



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

**IN THE MATTER OF
JAMES MAYER HARRIS, JR.
STATE BAR CARD NO. 09065800**

§
§
§

CAUSE NO. 69950

JUDGMENT DENYING COMPULSORY DISCIPLINE

On the 25th day of October, 2024, the above-styled and numbered disciplinary action was called for hearing before the Board of Disciplinary Appeals. Petitioner appeared by attorney and announced ready. Respondent, James Mayer Harris, Jr., appeared by and through his attorney of record and announced ready. All questions of fact and 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 makes the following findings, conclusions, and orders:

The Board of Disciplinary Appeals finds that:

- (1) Respondent, James Mayer Harris, Jr., State Bar Card Number 09065800, is licensed and authorized to practice law in the State of Texas by the Supreme Court of Texas.
- (2) On or about June 21, 2024, Respondent was charged by Information with “AGG ASSAULT DATE/FAMILY/HOUSE W/WEAPON,” a first-degree felony, in violation of Texas Penal Code section 22.02(b)(1), in Cause No. CR02235, styled *The State of Texas vs. James Mayer Harris, Jr.*, in the District Court of Blanco County, Texas, 33rd/424th Judicial District.
- (3) On or about June 21, 2024, the 33rd/424th Judicial District of Blanco County, Texas, entered an Order of Deferred Adjudication in Cause No. CR02235, styled *The State of Texas v. James Mayer Harris, Jr.*, reflecting Respondent’s guilty plea to “AGG ASSAULT DATE/FAMILY/HOUSE

W/WEAPON,” a first-degree felony, in violation of Texas Penal Code, section 22.02(b)(1). The Order noted that the deadly weapon was a firearm and made an affirmative finding that Respondent’s offense involved family violence as defined by section 71.004 of the Texas Family Code. Adjudication of Respondent’s guilt was deferred, and Respondent was placed on deferred adjudication community supervision for a period of ten (10) years subject to listed terms and conditions of probation.

- (4) Respondent, James Mayer Harris, Jr., is the same person as the James Mayer Harris, Jr., who is the subject of the Order of Deferred Adjudication described above.

Based upon the foregoing and the evidence heard at the hearing on October 25, 2024, the Board of Disciplinary Appeals makes the following conclusions:

- (1) This Board has jurisdiction, and an affirmative duty, to hear and determine this compulsory discipline matter. TEX. RULES DISCIPLINARY P. R. 7.08(G), 8.04.
- (2) Compulsory discipline is not warranted in this case.
- (3) Respondent may nevertheless be subject to discipline based on the underlying facts, but any such case must be brought through the standard grievance procedure and heard by either a grievance committee evidentiary panel or a district court. See TEX. R. DISCIPLINARY P. R. 8.01.

It is, accordingly, **ORDERED, ADJUDGED, and DECREED** that the Petition for Compulsory Discipline is **DENIED**.

Signed this 13th day of November 2024.



CHAIR PRESIDING

Board members Jennifer Caughey, Arthur D’Andrea, and Andrew Graham did not participate in this decision.

Jason Boatright, concurring:

I agree with the decision to deny the petition for compulsory discipline, but I think the

Judgment should have included the reasons for our decision, and I write separately to offer mine.

An attorney is subject to compulsory discipline and disbarment when he is convicted of an Intentional Crime. TEX. RULES DISCIPLINARY P. R. 8.01. An Intentional Crime includes a Serious Crime that requires proof of knowledge or intent as an essential element. *Id.* R. 1.06(V). A Serious Crime is, among other things, a felony involving moral turpitude. *Id.* R. 1.06(GG). And a felony involving moral turpitude is an offense that must involve dishonesty, deliberate violence, or conduct that adversely reflects on the attorney's fitness as a lawyer. *See In re Lock*, 54 S.W.3d 305, 308 (Tex. 2001). Thus, an attorney is subject to compulsory discipline when he is convicted of a crime that requires deliberate violence and proof of knowledge as an essential element.

To determine whether a crime is an Intentional Crime, the Supreme Court looks "solely to the elements of the crime, and not to any collateral matters" like the underlying facts of the case. *Id.* at 307 (citing *Duncan v. Bd. of Disciplinary Appeals*, 898 S.W.2d 759, 762 (Tex. 1995) and *In re Humphreys*, 880 S.W.2d 402, 406-07 (Tex. 1994)). The Court does not review an indictment to determine whether an attorney committed a Serious and Intentional Crime. *See Duncan*, 898 S.W.2d at 761-62. Accordingly, we are to review only the record of conviction or order of deferred adjudication when we make our determination. *See Lock*, 54 S.W.3d at 308; *Duncan*, 898 S.W.2d at 761-62; *Humphreys*, 880 S.W.2d at 408.

The order of deferred adjudication shows that Harris committed aggravated assault, an offense requiring proof that a person intentionally, knowingly, or recklessly caused bodily injury to another. TEX. PENAL CODE § 22.01(a)(1), .02(b)(1). Because that offense may be proven with evidence of reckless conduct, it does not require proof of knowledge or intent as an essential element. Therefore, it is not an Intentional Crime, and Harris is not subject to compulsory discipline. TEX. RULES DISCIPLINARY P. R. 1.06(V), 8.04. If Harris is to be disciplined, it should be done in the standard grievance process. *See Lock*, 54 S.W.3d at 312.