

ORDER OF THE SUPREME COURT OF TEXAS

MISC. DOCKET NO. 00- 9157

IN THE MATTER OF MARK EDWARD BOWERS

The Court has reviewed the Motion for Acceptance of Resignation as Attorney and Counselor at Law of Mark Edward Bowers and the Response of the Chief Disciplinary Counsel for the Commission for Lawyer Discipline. The Court concludes each meets the requirements of Part X of the Texas Rules of Disciplinary Procedure. In the absence of a request by Mark Edward Bowers to withdraw his motion, the Court deems the professional misconduct detailed in the Response of Chief Disciplinary Counsel conclusively established for all purposes. The Court further concludes that acceptance of Mark Edward Bowers' resignation is in the best interest of the public and the profession.

Therefore, the law license of Mark Edward Bowers, of Beverly Hills, California, State Bar Card Number 02734500 is canceled. Mark Edward Bowers 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.

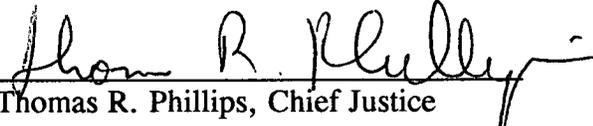
Consequently, Mark Edward Bowers is prohibited from practicing law in the State of Texas. This includes holding himself out as an attorney at law, performing legal services for others, giving legal advice to others, accepting any fee directly or indirectly for legal services, appearing as counsel or 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 "Attorney at Law," "Counsel at Law," or

“Lawyer.”

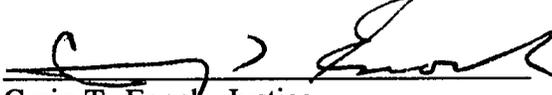
Additionally, Mark Edward Bowers must immediately notify in writing each of his current clients of his resignation. He shall also return any files, papers, unearned monies and other property in his possession belonging to any client or former client to the respective client or former client or to another attorney at the client’s or former client’s request. Mark Edward Bowers shall file with the State Bar of Texas, Office of the Chief Disciplinary Counsel, Post Office Box 12487, Austin, Texas 78711-2487, within thirty (30) days of the date of this Order an affidavit stating that all current clients have been notified of his resignation and that all files, papers, monies and other property belonging to all clients and former clients have been returned.

Finally, Mark Edward Bowers shall, within thirty (30) 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 Mark Edward Bowers 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) Mark Edward Bowers is representing in court. Mark Edward Bowers shall file with the State Bar of Texas, Office of the Chief Disciplinary Counsel, Post Office Box, 12487, Austin, Texas 78711-2487, within thirty (30) 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.

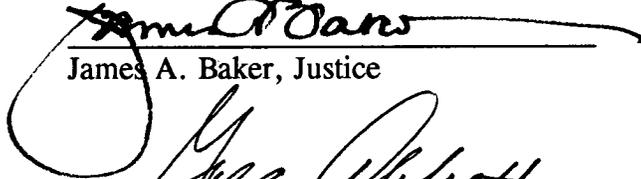
IT IS ORDERED the 7th day of November, 2000.

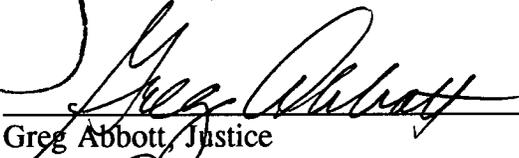

Thomas R. Phillips, Chief Justice


Nathan L. Hecht, Justice


Craig T. Enoch, Justice

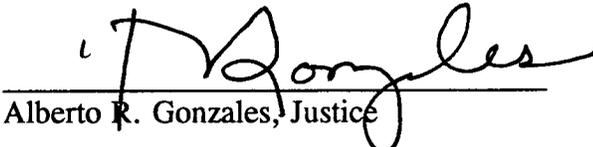

Priscilla R. Owen, Justice


James A. Baker, Justice


Greg Abbott, Justice


Deborah G. Hankinson, Justice


Harriet O'Neill, Justice


Alberto R. Gonzales, Justice

STATE BAR OF TEXAS



Office of the Chief Disciplinary Counsel

November 1, 2000

Mr. John Adams, Clerk
Supreme Court of Texas
Supreme Court Building
P.O. Box 12248
Austin, Texas 78711

Re: Resignation of Mark Edward Bowers, Bar Card No. 02734500

Dear Mr. Adams:

Pursuant to Part X of the Texas Rules of Disciplinary Procedure, please find enclosed herewith the following:

- (1) Motion for Acceptance of Resignation as Attorney and Counselor at Law of Mark Edward Bowers, dated September 21, 2000;
- (2) Response of Chief Disciplinary Counsel to Motion for Acceptance of Resignation as Attorney and Counselor at Law of Mark Edward Bowers;
- (3) Affidavit of Mark Edward Bowers, dated September 21, 2000;
- (4) Law License of Mark Edward Bowers, dated April 16, 1973;
- (5) State Bar of Texas bar card number 02734500 issued to Mark Edward Bowers on April 16, 1973; and
- (6) Original and one (1) copy of proposed Order for review and entry by the Court accepting the resignation of Mark Edward Bowers as Attorney and Counselor at Law.

P. O. Box 12487, Capitol Station, Austin, Texas 78711-2487, (512) 453-5535, (512) 453-6667 (FAX)

Mr. John Adams
Clerk, Supreme Court of Texas
November 1, 2000
Page Two

Upon entry of the Order by the Court, please transmit a true and correct copy of the same to the undersigned in order that this office may properly give notice to all parties of the Court's disposition of such motion.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Moyik", written over the printed name.

Stephen A. Moyik
Assistant Disciplinary Counsel

cc: Mark Edward Bowers, 9777 Wilshire Boulevard, Suite 512, Beverly Hills, California
90212, by CMRRR 7000 0520 0017 1326 5135

IN THE SUPREME COURT OF TEXAS
MOTION FOR ACCEPTANCE OF RESIGNATION AS
ATTORNEY AND COUNSELOR AT LAW
OF
MARK EDWARD BOWERS

TO THE HONORABLE SUPREME COURT OF TEXAS:

Movant, MARK EDWARD BOWERS, moves the Court to accept his resignation as an Attorney and Counselor at Law, showing the Court:

I.

Movant hereby resigns as an Attorney and Counselor at Law in lieu of discipline for having committed professional misconduct.

II.

Movant's License and permanent State Bar card issued by the Court on April 16, 1973, are attached hereto.

III.

Movant's State Bar card number is 02734500. Movant's address is 9777 Wilshire Boulevard, Suite 512, Beverly Hills, California 90212.

Movant prays that the Court accept his resignation as an Attorney and Counselor at Law and remove his names from the list of persons licensed to practice law in the State of Texas.

Respectfully submitted,

Sept 21, 2000
Date

Mark Edward Bowers
MARK EDWARD BOWERS
State Bar Card No. 02734500

IN THE SUPREME COURT OF TEXAS

**RESPONSE OF THE CHIEF DISCIPLINARY COUNSEL OF
THE STATE BAR OF TEXAS
TO MOTION FOR RESIGNATION IN LIEU OF DISCIPLINE
OF MARK EDWARD BOWERS**

TO THE HONORABLE SUPREME COURT OF TEXAS:

COMES NOW, Dawn Miller, Chief Disciplinary Counsel for the State Bar of Texas, and in accordance with Part X of the Texas Rules of Disciplinary Procedure, would show unto the Court as follows:

I. RESIGNATION OF MOVANT

Movant, Mark Edward Terry, State Bar No. 02734500, has filed his Motion for Acceptance of Resignation as Attorney and Counselor at Law, dated October 2, 2000. Such Motion for Acceptance of Resignation is in lieu of discipline for professional misconduct.

**II. ACCEPTANCE OF RESIGNATION IS IN THE
BEST INTERESTS OF THE PUBLIC AND THE PROFESSION**

The Commission for Lawyer Discipline believes that the acceptance of Movant's Motion for Acceptance of Resignation is in the best interests of the public and the profession.

III. DISCIPLINARY CHARGES

The Commission for Lawyer Discipline has information regarding the following Professional Misconduct:

On September 13, 2000, Mark Edward Bowers pleaded nolo contendere to Embezzlement by Public or Private Officer, in violation of Penal Code Section 504, as charged in Count 1;

Grand Theft of Personal Property exceeding \$400.00, in violation of Penal Code 487(a), as charged in Count 2; Embezzlement by a Public or Private Officer, in violation of Penal Code 504, as charged in Count 3; and, Grand Theft of Personal Property exceeding \$400.00, in violation of Penal Code 487(a), as charged in Count 4, in Case No. SA039549; styled, *The State of California v. Mark Edward Bowers*, In the Municipal Court of Beverly Hills Judicial District of Los Angeles, State of California.

As a result of such plea to Intentional and Serious Crimes as defined in Rules 1.06(O) and 1.06(U), Texas Rules of Disciplinary Procedure, Mark Edward Bowers is subject to Compulsory Discipline under Part VIII of the Rules. Attached hereto, and incorporated herein as Exhibits 1 and 2, are certified copies of the Felony Complaint for Arrest Warrant and Docketing Plea.

In view of Mark Edward Bowers' execution on or about October 2, 2000, of his resignation as an attorney and counselor at law, and in anticipation of the Court's acceptance of same, the Chief Disciplinary Counsel does not anticipate going forward with a compulsory disciplinary action.

IV. PRAYER

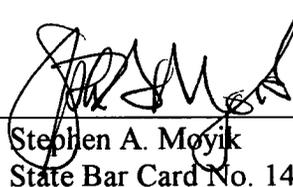
The Commission for Lawyer Discipline prays that this Honorable Court accept the Motion for Acceptance of Resignation as Attorney and Counselor at Law of Mark Edward Bowers, State Bar Card No. 02734500, and that such motion to resign is in lieu of compulsory discipline of Mark Edward Bowers, pursuant to Part X and any other applicable provisions of the Texas Disciplinary Rule of Professional Conduct.

Respectfully submitted,

Dawn Miller
Chief Disciplinary Counsel

Stephen A. Moyik
Assistant Disciplinary Counsel
Office of the Chief Disciplinary Counsel
State Bar of Texas
P. O. Box 12487
Austin, Texas 78711-2487
(512) 453-5535
(512) 453-6667 (Fax)

By: _____

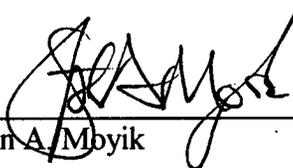


Stephen A. Moyik
State Bar Card No. 14614300

CERTIFICATE OF SERVICE

This is to certify that the above and foregoing Response has been served on Mark Edward Bowers, 9777 Wilshire Boulevard, Suite 512, Beverly Hills, California 90212, by delivery of a true and correct copy by Certified Mail, Return Receipt Requested and by Regular U. S. Mail, by depositing same, enclosed in a postpaid, properly addressed wrapper, in an official depository under the care and custody of the United States Postal Service on the 6th day of October, 2000.

Stephen A. Moyik



MUNICIPAL COURT OF BEVERLY HILLS JUDICIAL DISTRICT
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

THE PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff,
v.
01 MARK EDWARD BOWERS (7/29/1948)
Defendant(s).

CASE NO. SA039549

**FELONY COMPLAINT
FOR ARREST WARRANT**

The undersigned is informed and believes that:

COUNT 1

On and between February 1, 1999 and January 10, 2000, in the County of Los Angeles the crime of EMBEZZLEMENT BY PUBLIC OR PRIVATE OFFICER, in violation of PENAL CODE SECTION 504, a Felony, was committed by MARK EDWARD BOWERS, who on and between February 1, 1999 and January 11, 2000, and while said defendant(s) was a corporate counsel, did unlawfully, and fraudulently appropriate to a use and purpose not in the due and lawful execution of his/her trust, property which he/she had in his/her possession and under his/her control by virtue of his/her trust and did unlawfully secrete said property with a fraudulent intent to appropriate it to such a use and purpose contrary to Penal Code section 487(a), said property being of a value exceeding Four Hundred Dollars (\$400).

It is further alleged that in the commission of the above offense(s) the said defendant(s), MARK EDWARD BOWERS, with the intent to do so, took, damaged and destroyed property of a value exceeding \$50,000, within the meaning of Penal Code section 12022.6(a).

* * * * *



FILED
A.J. PADILLA CLERK
MUNICIPAL COURT
00 AUG - 1

COUNT 2

On and between February 1, 1999 and January 11, 2000, in the County of Los Angeles, the crime of GRAND THEFT OF PERSONAL PROPERTY, in violation of PENAL CODE SECTION 487(a), a Felony, was committed by MARK EDWARD BOWERS, who did unlawfully take money and personal property of a value exceeding Four Hundred Dollars (\$400), to wit U.S. CURRENCY the property of LAUREN LURIA.

It is further alleged that in the commission of the above offense(s) the said defendant(s), MARK EDWARD BOWERS, with the intent to do so, took, damaged and destroyed property of a value exceeding \$50,000, within the meaning of Penal Code section 12022.6(a).

* * * * *

COUNT 3

On and between February 17, 1999 and January 11, 2000, in the County of Los Angeles, the crime of EMBEZZLEMENT BY PUBLIC OR PRIVATE OFFICER, in violation of PENAL CODE SECTION 504, a Felony, was committed by MARK EDWARD BOWERS, who on and between February 17, 1999 and January 11, 2000, and while said defendant(s) was a corporate counsel, did unlawfully, and fraudulently appropriate to a use and purpose not in the due and lawful execution of his/her trust, property which he/she had in his/her possession and under his/her control by virtue of his/her trust and did unlawfully secrete said property with a fraudulent intent to appropriate it to such a use and purpose contrary to Penal Code section 487(a), said property being of a value exceeding Four Hundred Dollars (\$400).

It is further alleged that in the commission of the above offense(s) the said defendant(s), MARK EDWARD BOWERS, with the intent to do so, took, damaged and destroyed property of a value exceeding \$150,000, within the meaning of Penal Code Section 12022.6(b).

* * * * *

COUNT 4

On and between February 17, 1999 and January 11, 2000, in the County of Los Angeles, the crime of GRAND THEFT OF PERSONAL PROPERTY, in violation of PENAL CODE SECTION 487(a), a Felony, was committed by MARK EDWARD BOWERS, who did unlawfully take money and personal property of a value exceeding Four Hundred Dollars (\$400), to wit U.S. CURRENCY the property of WILLIAM VARELA.

It is further alleged that in the commission of the above offense(s) the said defendant(s), MARK EDWARD BOWERS, with the intent to do so, took, damaged and destroyed property of a value exceeding \$150,000, within the meaning of Penal Code Section 12022.6(b).

~~It is further alleged that in the commission of the above offense(s) the said defendant(s), MARK EDWARD BOWERS, with the intent to do so, took, damaged and destroyed property of a value exceeding \$150,000, within the meaning of Penal Code Section 12022.6(b).~~

* * * * *

Further, attached hereto and incorporated herein are official reports and documents of a law enforcement agency which the undersigned believes establish probable cause for the arrest of defendant(s) MARK EDWARD BOWERS, for the above-listed crimes. Wherefore, a warrant of arrest is requested for MARK EDWARD BOWERS.

FELONY COMPLAINT -- ORDER HOLDING TO ANSWER -- P.C. SECTION 872

It appearing to me from the evidence presented that the following offense(s) has/have been committed and that there is sufficient cause to believe that the following defendant(s) guilty thereof, to wit:

(Strike out or add as applicable)

<u>MARK EDWARD BOWERS</u>				
<u>Count</u>	<u>Charge</u>	<u>Charge</u>	<u>Special</u>	<u>Alleg.</u>
<u>No.</u>		<u>Range</u>	<u>Allegation</u>	<u>Effect</u>
1	PC 504	16-2-3	PC 12022.6(a)(1)	+1 YR
2	PC 487(a)	16-2-3	PC 12022.6(a)(1)	+1 YR
3	PC 504	16-2-3	PC 12022.6(a)(2)	+2 Yrs
4	PC 487(a)	16-2-3	PC 12022.6(a)(2)	+2 Yrs
			PC 12022.6(a)(2)	+2 Yrs

I order that the defendant(s) be held to answer therefor and be admitted to bail in the sum of:

MARK EDWARD BOWERS _____ Dollars

and be committed to the custody of the Sheriff of Los Angeles County until such bail is given. Date of arraignment in Superior Court will be:

MARK EDWARD BOWERS _____ in Dept _____

at: _____ A.M.

Date: _____
_____ *Committing Magistrate*



I CERTIFY THAT THIS IS A FULL, TRUE,
AND CORRECT COPY OF THE ORIGINAL
ON FILE WITH THIS OFFICE.
A. JOSEPH PADILLA, CLERK
MUNICIPAL COURT

BY _____

SEP 21 2000

IN THE SUPERIOR COURT OF L.A. SUPERIOR - WEST JUDICIAL DISTRICT,
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

NO. SA039549

PAGE NO. 1

THE PEOPLE OF THE STATE OF CALIFORNIA VS.
DEFENDANT 01: MARK EDWARD BOWERS

CURRENT DATE 09/21/00

DOB OLN VLN

LAW ENFORCEMENT AGENCY EFFECTING ARREST: BEVERLY HILLS POLICE DEPT.

BAIL: APPEARANCE	AMOUNT	DATE	RECEIPT OR	SURETY COMPANY	REGISTER
DATE	OF BAIL	POSTED	BOND NO.		NUMBER

CASE FILED ON 09/13/00.

COMPLAINT, AND CERTIFICATE AND ORDER OF MAGISTRATE ARE FILED. DEFENDANT PLED
NOLO CONTENDRE TO COUNT(S) (01), (02), (03), (04)

OFFENSE(S):

- COUNT 01: 504 PC FEL - EMBEZZLE PROP PUBLIC/PRIV OFCR.
- COUNT 02: 487(A) PC FEL - GRAND THEFT:PRPRTY OVER \$400.
- COUNT 03: 504 PC FEL - EMBEZZLE PROP PUBLIC/PRIV OFCR.
- COUNT 04: 487(A) PC FEL - GRAND THEFT:PRPRTY OVER \$400.

COMMITTED ON OR ABOUT 02/01/99 IN THE COUNTY OF LOS ANGELES

NEXT SCHEDULED EVENT:

10/27/00 830 AM CERTIFIED PLEA/SENTENCING DIST L.A. SUPERIOR - WEST DEPT
B01



I CERTIFY THAT THIS IS A FULL, TRUE,
AND CORRECT COPY OF THE ORIGINAL
ON FILE WITH THIS OFFICE.
A. JOSEPH PADILLA, CLERK
MUNICIPAL COURT

BY _____

SEP 21 2000

EXHIBIT

2

ALL-STATE® INTERNATIONAL

STATE BAR OF TEXAS



FILE COPY

Office of the Chief Disciplinary Counsel

October 6, 2000

CMRRR Z 746 077 911

Mr. Mark Edward Bowers
9777 Wilshire Boulevard
Suite 512
Beverly Hills, California 90212

Re: Resignation documents

Dear Mr. Bowers:

Enclosed, please find a copy of the Response of the Chief Disciplinary Counsel of the State Bar of Texas in connection with your Motion to Resign.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Stephen A. Moyik
Assistant Chief Disciplinary Counsel

SAM:aa
Enclosure

AFFIDAVIT

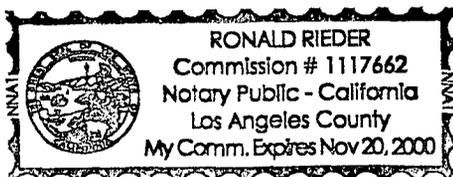
"I, Mark Edward Bowers, have surrendered all Bar Cards, all Law Licenses, and all certificates issued to me by the Supreme Court of Texas."

"I understand that these items are the property of the Supreme Court of Texas."

Signed this 21 day of September, 2000.

Mark Edward Bowers
MARK EDWARD BOWERS

21st SUBSCRIBED AND SWORN to before me by the said Mark Edward Bowers this the OCTOBER day of OCTOBER, 2000.



(Stamp or Seal)

Ronald Rieder
NOTARY PUBLIC IN AND FOR
THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

RONALD RIEDER
Printed Name of Notary

My Commission Expires: 11-20-00