

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

IN THE MATTER OF	§	
BARRY WAYNE BROWN	§	CAUSE NO. 37539
STATE BAR CARD NO. 24045566	§	

JUDGMENT OF DISBARMENT

On the 14th day of August 2009, the Board of Disciplinary Appeals considered the Motion for Entry of Judgment of Disbarment filed in the above case by Petitioner, Commission for Lawyer Discipline of the State Bar of Texas, against Respondent, Barry Wayne Brown. The Board finds that:

- (1) It has continuing jurisdiction of this matter pursuant to Texas Rules of Disciplinary Procedure 8.05 (“TRDP”);
- (2) The United States Air Force Court of Criminal Appeals affirmed Respondent Barry Wayne Brown’s criminal conviction on or about April 23, 2008;
- (3) Respondent filed a Petition for Grant of Review in the United States Court of Appeals for the Armed Forces on or about June 23, 2008.
- (4) On or about November 13, 2008, the United States Court of Appeals for the Armed Forces issued an Order Denying Petition.
- (5) On or about January 5, 2009, Respondent filed a Petition for Writ of Habeas Corpus in the United States District Court for the District of Kansas in Cause No. 5:09-cv-03002-RDR.
- (6) Petitioner filed its Motion for Entry of Judgment of Disbarment on or about June 23, 2009, and Respondent was personally served with the Motion on July 10, 2009, in accordance with TRDP 8.05;
- (7) Respondent answered the Motion on July 20, 2009 and requested that this proceeding be continued until completion of his federal proceeding.

- (8) Respondent did not appear in person or by attorney at the hearing and made default.
- (9) Respondent's conviction for the commission of an Intentional Crime as defined by TRDP 1.06(T), for which he was sentenced in the General Court Martial Order, has become final and is not subject to appeal;
- (10) Petitioner's Motion for Entry of Judgment of Disbarment should be granted.

Interlocutory Suspension

Following a hearing on the 9th day of June 2006, at which Petitioner, Commission for Lawyer Discipline of the State Bar of Texas, appeared by attorney and announced ready and Respondent, Barry Wayne Brown, although having been notified of the hearing and having filed an answer pro se, failed to appear in person or by attorney and made default, the Board of Disciplinary Appeals entered an Interlocutory Order of Suspension on or about June 15, 2006, which included the following findings of fact and conclusions of law:

- (1) Respondent, Barry Wayne Brown, State Bar Card Number 24045566, is currently licensed to practice law in the State of Texas.
- (2) On or about May 5, 2005, Respondent, Barry Wayne Brown, was charged with: Charge I, violation of the Uniform Code of Military Justice ("UCMJ"), Article 80, attempt to commit the offense of premeditated murder of Irene B. Brown by soliciting Gregory Williams to murder Irene B. Brown; Charge II in violation of UCMJ, Article 81, conspire with Staff Sergeant Ramona R. Greiner to commit the premeditated murder of Irene B. Brown; Charge III in violation of UCMJ, Article 92, did, on divers occasions violate a lawful general regulation, to wit: paragraph 5, Air Force Instruction 36-2909, dated 1 May 1999, by wrongfully fraternizing with Staff Sergeant Ramona R. Greiner, an enlisted person, on terms of military equality.
- (3) On or about January 24, 2006, Respondent pled guilty to three Charges in General Court Martial Order, Cause Number 431-43-9656FR, and was sentenced to confinement for 18 years in the Air Force Corrections System.
- (4) Respondent, Barry Wayne Brown, is same person as the Barry W. Brown who is the defendant in the General Court Martial Order and was convicted as described above.

- (5) Under the UCMJ, Respondent receives as automatic appeal of the Court Martial.
- (6) Respondent's criminal sentence is not fully probated.
- (7) Respondent's Court Martial constitutes a conviction for purposes of compulsory discipline under Texas Rules of Disciplinary Procedure Part VIII ("TRDP"), and this Board has jurisdiction to hear and determine this matter. TRDP 7.08(G).
- (8) The crimes of attempt to commit premeditated murder and conspiracy to commit premeditated murder for which Respondent has been convicted are Intentional Crimes as defined by TRDP 1.06(T) and are also Serious Crimes as defined by TRDP 1.06(Z).
- (9) Having been found guilty and convicted of an Intentional Crime and such conviction currently being appealed, Respondent, Barry Wayne Brown, should be suspended as an attorney licensed to practice law in Texas during the appeal of his conviction. TRDP 8.04.

Disbarment

Consistent with the findings of the Board made as a result of the hearing held on August 14, 2009, the Board has determined that disbarment of the Respondent is appropriate. It is, therefore, accordingly, **ORDERED, ADJUDGED, and DECREED** that Respondent Barry Wayne Brown, State Bar No. 24045566, be and he is hereby **DISBARRED** from the practice of law in the State of Texas, and his license to practice law in this state be and is hereby revoked.

It is further **ORDERED, ADJUDGED and DECREED** that Respondent, Barry Wayne Brown, is hereafter prohibited, effective immediately, from practicing law in Texas, holding himself out as an attorney at law, performing any legal service for others, accepting any fee directly or indirectly for legal services, appearing as counsel in any proceeding in any Texas court or before any Texas administrative body, or holding himself out to others or using his name, in any manner, in conjunction with the words "attorney," "counselor," or "lawyer."

It is further **ORDERED** that Respondent, Barry Wayne Brown, shall immediately notify in writing each and every justice of the peace, judge, magistrate, and chief justice of each and every court, if any, in which Respondent has any legal matter pending, if any, of his disbarment, of the style and cause number of the pending matter(s), and of the name, address, and telephone number of the client(s) Respondent is representing in that court. Respondent is further **ORDERED** to file with the Office of the Chief Disciplinary Counsel, Statewide Compliance Monitor, State Bar of Texas, P.O. Box 12487, Austin, Texas 78711, within thirty (30) days of the date of this order, an affidavit stating that all courts in which Respondent has any legal matter pending have been notified of his disbarment.

It is further **ORDERED** that Respondent, Barry Wayne Brown, shall immediately notify each of his current clients, if any, in writing, of his disbarment. In addition to such notification, Respondent is **ORDERED** to immediately return all files, papers, unearned fees paid in advance, and all other monies and properties which are in his possession but which belong to current or former clients, if any, to those respective clients or former clients. Respondent is further **ORDERED** to file with the Office of the Chief Disciplinary Counsel, Statewide Compliance Monitor, State Bar of Texas, P.O. Box 12487, Austin, Texas 78711, within the same thirty (30) days of the date of this order, an affidavit stating that all current clients have been notified of his disbarment and that all files, papers, unearned fees paid in advance, and all other monies and properties belonging to clients and former clients have been returned as ordered herein. If Respondent should be unable to return any file, papers, money or other property to any client or former client, Respondent's affidavit shall

state with particularity the efforts made by Respondent with respect to each particular client and the cause of his inability to return to said client any file, paper, money or other property.

It is further **ORDERED** that Respondent, Barry Wayne Brown, if he has not already done so, immediately surrender his Texas law license and permanent State Bar Card to the Office of the Chief Disciplinary Counsel, Statewide Compliance Monitor, State Bar of Texas, P. O. Box 12487, Austin, Texas 78711, for transmittal to the Clerk of the Supreme Court of Texas.

Signed this 18th day of August 2009



CHAIRMAN PRESIDING