

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

**IN THE MATTER OF  
WILLIAM LASSITER HOLMES III  
STATE BAR CARD NO. 00788758**

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**CAUSE NO. 31827**

**INTERLOCUTORY ORDER OF SUSPENSION**

On the 1st day of October 2004, 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, William Lassiter Holmes III, appeared by and through his attorney 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, conclusions, and orders:

**Findings of Fact.** The Board of Disciplinary Appeals finds that:

- (1) Respondent, William Lassiter Holmes III, State Bar Card Number 00788758, as of the date of this judgment, is currently licensed to practice law in the State of Texas, but is not authorized to practice due to inactive status.
- (2) On or about December 10, 2003, Respondent, William Lassiter Holmes III, was found guilty on one count of Conspiracy to Commit Fraud Against the United States in violation of 18 U.S.C. § 371 and one count of Aid and Abet to Devise a Scheme and Artifice to Defraud the United States through the use of the U.S. Postal Service Mail in violation of 18 U.S.C. §§1341 and 1346 and 18 U.S.C. § 2, in Cause Number 7:02CR00519-001, styled *United States of America v. W. Lassiter Holmes, III*, in the United States District Court, Southern District of Texas, holding session in Laredo. On or about

December 10, 2003, the Court entered a Judgment in Criminal Case committing Respondent to the custody of the United States Bureau of Prisons to be imprisoned for a total term of thirty-three (33) months, with three (3) years supervised release upon his release from imprisonment, and a fine and costs of \$10,200.00.

- (3) Respondent, William Lassiter Holmes III, is the same person as the William Lassiter Holmes III, who is the subject of the criminal conviction described above.
- (4) Respondent has appealed the criminal conviction.

**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 7.08(G) (“TRDP”).
- (2) The crime for which Respondent has been convicted is an Intentional Crime as defined by TRDP 1.06(O).
- (3) Having been convicted of an Intentional Crime with such conviction currently being appealed, Respondent, William Lassiter Holmes III, should be suspended from practicing law in Texas during the appeal of his criminal conviction. TRDP 8.04.
- (4) In the event that the criminal conviction of Respondent, William Lassiter Holmes III, becomes final, Respondent should be disbarred. TRDP 8.05.

It is, accordingly, **ORDERED, ADJUDGED, and DECREED** that Respondent, William Lassiter Holmes III, State Bar Card No. 00788758, is hereby **SUSPENDED** from the practice of law in the State of Texas effective immediately upon entry of this Order and continuing hereafter until further order of this Board.

It is further **ORDERED** that, in the event that Respondent’s criminal conviction is affirmed and becomes final, he shall be **DISBARRED**.

It is further **ORDERED, ADJUDGED and DECREED** that Respondent, William Lassiter

Holmes III, during said suspension is hereby 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, William Lassiter Holmes III, shall, no later than thirty (30) days from the date of this Order, notify in writing each and every justice of the peace, judge, magistrate, and chief justice of each and every court in which Respondent, William Lassiter Holmes III, 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 also **ORDERED** to mail copies of all such notifications to the 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 Lassiter Holmes III, 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 on which this Order is signed by the Board. Respondent is further **ORDERED** to file with this Board, within the same thirty (30) days, an affidavit stating either (a) 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

or (b) that Respondent has no current clients, files, or papers, and that any unearned fees paid in advance or other monies or properties belonging to clients have previously been returned to the appropriate client. 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 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 Lassiter Holmes III, immediately surrender his Texas law license and permanent State Bar Card to the Office of the Chief Disciplinary, 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 a certified copy of the Petition for Compulsory Discipline on file herein, along with a copy of this Order, be sent to the Chief Disciplinary Counsel of the State Bar of Texas, P.O. Box 12487, Austin, Texas 78711.

It is further **ORDERED** that this Order is interlocutory, pending the further orders of this Board, upon the conclusion of Respondent's appeal of his criminal conviction. In the event that the criminal conviction is reversed, this Board, upon the filing by Respondent or his attorney of an appropriate motion supported by a certified copy of a court mandate showing that the conviction has been reversed, shall immediately terminate the suspension pursuant to TRDP 8.04. In the event that Respondent's criminal conviction becomes final, this Board, upon the filing by the Chief Disciplinary Counsel of an appropriate motion supported by a certified copy of a court mandate showing that the conviction has become final and after the period during which to object pursuant

to TRDP 8.05 has expired, shall enter a final judgment of disbarment.

Signed this 5<sup>th</sup> day of October 2004.

  
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CHAIRMAN PRESIDING