



**BEFORE THE BOARD OF DISCIPLINARY APPEALS**  
**Appointed By**  
**THE SUPREME COURT OF TEXAS**

**MAX LEON TEPPER**  
*State Bar of Texas Card No. 24033377*

**V.**

**COMMISSION FOR LAWYER  
DISCIPLINE OF THE  
STATE BAR OF TEXAS**

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**CAUSE NO. 50185**

**JUDGMENT AFFIRMING JUDGMENT OF  
PARTIALLY PROBATED SUSPENSION AND DISSOLVING STAY**

On February 28, 2014 the Board of Disciplinary Appeals heard argument by the parties in this appeal by Max Leon Tepper from a Judgment of Partially Probated Suspension signed August 8, 2012 by the 6-A2 evidentiary panel of the District 6 Grievance Committee of the State Bar of Texas in Case No. D0020936831. Having heard argument and after considering the briefs and the record, the Board has determined that the judgment should be, in all respects, affirmed.

The Board further finds that the evidentiary panel signed an Agreed Order Granting Interim Stay of Judgment on September 2, 2012 which states that the Judgment of Partially Probated Suspension is stayed until the panel enters an order granting or denying Respondent's pending motion to stay the judgment. The record does not contain any final order granting or denying a stay, nor does the record clearly disclose whether a hearing was ever held on the Respondent's motion. The panel, consequently, conditioned the interim stay on an event that might never happen and, in fact, never happened rather than a time certain.

Pursuant to Tex. R. App. P. 24.4, the Board has concurrent jurisdiction during the pendency of the appeal to review and modify the suspension of the enforcement of the judgment. Because Respondent did not obtain an affirmative finding by the evidentiary panel pursuant to Tex. R. Disciplinary P. 2.25 that his continued practice of law does not pose a continuing threat to the welfare of Respondent's clients or to the public, the Board, on its own motion, finds that the interim stay should be dissolved.

It is therefore, ORDERED, ADJUDGED, AND DECREED that the Judgment of Partially Probated Suspension signed August 8, 2012 by the 6-A2 evidentiary panel of the District 6 Grievance Committee of the State Bar of Texas in Case No. D0020936831 be, in all respects, AFFIRMED.

It is further ORDERED that the interim stay imposed by agreed order signed September 2, 2012 be immediately DISSOLVED.

It is further ORDERED that the Judgment of Partially Probated Suspension signed August 8, 2012 is in full force and effect as of the date of this Judgment, that Respondent begin serving the active suspension immediately, and that Respondent complete the obligations imposed by the judgment within 30 days of the date hereof.

SIGNED this 28<sup>th</sup> day of February 2014.

  
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VICE CHAIR PRESIDING