



BEFORE THE BOARD OF DISCIPLINARY APPEALS

IN THE MATTER OF §
JAMES MAYER HARRIS, JR. § CAUSE NO. 69950
STATE BAR CARD NO. 09065800 §

**RESPONDENT’S ANSWER
TO PETITION FOR COMPULSORY DISCIPLINE**

TO THE BOARD OF DISCIPLINARY APPEALS:

James Mayer Harris, Jr., Respondent, files this Answer to the Petition for Compulsory Discipline filed by the Petitioner, Commission for Lawyer Discipline and for cause shows the Board as follows:

GENERAL DENIAL

1. Pursuant to Rule 92, Texas Rules of Civil Procedure, Mr. Harris files a general denial to the allegations made in the petition.

DEFENSES

2. Mr. Harris denies that he pled guilty to a “Serious Crime” as defined by Rule 1.06 (GG) of the Texas Rules of Disciplinary Procedure. As a consequence, Mr. Harris denies that Compulsory Discipline is appropriate under the circumstances of his case.¹

3. In the alternative, Mr. Harris states that if suspension is appropriate under Rule 8.06, Texas Rules of Disciplinary Procedure, then he requests that the Board probate any term of suspension imposed upon his licensure. Utilizing the Board’s factors, Mr. Harris states the following:²

¹ Aggravated assault is not a *per se* a felony involving moral turpitude. *Turton v. State Bar of Texas*, 775 S.W.2d 712, 715 (Tex. App.—San Antonio 1989, writ denied).

² See *In re Filippov*, BODA Case No. 30611, aff’d, 04-0151 (Tex. June 18, 2004).

a) **Whether the crime was directly related to the attorney's practice of law:** The crime the subject of Petitioner's allegations is not directly (or even indirectly related to Mr. Harris's law practice);

b) **The conduct of the attorney during the compulsory proceeding:** Mr. Harris has a life-long record of service to the legal community and has always comported himself professionally. We anticipate such comportment during any proceedings before the Board;

c) **Whether the attorney has complied with the terms and conditions of his probation:** Mr. Harris has complied with the terms of his deferred adjudication the subject of Petitioner's allegations. Mr. Harris, during his 40 years of law practice, has no history of prior grievances and no prior criminal history; he is committed to faithfully complying with the terms of the deferred adjudication the subject of the Petitioner's allegations.

d) **The attorney's efforts at rehabilitation:** Mr. Harris credibility was such that the conduct the subject of Petitioner's allegation, when first tried to a Llano County jury resulted in a hung jury (we believe in his favor); after the mistrial, the State presented Mr. Harris with a substantially reduced plea offer, the subject of Petitioner's allegations. He continues to be close to his children (by his first marriage) and has close family and friends for support.

e) **The attorney's credibility under oath:** After 40 years of law practice, Mr. Harris has never been subject to sanctions or contempt for lack of credibility under oath.

f) **Whether the attorney accepts responsibility for his past actions:** Mr. Harris has accepted responsibility for his past actions.

g) **Any prior discipline imposed on the attorney:** In his 40 years as an attorney, Mr. Harris has had no prior discipline.

h) **Seriousness of and circumstances surrounding the attorney's conduct:** The conduct that underlies the Petitioner's allegations are tragic. It involves Mr. Harris's attempts to defend himself while in his own home against a deadly attack by his adult step-son. The attack led to the death of the step-son. Mr. Harris's step-son had a history of severe anger issues compounded by drug abuse and mental illness. Mr. Harris defended against the murder charges, the subject of the trial, on the basis of self-defense. The trial resulted in a hung jury and the district attorney later presented Mr. Harris with a plea bargain for aggravated assault with ten-years deferred adjudication. Mr. Harris well understands the seriousness of the underlying conduct. It has cost him his wife, part of his family, and his reputation in his community.

i) **The loss or damage to clients:** No clients were harmed by Mr. Harris's conduct.

j) **Damage to the profession:** The damage here is to Mr. Harris personally. While he understands that a criminal action against a member of the legal profession diminishes the profession as a whole, Mr. Harris was faced with a horrible dilemma that called for him to protect himself or harm his wife's son. He has done all possible to take responsibility and persevere.

k) **Assurance that those seeking legal services in the future will be insulated from this type of misconduct:** As demonstrated above, this conduct involved personal, not professional, dilemmas. In his 40 years as a lawyer, Mr. Harris never harmed a client and will never do so in the future.

l) **Profit to the attorney:** This factor is not applicable to these facts.

m) **Avoidance of repetition:** Mr. Harris's 40-year exemplary history as well as his history of compliance indicates that this will not be a factor.

n) **The deterrent effect on others:** The personal nature of the conduct in question does not lend itself to this factor.

o) **The maintenance of respect for the legal profession:** The personal nature of the conduct in question does not call into question. Mr. Harris’s conduct does not demonstrate a lack of respect for the legal profession. This illustrates the fact that the charge, the subject of the petition, does not involve “moral turpitude,”

CONCLUSION AND PRAYER

4. Respondent prays that the Board deny Petitioner’s request for compulsory discipline and grant such relief as he may be justly entitled to receive.

Respectfully submitted,

/s/ Robert E. Valdez
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CERTIFICATE OF SERVICE

I do certify that the foregoing Answer was served on the following via email on this
27th day of September 2024, pursuant to the Texas Rules of Civil Procedure:

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/s/ Robert E. Valdez
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