



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

I IN THE MATTER OF	§	
JOHN HOLMAN WEIGEL	§	CAUSE NO. 55411
State Bar of Texas Card No. 24013726	§	

JUDGMENT OF SUSPENSION

On the 1st day of May 2015, the above-styled and numbered reciprocal 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, although having entered an appearance and having notice of the hearing, failed to answer or appear and made default. All questions of fact as well as all issues 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 Petitioner, 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, John Holman Weigel, Bar Card No. is 24013726, is an attorney who is licensed and currently authorized to practice law in the State of Texas.
- (2) On or about April 5, 2012, a Complaint was filed in the Supreme Court of the State of Oklahoma in a matter styled, *State of Oklahoma ex rel. Oklahoma Bar Association, Complainant, v. John Holman Weigel, Respondent*, OBAD #1910, SCBD #5864.
- (3) On or about August 21, 2012, an Amended Complaint was filed in the Supreme Court of the State of Oklahoma in a matter styled, *State of*

Oklahoma ex rel. Oklahoma Bar Association, Complainant, v. John Holman Weigel, Respondent, OBAD #1910, SCBD #5864.

- (4) On or about May 6, 2013, a Report of the Trial Panel was filed in the Supreme Court of the State of Oklahoma before the Professional Responsibility Tribunal in a matter styled, *State of Oklahoma ex rel. Oklahoma Bar Association, Complainant, v. John Holman Weigel, Respondent*, OBAD #1910, SCBD #5864.
- (5) On or about February 4, 2014, an order of Attorney Disciplinary Proceeding was filed in the Supreme Court of the State of Oklahoma in a matter styled, *State of Oklahoma ex rel. Oklahoma Bar Association, Complainant, v. John Holman Weigel, Respondent*, SCBD 5864, that suspended the Respondent from the practice of law for two years.
- (6) On February 24, 2014, Respondent's Petition for Rehearing was filed in the Supreme Court of the State of Oklahoma in a matter styled, *State of Oklahoma ex rel. Oklahoma Bar Association, Complainant, v. John Holman Weigel, Respondent*, SCBD 5864. On March 31, 2014, the Petition for Rehearing was denied.
- (7) The Attorney Disciplinary Proceeding states that in the first complaint, the Bar alleged violation of Rule 8.1(b) of the Oklahoma Rules of Professional Conduct ("ORPC") and Rules 1.3 and 5.2 of the Oklahoma Rules Governing Disciplinary Procedures ("RGDP") for failure to respond to the grievance. In the second complaint, the Bar alleged violations of Rules 1.1, 1.3, 1.4, 1.5, 1.15, 1.16(d) and 3.2 of the ORPC and Rule 1.3 of the RGDP, asserting the Respondent accepted a flat fee from the client, which he deposited in his operating account, and then failed to properly communicate with the client or to complete the work necessary to earn the fee. In the third complaint, the Bar alleged violations of Rules 1.1, 1.3, 1.4, 1.5, 1.15, 1.16(d) and 3.2 of the ORPC and Rule 1.3 of the RGDP, asserting the Respondent accepted a flat fee from the client and deposited the fee in his operating account, failed to properly communicate with the client and failed to competently complete the work necessary to earn the fee. In the fourth complaint, the Bar alleged the Respondent violated Rules 1.1, 1.3, 1.4, 3.2, 8.4(d) of the ORPC and Rule 1.13 of the RGDP, by accepting a flat fee from the client, then failing to properly communicate with the client or to diligently and properly complete the work for which he had been paid. In a fifth complaint, the Bar alleged Respondent's conduct violated Rules 1.1, 1.3, 1.4, 1.5, 1.15, 1.16(d), 3.2 and 8.4(d) of the ORPC and Rule 1.3 of the RGDP by accepting a flat fee from the client, depositing the fee into his operating account and then failing to properly communicate with the client or to competently complete the work necessary to earn the fee. In a sixth complaint, the Bar alleged conduct in violation of Rules 1.1, 1.3, 1.4, 1.5, 1.15, 1.16(d), 3.2 and 8.4(d) of the

ORPC and Rule 1.3 of the RGDP by accepting a flat fee from the client, depositing the fee into his operating account and then failing to properly communicate with the client or to competently complete the work necessary to earn the fee.

- (8) Respondent, John Holman Weigel, is the same person as the John Holman Weigel, who is the subject of the Attorney Disciplinary Proceeding entered by the Supreme Court of the State of Oklahoma; and
- (9) The suspension and Attorney Disciplinary Proceeding from the Supreme Court of the State of Oklahoma is final.
- (10) The Board granted Respondent's Motion for Continuance on January 26, 2015, and the order contained notice that this case was reset for May 1, 2015 at 9 am in the courtroom of the Supreme Court of Texas, Austin, Texas.
- (11) Following the continuance, Respondent did not file any further pleading or contact the Board.

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 Pro 7.08(H).
- (2) Reciprocal discipline identical to that imposed by the Supreme Court of the State of Oklahoma is warranted in this case.

It is, accordingly, **ORDERED, ADJUDGED, and DECREED** that Respondent, John Holman Weigel, State Bar Card No. 24013726, is hereby **SUSPENDED** from the practice of law in Texas for a period of two years beginning May 4, 2015, and ending May 3, 2017.

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 not completed before the date of this Judgment, 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, John Holman Weigel, 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, John Holman Weigel, 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, John Holman Weigel, 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 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 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. 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 all notification letters to clients 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, John Holman Weigel, 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.

Signed this 4 day of May, 2015.



VICE CHAIR PRESIDING