

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

**IN THE MATTER OF
JAMES JEFFERY CROOK
STATE BAR CARD NO. 05111000**

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CAUSE NO. 27195

JUDGMENT OF DISBARMENT

On the 22nd day of August, 2008, the above-styled and numbered disciplinary action was called for hearing before the Board of Disciplinary Appeals to consider the Motion for Entry of Judgment of Disbarment filed by Petitioner, Commission for Lawyer Discipline of the State Bar of Texas, against Respondent, James Jeffery Crook. Petitioner appeared by Austin Regional Counsel, Laura Bayouth Popp, and announced ready. Respondent, although duly notified of the hearing, failed to object to the motion or otherwise respond and did not appear. All issues of fact and all questions of law were submitted to the Board to determine. Having considered the pleadings, the evidence, and the argument of counsel, the Board finds that:

- (1) BODA has continuing jurisdiction of this matter pursuant to Texas Rules of Disciplinary Procedure 8.05 (“TRDP”);
- (2) The Court of Appeals for the Eighth District of Texas affirmed Respondent James Jeffery Crook’s criminal conviction on June 30, 2005, and issued its Mandate indicating that the decision was final on or about March 27, 2006;
- (3) The Texas Court of Criminal Appeals affirmed the decision of the Eight Court of Appeals on February 6, 2008, and issued its Mandate indicating that the decision was final on or about April 3, 2008;
- (4) Petitioner filed its First Amended Motion for Entry of Judgment of Disbarment including hearing notice on or about May 6, 2008, and served same on Respondent by personal service on July 23, 2008, as evidenced by the affidavit of service filed

with BODA on August 12, 2008;

- (5) Respondent's conviction for the commission of an Intentional Crime as defined by TRDP 1.06(T) and of a Serious Crime as defined by TRDP 1.06(Z) for which he was sentenced in the 383rd District Court of El Paso County, Texas, has become final and is not subject to further direct appeal;
- (6) Respondent Crook, although duly notified of the hearing, has not objected to the motion or otherwise responded;
- (7) Respondent's criminal conduct was directly related to his practice of law;
- (8) Respondent has a history of three disciplinary judgments between 1991 and 2002.

Based on the foregoing, the Board finds that Petitioner's First Amended Motion for Entry of Final Judgment should be granted.

Interlocutory Suspension

Following a hearing on the 22nd day of November 2002, at which Petitioner Commission for Lawyer Discipline of the State Bar of Texas appeared by attorney and announced ready and Respondent, James Jeffery Crook, appeared by attorney and announced ready, the Board of Disciplinary Appeals signed an Interlocutory Order of Suspension on or about November 26, 2002, which included the following findings of fact and conclusions of law:

- (1) Respondent, James Jeffery Crook, State Bar Card number 05111000, is currently licensed to practice law in the State of Texas;
- (2) On or about August 9, 2002, Respondent, James Jeffery Crook, was found guilty of Barratry, as charged in Counts II, III, IV, V, VI, VII, IX, X, XI, XII, XIII, XV, and XVII of the Indictment in Cause Number 20010D03480 styled, *The State of Texas vs. James Crook*, in the 383rd District Court of El Paso County, Texas (hereinafter called the "Crook" criminal case). On or about August 9, 2002, the Court entered a Judgment on Jury Verdict of Guilty - Punishment Fixed by Jury - Probation Granted sentencing Respondent to confinement in the institutional division of the Texas Department of Criminal Justice for ten (10) years and a fine of \$10,000.00. The Court then suspended the sentence and placed Respondent on seven (7) years Adult

Probation. The Court further ordered Respondent to pay court costs in the amount of \$211.25;

- (3) Respondent, James Jeffery Crook, is same person as the James Jeffery Crook, who is the subject of the criminal Judgment described above;
- (4) Respondent has appealed the criminal conviction;
- (5) This Board has jurisdiction to hear and determine this matter. Rule 7.08(G), Texas Rules of Disciplinary Procedure (“TRDP”);
- (6) The crime for which Respondent has been convicted, Barratry under Texas Penal Code § 38.12, is an intentional crime as defined by TRDP 1.06(O);
- (7) Having been found guilty and convicted of an intentional crime and such conviction currently being appealed, Respondent, James Jeffery Crook, should be suspended as an attorney licensed to practice law in Texas during the appeal of his conviction. TRDP 8.04;

Disbarment

Considering the nature and extent of the crime as it relates to the Respondent’s practice of law, his failure to object to the motion for entry of a judgment of disbarment or to respond at all in this matter, and his prior disciplinary history, the Board concludes that Respondent should be disbarred. It is, therefore, accordingly, **ORDERED, ADJUDGED, and DECREED** that Respondent James Jeffery Crook, State Bar No. 05111000, 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, James Jeffery Crook, is hereafter permanently 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."

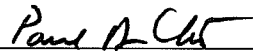
It is further **ORDERED** that Respondent, James Jeffery Crook, not later than thirty (30) days from the date of this judgment, shall notify in writing each and every justice of the peace, judge, magistrate, and chief justice of each and every court, if any, in which Respondent has any legal matter pending, 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 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, James Jeffery Crook, shall immediately notify each of his current clients, if any, in writing, of his disbarment. In addition to such notification, Respondent is **ORDERED** to return all files, papers, unearned fees paid in advance, and all other monies and properties which are in his possession but which belong to current or former clients, if any, to those respective clients or former clients within thirty (30) days after the date on which this Judgment is signed by the Board. 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 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. Respondent is also **ORDERED** to mail a copy of said affidavit and copies of all notification letters to clients, 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, James Jeffery Crook, if he has not already done so, immediately surrender his Texas law license and permanent State Bar Card to the Statewide Compliance Monitor, Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711.

Signed this 26th day of August 2008.



CHAIR PRESIDING