

FILED
By: _____
MAR 30 2012
Board of Disciplinary Appeals
appointed by the
Supreme Court of Texas

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

**IN THE MATTER OF §
HELEN TYNE MAYFIELD § CAUSE NO. 42845
STATE BAR CARD NO. 24014721 §**

THIRD AMENDED MOTION FOR ENTRY OF JUDGMENT OF DISBARMENT

TO THE HONORABLE BOARD:

COMES NOW, Petitioner, the Commission for Lawyer Discipline, and files this its Third Amended Motion for Entry of Judgment of Disbarment, showing as follows:

1. On or about August 20, 2008, Petitioner filed its Petition for Compulsory Discipline against Respondent, Helen Tyne Mayfield, (hereinafter called "Respondent") seeking compulsory discipline based upon Respondent's conviction on twelve counts of Forgery of Financial Instrument. On or about July 30, 2008, Respondent was sentenced to be committed to the custody of the State Jail Division of the Texas Department of Criminal Justice to be imprisoned for a term of twenty-four (24) months to run concurrently and further ordered to pay restitution in the amount of \$6000.

2. On the 6th day of October 2008, the above-styled and numbered disciplinary action was called for hearing before the Board of Disciplinary Appeals. Petitioner appeared by attorney and announced ready. Respondent, Helen Tyne Mayfield, although duly cited to appear and having been notified of the hearing, failed to appear and made default. All issues of fact as well as all questions of law were submitted to the Board of Disciplinary Appeals for determination. The Board of Disciplinary Appeals, having considered the pleadings on file, having received evidence, and having

heard the argument of counsel, on or about October 8, 2008, entered an Interlocutory Order of Suspension which provides in pertinent part, as follows:

It is further ORDERED that this Order is interlocutory and that the Board retains jurisdiction to enter a final judgment when the appeals of the criminal convictions are final or to terminate the suspension if the conviction is reversed on appeal.

3. As a result of the appeal by Respondent of the criminal conviction in Brazos County Trial Court No. 07-05453-CRF-361, a Mandate was issued by the Tenth Court of Appeals on March 16, 2011, in a matter styled, *Helen Mayfield, Appellant(s) Trial Court No. 07-05453-CRF-361 and Court of Appeals No. 10-08-00292-CR*, which affirmed the judgment issued by the 361st District Court of Brazos County, Texas. A true and correct certified copy of the Mandate issued by the Tenth Court of Appeals is attached hereto as Exhibit “A”, and made a part hereof for all intents and purposes as if the same were copied verbatim herein.

4. As a result of the appeal by Respondent of the criminal conviction in Brazos County Trial Court No. 07-05454-CRF-361, a Mandate was issued by the Tenth Court of Appeals on or about March 16, 2011, in a matter styled, *Helen Mayfield, Appellant(s) Trial Court No. 07-05454-CRF-361 and Court of Appeals No. 10-08-00293-CR*, which affirmed the judgment issued by the 361st District Court of Brazos County, Texas. A true and correct certified copy of the Mandate issued by the Tenth Court of Appeals is attached hereto as Exhibit “B”, and made a part hereof for all intents and purposes as if the same were copied verbatim herein.

5. As a result of the appeal by Respondent of the criminal conviction in Brazos County Trial Court No. 07-05455-CRF-361, a Mandate was issued by the Tenth Court of Appeals on or about March 16, 2011, in a matter styled, *Helen Mayfield, Appellant(s) Trial Court No. 07-05455-CRF-361 and Court of Appeals No. 10-08-00294-CR*, which affirmed the judgment issued by the 361st District Court of Brazos County, Texas. A true and correct certified copy of the Mandate

issued by the Tenth Court of Appeals is attached hereto as Exhibit “C”, and made a part hereof for all intents and purposes as if the same were copied verbatim herein.

6. As a result of the appeal by Respondent of the criminal conviction in Brazos County Trial Court No. 07-05456-CRF-361, a Mandate was issued by the Tenth Court of Appeals on or about March 16, 2011, in a matter styled, *Helen Mayfield, Appellant(s) Trial Court No. 07-05456-CRF-361 and Court of Appeals No. 10-08-00295-CR*, which affirmed the judgment issued by the 361st District Court of Brazos County, Texas. A true and correct certified copy of the Mandate issued by the Tenth Court of Appeals is attached hereto as Exhibit “D”, and made a part hereof for all intents and purposes as if the same were copied verbatim herein.

7. Petitioner represents to the Board that the Judgments of Conviction by Jury entered against Respondent, Helen Tyne Mayfield, have now become final. Petitioner seeks the entry of a judgment of disbarment. Attached hereto as Exhibit “E” is a true and correct copy of the form of judgment of which Petitioner seeks the entry herein.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Petitioner prays, upon notice to Respondent, the Board enter its order disbarring Respondent and for such other and further relief to which Petitioner may be entitled to receive.

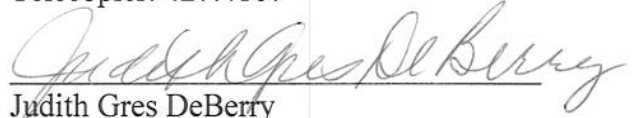
Respectfully submitted,

Linda A. Acevedo
Chief Disciplinary Counsel

Judith Gres DeBerry
Assistant Disciplinary Counsel
Office of the Chief Disciplinary Counsel
State Bar of Texas
P.O. Box 12487
Austin, Texas 78711

Telephone: 512.427.1350

Telecopier: 427.4167



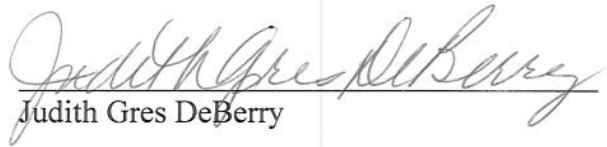
Judith Gres DeBerry

Bar Card No. 24040780

ATTORNEYS FOR PETITIONER

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that a trial on the merits of the Third Amended Motion for Entry of Judgment of Disbarment heretofore sent to be filed with the Board of Disciplinary Appeals on this day, will be held in the courtroom of the Supreme Court of Texas, Tom C. Clark Building, 14th and Colorado Streets, Austin, Texas, at **9:00 a.m. on the 27th day of July 2012.**



Judith Gres DeBerry

MANDATE

THE STATE OF TEXAS

TO THE 361ST DISTRICT COURT OF BRAZOS, COUNTY GREETING:

Before our Court of Appeals on the 16th day of March A.D. 2011, the cause upon appeal to revise or reverse the judgment between

HELEN MAYFIELD, Appellant(s)

Trial Court No. 07-05453-CRF-361 and
Court of Appeals No. 10-08-00292-CR

THE STATE OF TEXAS, Appellee(s)

was determined; and therein our said Court of Appeals made its order in these words:

This cause came on to be heard on the transcript of the record of the Court below, and the same being considered, because it is the opinion of this Court that there was no error in the judgment, it is ordered, adjudged and decreed by the Court that the judgment be in all things affirmed, and that the appellant pay all costs in this behalf expended and that this decision be certified below for observance.

WHEREFORE WE COMMAND YOU to observe the order of our said Court of Appeals in this behalf, and in all things to have it duly recognized, obeyed and executed.

WITNESS the Hon. TOM GRAY, Chief Justice of our said Court of Appeals for the Tenth District of Texas, with the seal thereof annexed, at the City of Waco, the 16th day of March A.D. 2011.

SHARRI ROESSLER, CLERK

BY: **ORIGINAL SIGNED**

Nell Hegefied, Deputy Clerk

THIS IS TO CERTIFY THAT THIS IS A
TRUE AND CORRECT COPY.

TENTH COURT OF APPEALS
SHARRI ROESSLER, CLERK

BY


DEPUTY

Exhibit

A

MANDATE

THE STATE OF TEXAS

TO THE 361ST DISTRICT COURT OF BRAZOS, COUNTY GREETING:

Before our Court of Appeals on the 16th day of March A.D. 2011, the cause upon appeal to revise or reverse the judgment between

HELEN MAYFIELD, Appellant(s)

Trial Court No. 07-05456-CRF-361 and
Court of Appeals No. 10-08-00295-CR

THE STATE OF TEXAS, Appellee(s)

was determined; and therein our said Court of Appeals made its order in these words:

This cause came on to be heard on the transcript of the record of the Court below, and the same being considered, because it is the opinion of this Court that there was no error in the judgment, it is ordered, adjudged and decreed by the Court that the judgment be in all things affirmed, and that the appellant pay all costs in this behalf expended and that this decision be certified below for observance.

WHEREFORE WE COMMAND YOU to observe the order of our said Court of Appeals in this behalf, and in all things to have it duly recognized, obeyed and executed.

WITNESS the Hon. TOM GRAY, Chief Justice of our said Court of Appeals for the Tenth District of Texas, with the seal thereof annexed, at the City of Waco, the 16th day of March A.D. 2011.

SHARRI ROESSLER, CLERK

ORIGINAL SIGNED

BY: _____
Nell Hegefeld, Deputy Clerk

THIS IS TO CERTIFY THAT THIS IS A
TRUE AND CORRECT COPY.

TENTH COURT OF APPEALS
SHARRI ROESSLER, CLERK

BY  _____
DEPUTY

Exhibit

D

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

IN THE MATTER OF §
HELEN TYNE MAYFIELD § **CAUSE NO. 42845**
STATE BAR CARD NO. 24014721 §

JUDGMENT OF DISBARMENT

On the 27th day of July 2012, the Board of Disciplinary Appeals considered the Third Amended Motion for Entry of Judgment of Disbarment filed in the above case by Petitioner, Commission for Lawyer Discipline of the State Bar of Texas, against Respondent, Helen Tyne Mayfield. The Board finds that:

- (1) It has continuing jurisdiction of this matter pursuant to Texas Rules of Disciplinary Procedure 8.05 (“TRDP”);
- (2) The Tenth Court of Appeals affirmed Respondent Helen Tyne Mayfield’s criminal convictions and issued its Mandates indicating that the decisions were final on or about March 16, 2011;
- (3) Petitioner filed its Third Amended Motion for Entry of Judgment of Disbarment on or about March 30, 2012, and served same on Respondent in accordance with TRDP 8.05;
- (4) Respondent’s convictions for the commission of Intentional Crimes as defined by TRDP 1.06(T), for which she was sentenced in the 361st District Court of Brazos County, Texas, have become final and are not subject to appeal;
- (5) Petitioner’s Third Amended Motion for Entry of Judgment of Disbarment should be granted.

Interlocutory Suspension

Following a hearing on the 6th day of October 2008, at which Petitioner Commission for Lawyer Discipline of the State Bar of Texas appeared by attorney and announced ready and Respondent, Helen Tyne Mayfield, although duly cited to appear and having been notified of the

hearing, failed to appear and made default, the Board of Disciplinary Appeals entered an Interlocutory Order of Suspension on or about October 8, 2008, which included the following findings of fact and conclusions of law:

- (1) Respondent, Helen Tyne Mayfield whose State Bar Card number is 24014721, is licensed but not currently authorized to practice law in the State of Texas by the Supreme Court of Texas due to an administrative suspension for nonpayment of bar dues effective September 2, 2008.
- (2) On October 4, 2007, Respondent was charged by Indictment with 3 counts involving Forgery Financial Instrument in Case No. 07-05453-CRF-272, styled *The State of Texas v. Helen Mayfield*, in the 361st District Court of Brazos County, Texas.
- (3) On October 4, 2007, Respondent was charged by Indictment with 3 counts involving Forgery Financial Instrument in Case No. 07-05454-CRF-272, styled *The State of Texas v. Helen Mayfield*, in the 361st District Court of Brazos County, Texas.
- (4) On October 4, 2007, Respondent was charged by Indictment with 3 counts involving Forgery Financial Instrument in Case No. 07-05455-CRF-272, styled *The State of Texas v. Helen Mayfield*, in the 361st District Court of Brazos County, Texas.
- (5) On October 4, 2007, Respondent was charged by Indictment with 3 counts involving Forgery Financial Instrument in Case No. 07-05456-CRF-272, styled *The State of Texas v. Helen Mayfield*, in the 361st District Court of Brazos County, Texas.
- (6) On July 30, 2008, a Judgment of Conviction by Jury was signed in **Case No. 07-05453-CRF-361 Count One**, styled *The State of Texas v. Helen Mayfield*, in the 361st District Court of Brazos County, Texas, wherein Respondent was found guilty by a jury of Forgery Financial Instrument in violation of Texas Penal Code §32.21(d). Respondent was committed to the custody of the State Jail Division of the Texas Department of Criminal Justice to be imprisoned for a term of twenty-four (24) months with the sentence running concurrently. Respondent was further ORDERED to pay restitution in the amount of \$6,000.00.
- (7) On July 30, 2008, a Judgment of Conviction by Jury was signed in **Case No. 07-05453-CRF-361 Count Two**, styled *The State of Texas v. Helen Mayfield*, in the 361st District Court of Brazos County, Texas, wherein Respondent was found guilty by a jury of Forgery Financial Instrument in

violation of Texas Penal Code §32.21(d). Respondent was committed to the custody of the State Jail Division of the Texas Department of Criminal Justice to be imprisoned for a term of twenty-four (24) months with the sentence running concurrently.

- (8) On July 30, 2008, a Judgment of Conviction by Jury was signed in **Case No. 07-05453-CRF-361 Count Three**, styled *The State of Texas v. Helen Mayfield*, in the 361st District Court of Brazos County, Texas, wherein Respondent was found guilty by a jury of Forgery Financial Instrument in violation of Texas Penal Code §32.21(d). Respondent was committed to the custody of the State Jail Division of the Texas Department of Criminal Justice to be imprisoned for a term of twenty-four (24) months with the sentence running concurrently.
- (9) On July 30, 2008, a Judgment of Conviction by Jury was signed in **Case No. 07-05454-CRF-361 Count One**, styled *The State of Texas v. Helen Mayfield*, in the 361st District Court of Brazos County, Texas, wherein Respondent was found guilty by a jury of Forgery Financial Instrument in violation of Texas Penal Code §32.21(d). Respondent was committed to the custody of the State Jail Division of the Texas Department of Criminal Justice to be imprisoned for a term of twenty-four (24) months with the sentence running concurrently.
- (10) On July 30, 2008, a Judgment of Conviction by Jury was signed in **Case No. 07-05454-CRF-361 Count Two**, styled *The State of Texas v. Helen Mayfield*, in the 361st District Court of Brazos County, Texas, wherein Respondent was found guilty by a jury of Forgery Financial Instrument in violation of Texas Penal Code §32.21(d). Respondent was committed to the custody of the State Jail Division of the Texas Department of Criminal Justice to be imprisoned for a term of twenty-four (24) months with the sentence running concurrently.
- (11) On July 30, 2008, a Judgment of Conviction by Jury was signed in **Case No. 07-05454-CRF-361 Count Three**, styled *The State of Texas v. Helen Mayfield*, in the 361st District Court of Brazos County, Texas, wherein Respondent was found guilty by a jury of Forgery Financial Instrument in violation of Texas Penal Code §32.21 (d). Respondent was committed to the custody of the State Jail Division of the Texas Department of Criminal Justice to be imprisoned for a term of twenty-four (24) months with the sentence running concurrently.
- (12) On July 30, 2008, a Judgment of Conviction by Jury was signed in **Case No. 07-05455-CRF-361 Count One**, styled *The State of Texas v. Helen Mayfield*, in the 361st District Court of Brazos County, Texas, wherein Respondent was found guilty by a jury of Forgery Financial Instrument in violation of Texas Penal Code §32.21(d). Respondent was committed to the custody of the State

Jail Division of the Texas Department of Criminal Justice to be imprisoned for a term of twenty-four (24) months with the sentence running concurrently.

- (13) On July 30, 2008, a Judgment of Conviction by Jury was signed in **Case No. 07-05455-CRF-361 Count Two**, styled *The State of Texas v. Helen Mayfield*, in the 361st District Court of Brazos County, Texas, wherein Respondent was found guilty by a jury of Forgery Financial Instrument in violation of Texas Penal Code §32.21(d). Respondent was committed to the custody of the State Jail Division of the Texas Department of Criminal Justice to be imprisoned for a term of twenty-four (24) months with the sentence running concurrently.
- (14) On July 30, 2008, a Judgment of Conviction by Jury was signed in **Case No. 07-05455-CRF-361 Count Three**, styled *The State of Texas v. Helen Mayfield*, in the 361st District Court of Brazos County, Texas, wherein Respondent was found guilty by a jury of Forgery Financial Instrument in violation of Texas Penal Code §32.21(d). Respondent was committed to the custody of the State Jail Division of the Texas Department of Criminal Justice to be imprisoned for a term of twenty-four (24) months with the sentence running concurrently.
- (15) On July 30, 2008, a Judgment of Conviction by Jury was signed in **Case No. 07-05456-CRF-361 Count One**, styled *The State of Texas v. Helen Mayfield*, in the 361st District Court of Brazos County, Texas, wherein Respondent was found guilty by a jury of Forgery Financial Instrument in violation of Texas Penal Code §32.21(d). Respondent was committed to the custody of the State Jail Division of the Texas Department of Criminal Justice to be imprisoned for a term of twenty-four (24) months with the sentence running concurrently.
- (16) On July 30, 2008, a Judgment of Conviction by Jury was signed in **Case No. 07-05456-CRF-361 Count Two**, styled *The State of Texas v. Helen Mayfield*, in the 361st District Court of Brazos County, Texas, wherein Respondent was found guilty by a jury of Forgery Financial Instrument in violation of Texas Penal Code §32.21(d). Respondent was committed to the custody of the State Jail Division of the Texas Department of Criminal Justice to be imprisoned for a term of twenty-four (24) months with the sentence running concurrently.
- (17) On July 30, 2008, a Judgment of Conviction by Jury was signed in **Case No. 07-05456-CRF-361 Count Three**, styled *The State of Texas v. Helen Mayfield*, in the 361st District Court of Brazos County, Texas, wherein Respondent was found guilty by a jury of Forgery Financial Instrument in violation of Texas Penal Code §32.21(d). Respondent was committed to the custody of the State Jail Division of the Texas Department of Criminal

Justice to be imprisoned for a term of twenty-four (24) months with the sentence running concurrently.

- (18) Respondent, Helen Tyne Mayfield, is the same person as the Helen Mayfield who is the subject of the Mayfield criminal cases described above.
- (19) Respondent was personally served with the Petition for Compulsory Discipline and hearing notice on August 21, 2008, and the affidavit of service was filed on September 10, 2008.
- (20) Respondent's criminal sentence is not fully probated.
- (21) Respondent has appealed the criminal convictions.
- (22) This Board has jurisdiction to hear and determine this matter. Texas Rules of Disciplinary Procedure ("TRDP") 7.08(G).
- (23) Respondent, Helen Tyne Mayfield, having been convicted of twelve (12) counts of Forgery Financial Instrument, has been convicted of Intentional Crimes as defined by TRDP 1.06(T).
- (24) Respondent has also been convicted of Serious Crimes as defined by TRDP 1.06(Z).
- (25) Having been convicted of Intentional and Serious Crimes, and having appealed said convictions, Respondent, Helen Tyne Mayfield, should have her license to practice law in Texas suspended during the appeal of her criminal convictions. TRDP 8.04.
- (26) The Board retains jurisdiction to enter a final judgment in this matter until the criminal appeals are final and may enter final judgment when anyone of the appeals is final. TRDP 8.05.

Disbarment

The Board has determined that disbarment of the Respondent is appropriate. It is, therefore, accordingly, ORDERED, ADJUDGED, AND DECREED that Respondent, Helen Tyne Mayfield, State Bar No. 24014721, be and he is hereby DISBARRED from the practice of law in the State of Texas, and her license to practice law in this state be and is hereby revoked.

It is further ORDERED, ADJUDGED and DECREED that Respondent, Helen Tyne

Mayfield, is hereafter permanently prohibited, effective immediately, 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, appearing as counsel or in any representative capacity 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, Helen Tyne Mayfield, not later than thirty (30) days from the date of the entry of this judgment, shall notify in writing each and every justice of the peace, judge, magistrate, and chief justice of each and every court, if any, in which Respondent has any legal matter pending, if any, of her disbarment, 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, Statewide Compliance Monitor, State Bar of Texas, P.O. Box 12487, Austin, Texas 78711.

It is further ORDERED that Respondent, Helen Tyne Mayfield, shall immediately notify each of her current clients, if any, in writing, of her disbarment. 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 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 her disbarment 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 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, Statewide Compliance Monitor, State Bar of Texas, P.O. Box 12487, Austin, Texas 78711.

It is further ORDERED that Respondent, Helen Tyne Mayfield, if she has not already done so, immediately surrender her Texas law license and permanent State Bar Card to the Office of the Chief Disciplinary Counsel, Statewide Compliance Monitor, 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 Compulsory Discipline on file herein along with a copy of this Final Judgment of Disbarment be sent to the Chief Disciplinary Counsel of the State Bar of Texas, P.O. Box 12487, Austin, Texas 78711.

Signed this ____ day of _____ 2012.

Chair Presiding
BOARD OF DISCIPLINARY APPEALS