

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

IN THE MATTER OF	§	
WILLIAM J. AUBREY	§	CAUSE NO. 42676
STATE BAR CARD NO. 01428525	§	

JUDGMENT OF DISBARMENT

On the 6th day of October 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 attorney, Laura Bayouth Popps, and announced ready. Respondent, William J. Aubrey, although duly cited to appear and having notice of the hearing, failed to answer or appear and wholly made default. All issues of fact as well as all questions 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, William J. Aubrey, State Bar Card Number 01428525, is currently licensed but not authorized to practice law in the State of Texas, having been administratively suspended effective November 26, 1990, for non-compliance with the Minimum Continuing Legal Education requirement.
- (2) On or about April 28, 2006, William J. Aubrey was permanently disbarred by the Supreme Court of the State of Louisiana in Case No. 2006-B-0004 pursuant to two sets of formal charges filed against William J. Aubrey. The first set, bearing the disciplinary board's docket number 01-DB-072, was filed on July 10, 2001 and consists of five separate matters resulting in findings of misconduct by the hearing committee. The second set, bearing the disciplinary board's docket number 04-DB-082, was filed on October 15,

2004, and consists of four separate matters resulting in findings of misconduct by the hearing committee.

- (3) After review of the findings by the hearings committees in the two formal charges, the Louisiana Attorney Disciplinary Board determined that the appropriate sanction was disbarment in 01-DM-072 and permanent disbarment in 04-DB-082.
- (4) Respondent, William J. Aubrey, is same person as William J. Aubrey who is the subject of the Order of the Supreme Court of the State of Louisiana permanently disbarring Respondent on April 28, 2006, in Case No. 2006-B-0004; styled, *IN RE: WILLIAM J. AUBREY*.
- (5) The Order of the Supreme Court of the State of Louisiana disbarring Respondent is final.
- (6) Respondent was served with this Board's Order to Show Cause and hearing notice dated July 28, 2008, with the Petition for Reciprocal Discipline on August 4, 2008 by certified mail, return receipt requested, as evidenced by the signature of "William J. Aubrey" on the return receipt.
- (7) The return receipt bearing Respondent's signature was filed with the Board on September 11, 2008.

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. Texas Rules of Disciplinary Procedure ("TRDP") 7.08(H).
- (2) Reciprocal discipline identical, to the extent practicable, to that imposed by the Supreme Court of the State of Louisiana is warranted in this case.
- (3) Because permanent disbarment is not available as a sanction pursuant to the Texas Rules of Disciplinary Procedure, Respondent should be disbarred.

It is, accordingly, **ORDERED, ADJUDGED, and DECREED** that Respondent, William J. Aubrey, State Bar Card No. 01428525, 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, effective immediately.

It is further **ORDERED, ADJUDGED and DECREED** that Respondent, William J. Aubrey, 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 before 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, William J. Aubrey, no 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 in which Respondent, William J. Aubrey, 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, William J. Aubrey, 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 this Board, 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, William J. Aubrey, 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, Austin, Texas 78711, for transmittal to the Clerk of the Supreme Court of Texas.

Signed this 8th day of October 2008



CHAIRMAN PRESIDING