



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

IN THE MATTER OF §
ERIK JAMES BURRIS § **CAUSE NO. 59817**
State Bar of Texas Card No. 24061360 §

INTERLOCUTORY ORDER OF SUSPENSION

On the 25th day of January 2018, the above-styled and numbered disciplinary action was called for hearing before the Board of Disciplinary Appeals. Petitioner appeared by attorney and announced ready. Respondent, Erik James Burris, after being duly served and filing an answer of general denial through his attorney, did not appear. All matters of fact as well as all matters of law were submitted to the Board of Disciplinary Appeals for determination. Having considered the pleadings on file and having received evidence, the Board of Disciplinary Appeals is of the opinion that Petitioner is entitled to entry of the following findings and orders:

Findings of Fact. The Board of Disciplinary Appeals finds that:

- (1) Respondent, Erik James Burris, whose State Bar of Texas Card number is 24061360, is licensed but not currently authorized by the Supreme Court of Texas to practice law in the State of Texas.
- (2) On September 20, 2013, court-martial charges were preferred against Respondent, Erik James Burris. On February 7, 2014, the charges were referred for trial by general court-martial. As enumerated on DD Form 458, Charge Sheet, Respondent was charged with the following: Charge I with Specifications 1 through 8: violation of the UCMJ, Article 128, Assault; Charge II with Specifications 1 through 4: violation of the UCMJ, Article 120, Rape, Sexual Assault, and Other Sexual Misconduct; Charge III with Specifications 1 and 2: violation of the UCMJ, Article 125, Sodomy; Charge IV with Specifications 1 and 2: violation of UCMJ

Article 134, General Article; and Charge V with its Specification: violation of the UCMJ, Article 90, Willfully Disobeying Superior Commissioned Officer.

- (3) On January 27, 2014, additional court-martial charges were preferred against Respondent. The additional charges were referred for trial by general court-martial and ordered to be tried in conjunction with the original charges. The additional charges, as enumerated on DD Form 458, Charge Sheet, include the following: Additional Charge I with its Specification: violation of the UCMJ, Article 134, General Article; and Additional Charge II with its Specification: violation of the UCMJ, Article 125, Sodomy. A trial was conducted on January 25, 2015 and the results were documented on DD Form 2707-1, Department of Defense Report of Result of Trial.
- (4) On December 16, 2015, General Court-Martial Order Number 10 was entered by the Department of the Army, Headquarters, Fort Bragg, North Carolina, wherein Respondent was found guilty of Charge I, Specifications 1, 2, 4, and 5: violation of the UCMJ, Article 128, Assault; Charge II, Specifications 2 and 4: violation of the UCMJ, Article 120, Rape, Sexual Assault, and Other Sexual Misconduct; Charge IV, Specification 2: violation of the UCMJ, Article 134, General Article; and Additional Charge II and its Specification: Violation of the UCMJ, Article 125, Sodomy. Respondent was sentenced to be dismissed from the service, to be confined for 20 years, and to forfeit all pay and allowances. By General Court-Martial Order Number 10, the general court-martial convening authority, Lieutenant General Townsend, waived the forfeiture of all pay and allowances for a period of six months and ordered those funds to be paid to Respondent's dependent children.
- (5) Respondent, Erik James Burris, is the same person as the Major Erik J. Burris who is the subject of the criminal case described above.
- (6) Respondent has appealed the criminal convictions.

Conclusions of Law. Based upon the foregoing findings of facts the Board of

Disciplinary Appeals makes the following conclusions of law:

- (1) This Board has jurisdiction to hear and determine this matter. Tex. R. Disciplinary P. 7.08(G) ("TRPD");
- (2) Respondent, Erik James Burris, having been convicted of Charge I, Specifications 1, 2, 4, and 5: violation of the UCMJ, Article 128, Assault; Charge II, Specifications 2 and 4: violation of the UCMJ, Article 120, Rape, Sexual Assault, and Other Sexual Misconduct; Charge IV,

Specification 2: violation of the UCMJ, Article 134, General Article; and Additional Charge II and its Specification: Violation of the UCMJ, Article 125, Sodomy, has been convicted of Intentional Crimes as defined by TRDP 1.06(T).

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

It is, accordingly, ORDERED, ADJUDGED, and DECREED that Respondent, Erik James Burris, State Bar of Texas Card No. 24061360, is hereby SUSPENDED from the practice of law in the State of Texas effective immediately upon entry of this order and continuing hereafter until further order of this Board.

It is further ORDERED, ADJUDGED and DECREED that Respondent, Erik James Burris, during said suspension is hereby prohibited, effective immediately, from practicing law in Texas, holding himself out as an attorney at law, performing any legal service for others, accepting any fee directly or indirectly for legal services not completed before the date of this order, appearing as counsel in any proceeding in any Texas court or before any Texas administrative body, or holding himself out to others or using his name, in any manner, in conjunction with the words "attorney," "counselor," or "lawyer."

It is further ORDERED that Respondent, Erik James Burris, shall notify in writing, no later than thirty (30) days from the date of this Order, each and every justice of the peace, judge, magistrate, and chief justice of each and every court in which Respondent, Erik James Burris, has any legal matter pending, if any, of his suspension, of the style and cause number of the

pending matter(s), and of the name, address, and telephone number of the client(s) Respondent is representing in that court. Respondent is also ORDERED to mail copies of all such notifications to the Statewide Compliance Monitor, Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711.

It is further ORDERED that Respondent, Erik James Burris, shall immediately notify each of his current clients, if any, in writing, of his suspension. In addition to such notification, Respondent is ORDERED to return all files, papers, unearned fees paid in advance, and all other monies and properties which are in his possession but which belong to current or former clients with active cases pending, if any, to those respective clients or former clients with active cases pending within thirty (30) days after the date of this Order. Respondent is further ORDERED to file with the Statewide Compliance Monitor, Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711, within the same thirty (30) days, an affidavit stating either (a) that all current clients have been notified of his suspension and that all files, papers, unearned fees paid in advance, and all other monies and properties belonging to clients and former clients with active cases pending have been returned as ordered herein or (b) that Respondent has no current clients, files, or papers, and that any unearned fees paid in advance or other monies or properties belonging to clients have previously been returned to the appropriate client. If Respondent is unable to return any file, papers, money or other property to any client or former client with active cases pending, Respondent's affidavit shall state with particularity the efforts made by Respondent with respect to each particular client and the cause of her inability to return to said client any file, paper, money or other property. Respondent is also ORDERED to mail a copy of all notification letters to the Statewide Compliance Monitor, Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box

12487, Capitol Station, Austin, Texas 78711.

It is further ORDERED that Respondent, Erik James Burris, immediately surrender his Texas law license and permanent State Bar Card to the Statewide Compliance Monitor, Office of the Chief Disciplinary, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711, for transmittal to the Clerk of the Supreme Court of Texas.

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

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

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

Signed this 26 day of January 2018.



CHAIRMAN