

**ORDER OF THE SUPREME COURT OF TEXAS**

MISC. DOCKET NO. 99-9004

**IN THE MATTER OF THOMAS B. ARNOLD**

On this day, the Court considered the Motion for Acceptance of Resignation as Attorney and Counselor at Law of Thomas B. Arnold, together with the Response of the Chief Disciplinary Counsel to the Motion for Acceptance of Resignation as Attorney and Counselor at Law of Thomas B. Arnold. 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 Thomas B. Arnold is resigning in lieu of compulsory discipline by reason of his acceptance of three (3) years probation for the count of the intentional crime of Misapplication of Fiduciary Property on August 5, 1998. The Court further finds that Arnold was convicted of the intentional crime of Tampering With a Witness on July 23, 1998, for which he received two (2) years state jail time probated for five (5) years and 180 days in state jail as a condition of probation. 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 Thomas B. Arnold of Dallas, Texas, State Bar card number 01345490, which was previously issued by this Court, be canceled and his name be

dropped and deleted from the list of persons licensed to practice law in Texas.

**IT IS FURTHER ORDERED** that Thomas B. Arnold 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 Thomas B. Arnold is 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 Thomas B. Arnold shall immediately notify each of his current clients in writing of this resignation. In addition to such notification, Thomas B. Arnold 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. Thomas B. Arnold is **ORDERED** to file with the State Bar of Texas, 3710 Rawlins, Suite 800, Dallas, Texas 75219, 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.

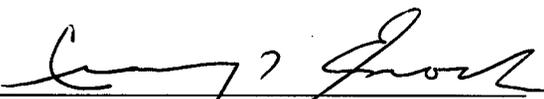
It is further **ORDERED** that Thomas B. Arnold shall, within thirty (30) days after the date on which this Order is signed by the Court, notify in writing each and every justice of the peace,

judge, magistrate, and chief justice of each and every court in which Thomas B. Arnold 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) Thomas B. Arnold is representing in Court. Thomas B. Arnold is **ORDERED** to file with the State Bar of Texas, 3710 Rawlins, Suite 800, Dallas, Texas 75219, 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.

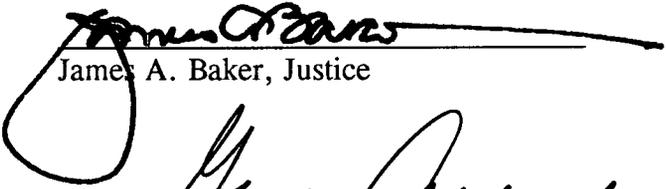
By the Court, en banc, in chambers, this the 28<sup>th</sup> day of January, 1999.

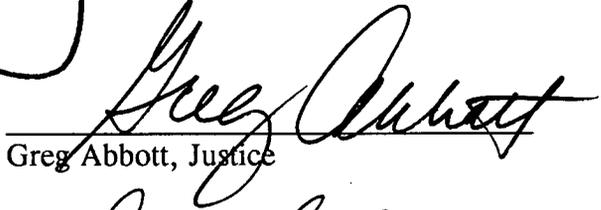
  
Thomas R. Phillips, Chief Justice

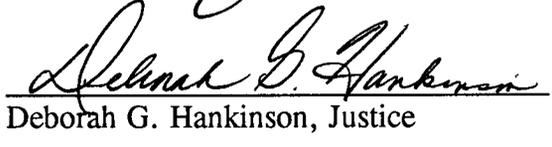
  
Nathan L. Hecht, Justice

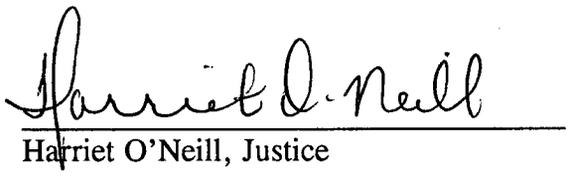
  
Craig T. Enoch, Justice

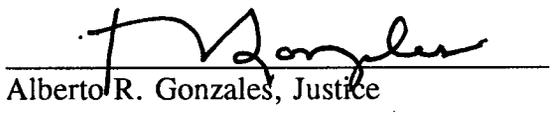
  
Priscilla R. Owen, Justice

  
James A. Baker, Justice

  
Greg Abbott, Justice

  
Deborah G. Hankinson, Justice

  
Harriet O'Neill, Justice

  
Alberto R. Gonzales, Justice

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

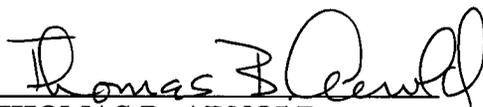
**OF**

**THOMAS B. ARNOLD**

NOW COMES your Applicant, **Thomas B. Arnold**, and hereby resigns as an Attorney and Counselor at Law in the State of Texas; and hereby submits to the Court his resignation as an Attorney and Counselor at Law; and prays that the Court accept said resignation.

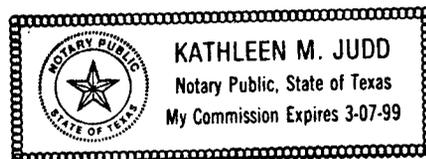
Attached hereto is the License and permanent State Bar card issued by this Court to the Applicant, **Thomas B. Arnold**, as an Attorney and Counselor at Law on October 30, 1981. Said License and permanent State Bar card are hereby surrendered by the Applicant.

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

  
**THOMAS B. ARNOLD**  
State Bar No. 01345490

SUBSCRIBED AND SWORN to before me by the said Thomas B. Arnold this the 17th day of December, 1998.

  
NOTARY PUBLIC in and for  
the State of Texas



**AFFIDAVIT OF**  
**THOMAS B. ARNOLD**

On this 17th day of December, 1998, personally appeared before me, the undersigned  
**Thomas B. Arnold**, who, after being duly sworn, did state upon his oath:

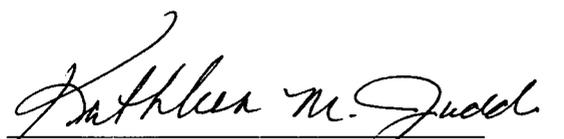
"My name is **Thomas B. Arnold**, and I am over the age of eighteen years and  
am competent to make this affidavit in all respects, and am personally acquainted  
with the facts in this Affidavit."

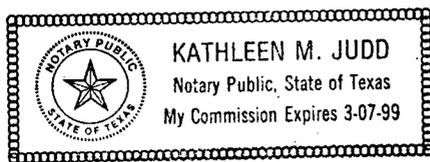
"I am an attorney licensed in the State of Texas. My bar card number is 01345490.  
I am unable to locate my License and permanent State Bar Card at this time. Should these  
items that are property of the Supreme Court of Texas be located, I will immediately  
surrender and forward to the Supreme Court of Texas."



**THOMAS B. ARNOLD**  
Texas Bar No. 01345490

SWORN TO AND SUBSCRIBED BEFORE ME on this the 17th day of December, 1998.

  
Notary Public in and for the State of Texas



**IN THE SUPREME COURT OF TEXAS  
RESPONSE OF THE CHIEF DISCIPLINARY COUNSEL  
OF THE STATE BAR OF TEXAS  
REGARDING  
THOMAS B. ARNOLD**

TO THE HONORABLE SUPREME COURT OF TEXAS:

I, Nancy M. Thursby, Assistant 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 Thomas B. Arnold, dated on or about December 17, 1998, and received by the Office of the Chief Disciplinary Counsel on or about December 17, 1998. The acceptance of the resignation of Thomas B. Arnold (hereinafter referred to as "Arnold") is in the best interests of the public and the profession.

The following complaint is currently pending against Arnold before an investigatory panel of the District Grievance Committee. The professional misconduct with which Arnold is charged in the complaint currently pending before an investigatory panel is as follows:

A. Dolores Verhoev - Thomas B. Arnold, D0079811323

In or about 1994, Dolores Verhoev (hereinafter referred to as "Complainant") hired Arnold to represent her in a case involving a work-related accident. On or about August 30, 1995, the case was settled for \$250,000.00. Complainant and Arnold agreed to hold Complainant's share of the settlement proceeds in a trust account until Complainant decided how to use the proceeds. In or about May 1997, when Complainant asked for the disbursement of the settlement proceeds, Arnold advised Complainant that the money was no longer in the trust account. Arnold suffers from severe medical problems which resulted in an extended absence from his law practice beginning in February 1997. Arnold alleged that his law partner dissolved the partnership in April 1997 and removed the funds from the attorney trust account while Arnold was in the hospital.

Arnold received notice of this complaint on July 17, 1998. The notice requested Arnold to respond to the complaint in writing within thirty (30) days of receipt. Arnold, however, failed to respond to the complaint in writing and failed to assert any grounds for his failure to respond.

The above facts support a violation of Rules 1.14(b), 8.04(a)(3) and 8.04(a)(8) of the Texas Disciplinary Rules of Professional Conduct.

The following disciplinary action is currently pending against Arnold before an evidentiary panel of the District Grievance Committee. The professional misconduct with which Arnold is charged in the disciplinary action currently pending before an evidentiary panel is as follows:

B. Paul Liechty - Thomas B. Arnold, D0059709128

In or about April 1991, Jerry Clinard hired Arnold to represent him in a personal injury matter. On or about October 24, 1991, Arnold issued a letter of protection to Paul Liechty (hereinafter referred to as "Complainant"), a chiropractor who was treating Mr. Clinard. Arnold settled Mr. Clinard's personal injury matter and withheld funds from the settlement proceeds in order to pay Complainant. Complainant's total bill for treating Mr. Clinard was \$3,650.00. Arnold suffers from severe medical problems which resulted in numerous hospitalizations in 1997. Arnold alleged that his law partner negotiated a fifty percent reduction in medical fees with Complainant without Arnold's knowledge while he was recuperating. In or about late February 1997, Arnold sent Complainant a check for \$1,825.00, which was fifty percent of Mr. Clinard's entire medical bill. In or about April of 1997, unaware of the fee reduction negotiation, Arnold sent Complainant a second check for \$1,825.00, which would have been the remainder of the funds that Complainant was originally entitled to receive from Arnold. The second check failed to clear Arnold's trust account because the account had been closed. Between late April 1997 and late May 1997, Complainant attempted to contact Arnold regarding the second check, but Arnold refused to communicate with Complainant. As of the date of the investigatory hearing in this complaint, Arnold had not yet delivered the funds to Complainant, however, Arnold has now paid Complainant in full.

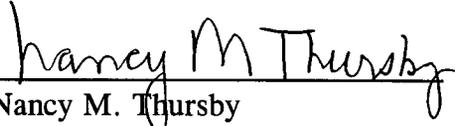
Arnold received notice of this complaint no later than June 9, 1997. The notice requested Arnold to respond to the complaint in writing within thirty (30) days of receipt. Arnold, however, failed to respond to the complaint in writing and failed to assert any grounds for his failure to respond.

Violation of Rules 1.14(a) and 8.04(a)(8) of the Texas Disciplinary Rules of Professional Conduct.

On or about July 23, 1998, Arnold was convicted of the crime of Tampering With a Witness in Cause No. F96-02819-RU, styled State of Texas vs. Thomas B. Arnold, in the 291st Criminal District Court of Dallas County, Texas, as a result of which Arnold was sentenced to two (2) years state jail time probated for five (5) years and 180 days in state jail as a condition of probation. On or about August 5, 1998, Arnold plead guilty to the crime of Misapplication of Fiduciary Property (\$20,000.00 - 100,000.00) in Cause No. F98-01775-U, styled State of Texas vs. Thomas B. Arnold, in the 291st Criminal District Court of Dallas County, Texas, as a result of which Arnold was sentenced to three (3) years probation. Tampering With a Witness and Misapplication of Fiduciary Property (\$20,000.00 - 100,000.00) are felony offenses and both constitute "intentional crimes" as the term is defined in Section 1.06(O) of the Texas Rules of Disciplinary Procedure. Pursuant to Sections 8.01, et. seq., of the Texas Rules of Disciplinary Procedure, Arnold is subject to compulsory discipline proceedings before the Board of Disciplinary Appeals. Further, pursuant to Section 8.05, an attorney shall be disbarred when the attorney accepts probation for an "intentional crime."

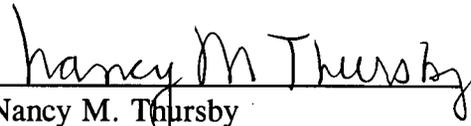
In view of Thomas B. Arnold's execution on or about December 17, 1998, of his resignation as an attorney and counselor at law, and in anticipation of the Court's acceptance of same, the Chief Disciplinary Counsel does not anticipate going forward with the pending proceedings before the investigatory panel, the evidentiary panel and the Board of Disciplinary Appeals and intends to dismiss the complaint and disciplinary actions upon entry of Order by the Supreme Court of Texas deleting Thomas B. Arnold from the list of persons licensed to practice

law in the State of Texas.

  
Nancy M. Thursby  
Assistant 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 Thomas B. Arnold, has on this 31<sup>st</sup> day of December, 1998, been mailed to Thomas B. Arnold at 15 Stonecourt, Dallas, Texas 75225, by certified mail, return receipt requested.

  
Nancy M. Thursby

# STATE BAR OF TEXAS



Office of the General Counsel

January 6, 1999

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

**Re: Resignation of Thomas B. Arnold, Bar Card No. 01345490**

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 Thomas B. Arnold, dated December 17, 1998;
- (2) Response of Chief Disciplinary Counsel to Motion for Acceptance of Resignation as Attorney and Counselor at Law of Thomas B. Arnold;
- (3) Original and one (1) copy of proposed Order for review and entry by the Court accepting the resignation of Thomas B. Arnold as Attorney and Counselor at Law;
- (4) Affidavit of Thomas B. Arnold stating that he is unable to located his law license or permanent State Bar Card No.

Upon entry of the Order by the Court, please transmit a true and correct copy of the same to Nancy Thursby, Assistant General Counsel, at the address listed below so that she may properly give notice to all parties of the Court's disposition of such motion.

Mr. John Adams, Clerk  
Supreme Court of Texas  
Resignation of Thomas B. Arnold  
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Sincerely,

A handwritten signature in black ink, appearing to read "Ann Andersson", with a long horizontal flourish extending to the right.

Ann Andersson  
Sr. Legal Assistant

cc: Ms. Nancy Thursby, Assistant General Counsel, Office of the General Counsel, STATE  
BAR OF TEXAS, Regency Plaza, 3710 Rawlins, Suite 800, Dallas, Texas 75219

Mr. Thomas B. Arnold, 15 Stonecourt, Dallas, Texas 75225, by CMRRR Z 746 077 180