

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 98- 9139

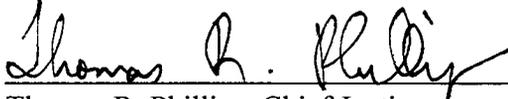
ORDER REVOKING PROBATIONARY LICENSE

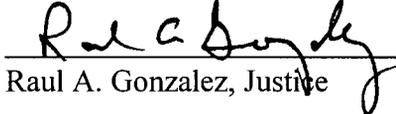
ORDERED:

The regular license issued to CURTIS LEWIS, JR. is revoked, pursuant to the recommendation contained in the order of the Board of Law Examiners which is attached.

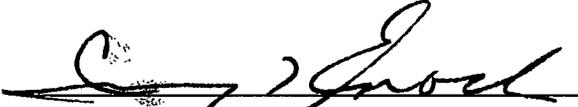
This order shall be effective immediately.

SIGNED on this 17th day of August, 1998.

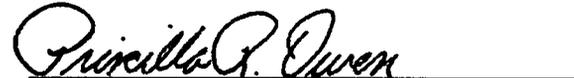

Thomas R. Phillips, Chief Justice

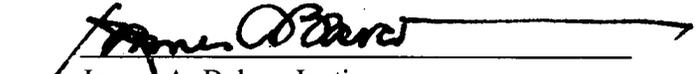

Raul A. Gonzalez, Justice


Nathan L. Hecht, Justice


Craig T. Enoch, Justice


Rose Spector, Justice


Priscilla R. Owen, Justice


James A. Baker, Justice


Greg Abbott, Justice


Deborah G. Hankinson, Justice

BOARD OF LAW EXAMINERS

IN THE MATTER OF
CURTIS LEWIS, JR.

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)

IN PUBLIC HEARING AT
AUSTIN, TEXAS

ORDER

On June 11, 1998, a three member panel of the Board of Law Examiners ("Board"), with Julia E. Vaughan presiding, heard the matter of Curtis Lewis, Jr. The Board was represented by Bruce Wyatt, Staff Attorney. Mr Lewis, although advised of his right to counsel, elected to appear pro se. The Board considered, among other things, whether Mr. Lewis possesses the present good moral character required for admission to the practice of law in Texas.

II.

PROCEDURAL HISTORY

Mr. Lewis previously appeared in a hearing before the Board in March of 1997 in connection with his application for admission. Following that hearing, the Board conditionally approved his good moral character and recommended Mr. Lewis for a probationary license, subject to his faithful compliance with certain conditions. He is now practicing pursuant to that license and is subject to its terms.

On January 23, 1998, following its review of his non-compliance with the conditions of his probationary license, the Board sent Mr. Lewis proper and timely notice of a February 14, 1998 hearing. The notice letter stated that the general issues to be considered at the hearing were: 1) whether Mr. Lewis had failed to comply with one or more of the conditions of his probationary license; 2) if so, whether the Board should recommend that his probationary license be revoked; and 3) if so, whether he lacks the good moral character or fitness required for admission. The notice letter also pointed out that it appeared that Mr. Lewis had failed to comply with conditions 3, 4, 6, 8, and 12 of his probationary license. Following the February 14, 1998 hearing, the Board decided to defer a decision and to continue the hearing until June 11, 1998.

On May 14, 1998, the Board sent Mr. Lewis proper and timely notice that his hearing would be resumed on June 11, 1998. The notice letter stated that, in addition to the issues considered at the February

14, 1998 hearing, the Board would review Mr. Lewis's progress toward addressing the problems noted at the time of his last appearance before the Board, and consider Mr. Lewis's failure to comply with conditions 7 and 10 of his probationary license.

III.

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 May 15, 1997.

IV.

FINDINGS OF FACT

After considering the evidence and testimony, the Board finds:

1. Following a hearing in March of 1997, the Board conditionally approved Mr. Lewis' good moral character and recommended him for a probationary license, subject to certain conditions (B.E.1 at 3-5).
2. On or about January 23, 1998, the Board gave Mr. Lewis proper and timely notice, by certified mail return receipt requested and first class mail, of a February 14, 1998 hearing, because it appeared that he had failed to comply with a number of the conditions of his probationary license (B.E.1 at 1).
3. Following the February 14, 1998 hearing, the Board decided to defer a decision and continue the hearing until June 11, 1998 and informed Mr. Lewis of its decision (B.E.15 at 1).
4. On or about May 14, 1998, the Board gave Mr. Lewis proper and timely notice, by certified mail return receipt requested and first class mail, of the June 11, 1998 hearing (B.E.16 at 1).
5. Mr. Lewis has failed to comply with condition 4 of his probationary license, which requires him to make each of his agreed-upon payments to his student loan creditors (B.E.1 at 5; B.E.4 at 1 and 6; B.E.10 at 8; and B.E.11 at 5).
6. Mr. Lewis' failure to comply with condition 4 of his probationary license is indicative of the character traits of financial irresponsibility and a lack of trustworthiness in carrying out responsibilities.
7. Mr. Lewis has failed to comply with condition 6 of his probationary license, which requires him to make each of his agreed-upon payments to his consumer loan creditors (B.E.7 at 4-5; B.E.10 at 15-16; and B.E.14).
8. Mr. Lewis' failure to comply with condition 6 of his probationary license is indicative of the character traits of financial irresponsibility and a lack of trustworthiness in carrying out responsibilities.

9. Mr. Lewis has failed to comply with condition 8 of his probationary license, which requires him to file properly completed questionnaires at specified periods, in that his very first questionnaire, due October 1, 1997, was both tardy and incomplete (B.E.1 at 8; B.E.3 at 1; B.E.4 at 1 and 4; and B.E.10 at 9).
10. Mr. Lewis' failure to comply with condition 8 of his probationary license is indicative of the character trait of a lack of trustworthiness in carrying out responsibilities.
11. Mr. Lewis has failed to comply with condition 10 of his probationary license, which requires him to inform the Board in writing of any change in his home and work addresses and telephone numbers, by certified mail, return receipt requested, within 10 days of any such change (B.E.10 at 37-38; B.E.15; and B.E.16 at 7).
12. Mr. Lewis' failure to comply with condition 10 of his probationary license is indicative of the character trait of a lack of trustworthiness in carrying out responsibilities.
13. Mr. Lewis has failed to comply with condition 12 of his probationary license, which requires him to inform the Board, in writing, within fourteen days of the occurrence of any circumstances which might constitute a breach of the conditions of his probationary license, in that he failed to report the circumstances of his non-compliance with conditions 4 and 6 of his probationary license within fourteen days of that non-compliance (B.E.1 at 6; B.E.4; and B.E.7).
14. Mr. Lewis' failure to comply with condition 12 of his probationary license is indicative of the character trait of a lack of trustworthiness in carrying out responsibilities.
15. Mr. Lewis has failed to comply with condition 3 of his probationary license, which requires that he not engage in any conduct that evidences a lack of good moral character, as evidenced by his failure to comply with conditions 4, 6, 8, 10 and 12 of his probationary license (B.E.1 at 5-7).
16. Mr. Lewis' failure to comply with condition 3 of his probationary license is indicative of the character trait of a lack of trustworthiness in carrying out responsibilities.
17. Mr. Lewis' probationary license order provides that his probationary license may be revoked at any time upon recommendation of the Board if, after notice and hearing, it is determined that he has violated any condition of the order (B.E.1 at 6 and B.E.10 at 18).

V.

CONCLUSIONS OF LAW

1. There is a clear and rational connection between Mr. Lewis' financial irresponsibility, as evidenced by his failure to comply with conditions 4 and 6 of his probationary license, as found herein, and the likelihood that he would harm a client, obstruct the administration of justice, or violate the Texas Disciplinary Rules of Professional Conduct if he were licensed to practice law at this time.
2. There is a clear and rational connection between Mr. Lewis' lack of trustworthiness in carrying out responsibilities, as evidenced by his failure to comply with conditions 3, 4, 6, 8, 10 and 12 of his probationary license, as found herein, and the likelihood that he would harm a client, obstruct the administration of justice, or violate the Texas Disciplinary Rules

of Professional Conduct if he were licensed to practice law at this time.

3. Mr. Lewis' probationary license should be revoked due to his failure, as found herein, to comply with the conditions of that license.

IT IS THEREFORE ADJUDGED, ORDERED AND DECREED that Mr. Lewis has failed to comply with one or more of the conditions of his probationary license, that the Board recommend to the Supreme Court of Texas that Mr. Lewis' probationary license be revoked due to such failure, and that such failure indicates that Mr. Lewis lacks the present good moral character required for admission.

IT IS FURTHER ORDERED that Mr. Lewis may petition the Board for a redetermination of his character and fitness following a period of one year from the date of the Supreme Court's revocation of his probationary license, and that any such petition for redetermination shall be accompanied by the application and supplemental investigation forms then in effect and all appropriate fees.

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

VI.

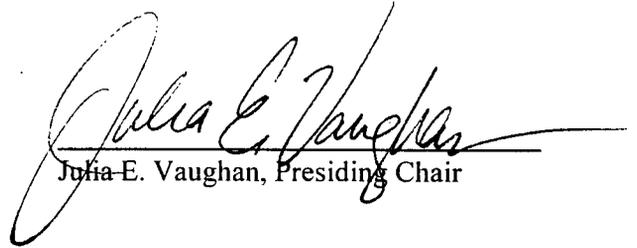
CURATIVE MEASURES

1. Mr. Lewis shall commit no offense against the laws of this state, any other state, or the United States.
2. Mr. Lewis shall work faithfully at suitable employment as far as possible.
3. Mr. Lewis shall conduct himself 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 he may be engaged.
4. Mr. Lewis shall not engage in any conduct that evidences a lack of good moral character or fitness.
5. Mr. Lewis shall become involved in positive activities to demonstrate his rehabilitation from the findings of the Board. Such activities may include participation in religious, civic, or community affairs.

6. Mr. Lewis shall bring his student loan debts current and shall provide proof to the Board that he has done so.
7. Mr. Lewis shall bring his credit debts current and shall provide proof to the Board that he has done so.

IT IS FURTHER ORDERED that in the event Mr. Lewis submits a petition for redetermination, application, and supplemental investigation form, the burden of proof shall be on him to present evidence addressing not only any character and/or fitness issues covered in this Order, but also any new issues which arise out of the investigation of his petition for redetermination and supporting documents.

SIGNED this 11th day of June, 1998.


Julia E. Vaughan, Presiding Chair