

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

**IN THE MATTER OF
JAMES W. DEMIK
STATE BAR CARD NO. 05654500**

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CAUSE NO. 40503

JUDGMENT OF DISBARMENT

On January 18, 2008, the above-styled and numbered disciplinary action was called for hearing before the Board of Disciplinary Appeals. Petitioner Commission for Lawyer Discipline of the State Bar of Texas appeared by Assistant Disciplinary Counsel and announced ready. Respondent, James W. Demik, although duly cited to appear and having been notified of the hearing, failed to answer or appear and wholly made default. 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, James W. Demik, whose State Bar Card number is 06564500, is licensed by the Supreme Court of Texas but is currently administratively suspended from practicing law for non-compliance with the Minimum Continuing Legal Education requirements.
- (2) On or about October 13, 2005, a judgment was signed in Case Number 3:04-CR-289-H(01), styled *United States of America v. James Demik*, in the United States District Court for the Northern District of Texas, Dallas Division, finding Respondent guilty of Conspiracy to Commit Offenses Against the United States in violation of 18 U.S.C. § 371 [18 U.S.C. § 1344(2)] (Count 1); Bank Fraud and Aiding and Abetting in violation of 18 U.S.C. §§ 1344(2) & 2 (Count 2); and Money Laundering and Aiding and Abetting in violation of 18 U.S.C. §§ 1956(a)(1)(B)(i) & 2 (Counts 3-10).

- (3) Respondent was sentenced to be imprisoned for a term of sixty (60) months as to each count, said terms to run concurrently. Respondent was ordered to serve supervised release for a term of three (3) years upon release from imprisonment as to each count, said terms to run concurrently. Respondent was also ordered to pay Restitution in the amount of \$8,884,253.00 and an assessment in the amount of \$1,000.00.
- (4) The United States Court of Appeals for the Fifth Circuit issued its mandate on July 6, 2007 in Cause No. 05-11215 affirming the judgment of the District Court.
- (5) Respondent, James W. Demik, is the same person as James Demik who is the subject of the Judgment described above.
- (6) Respondent was personally served with the First Amended Petition for Compulsory Discipline and hearing notice on October 23, 2007 by a Canadian County, Oklahoma, Sheriff's Deputy.
- (7) The officer's return of service was filed with the Board on October 29, 2007, and has been on file more than ten (10) days exclusive of the date of filing and the date of this hearing.

Conclusions of Law. Based upon the foregoing findings of fact the Board of Disciplinary

Appeals makes the following conclusions of law:

- (1) This Board has jurisdiction to hear and determine this matter. Rule 7.08(G), Texas Rules of Disciplinary Procedure ("TRDP").
- (2) Respondent, James W. Demik, having been found guilty of and sentenced for conspiracy, bank fraud (and aiding and abetting) and money laundering (and aiding and abetting), has been convicted of Intentional Crimes as defined by TRDP 1.06T for purposes of TRDP 8.04.
- (3) Respondent has been convicted of Serious Crimes as defined by TRDP 1.06Z.
- (4) Having been convicted of Intentional Crimes, which conviction is final, and having been sentenced to a term of incarceration, Respondent, James W. Demik, should be disbarred. TRDP 8.05.

It is, accordingly, ORDERED, ADJUDGED, AND DECREED that Respondent, James W.

Demik, State Bar Card No. 05654500, 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 W. Demik, 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 not completed prior to the date of this judgment, 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 W. Demik, no later than thirty (30) days from the date hereof, shall notify in writing each and every justice of any court in which he 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, Austin, Texas 78711.

It is further ORDERED that Respondent, James W. Demik, 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 of this Judgment. 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, 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 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, Austin, Texas 78711.

It is further ORDERED that Respondent, James W. Demik, immediately surrender his Texas law license and permanent State Bar Card to the Statewide Compliance Monitor, Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, 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 Judgment, be sent to the Chief Disciplinary Counsel of the State Bar of Texas, P.O. Box 12487, Austin, Texas 78711.

Signed this 23rd day of January 2008.

Paul D. Cheto

CHAIRMAN PRESIDING