

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 97- 9088

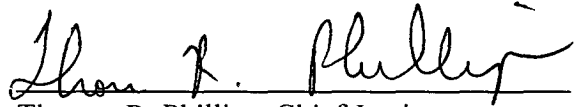
ORDER REVOKING PROBATIONARY LICENSE

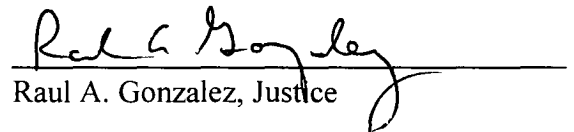
ORDERED:

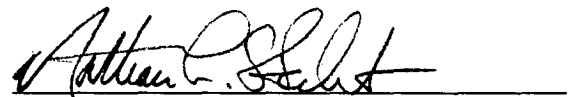
The probationary license issued to ALLISON G. MULLINGS is hereby revoked, pursuant to the recommendation of the Board of Law Examiners as set forth in the attached order of the Board.

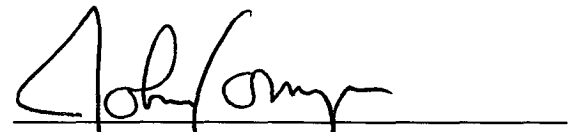
This order shall be effective immediately.

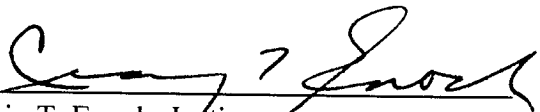
SIGNED AND ENTERED this 8th day of Sept., 1997.


Thomas R. Phillips, Chief Justice



Raul A. Gonzalez, Justice


Nathan L. Hecht, Justice



John Cornyn, Justice


Craig T. Enoch, Justice


Rose Spector, Justice


Priscilla R. Owen, Justice


James A. Baker, Justice


Greg Abbott, Justice

BOARD OF LAW EXAMINERS

IN THE MATTER OF

)

IN PUBLIC HEARING AT

ALLISON G. MULLINGS

)

AUSTIN, TEXAS

ORDER

On February 14, 1997, the Board of Law Examiners ("Board"), with Warlick Carr, Chair, presiding, heard the matter of Allison G. Mullings. The Board was represented by Bruce Wyatt, Staff Attorney. Ms. Mullings failed to appear, either in person, or by counsel.

I.

PROCEDURAL HISTORY

On or about February 20 1995, Ms. Mullings appeared in her first hearing before the Board. Following that hearing, the Board recommended her for a probationary license. She began to practice under that license, but failed to comply with its conditions.

On or about January 11, 1996, Ms. Mullings appeared in her second hearing before the Board. Following that hearing, the Board found that she had failed to comply with the conditions of her probationary license, but recommended her for a second probationary license with revised conditions. She continued to practice under her second probationary license, but failed to comply with its conditions.

On or about July 26, 1996, Ms. Mullings appeared in her third hearing before the Board. Following that hearing, the Board found that she had failed to comply with the conditions of her second probationary license, but recommended her for a two year extension of her probationary license, subject to revised conditions. She continued to practice under this third probationary license, but failed to comply with its conditions.

On or about January 23, 1997, the Board gave Ms. Mullings proper and timely notice, by certified mail return receipt requested and first class mail, of this hearing. The notice letter stated that the general issues to be considered at the hearing were: 1) whether Ms. Mullings had failed to comply with one or more of the conditions of her probationary license; 2) if Ms. Mullings had failed to comply with one or more of the conditions of her

probationary license, whether her probationary license should be revoked; and 3) if Ms. Mullings had failed to comply with one or more of the conditions of her probationary license, whether such failure is indicative of a lack of the good moral character or fitness required for admission.

II.

JURISDICTION

The Board has jurisdiction over this matter pursuant to V.T.C.A., Government Code, Sections 82.004, 82.022, 82.027, 82.028, and 82.030 as well as Rules II, IV, IX, X, XV, XVI, and XX of the Rules Governing Admission to the Bar of Texas, adopted by the Supreme Court of Texas, effective December 8, 1995.

III.

FINDINGS OF FACT

After considering the evidence and testimony, the Board finds:

1. On or about January 23, 1997, the Board gave Ms. Mullings proper and timely notice, by certified mail return receipt requested and first class mail, of a February 14, 1997 hearing (B.E.1 at 1-2 and 15; Transcript of Testimony at 9-10).
2. Ms. Mullings has failed to comply with condition 6 of her probationary license, which requires her to make written repayment offers to each of her student loan creditors and to provide the Board with copies of all correspondence to and from such creditors, within 60 days of the Board's order of September 28, 1996 (B.E.1 at 6-7 and 16; Transcript of Testimony at 7).
3. Ms. Mullings has failed to comply with condition 8 of her probationary license, which requires her to provide the Board with an income and expense statement and a detailed plan for addressing her debts, within 30 days of the date of the Board's order of September 28, 1996 (B.E.1 at 7; Transcript of Testimony at 7).
4. Ms. Mullings has failed to comply with condition 13 of her probationary license, which requires her, among other things, to file a periodic questionnaire with the Board by January 1, 1997

(B.E.1 at 7; transcript of Testimony at 7-8).

5. Ms. Mullings has failed to comply with condition 4 of her probationary license, which requires her to not engage in any conduct evidencing a lack of good moral character or fitness, as evidenced by her failure to comply with conditions 6, 8, and 13 of her probationary license (B.E. 1 at 6).
6. Ms. Mullings' failure to comply with the conditions of her probationary license agreement with the Board is indicative of a lack of trustworthiness in carrying out responsibilities.
7. The Board's order of September 28, 1996 provides that Ms. Mullings' probationary license may be revoked at any time upon recommendation of the Board if, after notice and hearing, it is determined that she has violated any condition of the order (B.E.1 at 8).

IV.

CONCLUSIONS OF LAW

1. There is a clear and rational connection between Ms. Mullings' lack of trustworthiness in carrying out responsibilities, as evidenced by her failure to comply with conditions 6, 8, and 13 of her probationary license, as found herein, and the likelihood that she would harm a client, obstruct the administration of justice, or violate the Texas Disciplinary Rules of Professional Conduct if she were licensed to practice law at this time.
2. There is a clear and rational connection between Ms. Mullings' lack of trustworthiness in carrying out responsibilities, as evidenced by her failure to comply with condition 4 of her probationary license, as found herein, and the likelihood that she would harm a client, obstruct the administration of justice, or violate the Texas Disciplinary Rules of Professional Conduct if she were licensed to practice law at this time.
3. Ms. Mullings' probationary license should be revoked due to her failure, as found herein, to comply with the conditions of that license.

IT IS THEREFORE ADJUDGED, ORDERED AND DECREED that Ms. Mullings' probationary license should be revoked due to her failure to abide by the conditions of that license, that Ms. Mullings' failure to comply with the conditions of her probationary license indicates that she lacks the present good moral character required for admission, and that the Board recommend to the Supreme Court of Texas that Ms. Mullings' probationary license be revoked.

IT IS FURTHER ORDERED that Ms. Mullings may petition the Board for a redetermination of her character and fitness following a period of one year from the date of the Supreme Court's revocation of her probationary license, that any such petition for redetermination shall be accompanied by the application and supplemental investigation forms then in effect and all appropriate fees, and that Ms. Mullings shall not be required to re-take the Texas bar examination, provided her petition is received within a period of two years from the date of the revocation of her probationary license.

IT IS FURTHER ORDERED that, upon Ms. Mullings' proper and timely filing of any future petition for redetermination, application, and supplemental investigation form, the Board's determination as to her requisite character and fitness at that time shall include an investigation as to whether she has complied with the following guidelines to correct the deficiencies summarized in the Board's findings.

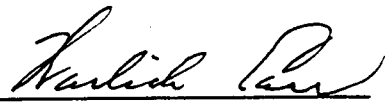
V.

CURATIVE MEASURES

1. Ms. Mullings shall commit no offense against the laws of this state, any other state, or the United States.
2. Ms. Mullings shall work faithfully at suitable employment as far as possible.
3. Ms. Mullings shall conduct herself in such a way so as to avoid, and not be subject to disciplinary action for, the breach of any regulation, rule, or statute governing any profession in which she may be engaged.
4. Ms. Mullings shall not engage in any conduct that evidences a lack of good moral character or fitness.

5. Ms. Mullings shall conduct her personal and business dealings in such a way as to avoid the appearance of sacrificing ethical behavior in the interest of personal gain.
6. Ms. Mullings shall become involved in positive activities to demonstrate her rehabilitation from the Board's findings.
7. Ms. Mullings shall make a good faith effort to address her student loan debts and any other debts.
8. Ms. Mullings shall satisfactorily address the concerns of the Board regarding her moral character and fitness, if any, at a subsequent hearing to be set following receipt of her petition for redetermination, application, and supplemental investigation form.

SIGNED this 20th day of March, 1997.



Warlick Carr, Chair

The Supreme Court of Texas
BOARD OF LAW EXAMINERS

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CHARACTER & FITNESS

May 27, 1997

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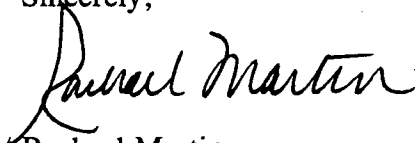
The Honorable Raul A. Gonzalez
Supreme Court of Texas
Third Floor, Supreme Court Building
Austin, Texas

Dear Justice Gonzalez:

I am forwarding to you, via the Clerk's office, a miscellaneous docket order revoking the probationary license of Allison G. Mullings. Attached to the proposed order for the Court's approval is a copy of the Board's order, setting out the Board's findings of fact and conclusions of law.

The Court has previously indicated to us that we should not send the revocation order for signing by the Court until such the time for appealing the Board's order has passed. We mailed Ms. Mullings a copy of the Board's order recommending revocation on March 20, 1997. Under Rule XV(j)(1), *Rules Governing Admission to the Bar of Texas*, Ms. Mullings had sixty days from that day to file an appeal of the Board's decision in the Travis County district courts. It has now been more than sixty days from the mailing of the order, and we have no indication that Ms. Mullings has filed an appeal.

Sincerely,



Rachael Martin
Executive Director

Enclosure

cc: Allison G. Mullings (w/encl.)

appl. file