

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

IN THE MATTER OF	§	
JAMES DAVID OGLE	§	CAUSE NO. 54879
STATE BAR CARD NO. 24047540	§	

AGREED JUDGMENT OF SUSPENSION

On the \_\_\_\_\_ day of \_\_\_\_\_, 2014, the above-styled and numbered reciprocal disciplinary action was called for hearing before the Board of Disciplinary Appeals. Petitioner appeared by attorney and announced ready. Respondent appeared pro se and announced ready. All matters 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, James David Ogle, is an attorney who is licensed and authorized to practice law in the State of Texas, and whose Bar Card No. is 24047540;
- (2) On or about October 29, 2012, a Complaint was filed in the Supreme Court Bar Docket State of Oklahoma in a matter styled, *State of Oklahoma ex rel. Oklahoma Bar Association, Complainant, v. James David Ogle, Respondent*, Rule 6, OBAD #1936.
- (3) On or about March 25, 2013, a Trial Panel Report was filed in the Supreme Court Bar Docket State of Oklahoma in a matter styled, *State of Oklahoma ex rel. Oklahoma Bar Association, Complainant, v. James David Ogle, Respondent*, Rule 7, OBAD #1928, SCBD #5902 and *State of Oklahoma ex rel Oklahoma Bar Association, Complainant, v. James David Ogle*,

*Respondent*, Rule 6, OBAD #1936, SCBD #5940. The Trial Panel Report established that Respondent (1) learned of a bribery plan, did nothing to stop the plan, assisted in the payment of monies to a facilitator of the bribe and actively participated in a cover-up, (2) failed to report the professional misconduct of the two other lawyers involved in the bribe, (3) knowingly assisted two co-conspirators to violate the Rules of Professional Conduct, (4) engaged in conduct involving dishonesty, fraud, deceit or misrepresentation, (5) committed a criminal act that reflects adversely on the Respondent's honesty, trustworthiness, or fitness as a lawyer in other respects, and (6) engaged in conduct that is prejudicial to the administration of justice.

- (4) On or about October 1, 2013, a Bar Disciplinary Proceedings Opinion was filed in the Supreme Court Bar Docket *State of Oklahoma in a matter styled, State of Oklahoma ex rel. Oklahoma Bar Association, Complainant, v. James David Ogle, Respondent*, SCBD #5940 Comp. w/SCBD 5902, that states in pertinent part as follows:

...The opinion disposes of the pending Rule 7 and Rule 6 proceedings in which James David Ogle is the Respondent. The charges arise out of actions that led to the Respondent's entering a plea of guilty to the misdemeanor crime of Obstruction of a Public Officer, in violation of 21 O.S. §540. After de novo review of the record presented, we order the Respondent suspended for two years and one day, commencing from August 22, 2012, the date of his interim suspension...

- (5) Respondent, James David Ogle, is the same person as the James David Ogle, who is the subject of the Bar Disciplinary Proceedings Opinion entered by the Supreme Court of Oklahoma; and
- (6) The Bar Disciplinary Proceedings Opinion from the Supreme Court of Oklahoma is final.

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. Tex. R. Disciplinary P. 7.08(H);
- (2) Reciprocal discipline identical to that imposed by Supreme Court of Oklahoma is warranted in this case.

It is, accordingly, ORDERED, ADJUDGED, AND DECREED that Respondent, James David Ogle, State Bar Card No. 24047540, is hereby SUSPENDED from the practice of law in Texas for a period of two years and one day beginning \_\_\_\_\_, 2014, and ending \_\_\_\_\_, 20\_\_\_\_\_.

It is further ORDERED that during the term of active suspension ordered herein, Respondent shall be prohibited 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, appearing as counsel or 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," "counselor," or "lawyer."

It is further ORDERED that Respondent, James David Ogle, shall notify in writing, no later than thirty (30) days from the date of this Order, each and every justice of the peace, judge, magistrate, and chief justice of each and every court in which Respondent, James David Ogle, 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 Statewide Compliance Monitor, 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, James David Ogle, shall immediately notify each of his current clients and opposing counsel, 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 Judgment is signed by the Board. Respondent is further ORDERED to file with this Board, within the same thirty (30) days, an affidavit stating 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. 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, James David Ogle, immediately surrender his Texas law license and permanent State Bar Card to the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, 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 Reciprocal Discipline on file herein, along with a copy of this Judgment, 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 his Judgment of Suspension shall be made a matter of public record and be published in the Texas Bar Journal.

Signed this \_\_\_\_\_ day of \_\_\_\_\_ 2014.

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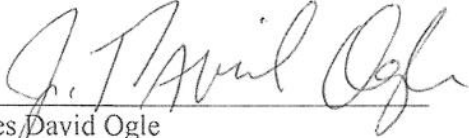
Chairman Presiding  
Board of Disciplinary Appeals  
Appointed by the Supreme Court of Texas

APPROVED AS TO FORM:



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Rebecca (Beth) Stevens  
Assistant Disciplinary Counsel  
State Bar No. 24065381  
ATTORNEY FOR PETITIONER



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James David Ogle  
State Bar No. 24047540  
RESPONDENT