

**BEFORE BOARD OF DISCIPLINARY APPEALS
APPOINTED BY**

THE SUPREME COURT OF TEXAS

IN THE MATTER OF

JAMES MICHAEL O'DONNELL

STATE BAR CARD NO. 15210400

§
§
§
§
§

CAUSE NO. 37214

AGREED JUDGMENT OF DISABILITY SUSPENSION

The Office of Chief Disciplinary Counsel has determined that James Michael O'Donnell (hereinafter referred to as "Respondent") is suffering from a Disability to such an extent that the Respondent's continued practice of law poses a substantial threat of irreparable harm to clients or potential clients. Respondent agreed to the Chief Disciplinary Counsel's findings of disability and submitted an Affidavit (attached hereto as Exhibit "A"), in which he specifically waived the right (1) to be separately noticed of any further proceedings to be held in this cause under Part XII of the Texas Rules of Disciplinary Procedure, (2) to have the Board of Disciplinary Appeals review the record and findings of the Chief Disciplinary Counsel, and (3) to the appointment of a District Disability Committee as provided in Rule 12.02 of the Texas Rules of Disciplinary Procedure. Respondent also stipulated to the facts and existence of the disability from which he suffers and requested that the Board of Disciplinary Appeals enter an order of his indefinite suspension from the practice of law.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that James Michael O'Donnell be suspended from the practice of law immediately upon entry of this judgment and continuing thereafter until reinstated by this Board or by a court of competent jurisdiction.

It is further ORDERED, ADJUDGED AND DECREED that Respondent, James Michael O'Donnell, during said suspension is hereby enjoined from practicing law in Texas, holding himself out as attorney at law, performing any legal services, appearing as counsel in any

representative capacity 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 at law," "counselor at law," or "lawyer."

It is further ORDERED that Respondent, James Michael O'Donnell, shall immediately notify each of his current clients in writing that he has voluntarily entered into this Agreed Judgment resulting in a suspension for an indefinite period. In addition to such notification, the Respondent is ORDERED to return all files, papers, monies and other property belonging to such clients or to another attorney at the client's request within thirty (30) days of the date of Board of Disciplinary Appeals Chairperson's signing of this Order.

It is further ORDERED that Respondent, James Michael O'Donnell, shall on or before thirty (30) days from the date of the Board of Disciplinary Appeal Chairperson's signing of this Order, notify in writing each and every justice of the peace, judge, magistrate, and chief justice of each and every court which Respondent has any matter pending of the terms of this suspension, the style and cause number of the pending matter(s), and the name(s), address(es) and telephone number(s) of the clients Respondent is representing in that court. Respondent, James Michael O'Donnell, is ORDERED to file within the same thirty (30) days with the State Bar of Texas, 600 Jefferson, Suite 1000, Houston, TX 77002, an affidavit stating that all such notices as herein ordered have been given and showing in the case where it was not possible to notify clients or return their property, that due diligence was used to do so. Respondent is also ORDERED to mail a copy of said affidavit to the Board of Disciplinary Appeals at P.O. Box 12426, Capital Station, Austin, TX 78711.

Reinstatement from this indefinite suspension from the practice of law shall be governed by §12.06, et. seq., of the Texas Rules of Disciplinary Procedure and Section 9 of the BODA Internal procedural rules.

It is further ORDERED that Respondent, James Michael O'Donnell, immediately surrender his Texas law license and permanent State Bar Card to the State Bar of Texas, 600 Jefferson, Suite 1000, Houston, TX 77002.

Pursuant to §12.04, Texas Rules of Disciplinary Procedure, the record of all proceedings on this disability shall be sealed and shall remain confidential, except that the order of indefinite suspension shall be made public.

Signed this 8 day of JUNE, 2006.

Tam S. Tam

CHAIRPERSON
BOARD OF DISCIPLINARY APPEALS

AGREED AS TO BOTH FORM
AND SUBSTANCE:

Denise L. Kurt

Denise L. Kurt
Assistant Disciplinary Counsel
State Bar of Texas
State Bar Card No. 12562250

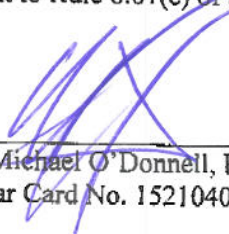
DATE: 3-2-06

[Signature]
James Michael O'Donnell
Respondent
State Bar Card No. 15210400

DATE: 5/16/06

CONSENT TO AGREED JUDGMENT OF DISABILITY SUSPENSION

In connection with the Disability finding by Chief Disciplinary Counsel, I hereby consent to entry of the Agreed Judgment of Indefinite Disability Suspension in the form submitted to me, pursuant to Rule 8.01(c) of the Internal Procedure Rules of the Board of Disciplinary Appeals.

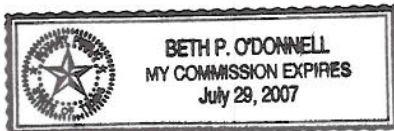

James Michael O'Donnell, Respondent
State Bar Card No. 15210400

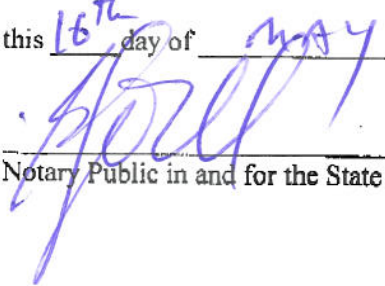
DATE: 5/16/06

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared James Michael O'Donnell, known to me to be the person whose name is subscribed to the foregoing instrument, and being by me first duly sworn, acknowledged to me that the same was executed for the purposes and considerations therein expressed, and that the facts stated in the Agreed Judgment of Disability Suspension are true in every respect.

GIVEN UNDER my hand and seal of office this 16th day of May, 2006.




Notary Public in and for the State of Texas

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

IN THE MATTER OF

JAMES MICHAEL O'DONNELL

STATE BAR CARD NO. 15210400

§
§
§
§
§

CAUSE NO. 37214

AFFIDAVIT OF JAMES MICHAEL O'DONNELL

On this 16th day of MAY, 2006, personally appeared before me, the undersigned authority, James Michael O'Donnell, who after being duly sworn, did state upon his oath:

"I, James Michael O'Donnell, am over the age of eighteen years and am competent to make this Affidavit in all respects, and am personally acquainted with the facts herein stated:

It is my understanding that the Chief Disciplinary Counsel is willing to stipulate to the facts and existence of the disability from which I suffer. I hereby stipulate to same.

I hereby waive the right to be separately noticed of any further proceedings to be held in this cause under Part XII of the Texas Rules of Disciplinary Procedure. I further waive the right to have the Board of Disciplinary Appeals review the record and findings of the Chief Disciplinary Counsel regarding the disability from which I suffer, and waive the right to the appointment of a Disability Committee as provided in Rule 12.02 of the Texas Rules of Disciplinary Procedure.

I accept and stipulate to the Chief Disciplinary Counsel's findings that I suffer from a disability and request that the Board of Disciplinary Appeals enter an Order of my indefinite suspension from the practice of law. Although medically and psychologically disabled from the active practice of law, I have the mental capacity to make this Affidavit, with full understanding of its contents, meaning and importance. Furthermore, I have been given the opportunity to consult with independent counsel to advise me throughout this disability matter.

I swear or affirm that I currently am handling no pending cases, so there is no need for the State Bar to file a Motion for the Assumption of Jurisdiction of my files.

I acknowledge the above to be true and correct."

Affiant

SWORN AND SUBSCRIBED BEFORE ME, the undersigned authority, this 16th day of May, 2006.



Notary Public for and in the State of Texas

Agreed Judgment of Disability Suspension - O'Donnell