



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

<b>IN THE MATTER OF</b>	§	
<b>ROGER LEE SHOSS</b>	§	<b>CAUSE NO. 51567</b>
<b>STATE BAR CARD NO. 18304000</b>	§	

**JUDGMENT OF DISBARMENT**

On the 31st day of January 2014, the Board of Disciplinary Appeals considered the 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, Roger Lee Shoss. Petitioner appeared by the Chief Disciplinary Counsel of the State Bar of Texas. Respondent, although having been served with the petition and notice of the hearing, failed to answer or appear and wholly made default.

The Board finds that:

- (1) It has continuing jurisdiction of this matter pursuant to Texas Rule of Disciplinary Procedure 8.05 (“TRDP”).
- (2) The United States Court of Appeals for the Eleventh Circuit affirmed Respondent, Roger Lee Shoss’, criminal conviction and issued its Mandate indicating that the decision was final on or about August 26, 2013.
- (3) Petitioner filed its Motion for Entry of Judgment of Disbarment on or about November 19, 2013, and served same on Respondent in accordance with TRDP 8.05.
- (4) Respondent’s conviction for the commission of an Intentional Crime as defined by TRDP 1.06(T), for which he was sentenced in the United States District Court for the Middle District of Florida, Tampa Division, has become final and is not subject to appeal.

- (5) Petitioner's Motion for Entry of Judgment of Disbarment should be granted.

### **Interlocutory Suspension**

Following a hearing on the 1st day of February 2013, at which Petitioner Commission for Lawyer Discipline of the State Bar of Texas appeared by attorney and announced ready and Respondent, Roger Lee Shoss, although duly cited to appear and having been given notice of the hearing, failed to answer or appear and wholly made default, the Board of Disciplinary Appeals entered an Interlocutory Order of Suspension on or about February 4, 2013, which included the following findings of fact and conclusions of law:

- (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

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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.

- (7) This Board has jurisdiction to hear and determine this matter. Tex. R. Disciplinary P. 7.08(G) (“TRDP”).
- (8) 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).
- (9) Respondent has also been convicted of a Serious Crime as defined by TRDP 1.06(Z).
- (10) 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.
- (11) The Board retains jurisdiction to enter a final judgment in this matter when the criminal appeal is final. TRDP 8.04 & 8.05.

### **Disbarment**

Respondent, having been convicted of an Intentional Crime and that conviction being final, and having been sentenced to prison, should be disbarred pursuant to TRDP8.05. It is, therefore, accordingly, ORDERED, ADJUDGED, AND DECREED that Respondent, Roger Lee Shoss, State Bar No. 18304000, be and he is hereby DISBARRED from the practice of law in the State of Texas, and his license to practice law in this state be and is hereby revoked.

It is further ORDERED, ADJUDGED and DECREED that Respondent, Roger Lee Shoss, is hereafter permanently 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, appearing as counsel or in any representative capacity 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, 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 his 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, Roger Lee Shoss, shall immediately notify each of his current clients and opposing counsel, if any, in writing, of his 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 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 this Board, within the same thirty (30) days, an affidavit stating that all current clients and opposing counsel have been notified of his 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 his 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, Roger Lee Shoss, if he has not already done so, immediately surrender his 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.

Signed this 3<sup>rd</sup> day of February 2014.

  
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CHAIR PRESIDING