

In the Matter of
William Topp Maxwell
State Bar NO. 24028775

Cause NO. 56591



FILED

JAN 20 2016

Board of Disciplinary
Appeals

William Maxwell's Response to First Amended Petition for Compulsory Discipline

To the Board of Disciplinary Appeals:

Comes Now, RESPONDENT WILLIAM TOPP MAXWELL, and files this Response to FIRST AMENDED PETITION FOR COMPULSORY DISCIPLINE and would show unto the Board of Disciplinary Appeals as follows:

1. General Denial. Respondent generally denies each and every all and singular the allegations asserted in the exhibits attached and submitted in support of the compulsory discipline.
2. Specific Denial. Respondent specifically denies paragraph 4 in its entirety and for purposes of clarification would note for the record: (a) Respondent was never charged with a "redacted indictment". The redacted indictment was merely a non-evidentiary document that was submitted to the jury. The document removed the charges for which William Maxwell had be granted a FRCP Rule 29 (removing the charges of Mortgage Fraud etc...). The document also removed the other members of the indictment who were unnamed or were not charged. The "redacted indictment" was unlawfully submitted to the jury over objection as none of the defendants were charged with a "redacted indictment".
3. Specific Denial. Respondent specifically denies all the allegations in the exhibits referenced in paragraph 6 and further denies all the allegations relating to exhibit 2, as respondent was never charged with a "redacted indictment".
4. Response. Respondent, contacted the State Bar in March 2015, prior to sentencing, and requested to be converted to non active status pending appeal and acknowledged that pursuant to the Rules suspension pending appeal would be required (presumably if respondent was not on non-active status). Respondent has not received any response from the State Bar regarding that request and would reassert it herein, seeking to be converted to non-active status. Respondent acknowledges that absent consent to be converted to non-active status suspension is proper pending appeal, regardless of whether respondent is contesting the allegations in the exhibits.
5. Respondent also notes that in the event of a unsuccessful appeal, counsel would surrender his license in lieu of disbarment which would also be ministerial should the government prevail on appeal.

Summary

Respondent generally denies all the allegations contained in the exhibits attached the First Amended Petition for Compulsory Discipline. Respondent specifically denies all the allegations pertaining to exhibit 2 "the redacted indictment" as respondent was never charged with a redacted indictment. Respondent requests to go to non-active status pending appeal. Respondent acknowledges that if consent is not granted to become non-active that suspension is proper pending appeal.

Prayer

For These Reasons, Respondent requests that the Board of Disciplinary Appeals, note counsel's objection to exhibit 2; denials of the truth of any of the allegations contained in the indictments (exhibits 1 and 2); request to go non-active pending appeal; and acknowledgment that suspension is proper, should the request to go non-active pending appeal be denied. Respondent specifically seeks to preserve the ability to contest the allegations made in the indictments before the Board of Disciplinary Appeals (after successful appeal in the criminal case). Respondent seeks such further and additional remedies as may become apparent should further proceedings arise before the Board of Disciplinary Appeals (after respondent's successful appeal in the criminal case).

Respectfully submitted;


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Certificate of Service

I hereby certify that a true and correct copy of the foregoing was served on Ms. Rebecca Stevens, Assistant Disciplinary Counsel, State Bar of Texas, P O Box 12487, Capital Station, Austin, Texas 78711 on 12/29/2015.

William Maxwell

