

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

**IN THE MATTER OF
SHEILA D. LATHAM
STATE BAR CARD NO. 11975700**

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§
§

CAUSE NO. 35124

INTERLOCUTORY ORDER OF SUSPENSION

On the 17th day of June 2005, the above-styled and numbered compulsory 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, Stephen A. Moyik, and announced ready. Respondent, Sheila D. Latham, although duly served and cited to appear and having been duly notified of the hearing date, failed to answer or appear and wholly made default. All issues of fact, as well as all matters 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, Sheila D. Latham, whose State Bar Card number is 11975700, is currently licensed by the Supreme Court of Texas but is currently administratively suspended for failure to pay State Bar dues and the Texas Attorney Occupation Tax, as well as for failure to comply with the Minimum Continuing Legal Education requirements.
- (2) On or about January 30, 2004, Respondent, Sheila Denise Latham, was found guilty of Theft, a Third Degree Felony, in Cause Number 886873 styled, *The State of Texas v. Sheila Denise Latham*, in the 180th District Court of Harris County, Texas, (the first criminal conviction). On or about January 30, 2004, the Court signed a Judgment on Plea Before Jury Court/Jury Assessing Punishment committing Respondent to the custody of the Institutional Division of the Texas Department of Criminal Justice to be imprisoned for a total term of ten (10) years, a fine of \$10,000.00, and costs of \$362.50, with the Sentence Suspended, and the Defendant placed on community supervision for ten (10) years. As Special Instructions to Defendant's sentence she was ordered to serve 180 days in the

Harris County Jail as a condition of probation with 1-day credit given. Defendant was also ordered to pay \$72,827.78 in restitution.

- (3) On or about January 30, 2004, Respondent, Sheila Denise Latham, was found guilty of Misapplication of Fiduciary Property, a Third Degree Felony, in Cause Number 949495 styled, *The State of Texas v. Sheila Denise Latham*, in the 180th District Court of Harris County, Texas, (the second criminal conviction). On or about January 30, 2004, the Court entered a Judgment on Plea Before Jury Court/Jury Assessing Punishment committing Respondent to the custody of the Institutional Division of the Texas Department of Criminal Justice to be imprisoned for a total term of ten (10) years, a fine of \$10,000.00, and costs of \$362.50, with the Sentence Suspended, and the Defendant placed on community supervision for ten (10) years.
- (4) On or about January 30, 2004, Respondent, Sheila Denise Latham, was found guilty of Misapplication of Fiduciary Property, a Third Degree Felony, in Cause Number 949496 styled, *The State of Texas v. Sheila Denise Latham*, in the 180th District Court of Harris County, Texas, (the third criminal conviction). On or about January 30, 2004, the Court entered a Judgment on Plea Before Jury Court/Jury Assessing Punishment committing Respondent to the custody of the Institutional Division of the Texas Department of Criminal Justice to be imprisoned for a total term of ten (10) years, a fine of \$10,000.00, and costs of \$362.50, with the Sentence Suspended, and the Defendant placed on community supervision for ten (10) years.
- (5) Respondent was personally served with the Petition for Compulsory Discipline on April 27, 2005, as attested to in the affidavit of Samuel Grimes on file with the Board of Disciplinary Appeals since May 4, 2005.
- (6) Respondent, Sheila D. Latham, is same person as the Sheila Denise Latham who is the subject of the criminal Judgments described above.
- (7) Respondent has appealed the criminal convictions.

Conclusions of Law. Based upon the foregoing findings of facts 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 has been convicted are intentional crimes as defined by TRDP 1.06(T).

- (3) Having been convicted of intentional crimes with said convictions currently being on appeal, Respondent, Sheila D. Latham, should be suspended from the practice law in Texas during the appeal of her criminal convictions. TRDP 8.04.
- (4) If any one of the criminal convictions described herein of Respondent, Sheila D. Latham, is affirmed and becomes final, Respondent, Sheila D. Latham, should be disbarred. TRDP 8.05.

It is, accordingly, **ORDERED, ADJUDGED, and DECREED** that Respondent, Sheila D. Latham, State Bar Card No. 11975700, is hereby **SUSPENDED** from the practice of law in the State of Texas effective immediately as of the date of this order and continuing hereafter until further order of this Board.

It is further **ORDERED** that, in the event that any one of Respondent's criminal convictions described herein is affirmed, she shall be disbarred in accordance with the procedure required in TRDP 8.05.

It is further **ORDERED, ADJUDGED and DECREED** that Respondent, Sheila D. Latham, during this suspension is hereby prohibited, effective as of the date hereof, from practicing law in Texas, holding herself 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 order, appearing as counsel in any proceeding in any Texas court or before any Texas administrative body, or holding herself out to others or using her name, in any manner, in conjunction with the words "attorney," "counselor," or "lawyer."

It is further **ORDERED** that Respondent, Sheila D. Latham, no later than thirty (30) days from the date of this Order, shall notify in writing each and every justice of the peace, judge, magistrate, and chief justice of each and every court in which Respondent, Sheila D. Latham, has any legal matter pending, if any, of her 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, Sheila D. Latham, shall within thirty (30) days from the date of this Order, notify each of her current clients, if any, in writing, of her 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 her 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 her 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 her 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, within ten (10) days from the date of this Order, Respondent, Sheila D. Latham, surrender her 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 her criminal convictions. In the event that all three convictions of Respondent, Sheila D. Latham, are reversed, this Board, upon the filing by Respondent or her attorney of an appropriate motion supported by affidavits or certified copies of court documents showing that the convictions have been reversed, shall terminate the suspension. In the event that any one of the criminal convictions of Respondent, Sheila D. Latham, becomes final, this Board, upon the filing by the Chief Disciplinary Counsel of an appropriate motion supported by affidavits or certified copies of court documents showing that one of the convictions has become final, shall enter a final judgment of disbarment pursuant to the procedure required in TRDP 8.05.

Signed this 26th day of June 2005.



CHAIRMAN PRESIDING