

ORDER OF THE SUPREME COURT OF TEXAS

MISC. DOCKET NO. 01- 9129

IN THE MATTER OF CYNTHIA GAYLE CRUMLEY

The Court has reviewed the Motion for Acceptance of Resignation as Attorney and Counselor at Law of Cynthia Gayle Crumley 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 Cynthia Gayle Crumley to withdraw her 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 Cynthia Gayle Crumley's resignation is in the best interest of the public and the profession.

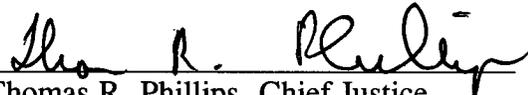
Therefore, the law license of Cynthia Gayle Crumley of Austin, Texas, State Bar Card Number 05181350 is canceled. Cynthia Gayle Crumley must immediately surrender her State Bar Card and Texas law license to the Clerk of the Supreme Court of Texas or file with the court an affidavit stating why she cannot.

Consequently, Cynthia Gayle Crumley is prohibited from practicing law in the State of Texas. This includes holding herself 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 herself out to others or using her name in any manner in conjunction with the "Attorney at Law," "Counsel at Law," or "Lawyer."

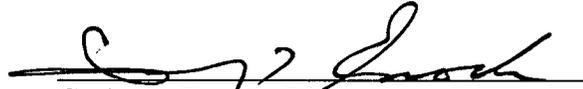
Additionally, Cynthia Gayle Crumley must immediately notify in writing each of her current clients of her resignation. She shall also return any files, papers, unearned monies and other property in her possession belonging to any client or former client to the respective client or former client or to another attorney at the client's or former client's request. Cynthia Gayle Crumley 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 her resignation and that all files, papers, monies and other property belonging to all clients and former clients have been returned.

Finally, Cynthia Gayle Crumley 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 Cynthia Gayle Crumley 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) Cynthia Gayle Crumley is representing in court. Cynthia Gayle Crumley 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 she has notified in writing each justice of the peace, judge, magistrate, and chief justice of each court in which she 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) she is representing in Court.

IT IS ORDERED the 9th day of August, 2001.


Thomas R. Phillips, Chief Justice


Nathan L. Hecht, Justice


Craig T. Enoch, Justice


Priscilla R. Owen, Justice


James A. Baker, Justice


Deborah G. Hankinson, Justice


Harriet O'Neill, Justice


Wallace B. Jefferson, Justice

STATE BAR OF TEXAS



Office of the Chief Disciplinary Counsel

July 17, 2001

Mr. John Adams, Clerk
2042
Supreme Court of Texas
Supreme Court Building
P.O. Box 12248
Austin, Texas 78711

CMRRR # 7000 1670 0010 2307

Re: Resignation of Cynthia Gayle Crumley, Bar Card No. 05181350

Dear Mr. Adams:

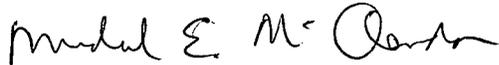
Pursuant to Part X of the Texas Rules of Disciplinary Procedure, please find enclosed herewith the following:

- (1) Motion for Acceptance of Resignation as Attorney and Counselor at Law of Cynthia Gayle Crumley, dated July 5, 2001;
- (2) Response of Chief Disciplinary Counsel of the State Bar of Texas to Motion for Resignation in Lieu of Discipline of Cynthia Gayle Crumley;
- (3) Affidavit of Cynthia Gayle Crumley, dated July 5, 2001, stating that she is unable to locate her bar card and certificate issued by the Supreme Court of Texas; and
- (4) Original and one (1) copy of proposed Order for review and entry by the Court accepting the resignation of Cynthia Gayle Crumley as Attorney and Counselor at Law.

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.

Mr. John Adams, Clerk
July 16, 2001
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Sincerely,

A handwritten signature in black ink, appearing to read "Michael E. McClendon". The signature is fluid and cursive, with the first name "Michael" and last name "McClendon" clearly legible.

Michael E. McClendon
Assistant Disciplinary Counsel

c: Mr. Steven L. Lee
Lione & Lee, P.C.
3921 Steck Ave., Ste. A-119
Austin, Texas 78759
CMRRR#7000 1670 0010 2307 2066

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 CYNTHIA GAYLE CRUMLEY**

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, CYNTHIA GAYLE CRUMLEY, State Bar No. 05181350, has filed her Motion for Acceptance of Resignation as Attorney and Counsel at Law, dated July 5, 2001. 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**

Dawn Miller, Chief Disciplinary Counsel, on behalf of the Commission for Lawyer Discipline, responds 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 professional conduct with which Movant is charged is as follows:

1. The Fletcher Complaint - A0099904311

On February 22, 1999, Lonnie Fletcher (hereinafter called "Complainant") and her sister, Deloros Smith, paid Movant \$500 to file an application for guardianship for their father, Dock

Vincent, who had suffered a major stroke and was incapacitated. Movant agreed to handle the matter and promised to process the guardianship quickly. On March 19, 1999, an application seeking appointment of the guardian was signed by Complainant and Ms. Smith. Thereafter, Complainant made numerous phone calls to Movant to determine whether a date had been set to appear before the court. Movant often did not return these calls. About mid-May 1999, Movant informed Complainant that the court would hear the case on May 17, 1999. On that day, Movant went to the courthouse and discovered that the case was not set for hearing and, indeed, that the application for guardianship did not appear to be on file with the court. Instead of admitting these facts to Complainant and Ms. Smith, who were waiting to testify, Movant told them that no court hearing was necessary, and that she would forward the completed guardianship documents to them within one week. One week later, Movant told Complainant that she needed another week to secure the final guardianship documents. Following this week, Complainant called Movant repeatedly, but received no response until June 22, 1999, at which time Movant admitted that the application for guardianship had never been filed with the court, and blamed the error on her associate. Movant agreed to complete the guardianship and refund the \$500 fee, plus pay an additional sum as damages. Movant ultimately paid some of the money promised, but did not complete or even file the application for guardianship with the court. Complainant's daily calls to Movant went unanswered, finally leading to the filing of a complaint with the State Bar of Texas.

Movant violated Rules 1.01(b), 1.03(a), 5.03(a) and 8.04(a)(3) of the Texas Disciplinary Rules of Professional Conduct.

2. The Higginbotham Complaint - A0099904308

In September 1997, Robert Higginbotham (hereinafter called "Complainant"), retained

Movant to seek modification of his divorce decree to reflect that his oldest daughter, Haley, was now living with him instead of her mother. Thereafter, Complainant made numerous calls to Movant to determine whether his ex-wife, who resided in Pennsylvania, had been served with process, and whether a date had been set to appear before the court. Movant often did not return these calls. Finally, a court date was set for February 25, 1998, but at that time Movant admitted that service of process had not been obtained. A new court hearing was scheduled for April 1998, but by then Haley had returned to Pennsylvania to live with her mother. Also in April 1998, Movant agreed to seek modification of the divorce decree to reduce the child support both for the time Haley had lived with Complainant (during which time no child support had been paid), and generally. Complainant again frequently called Movant to check on service of process and a court hearing date, and Movant frequently failed to return his calls. Finally, in March 1999, Complainant appeared for the scheduled court hearing only to be told by Movant that no hearing was necessary and that she would shortly send him the judge's final order modifying the child support as sought. Movant eventually furnished Complainant a file-stamped copy of an order reflecting that it had been signed by the judge and was of record with the Williamson County clerk's office. In truth, the order reducing the child support had never been signed by a judge, nor filed with the clerk's office. Instead, the file-stamp was falsely placed on the order by Movant. In July 1999, Complainant learned of the falsity of the order when his ex-wife sued to attach his wages for failure to pay child support. Following the filing of a complaint with the State Bar of Texas, Movant filed a response dated October 18, 1999, in which she falsely states that she believed the order had been signed by the judge.

Movant violated Rules 1.01(b), 1.03(a), 8.01(a) and 8.04(a)(3) of the Texas Disciplinary Rules of Professional Conduct.

3. The Allison Complaint - A0060005672

In September 1999, Valery Allison (hereinafter called "Complainant"), paid Movant \$500 to seek modification of her divorce decree both to increase the child support and to obtain medical insurance coverage for her daughter. Movant agreed to ensure that the hearing be held quickly (by December 1999) because Complainant's daughter needed an operation. Movant informed Complainant that a hearing was set for February 2000. Complainant learned from her ex-husband that he had no knowledge of any court setting, and Movant then stated the court hearing would be in mid-March. Movant agreed to meet with Complainant on three occasions to prepare for the hearing, but failed to appear for each of the meetings. Finally, Complainant met Movant at the courthouse in April 2000 for an apparent court hearing. Movant told Complainant that her ex-husband had been notified of the hearing but failed to answer and that no hearing was necessary. Instead, Movant agreed to forward a court order with the desired modifications to Complainant shortly. In truth, no motion to modify had ever been filed or served. Complainant never received the promised order. Complainant then twice requested that Movant return the \$500 paid and her file (which contained copies of unpaid medical bills), but Movant did not do so until some five months later.

Movant violated Rules 1.01(b), 1.03(a), 1.15(d) and 8.04(a)(3) of the Texas Disciplinary Rules of Professional Conduct.

4. The Wohlers Complaint - A0060005692

In December 1996, Yvette Wohlers (hereinafter called "Complainant"), retained Movant to seek modification of her divorce decree such that her ex-husband (Ramiro Garcia) would pay more child support and contribute to medical bills for their three children. In June 1997, because of Mr.

Garcia's verbal and physical abuse of the children, Movant obtained a Temporary Order limiting Mr. Garcia to a two-hour supervised visitation period each weekend. At a scheduled court hearing in December 1998, Movant told Complainant that although Mr. Garcia had not appeared that she had spoken to the judge and the judge had ordered eight hours unsupervised visitation each weekend. Thereafter, Complainant asked Movant numerous times for a copy of this order, and each time Movant made an excuse for not providing a copy. In truth, no such order was ever submitted to or ordered by the court. At a scheduled court hearing in October 1999, Movant told Complainant that Mr. Garcia had not appeared, that she had spoken to the judge, and that an order increasing her child support and having the payments withheld by Mr. Garcia's employer would be finalized shortly. Thereafter, Complainant asked Movant numerous times for a copy of this order, and inquired about the status of the increased child support. Movant either did not respond or made an excuse. Finally, on March 11, 2000, Movant furnished Complainant a copy of the order which reflected a Bastrop County clerk's file-stamp of March 9, 2000, and an "/s/" on the judge's signature line. In truth, the order had never been submitted to the court, and Movant falsely placed the file-stamp and the "/s/" on the order. In June 2000, having learned of Movant's deceit, Complainant asked for her file and a refund of the \$600 balance on her account. Movant did not return the file until September 1, 2000, and has not refunded the \$600 requested.

Movant violated Rules 1.01(b), 1.03(a), 1.15(d) and 8.04(a)(3) of the Texas Disciplinary Rules of Professional Conduct.

Additionally, one complaint is on file with the Chief Disciplinary Counsel but has not been considered by an investigatory panel, and no findings of fact or conclusions of law have been made:

1. On June 12, 2001, a complaint was filed by Andrea Basse Wilson (Case No. A0060107173)

alleging that Movant was retained to represent her in a divorce proceeding and failed to properly obtain the divorce. [Texas Disciplinary Rules of Professional Conduct 1.01(a)]

IV.

WHEREFORE, the Chief Disciplinary Counsel for the State Bar of Texas moves the Court to accept the resignation in lieu of discipline and grant the Motion filed by Movant.

Respectfully submitted,

Dawn Miller
Chief Disciplinary Counsel

Michael E. McClendon
Assistant Disciplinary Counsel

Office of the Chief Disciplinary Counsel
STATE BAR OF TEXAS
P.O. Box 12487, Capitol Station
Austin, Texas 78711-2487
Telephone: (512) 463-1463
Facsimile: (512) 477-4607

By: Michael E. McClendon
Michael E. McClendon
State Bar Card No. 13408700

CERTIFICATE OF SERVICE

This is to certify that the above and foregoing Response has been served on Movant's counsel, Steven L. Lee, Lione & Lee, P.C., 3921 Steck Avenue, Suite A-119, Austin, Texas, 78759, by hand delivery on the 5th day of July, 2001.

Michael E. McClendon

Michael E. McClendon

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

OF

Cynthia Gayle Crumley

NOW COMES your Applicant, Cynthia Gayle Crumley, and hereby resigns as an Attorney and Counselor at Law in the State of Texas; and hereby submits to the Court her resignation as an Attorney and Counselor at Law; and prays that the Court accept said resignation.

Attached hereto is the License ~~and permanent State Bar card~~^{CCC} issued by this Court to the Applicant, Cynthia Gayle Crumley, as an Attorney and Counselor at Law on October 30, 1981. Said License and permanent State Bar card are hereby surrendered by the Applicant.

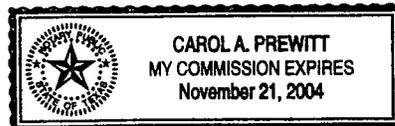
Your applicant is voluntarily resigning and withdrawing from the practice of law; Applicant does so in lieu of discipline for professional misconduct; and Applicant prays that her name be dropped and deleted from the list of persons licensed to practice law in Texas; and that her resignation be accepted.

Cynthia Gayle Crumley
Cynthia Gayle Crumley
05181350

SUBSCRIBED AND SWORN to before me by the said Cynthia Gayle Crumley this the 5th day of July, 2001.

Carol A. Prewitt
Notary Public in and for
the State of Texas

Cynthia Gayle Crumley
P. O. Box 91205
Austin, Texas 78709
CF6-17.PRI



AFFIDAVIT

CEC
"I, Cynthia Gayle Crumley, am unable to locate my Bar Card, ~~Law License~~ and certificate issued to me by the Supreme Court of Texas. I have searched and not found these documents, and understand that if they are discovered, I will promptly return them to the Court."

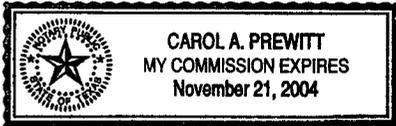
"I understand these items are the property of the Supreme Court of Texas."

Signed this 5th day of July, 2001.

Cynthia Gayle Crumley
CYNTHIA GAYLE CRUMLEY

SUBSCRIBED AND SWORN to before me by the said Cynthia Gayle Crumley this

5th day of July, 2001.



(Stamp or Seal)

Carol A. Prewitt
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

Printed Name of Notary

My Commission Expires: _____