of the Chair of the Ethics and Discipline Committee of the Utah Supreme Court, and is based upon an Informal Complaint submitted by Dennis Cheek and Misty Cheek against Bryan T. Adamson.

II JURISDICTION AND VENUE

4. On February 27, 2013, the OPC sent Mr. Adamson a Notice of Informal Complaint ("NOIC").

5. On June 6, 2013, a Screening Panel of the Ethics and Discipline Committee of the Utah Supreme Court ("the Screening Panel") heard the matter.

6. At the conclusion of the hearing on June 6, 2013, the Screening Panel issued its recommendations.

7. On December 17, 2013, the Chair of the Ethics and Discipline Committee of the Utah Supreme Court directed the OPC to file a formal complaint against Mr. Adamson.

8. Jurisdiction is proper in this Court pursuant to Rule 14-511(a), Rules of Lawyer Discipline and Disability (amended January 1, 2003) ("RLDD").

9. Venue is proper in this Court pursuant to Rule 14-511(b) of the RLDD, in that, at all relevant times, Respondent resided and practiced law in Washington County.

III FACTUAL ALLEGATIONS

10. Between December 2009, and April 2010, Haylee Cheek was charged with various criminal violations.

11. On or about July 19, 2010, Haylee's parents, Dennis and Misty Cheek, met with an attorney to discuss retaining him for an appeal on one of their daughter's criminal cases. At that meeting they were introduced to Mr. Adamson.

12. The Cheeks and Mr. Adamson discussed the possibility of Mr. Adamson representing Haylee on at least one of her pending criminal charges.

13. Mr. and Mrs. Cheek soon retained Mr. Adamson to represent their daughter for a Class B misdemeanor DUI charge.

14. At the time Mr. Adamson was retained, he understood that he would eventually be representing Haylee Cheek in seven different cases.

15. Mr. Adamson typical charge for a Class B misdemeanor DUI charge was \$750.00.

16. On July 27, 2010, Mr. and Mrs. Cheek paid Mr. Adamson a \$5,000.00 retainer for his legal representation.

17. On August 3, 2010, Mr. Adamson went to the courtroom where Haylee Cheek's case was being heard and entered his appearance on the record as her attorney.

18. Mr. Adamson did not appear in any of the other cases.

19. Mr. Adamson did not file any pleadings in any of the cases.

20. Jail records show that Mr. Adamson visited Haylee Cheek in jail on August 6, 2010.

21. Shortly after Mr. Adamson visited Haylee Cheek in jail, she determined she no longer wanted Mr. Adamson to represent her.

22. On August 9, 2010, Mr. and Mrs. Cheek sent an email to Mr. Adamson terminating the representation. In the email they requested that he provide them with the file. They also asked for an itemization of his bill and requested that he return any unearned fees that had been paid.

23. Mr. Adamson received the email correspondence terminating his representation.

24. As of August 9, 2010, Haylee Cheek's file was in the possession of Mr. Adamson.

25. Mr. Adamson did not provide an accounting of the time he worked on Haylee Cheek's case.

26. Mr. Adamson did not return the file or any portion of the fees paid by Mr. and Mrs. Cheek.

27. Mr. Adamson did not keep track of the time he spent on Haylee Cheek's case.

28. Taking Haylee Cheek's case did not create a conflict with any of Mr. Adamson's other clients or potential clients.

29. Taking Haylee Cheek's case did not prevent Mr. Adamson from taking any other cases.

30. Mr. Adamson's representation of Haylee Cheek did not result in the resolution of any of the cases against Haylee Cheek.

31. Mr. Adamson viewed the fee paid as non-refundable and earned upon receipt.

COUNT ONE
(Violation of Rule 1.5(a) (Fees))

32. Rule 1.5(a) (Fees) states: "A lawyer shall not make an agreement for, charge or collect an unreasonable fee or an unreasonable amount for expenses. The factors to be considered in determining the reasonableness of a fee include the following: (1) the time and labor required, the novelty and difficulty of the questions involved and the skill requisite to perform the legal service properly; (2) the likelihood, if apparent to the client, that the acceptance of the particular employment will preclude other employment by the lawyer; (3) the fee customarily charged in the locality for similar legal services; (4) the amount involved and the results obtained; (5) the time limitations imposed by the client or by the circumstances; (6) the nature and length of

the professional relationship with the client; (7) the experience, reputation and ability of the lawyer or lawyers performing the services; and (8) whether the fee is fixed or contingent."

33. Based on the facts set forth above and the factors outlined in the rule, Mr. Adamson knowingly charged an unreasonable fee in connection with his representation of Haylee Cheek in violation of Rule 1.5(a) (Fees).

COUNT TWO
(Violation of Rule 1.15(d) (Safekeeping Property))

34. Rule 1.15(d) (Safekeeping Property) states: "Upon receiving funds or other property in which a client or third person has an interest, a lawyer shall promptly notify the client or third person. Except as stated in this Rule or otherwise permitted by law or by agreement with the client, a lawyer shall promptly deliver to the client or third person any funds or other property that the client or third person is entitled to receive and, upon request by the client or third person, shall promptly render a full accounting regarding such property."

35. Mr. Adamson knowingly violated rule 1.15(d) by, among other things, failing to return fees to the Cheeks that they were entitled to receive, and by failing to provide a full accounting of how the funds were spent.

COUNT THREE
(Violation of Rule 1.16(d) (Declining or Terminating Representation))

36. Rule 1.16(d) (Declining or Terminating Representation) states: "Upon termination of representation, a lawyer shall take steps to the extent reasonably

practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled and refunding any advance payment of fee or expense that has not been earned or incurred. The lawyer must provide, upon request, the client's file to the client. The lawyer may reproduce and retain copies of the client file at the lawyer's expense."

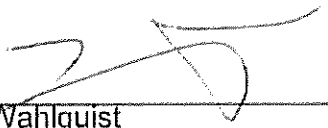
37. Mr. Adamson knowingly violated rule 1.16(d) by, among other things, failing to refund fees to the Cheeks that had not been earned, and failing to provide the client's file when requested to do so.

PRAYER FOR RELIEF

WHEREFORE, the Office of Professional Conduct requests:

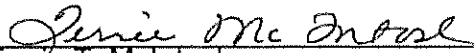
1. That the appropriate disciplinary sanction be imposed against Mr. Adamson;
2. That the Court order Mr. Adamson to pay the costs of prosecution to the OPC; and
3. For such other relief as the Court deems just.

DATED this 11 day of June, 2014.



Todd Wahlquist
Deputy Senior Counsel
Office of Professional Conduct

DATED this 10th day of June, 2014.


Terrie T. McIntosh
Chair, Ethics and Discipline Committee

This pleading filed on behalf of the Utah
State Bar, Office of Professional
Conduct as directed by the Ethics and
Discipline Committee of the Utah
Supreme Court:
Utah State Bar—Office of Professional Conduct
645 South 200 East, Salt Lake City, Utah 84111

Todd Wahlquist, #9893
Deputy Senior Counsel
OFFICE OF PROFESSIONAL CONDUCT
Utah State Bar
645 South 200 East
Salt Lake City, Utah 84111
Telephone: (801) 531-9110
opcfilling@utahbar.org

STATE OF UTAH } :SS
COUNTY OF WASHINGTON
"I certify that this document or record, is a
full, true, and correct copy of the original,
on file in this office."
Date 3-6, 20 17
By [Signature]
Deputy Court Clerk

IN THE FIFTH JUDICIAL DISTRICT COURT
IN AND FOR WASHINGTON COUNTY, STATE OF UTAH

In the Matter of the Discipline of:

Bryan T. Adamson, #11982

Respondent.

AFFIDAVIT OF BRYAN ADAMSON IN
SUPPORT OF
DISCIPLINE BY CONSENT AND
SETTLEMENT AGREEMENT

Civil No. 140500324

Judge Jeffrey C. Wilcox

STATE OF UTAH)
COUNTY OF WASHINGTON)

I, Bryan Adamson, being first duly sworn, deposes and states:

1. I am the Respondent in this disciplinary action. I am making this Affidavit of Consent for the purposes of Rule 14-520(d) of the Rules of Lawyer Discipline and Disability of the Utah State Bar and for no other purposes. I have personal knowledge of the facts set forth in this affidavit and state the same to be true.

2. I am aware that this disciplinary action is presently pending against me. I have reviewed the Complaints and Discipline by Consent and Settlement Agreement

Exhibit

2

filed by the Office of Professional Conduct in this matter. There exist grounds for discipline against me for violation of the Rules of Professional Conduct as outlined in the Complaints and Discipline by Consent and Settlement Agreement.

3. The allegations in the Complaints against me in this proceeding could not be successfully resisted, given the facts I have admitted in the Discipline by Consent and Settlement Agreement which I incorporate by reference in this Affidavit. I feel that the terms of the Discipline by Consent and Settlement Agreement are appropriate and are true and correct.

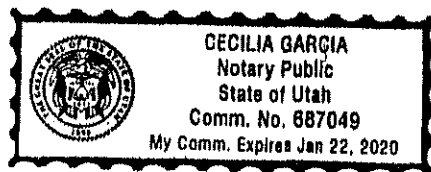
4. I enter into this Discipline by Consent and Settlement Agreement freely and voluntarily, without duress or coercion, fully understanding the implications of my conditional admissions and the misconduct the Office of Professional Conduct of the Utah State Bar has alleged against me.

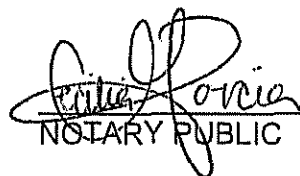
5. I request that the District Court enter an Order of Discipline: Suspension pursuant to the terms of the Discipline by Consent and Settlement Agreement signed by me.

DATED: 28th March, 2016


Bryan Adamson

SUBSCRIBED AND SWORN TO before me this 28 day of ^{MARCH, 2016}~~October~~, 2015, by
Bryan Adamson




NOTARY PUBLIC

STATE OF UTAH } :SS
COUNTY OF WASHINGTON }

"I certify that this document or record, is a full, true, and correct copy of the original, on file in this office."

Date 3-6, 2017

By [Signature]
Deputy Court Clerk

Todd Wahlquist, #9893
Deputy Senior Counsel
OFFICE OF PROFESSIONAL CONDUCT
Utah State Bar
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Salt Lake City, Utah 84111
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IN THE FIFTH JUDICIAL DISTRICT COURT
IN AND FOR WASHINGTON COUNTY, STATE OF UTAH

In the Matter of the Discipline of:	DISCIPLINE BY CONSENT AND SETTLEMENT AGREEMENT
Bryan T. Adamson, #11982	Civil No. 140500324
Respondent.	Judge Jeffrey C. Wilcox

The Utah State Bar's Office of Professional Conduct ("OPC") by and through Todd Wahlquist, Deputy Senior Counsel, and the Respondent, Bryan T. Adamson pursuant to Rule 14-520(b), Rules of Lawyer Discipline and Disability, hereby propose to resolve the above-captioned disciplinary matter by consent, based on the following admissions, statements and facts. In this respect, Mr. Adamson's admissions are considered conditional admissions and the OPC's agreement to the proposed discipline based on the conditional admissions is to be considered its response that the proposed discipline substantially satisfies its concerns as outlined in the Complaint filed in this matter.

Exhibit

3

ADMISSIONS

Mr. Adamson admits as follows:

1. The facts alleged in the Complaint filed in this action pertain to Mr. Adamson's conduct are specifically admitted below.
2. Mr. Adamson enters into this agreement voluntarily, without duress or coercion, fully understanding the implications of his admissions and the misconduct, and that in exchange for these admissions, the OPC, subject to the Court's approval, agrees that the discipline set forth in this agreement is a fair and just resolution of this matter.
3. Mr. Adamson has violated Rules 1.1, 1.15(d), 1.16(d), 1.2(a), 1.4(b) and 1.5(a) of the Rules of Professional Conduct.
4. This agreement encompasses only the four cases identified below. The admissions made by Mr. Adamson and the agreed upon sanction set forth in this agreement do not include any other cases currently open with the OPC or any cases subsequently opened by the OPC. Mr. Adamson understands that should additional rule violations be established in any cases not specifically identified below, he may be subject to additional sanctions.

FINDINGS OF FACT

5. Mr. Adamson is an attorney licensed to practice law in the State of Utah. His address according to the records of the Executive Director of the Utah State Bar is 132 West Tabernacle Street, St. George, Utah 84770.

6. According to Utah State Bar Records, Mr. Adamson has been a member of the Utah State Bar since 2008.

7. Jurisdiction is proper in this Court pursuant to Rule 14-511(a) RLDD.

8. The venue is proper pursuant to Rule 14-511(b) in at all relevant times, Respondent resided and practiced law in Washington County.

“CHEEK MATTER”

9. On July 20, 2010, Mr. Adamson met with Misty Cheek, Dennis Cheek and Matthew Harris to discuss Haylee Cheek's legal troubles.

10. Haylee's legal troubles included current criminal charges in about a half dozen cases, a conviction, which needed to be appealed in short order, and a lawsuit against Iron County alleging bribery and conspiring by public officials.

11. At that meeting, Mr. Adamson offered to handle all of Haylee's current criminal charges for a fixed fee of \$10,000. He specifically was not hired to handle the appeal or the conspiracy cases.

12. There was nothing novel or particularly difficult about Haylee's current criminal charges, that if hired would preclude Mr. Adamson from handling other cases and that the fee proposed was a customarily charged fee.

13. On July 27, 2010, Dennis and Misty Cheek paid Mr. Adamson \$5,000 as a retainer for his legal representation of Haylee on the current criminal charges.

14. On August 9, 2010, Dennis and Misty Cheek sent an email to Mr. Adamson terminating his representation of Haylee, wherein they asked him to provide them with the file and to provide them with an itemization of his bill, along with the return of any unearned fees.

15. There was no signed agreement between Haylee Cheek and Mr. Adamson.

16. During the less than two weeks of Mr. Adamson's representation of Haylee he appeared in court with her on one matter to orally enter his appearance; he filed no pleadings; he did not file any discovery requests; he met with her briefly at the jail one, maybe two times; he spoke to Haylee in court; he talked to a prosecutor regarding her cell phone that the State wanted to send to the State Crime Lab for examination; he met with Mr. and Mrs. Cheek; he communicated with their civil attorney via email; and Mr. Adamson and Haylee got into a disagreement over whether she should cooperate with the State's attempt to get the cell phone examined.

17. Mr. Adamson did not return any of the \$5,000 to Mr. and Mrs. Cheek when they requested it.

18. Mr. Adamson did not deliver anything else to Mr. and Mrs. Cheek because there was nothing in the file to deliver.

19. Mr. Adamson did not keep track of the time he had spent on Haylee's case, did not render a full accounting regarding the work he had done and the fee he had earned after the information had been requested.

“LEES MATTER”

20. Theresa Lees (Ms. Lees) filed divorce from her then husband Brian Lees in December 2006.

21. In July 2009, Ms. Lees filed an adversary proceeding in her husband's bankruptcy case in an attempt to stop him from discharging his portion of a debt owed Ms. Lees' parents.

22. The discharge of Debtor was on July 22, 2009 and the adversary proceeding was dismissed on November 4, 2010 due to failure to prosecute and Ms. Lee's attorney discontinuing practicing law.

23. Around July 20, 2011, Ms. Lees came to Mr. Adamson's office for a free consultation regarding collecting fees owed by Mr. Lees pursuant to the Decree of Divorce. While she was there, Ms. Lees discussed the fact that Mr. Lees had filed a bankruptcy but failed to mention the adversary proceeding.

24. Ms. Lees signed a fee agreement dated August 19, 2010. The agreement was for a 40% contingency fee of the money collected from Mr. Lees.

25. Ms. Lees never spoke to Mr. Adamson again. She thought this was the end of the representation.

26. On October 24, 2011, Mr. Adamson, without informing Ms. Lees, filed a motion for supplemental proceedings in Ms. Lees' divorce case to collect the debt owed by Mr. Lees.

27. On November 21, 2011, opposing counsel in the divorce case called Mr. Adamson and informed his office that the Adversary Proceeding was

dismissed for failure to prosecute and the debt had been discharged by the bankruptcy court. Ms. Lees was not informed.

28. Mr. Adamson agreed to dismiss the supplemental proceeding hearing due to the Adversary Proceeding.

29. On November 28, 2011, the Court held a hearing regarding Mr. Adamson's motion for supplemental proceedings. Mr. Adamson did not appear at the hearing as he believed the hearing was vacated. Ms. Lees was not informed about the hearing.

30. Despite what Mr. Adamson believed was an agreement to vacate the hearing, opposing counsel appeared at the November 28, 2011, hearing. In this hearing the Court indicated that the supplemental proceedings were moot because the debt had been discharged in Mr. Lees' bankruptcy and that Mr. Lees' attorney could submit a motion for attorney's fees, which he did.

31. On January 31, 2012, the Court held the hearing on the attorney's fees. Mr. Adamson was present. The Court awarded attorney's fees to Mr. Lees. Ms. Lees was not informed about the hearing.

32. On February 13, 2012, Mr. Adamson filed a motion to reconsider. On March 27, 2012, the Court denied the motion. Ms. Lees was not informed of the ruling.

33. On February 24, 2012, the Court entered an Amended Final Order extending the Rule 11 sanctions to include proceedings regarding the motion to reconsider and to include both Ms. Lees and Mr. Adamson. The Court also

granted a protective order to deter further attempts by Ms. Lees and Mr. Adamson to re-litigate issues that have already been decided. Ms. Lees was sanctioned \$13, 436.32. Mr. Adamson was sanctioned \$1.00.

34. On January 21, 2013, when a process server served Ms. Lees with the Order in Supplemental Proceedings, she first became aware of Mr. Adamson's actions and the sanctions award against her for \$13, 436.32.

35. Ms. Lees' wages are being garnished to pay the judgment for sanctions against her.

"ADVERTISING MATTER"

36. On May 19, 2015, the OPC requested information from Mr. Adamson regarding a statement in his advertisements that he offered the "Most Affordable Bankruptcy." This statement appeared to be in violation of Rule 7.1.

37. On May 27, 2015, Mr. Adamson responded that they he no longer advertised under the name "Most Affordable Bankruptcy." His yellow page advertisements now indicated he ran "The Non-Profit Bankruptcy Center."

38. On November 23, 2015, the OPC asked Mr. Adamson to explain and document how his law firm was "non-profit."

39. Mr. Adamson did not explain how the bankruptcy portion of his law firm was "non-profit", instead offering to simply admit the matter in conjunction with the other bar complains.

40. Although Mr. Adamson filed the non-profit with the state and filled out the paperwork for 501(c)(3) status, he did not pay the filing fee due to the other bar complaints and the likelihood of a license suspension.

41. Mr. Adamson's bankruptcy practice is not a "non-profit" entity.

"WALTON MATTER"

42. Mrs. Walton retained Mr. Adamson in connection with her divorce from Mr. Walton.

43. Mr. and Mrs. Walton filed their 2014 taxes jointly and received a refund check dated March 5, 2015, in the amount of \$8,052.05 payable to both Mr. and Mrs. Walton.

44. Mr. and Mrs. Walton had agreed in a Memorandum of Understanding that they would divide the child tax credit portion of their joint tax refund. This Memorandum was later found to be non-enforceable and the divorce case was dismissed.

45. Mr. Adamson was aware of the Memorandum of Understanding but believed that it was not enforceable.

46. Although only Mrs. Walton endorsed the check, on March 9, 2015 Mr. Adamson's secretary deposited the funds into his trust account.

47. Mr. Walton did not endorse the check.

48. Mr. Adamson deducted legal fees incurred by Mrs. Walton and disbursed the remainder of the funds, including Mr. Walton's portion, to Mrs. Walton at her demand.

CONCLUSIONS OF LAW

“CHEEK MATTER”

Rule 1.5(a) (Fees) of the Rules of Professional Conduct states:

A lawyer shall not make an agreement for, charge or collect an unreasonable fee or an unreasonable amount for expenses. The factors to be considered in determining the reasonableness of a fee include the following: (1) the time and labor required, the novelty and difficulty of the questions involved and the skill requisite to perform the legal service properly; (2) the likelihood, if apparent to the client, that the acceptance of the particular employment will preclude other employment by the lawyer; (3) the fee customarily charged in the locality for similar legal services; (4) the amount involved and the results obtained; (5) the time limitations imposed by the client or by the circumstances; (6) the nature and length of the professional relationship with the client; (7) the experience, reputation and ability of the lawyer or lawyers performing the services; and (8) whether the fee is fixed or contingent.

Based on the factors outlined in the rule, Mr. Adamson violated this rule in the Cheek matter by charging and keeping an unreasonable fee.

Rule 1.15(d) (Safekeeping Property) of the Rules of Professional Conduct states:

Upon receiving funds or other property in which a client or third person has an interest, a lawyer shall promptly notify the client or third person. Except as stated in this Rule or otherwise permitted by law or by agreement with the client, a lawyer shall promptly deliver to the client or third person and funds or other property that the client or third person is entitled to receive and, upon request by the client or third person, shall promptly render a full accounting regarding such property.

Mr. Adamson was not entitled to the unearned fee. Mr. Adamson violated this rule in the Cheek matter by failing to provide any accounting.

Rule 1.16(d) (Declining or Termination Representation) of the Rules of

Professional Conduct states:

Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled and refunding any advance payment of fee or expense that has not been earned or incurred. The lawyer must provide, upon request, the client's file to the client. The lawyer may reproduce and retain copies of the client file at the lawyer's expense.

Mr. Adamson violated Rule 1.16(d) in the Cheek matter by failing to return any unearned, advanced fees, and by failing to return the file.

"LEES MATTER"

Rule 1.1 (Competence) of the Rules of Professional Conduct states:

A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

Mr. Adamson violated this rule in the Lees matter by attempting to collect a debt that had been discharged in bankruptcy.

Rule 1.2(a) (Scope of Representation) of the Rules of Professional Conduct states:

Subject to paragraphs (c) and (d), a lawyer shall abide by a client's decisions concerning the objectives of representation and, as required by Rule 1.4, shall consult with the client as to the means by which they are to be pursued. A lawyer may take such action on behalf of the client as is impliedly authorized to carry out the representation. A lawyer shall abide by a client's decision whether to settle a matter. In a criminal case, the lawyer shall abide by the client's decision, after consultation with the lawyer, as to a plea to be entered, whether to waive jury trial and whether

the client will testify.

Mr. Adamson violated this rule in the Lees matter by taking actions that were not authorized by his client, purporting to represent Ms. Lees by not discussing his actions with his client.

Rule 1.4(b) (Communication) of the Rules of Professional Conduct states:

This rule states:

(b) A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

Mr. Adamson violated this rule in the Lees matter by failing to communicate with Ms. Lees regarding the motions filed or hearings scheduled in the case.

“ADVERTISING MATTER”

Rule 7.1 (Communications Concerning a Lawyer’s Services) of the Rules of Professional Conduct states:

A lawyer shall not make a false or misleading communication about the lawyer or the lawyer’s services. A communication is false or misleading if it: (a) contains a material misrepresentation of fact or law, or omits a fact necessary to make the statement considered as a whole not materially misleading; (b) is likely to create an unjustified or unreasonable expectation about results the lawyer can achieve or has achieved; or (c) contains a testimonial or endorsement that violates any portion of this Rule.

Mr. Adamson violated this rule in the Advertising Matter by stating that the bankruptcy section of his law firm was “non-profit” when that was not the case.

“WALTON MATTER”

Rule 1.15(e) (Safekeeping Property) of the Rules of Professional Conduct

states:

When in the course of representation a lawyer is in possession of property in which two or more persons (one of whom may be the lawyer) claim interests, the property shall be kept separate by the lawyer until the dispute is resolved. The lawyer shall promptly distribute all portions of the property as to which interests are not in dispute.

Mr. Adamson violated this rule in the Walton Matter by failing to hold the disputed funds in his trust account.

AGGRAVATING AND MITIGATING CIRCUMSTANCES

1. The Office of Professional Conduct and Mr. Adamson stipulate that, for the purposes of this discipline by consent agreement, there are no mitigating circumstances.

2. The Office of Professional Conduct and Mr. Adamson stipulate that, for the purposes of this discipline by consent agreement the aggravating circumstances are two prior public reprimands and multiple offenses.

RECOMMENDATION OF DISCIPLINE

Pursuant to Rule 14-605(b) of the Standards for Imposing Lawyer

Discipline, suspension is generally appropriate when a lawyer;

(1) knowingly engages in professional misconduct as defined in Rule 8.4(a), (d), (e), or (f) of the Rules of Professional Conduct and causes injury or potential injury to a party, the public, or the legal system, or causes interference or potential interference with a legal proceeding; or

(2) engages in criminal conduct that does not contain the elements listed in Rule 14-605(a)(2) but nevertheless seriously adversely reflects on the lawyer's fitness to practice law.

The OPC has agreed to recommend that Mr. Adamson be suspended for the duration of one (1) year, and comply with all parts of Rule 14-525 of the Rules of Lawyer Discipline and Disability regarding any request for reinstatement to the practice of law in the state of Utah. The proposed discipline is a fair and just resolution of this matter, inasmuch as Mr. Adamson's misconduct meets the requirements set forth in the Standards for Imposing Lawyer Sanctions.

Pursuant to the Rules of Lawyer Discipline and Disability (RLDD), orders of suspension are effective thirty days after the date of the order "or at such time as the order provides." Mr. Adamson and the OPC ask that the Court set 30 days from the date of this order as the effective date of the suspension, permitting him to wind up his practice in an orderly fashion.

PROPOSED DISCIPLINE

Subject to approval of the Court, Mr. Adamson and the OPC agree as follows:

1. Mr. Adamson shall be suspended from the practice of law for a period of one (1) year effective thirty (30) days from the date that the discipline order is signed.
2. Mr. Adamson shall comply with all requirements of Rule 14-526 of the Rules of Lawyer Discipline and Disability with respect to the wind down of his law practice.

3. Mr. Adamson is hereby enjoined and prohibited from the following in the State of Utah: practicing law, holding himself out as an attorney at law in the state of Utah, performing any legal services for others, giving legal advice to others, accepting any fee directly or indirectly for rendering legal services as an attorney, appearing as counsel or in any representative capacity in any proceeding in any Utah court or before any Utah administrative body as an attorney (whether state, county, municipal, or other), or holding himself out to others in this state or using his name in any manner in conjunction with the words "Attorney at Law", "Counselor at Law," or "Lawyer" during the period of disbarment.

4. Mr. Adamson is to reimburse the Utah State Bar Fund for Client Protection any money that the Fund pays based upon its rules.

5. Mr. Adamson shall comply with all parts of Rule 14-525 of the Rules of Lawyer Discipline and Disability regarding any request for reinstatement to the practice of law in the state of Utah.

DATED this 29th day of March, 2016.

/s/Todd Wahlquist
Todd Wahlquist
Deputy Senior Counsel
Office of Professional Conduct

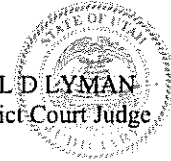
DATED this 29th day of March, 2016.

/s/ Bryan T. Adamson
Bryan T. Adamson
Respondent

The Order of the Court is stated below:

Dated: March 29, 2016
12:44:27 PM

/s/ PAUL D. LYMAN
District Court Judge



Todd Wahlquist, #9893

Deputy Senior Counsel

OFFICE OF PROFESSIONAL CONDUCT

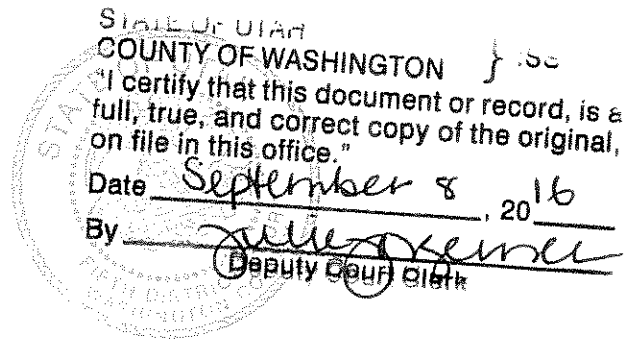
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IN THE FIFTH JUDICIAL DISTRICT COURT

IN AND FOR WASHINGTON COUNTY, STATE OF UTAH

In the Matter of the Discipline of:	ORDER OF DISCIPLINE: SUSPENSION
Bryan T. Adamson, #11982	Civil No. 140500324
Respondent.	Judge Paul D. Lyman

The above-captioned matter having come before the Court upon the pleadings, and the Court having reviewed all pleadings and papers on file herein, including the Affidavit of Bryan T. Adamson and the Discipline by Consent and Settlement Agreement entered into between the Respondent, Bryan T. Adamson, and the Utah State Bar's Office of Professional Conduct, and the Court having been fully advised in the premises, does now, ORDER, ADJUDGE and DECREE, that for the disciplinary violations set forth in the Discipline by Consent and Settlement Agreement:

IT IS HEREBY ORDERED that Mr. Adamson shall be suspended from the practice of law for a period of one (1) year effective thirty (30) days from the date that the discipline order is signed.

IT IS HEREBY ORDERED that Mr. Adamson shall comply with all requirements of Rule 14-526 of the Rules of Lawyer Discipline and Disability with respect to the wind down of his law practice.

IT IS HEREBY ORDERED that during the period of suspension Mr. Adamson is hereby enjoined and prohibited from the following in the State of Utah: practicing law, holding himself out as an attorney at law in the state of Utah, performing any legal services for others, giving legal advice to others, accepting any fee directly or indirectly for rendering legal services as an attorney, appearing as counsel or in any representative capacity in any proceeding in any Utah court or before any Utah administrative body as an attorney (whether state, county, municipal, or other), or holding himself out to others in this state or using his name in any manner in conjunction with the words "Attorney at Law",

"Counselor at Law," or "Lawyer" during the period of disbarment.

IT IS HEREBY ORDERED that Mr. Adamson is to reimburse the Utah State Bar Fund for Client Protection any money that the Fund pays based upon its rules.

IT IS FURTHER ORDERED that Mr. Adamson shall comply with all parts of Rule 14-525 of the Rules of Lawyer Discipline and Disability regarding any request for reinstatement to the practice of law in the state of Utah.

END OF ORDER

*Upon approval by the Court, signatures will appear at the top of this page.

Approved as to form:

/s/Bryan Adamson

Bryan Adamson

CERTIFICATE OF SERVICE

I hereby certify that on the 29th day of March, 2016, I caused to be mailed via U.S. first class mail, postage prepaid, a true and correct copy of the ORDER (PROPOSED) ACCEPTING DISCIPLINE BY CONSENT to:

Bryan T. Adamson

132 West Tabernacle

St. George, Utah 84770

/s/Krista Deurmeier

Krista Deurmeier

Paralegal