



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

IN THE MATTER OF §
ROGER LEE SHOSS § **CAUSE NO. 51567**
STATE BAR CARD NO. 18304000 §

INTERLOCUTORY ORDER OF SUSPENSION

On the 1st day of February 2013, 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 attorney and announced ready. Respondent, Roger Lee Shoss, although duly cited to appear and having notice of the hearing, failed to answer or appear and wholly made default. 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 and orders:

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

- (1) Respondent, Roger Lee Shoss, whose State Bar Card number is 18304000, is licensed and authorized by the Supreme Court of Texas to practice law in the State of Texas.
- (2) On or about July 13, 2011, Respondent was charged by with Conspiracy to Commit Wire Fraud, in violation of 18 U.S.C. § 371 in Case No. 8:11-cr-366-T-30TBM, styled *United States of America v. Roger Lee Shoss, Nicolette Loisel*, in the United States District Court for the Middle District of Florida, Tampa Division.

- (3) On or about August 9, 2012, a Judgment in a Criminal Case was entered in Case No. 8:11-cr-366-T-30TBM, styled *United States of America v. Roger Lee Shoss*, in the United States District Court for the Middle District of Florida, Tampa Division, wherein Respondent was found guilty of Conspiracy to Commit Wire Fraud and was committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of eighteen (18) months. Respondent was ordered upon release from imprisonment to be on supervised release for three (3) years, with the special condition of participating in the Home Detention program for three (3) years, and ordered to pay an assessment of \$100.00.
- (4) Respondent, Roger Lee Shoss, is the same person as the Roger Lee Shoss who is the subject of the criminal case described above.
- (5) Respondent has appealed the criminal conviction.
- (6) Respondent was personally served with the Petition for Compulsory Discipline on December 27, 2012 by a Tarrant County Deputy Constable, and the return and affidavit of service was filed with the Board on January 10, 2013.

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(G) (“TRDP”);
- (2) Respondent, Roger Lee Shoss, having been convicted of Conspiracy to Commit Wire Fraud, has been convicted of an Intentional Crime as defined by TRDP 1.06(T).
- (3) Respondent has also been convicted of a Serious Crime as defined by TRDP 1.06(Z).
- (4) Having been found guilty and convicted of an Intentional and Serious Crime and having appealed such conviction, Respondent, Roger Lee Shoss, should have his license to practice law in Texas suspended during the appeal of his criminal conviction. TRDP 8.04.

- (5) The Board retains jurisdiction to enter a final judgment in this matter when the criminal appeal is final. TRDP 8.04 & 8.05.

It is, accordingly, ORDERED, ADJUDGED, and DECREED that Respondent, Roger Lee Shoss, State Bar Card No. 18304000, 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, ADJUDGED and DECREED that Respondent, Roger Lee Shoss, 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 before the date of this order, 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, Roger Lee Shoss, 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, Roger Lee Shoss, 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, Roger Lee Shoss, 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 of this Order. Respondent is further ORDERED to file with the Statewide Compliance Monitor, Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711, within the same thirty (30) days, an affidavit stating either (a) that all current clients and opposing counsel 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 is 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 all notification letters 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, Roger Lee Shoss, immediately surrender his Texas law license and permanent State Bar Card to the Statewide Compliance Monitor, 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 this Order is interlocutory and that the Board retains jurisdiction to enter a final judgment when the appeal of the criminal conviction is final. TRDP 8.04 & 8.05; *In the Matter of Mercier*, 242 SW 3d 46 (Tex. 2007).

It is further ORDERED that Respondent shall promptly notify the Board and the State Bar of Texas Chief Disciplinary Counsel when the appeal of the criminal conviction is final.

It is further ORDERED that the Chief Disciplinary Counsel of the State Bar of Texas shall monitor the status of the appeal of the criminal conviction on at least a quarterly basis and promptly file a motion for entry of final judgment or termination of suspension as appropriate with the Board when the appeal of the criminal conviction is final.

Signed this 4/12 day of February 2013.



VICE CHAIR PRESIDING