

IN THE SUPREME COURT OF TEXAS  
MISC. DOCKET NO. 96- 9240

IN THE MATTER OF  
KENNETH W. KING

ORDER

On this day, the Court considered the Motion for Acceptance of Resignation as Attorney and Counselor at Law of Kenneth W. King, together with the Response of Chief Disciplinary Counsel to the Motion for Acceptance of Resignation as Attorney and Counselor at Law of Kenneth W. King. The Court has reviewed said Motion and Response and finds that each meets the requirements of Part X of the Texas Rules of Disciplinary Procedure. In conformity with Part X, Section 10.02 of the Texas Rules of Disciplinary Procedure, the Court considers the detailed statement of professional misconduct contained within the Response of Chief Disciplinary Counsel to be deemed conclusively established for all purposes. The Court finds that Kenneth W. King, is resigning in lieu of disciplinary action. The Court, being advised that the acceptance of the resignation is in the best interest of the public and the profession, hereby concludes that the following Order is appropriate.

IT IS ORDERED that the law license of Kenneth W. King, of Commerce, Texas, State Bar Card Number 11455000, heretofore issued by the Court, be cancelled and his name be dropped and deleted from the list of persons licensed to practice law in Texas.

IT IS FURTHER ORDERED that Kenneth W. King, shall 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 the cause of his inability to do so.

IT IS FURTHER ORDERED that Kenneth W. King, be, and he is hereby permanently enjoined and prohibited from practicing law in the State of Texas, 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".

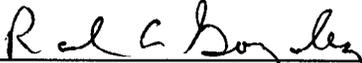
It is further ORDERED that Kenneth W. King, shall immediately notify each of his current clients in writing of this resignation. In addition to such notification, Kenneth W. King, is ORDERED to return any files, papers, unearned monies and other property belonging to clients and former clients in his possession to the respective clients or former clients or to another attorney at the client's or former client's request. Kenneth W. King is ORDERED to file with the State Bar of Texas, 5910 North Central Expressway, Suite 900, Dallas, Texas 75206, within thirty (30) days of the date of the effective 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 as ordered herein.

It is further ORDERED that Kenneth W. King, shall, on or before thirty (30) days from the effective date of this Order, notify in writing each and every justice of the peace, judge, magistrate, and chief justice of each and every court in which Kenneth W. King, 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) Kenneth W. King, is representing in Court. Kenneth W. King is ORDERED to file with the State Bar of Texas, 5910 North Central Expressway, Suite 900, Dallas, Texas 75206, within thirty (30) days of the date of the effective date of this Order an affidavit stating that he has notified in writing each and every justice of the peace, judge, magistrate, and chief justice of each and every 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.

By the Court, en banc, in chambers, this the 19<sup>th</sup> day  
of November, 1996.

  
Thomas R. Phillips, Chief Justice

  
Raul A. Gonzalez, Justice

  
Nathan L. Hecht, Justice

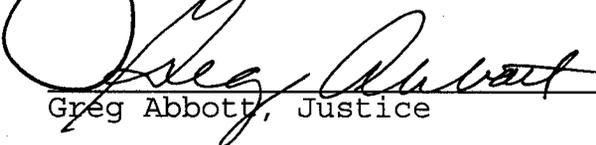
  
John Cornyn, Justice

  
Craig T. Enoch, Justice

  
Rose Spector, Justice

  
Priscilla Owen, Justice

  
James A. Baker, Justice

  
Greg Abbott, Justice

Misc. Docket No. 96 - 9240

# STATE BAR OF TEXAS



Office of the General Counsel

VIA AIRBORNE EXPRESS

October 23, 1996

Pat Strickland  
State Bar of Texas  
400 W. 15th Street, Suite 1500  
Austin, Texas 78701

Re: Kenneth W. King - Resignation  
Bar Card No. 11455000

Dear Pat:

Please be advised that the referenced attorney is voluntarily resigning from the practice of law. As such, enclosed please find the following documents:

- 1) Response of the Chief Disciplinary Counsel of the State Bar of Texas Regarding Kenneth W. King. **Please have Steve Young execute same and forward to Harold Curtis, King's attorney, no later than November 3, 1996.** (I have enclosed a sample letter that needs to be forwarded to King's attorney).
- 2) Order for review and entry by the Supreme Court accepting the Resignation of Kenneth W. King.
- 3) Motion of Acceptance of Resignation as Attorney and Counselor at Law signed by Kenneth W. King, dated October 11, 1996, and received by our office on October 14, 1996.
- 4) King's State Bar Card and law license.

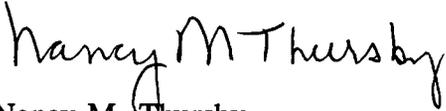


Premier Place, 5910 N. Central Expressway, Suite 900, Dallas, Texas 75206  
Telephone: (214) 368-2168 Fax: (214) 368-6953

Per your memo of January 11, 1996 (copy enclosed), I understand that you will forward the "entire packet" to the Supreme Court.

Please don't hesitate to contact me if you have any questions regarding this matter.

Sincerely,

A handwritten signature in cursive script that reads "Nancy M. Thursby". The signature is written in black ink and is positioned above the typed name.

Nancy M. Thursby  
Assistant General Counsel  
Office of the General Counsel  
State Bar of Texas

Enclosures

IN THE SUPREME COURT OF TEXAS

RESPONSE OF THE CHIEF DISCIPLINARY COUNSEL  
OF THE  
STATE BAR OF TEXAS  
REGARDING

KENNETH W. KING

TO THE HONORABLE SUPREME COURT OF TEXAS:

I, Steven W. Young, Chief Disciplinary Counsel of the State Bar of Texas, in accordance with Part X of the Texas Rules of Disciplinary Procedure, hereby file a response on behalf of the State Bar of Texas, acting by and through the Commission for Lawyer Discipline, to the Motion for Acceptance of Resignation as Attorney and Counselor at Law of Kenneth W. King, dated on or about October 11, 1996, and received by the Chief Disciplinary Counsel on or about October 14, 1996. The acceptance of the resignation of Kenneth W. King, (hereinafter referred to as "King") is in the best interests of the public and the profession.

The following complaints are currently pending against King before investigatory panels of the District Grievance Committee. The professional misconduct with which King is charged in the pending complaints, and which he acknowledges, is as follows:

Brian Wright vs. Kenneth W. King - D0089607701

On or about March 29, 1996, Complainant hired King to handle a child support matter. Complainant paid King \$500.00 as a retainer fee. Thereafter, King failed to perform meaningful work in the matter. King also promised to return the Complainant's money but failed to do so. Restitution is due to Complainant in the amount of \$500.00. The above facts support a violation of Rules 1.01(b)(1) and 8.04(a)(1),(3) of the Texas Rules of Professional Conduct.

Michael Hall vs. Kenneth W. King - D0109607964

In or about February of 1995, Complainant hired King to prosecute a divorce. Complainant paid King \$450.00 as a retainer fee. Thereafter, King neglected the legal matter and failed to

promptly comply with Complainant's requests for information about the status of his case. Complainant later learned that his divorce case had been dismissed for want of prosecution. On or about February 26, 1996, and September 30, 1996, Complainant sent King letters requesting return of his file and the unused portion of his retainer fee. King failed to respond to both of these requests. Restitution is due to Complainant in the amount of \$450.00. The above facts support a violation of Rules 1.01(b)(1),(2), 1.03(a) and 1.15(d) of the Texas Disciplinary Rules of Professional Conduct.

Linda Maroney vs. Kenneth W. King - D0089607694

On or about January 31, 1995, King was employed to handle the estate of Complainant's deceased father. King received an \$11,000.00 payment from decedent's life insurance policy and \$900.00 from decedent's checking account. In addition, King was given a check in the amount of \$1,012.00 from Allen Martin, a tenant of decedent's. From these funds, King was to pay the decedent's debt. Any remaining funds were to be divided between Complainant and her sister. Thereafter, King failed to pay decedent's debts and converted most of the funds to his own use without the knowledge or consent of Complainant. Further, King also failed to respond to Complainant's requests for an accounting of the funds. Restitution is due to the Estate of James Maroney in the amount of \$4,223.64. The above facts support a violation of Rules 1.01(b)(1),(2), 1.14(b) and 8.04(a)(1),(2),(3) of the Texas Disciplinary Rules of Professional Conduct.

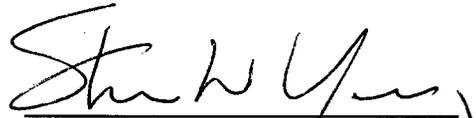
Henry Oncken vs. Kenneth W. King - D0059607207

Complainant is an attorney who was hired by Phoebe Webster in May of 1995, to assist her in an estate matter. Ms. Webster had been appointed the guardian of the person of one niece and as guardian of the person and estate of another niece. Ms. Webster hired Complainant to assist her in obtaining the proceeds of her brother's estate distributed to her in her capacity as guardian of her nieces. King was representing the Executrix of the decedent's estate. Complainant filed an Application for Partition and Distribution of the Estate in Cause Number 57,383 styled Phoebe N. Webster in her Capacity as Guardian vs. Diane Little, Executrix, in the 354th District Court of Hunt County, Texas. The parties reached a settlement in the matter. King agreed to deliver two (2) checks, in the amounts of \$52,011.80 and \$53,182.86, respectively, to be made payable to Ms. Webster, as guardian of the nieces. On or about May 18, 1996, Complainant received two (2) checks amounts drawn on King's trust account. Thereafter, Ms. Webster presented the checks to the bank in person for payment. Neither check would clear due to insufficient funds in Mr. King's trust account. The court determined, a result of a hearing, that the estate has a shortage of \$105,194.66. King has converted these funds to his own use. Restitution is due to Ms. Webster, as guardian of the person and estate of Debra Ann Little, in the amount of \$52,011.80 and to Ms. Webster, as guardian of the person of Linda Ann Hummel in the amount of \$53,182.86. The above facts support a violation of Rules 1.14(a),(b),(c) and 8.04(a)(1),(2),(3) of the Texas Disciplinary Rules of Professional Conduct.

Michael King vs. Kenneth W. King - D0059607230

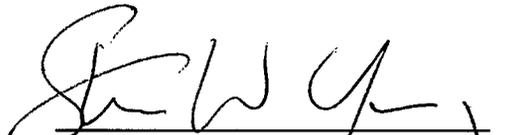
On or about July 8, 1979, King was given a Power of Attorney to handle the affairs of his mother, Doris Louise King. From that time until April, 1994, King handled the financial affairs of his mother. Complainant, who is King's brother, obtained legal guardianship of King's mother in June of 1994, and began an investigation of the handling of the estate. On April 22, 1995, Doris Louise King died. Complainant was appointed Executor of her estate. Complainant discovered that, during the time period that King had been handling his mother's financial affairs pursuant to the Power of Attorney, King had converted funds from his mother's Medicare and social security checks to his own use. Complainant also learned that King converted other estate assets to his own use. Further, Complainant discovered that King had signed his mother's name to checks, cashed the checks and converted the funds to his own use without her knowledge. In or about June of 1995, Complainant filed suit against King for breach of fiduciary duty, conversion, negligence, malpractice and tortious interference with inheritance rights in Cause No. P04495 styled Estate of Doris Louise King, Deceased, in the County Court of Titus County, Texas. Complainant also referred these matters to the District Attorney's Office in Hunt County, Texas which is conducting an investigation. The amount of unaccounted assets from the mother's estate exceeds \$500,000.00. Restitution is due to the Estate of Doris Louise King in an exact amount not yet determined, but in excess of \$500,000.00. Further, King was indicted for the felony offense of Hindering a Secured Creditor in or about February of 1996 in Titus County, Texas for allegedly selling secured property of the mother's estate while a debtor under a security agreement. The above facts support a violation of Rule 8.04(a)(1),(2),(3) of the Texas Disciplinary Rules of Professional Conduct.

In view of King's execution, on or about October 11, 1996, 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 the disciplinary proceedings pending before the investigatory panel and intends to dismiss the complaints upon entry of Order by the Supreme Court of Texas deleting King from the list of persons licensed to practice law in the State of Texas.

  
Steven W. Young  
Chief Disciplinary Counsel  
State Bar of Texas

CERTIFICATE OF SERVICE

A true and correct copy of this Response of the Chief Disciplinary Counsel of the State Bar of Texas Regarding Kenneth W. King, has on this \_\_\_\_\_ day of \_\_\_\_\_, 1996, been mailed to Kenneth W. King, c/o his attorney Harold F. Curtis, Jr., 2708 Washington Street, Greenville, Texas 75401, by certified mail, return receipt requested.

  
Steven W. Young

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

KENNETH W. King

TO THE HONORABLE SUPREME COURT OF TEXAS:

Movant, Kenneth W. King, 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 the State of Texas in lieu of discipline for having committed professional misconduct.

II.

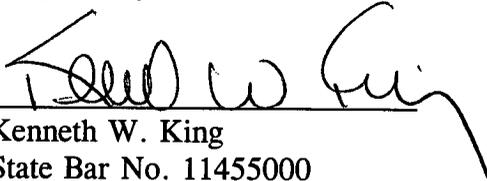
Attached hereto is the License and permanent State Bar card issued by this Court to the Movant, Kenneth W. King, as an Attorney and Counselor at Law on December 16, 1968. Said License and permanent State Bar card are hereby surrendered by the Movant.

III.

Movant's State Bar Card number is 11455000. Movant's current business address is P.O. Box 1304, Commerce, Texas 75429.

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

Respectfully submitted,

  
Kenneth W. King  
State Bar No. 11455000

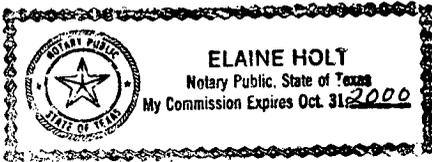
10-11-96  
Date

ACKNOWLEDGMENT

STATE OF TEXAS           X  
  X  
COUNTY OF Hunt       X

BEFORE ME the undersigned, a Notary Public in and for said County and State, on this day personally appeared Kenneth W. King, known to me to be the person whose name is subscribed to the foregoing Motion, and acknowledged to me that he executed the same for the purposes therein expressed and that all facts stated are within his personal knowledge and are true and correct.

GIVEN UNDER my hand and seal of office this the 11th day of October, 1996.



Elaine Holt

Notary Public in and for the  
State of Texas

\_\_\_\_\_  
My Commission Expires:

\_\_\_\_\_  
Printed Name of Notary