



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

**IN THE MATTER OF** §  
**GWENDOLYN F. CLIMMONS** § **CAUSE NO. 55907**  
**STATE BAR CARD NO. 04390000** §

**INTERLOCUTORY ORDER OF SUSPENSION**

On the 1st day of May 2015, the above-styled and numbered disciplinary action was called for hearing before the Board of Disciplinary Appeals. Petitioner Commission for Lawyer Discipline appeared by attorney and announced ready. Respondent, Gwendolyn F. Climmons, although having filed an answer and having notice of the hearing, failed to appear. All questions of fact as well as all issues of law were submitted to the Board of Disciplinary Appeals for determination. Having considered the pleadings on file, having received evidence, and having heard the argument of counsel, the Board of Disciplinary Appeals is of the opinion that Petitioner is entitled to entry of the following findings and orders:

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

- (1) Respondent, Gwendolyn F. Climmons, whose State Bar Card number is 04390000, is licensed by the Supreme Court of Texas to practice law and is currently authorized to practice law in the State of Texas.
- (2) On or about April 26, 2012, Respondent was charged by Indictment with Count 1 – Conspiracy to Commit Health Care Fraud, in violation of 18 U.S.C. § 1349, and Counts 2-5 – Health Care Fraud, in violation of 18 U.S.C. §§ 1347 and 2, in Cause No. H-12-245, styled United States of America, Plaintiff, v. Gwendolyn Climmons-Johnson, Defendant, in the United States District Court for the Southern District of Texas, Houston Division.

- (3) On or about June 13, 2014, a Judgment in a Criminal Case was signed in Case No.4:12CR00245-001, styled United States of America v. Gwendolyn Climmons-Johnson, in the United States District Court for the Southern District of Texas, Holding Session in Houston, wherein Respondent was found guilty of Count 1 – Conspiracy to commit healthcare fraud, in violation of 18 U.S.C. §§ 1347 and 1349; Counts 2, 4 – Health care fraud, aiding and abetting, in violation of 18 U.S.C. §§ 1347 and 2; and Counts 3,5 – Health care fraud, aiding and abetting, in violation of 18 U.S.C. §§ 1347 and 2, and was committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 97 months as to each of Counts 1 through 5, to run concurrently, for a total term of 97 months. Respondent was ordered upon release from imprisonment to be on supervised release for 3 years, ordered to pay an assessment of \$500.00 and restitution in the amount of \$972,132.22.
- (4) Respondent, Gwendolyn F. Climmons is the same person as the Gwendolyn Climmons-Johnson who is the subject of the criminal case described above.
- (5) Respondent has appealed the criminal conviction.
- (6) Respondent's criminal sentence is not fully probated.

**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) ("TRDP");
- (2) Respondent, Gwendolyn F. Climmons, having been convicted of Count 1 – Conspiracy to commit healthcare fraud; Counts 2, 4 – Health care fraud, aiding and abetting, and Counts 3, 5 – Health care fraud, aiding and abetting, has been convicted of Intentional Crimes as defined by TRDP 1.06(T).
- (3) Respondent has also been convicted of Serious Crimes as defined by TRDP 1.06(Z).
- (4) Having been found guilty and convicted of Intentional and Serious Crimes and having appealed such conviction, Respondent, Gwendolyn F. Climmons, should have her license to practice law in Texas suspended during the appeal of her 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, Gwendolyn F. Climmons, State Bar Card No. 04390000, 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, Gwendolyn F. Climmons, during said suspension is hereby prohibited, effective immediately, from practicing law in Texas, holding herself 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 herself out to others or using her name, in any manner, in conjunction with the words “attorney,” “counselor,” or “lawyer.”

It is further **ORDERED** that Respondent, Gwendolyn F. Climmons, 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, Gwendolyn F. Climmons, has any legal matter pending, if any, of her 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, Gwendolyn F. Climmons, shall immediately notify each of her current clients, if any, in writing, of her suspension. In addition to such notification, Respondent is **ORDERED** to return all files, papers, unearned fees paid in advance,

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and all other monies and properties which are in her 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 her 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, Gwendolyn F. Climmons, immediately surrender her 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 a certified copy of the Petition for Compulsory Discipline on file herein, along with a copy of this Order, be sent to the Chief Disciplinary Counsel of the

State Bar of Texas, P.O. Box 12487, Austin, Texas 78711.

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 with the Board when the appeal of the criminal conviction is final.

Signed this 4 day of May 2015.



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VICE CHAIR PRESIDING