

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

IN THE MATTER OF	§	
SAUL A. GOWER	§	CAUSE NO. 45574
STATE BAR CARD NO. 08031500	§	

JUDGMENT OF SUSPENSION

On the 9th day of April 2010, 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 and announced ready. Respondent, Saul A. Gower, appeared in person and by his attorney of record and announced ready. 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, Saul A. Gower, State Bar Card Number 08031500, is licensed and authorized to practice law in the State of Texas by the Supreme Court of Texas.
- (2) On March 21, 2007, Respondent was charged by Indictment with crimes involving Conspiracy in violation of Title 18 U.S.C. § 371, 1349, Mail Fraud – Using non-FDA approved drugs in violation of Title 18 U.S.C. § 1341, Misbranding of a Drug While Held for Sale in violation of Title 21 U.S.C. § 331(k) and False Statement in violation of Title 18 U.S.C. § 1001, in Criminal Case No. H-07-100, styled *United States of America v. Gayle Rothenberg and Saul Gower*, in the United States District Court for the Southern District of Texas, Houston Division.
- (3) On or about August 15, 2007, Respondent Gower signed a Plea

Agreement in Criminal Case No. H-07-100, styled *United States of America v. Saul Gower*, in the United States District Court for the Southern District of Texas, Houston Division, wherein Respondent pled guilty to Counts Twelve and Fourteen of the Indictment. Count Twelve charged Gower with Misbranding of a Pharmaceutical Drug While Held for Sale in violation of Title 21 U.S.C. § 331(k) and 333(a)(2) and Title 18 U.S.C. § 2. Count Fourteen charged Gower with Making a False Statement to an Agent of the Food and Drug Administration in violation of Title 18 U.S.C. § 1001.

- (4) On or about June 26, 2008, a Judgment in a Criminal Case was entered in Case Number: 4:07CR00100-002, styled *United States of America v. Saul Gower*, in the United States District Court for the Southern District of Texas, Houston Division, wherein Respondent pled guilty to Count 12 – Misbranding of a Drug While Held for Sale, Aiding and Abetting in violation of Title 21 U.S.C. §§ 331(k), 333(a)(2), 352(i)(3) and Title 18 U.S.C. § 2 and Count 14 – False Statement in violation of Title 18 U.S.C. § 1001 and was sentenced to probation for a term of four (4) years, restricted to his place of residence continuously for a period of six (6) months, ordered to perform 300 hours of community service, ordered to pay an assessment in the amount of \$200, a fine in the amount of \$1,000 and restitution in the amount of \$98,426.
- (5) Respondent, Saul A. Gower, is the same person as the Saul Gower who is the subject of the Criminal Judgment described above.
- (6) Respondent's criminal sentence is fully probated.
- (7) The parties stipulated to certain evidence Respondent offered in mitigation of sanction: that the conduct made the basis of the criminal conviction did not directly relate to Respondent's practice of law; that Respondent cooperated during the course of the compulsory action and that his conduct was exemplary; that Respondent has to date complied with all the terms and conditions of his criminal probation; and that Respondent has no prior discipline.
- (8) The criminal conviction is final.

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) The crimes for which Respondent was convicted are Intentional Crimes as defined in TRDP 1.06T and for purposes of TRDP 8.04. These crimes are also Serious Crimes as defined in TRDP 1.06Z.
- (3) Respondent, Saul A. Gower, should have his license to practice law in Texas suspended for the term of his criminal probation as originally assessed. TRDP 8.06.
- (4) In the event that Respondent's criminal probation is revoked for any reason, Respondent should be disbarred. TRDP 8.06.
- (5) This Board retains jurisdiction during the term of the suspension herein imposed to disbar Respondent in the event his criminal probation is revoked. TRDP 8.06.

It is, accordingly, ORDERED, ADJUDGED, AND DECREED that Respondent, Saul A. Gower, State Bar Card No. 08031500, be and he is hereby SUSPENDED from the practice of law in the State of Texas by suspension of his license to practice law for a period beginning effective the date of this judgment and ending June 25, 2012.

It is further ORDERED, ADJUDGED and DECREED that Respondent, Saul A. Gower, during said suspension is prohibited 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, Saul A. Gower, 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, if any, in which Respondent, Saul A. Gower, 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 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, Saul A. Gower, 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, 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, Capitol Station, Austin, Texas 78711, within the same thirty (30) days, an affidavit stating 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 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 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, Capitol Station, Austin, Texas 78711.

It is further ORDERED that Respondent, Saul A. Gower, 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, for transmittal to the Clerk of the Supreme Court of Texas.

It is further ORDERED that, pursuant to TRDP 8.06, in the event that the above-described criminal probation of Respondent, Saul A. Gower, is revoked, the Chief Disciplinary Counsel of the State Bar of Texas shall file with this Board a motion seeking disbarment supported by certified copies of court documents showing that such criminal probation has been revoked.

Signed this 13th day of April, 2010.



CHAIR PRESIDING