

**ORDER OF THE SUPREME COURT OF TEXAS**

MISC. DOCKET NO. 15-9198

**IN THE MATTER OF JAMES ROBERT SMITH**

The Court has reviewed the Motion for Acceptance of Resignation as Attorney and Counselor at Law in Lieu of Disciplinary Action of James Robert Smith (the Motion) and the Response of the Office of the Chief Disciplinary Counsel for the Commission for Lawyer Discipline (the Response). The Court concludes each meets the requirements of Part X of the Texas Rules of Disciplinary Procedure. The Court notes that James Robert Smith has waived his right to withdraw the Motion. Therefore, the Court deems the professional misconduct detailed in the Response conclusively established for all purposes. The Court further concludes that acceptance of the resignation of James Robert Smith is in the best interest of the public and the profession.

Therefore, the law license of James Robert Smith of Houston, Texas, State Bar Card Number 18621500, is canceled. James Robert Smith must immediately surrender his State Bar Card and Texas law license to the Clerk of the Supreme Court of Texas or file with the Court an affidavit stating why he cannot.

Consequently, James Robert Smith is prohibited from practicing law in the State of Texas. He is prohibited from holding himself out as an attorney at law, performing legal services for others, giving legal advice to 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 (whether state, county, municipal, or other), or holding

himself out to others or using his name in any manner in conjunction with the words “Attorney at Law,” “Counselor at Law,” or “Lawyer.”

Additionally, James Robert Smith must immediately notify in writing each of his current clients and opposing counsel of his resignation. He shall also return any files, papers, unearned monies, and other property in his possession belonging to any client or former client to the respective client or former client or to another attorney at the client’s or former client’s request. James Robert Smith shall file with the Statewide Compliance Monitor, State Bar of Texas, P.O. Box 12487, Austin, Texas 78711, within thirty days of the date of this Order an affidavit stating that all current clients and opposing counsel have been notified of his resignation and that all files, papers, unearned monies, and other property belonging to all clients and former clients have been returned.

Finally, James Robert Smith shall, within thirty days after the date of this Order, notify in writing each justice of the peace, judge, magistrate, and chief justice of each court in which James Robert Smith has any matter pending of the terms of this Order, the style and cause number of the pending matter(s), and the name, address and telephone number of the client(s) James Robert Smith is representing in court. James Robert Smith shall file with the Statewide Compliance Monitor, State Bar of Texas, P.O. Box 12487, Austin, Texas 78711, within thirty days of the date of this Order an affidavit stating that he has notified in writing each justice of the peace, judge, magistrate, and chief justice of each court in which he has any matter pending of the terms of this Order, the style and cause number of the pending matter(s), and the name, address and telephone number of the client(s) he is representing in Court.

## **CONDITIONS FOR REINSTATEMENT**

As absolute conditions precedent for the reinstatement of James Robert Smith, he shall pay restitution in the following amounts. The payments shall be made by certified or cashier's check or money order, payable to the individuals named, and delivered to the Statewide Compliance Monitor, State Bar of Texas, P.O. Box 12487, Austin, Texas 78711.

Restitution shall be paid as follows:

1. Paola Fernanda Serna Franco and Douglas Conquest -- \$3,000.00.
2. Karen M. Kenney -- \$300.00.
3. Kimberly and Jermaine Williams -- \$400.00.
4. Scott D. Smith -- \$500.00.
5. Kirt R. McGhee -- \$6,000.00.
6. Santos Rivera -- \$1,200.00
7. Wade Allen Guy -- \$5,000.00.
8. Gerald J. Prince -- \$1,500.00.

SO ORDERED the 20th day of October, 2015.



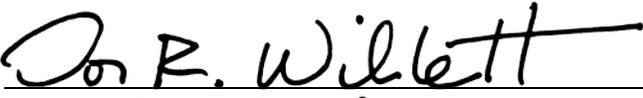
Nathan L. Hecht, Chief Justice



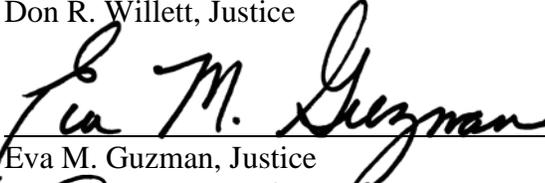
Paul W. Green, Justice



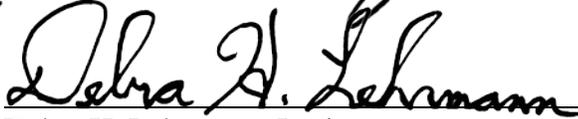
Phil Johnson, Justice



Don R. Willett, Justice



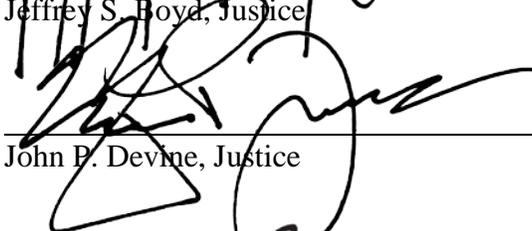
Eva M. Guzman, Justice



Debra H. Lehrmann, Justice



Jeffrey S. Boyd, Justice



John P. Devine, Justice



Jeffrey V. Brown, Justice