

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 99- 9197

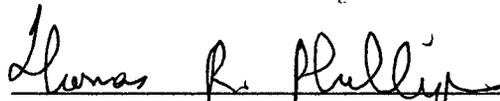
ORDER REVOKING PROBATIONARY LICENSE

ORDERED:

The probationary license issued to AMI M. FELTOVICH is revoked, pursuant to the recommendation contained in the attached order of the Board of Law Examiners.

This order shall be effective immediately.

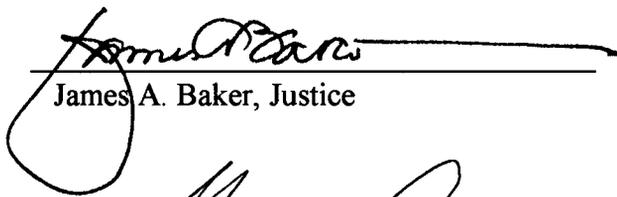
SIGNED on this 2nd day of November, 1999.

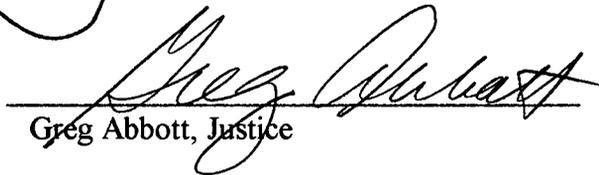

Thomas R. Phillips, Chief Justice

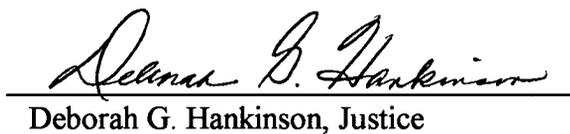

Nathan L. Hecht, Justice

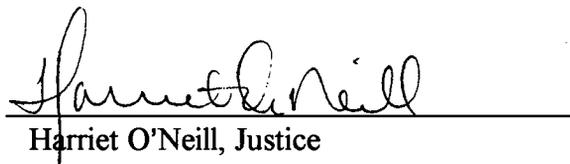

Craig T. Enoch, Justice

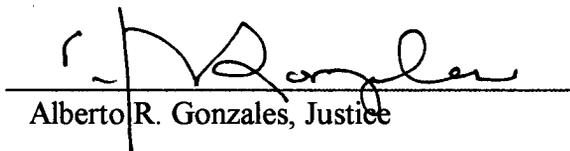

Priscilla R. Owen, Justice


James A. Baker, Justice


Greg Abbott, Justice


Deborah G. Hankinson, Justice


Harriet O'Neill, Justice


Alberto R. Gonzales, Justice

BOARD OF LAW EXAMINERS

IN THE MATTER OF

)

IN PUBLIC HEARING AT

AMI M. FELTOVICH

)

AUSTIN, TEXAS

ORDER

On July 8, 1999, a three member panel of the Board of Law Examiners ("Board"), with U. Lawrence Boze presiding, heard the matter of Ami M. Feltovich. The Board was represented by Bruce Wyatt, Staff Attorney. Ms. Feltovich was represented by George Parnham. The Board considered, among other things, whether Ms. Feltovich possesses the present good moral character and fitness required for admission to the practice of law in Texas.

I.

PROCEDURAL HISTORY

On December 10, 1998, the Board voted to conditionally approve Ms. Feltovich's character and fitness and to recommend her for a probationary license, subject to her compliance with specified conditions, pursuant to an agreed order. Although Ms. Feltovich has received her probationary license, she has failed to comply with the conditions of her agreed order with the Board.

On June 17, 1999, following an earlier continuance requested by Ms. Feltovich, the Board gave Ms. Feltovich 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. Feltovich has failed to comply with one or more of the conditions of her probationary license; 2) if so, whether the Board should recommend that her probationary license be revoked; and 3) if so, whether such failure indicates that Ms. Feltovich lacks the good moral character and/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, 82.030, and 82.038 as well as Rules I, 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, including amendments through December 21, 1998.

III.

FINDINGS OF FACT

After considering the evidence and testimony, the Board finds:

1. The Board, on or about June 17, 1999, gave Ms. Feltovich proper and timely notice, by certified mail return receipt requested and first class mail, of a July 8, 1999 hearing (B.E.8 at 1).
2. On or about December 8, 1998, Ms. Feltovich signed an agreed order, pursuant to which Board conditionally approved her character and fitness and recommended her for a probationary license, subject to her ongoing compliance with specified conditions (B.E.1 at 2-5).
3. Ms. Feltovich has failed to comply with condition 1 of her probationary license, which requires her to remain abstinent from the use of all alcohol and other mind-altering drugs, as evidenced by her use of marijuana, in January of 1999 (B.E.1 at 3 and B.E.5 at 1).
4. Ms. Feltovich has failed to comply with condition 10 of her probationary license, which requires her to commit no offense against the laws of this state, as evidenced by her use of marijuana, in January of 1999 (B.E.1 at 4 and B.E.5 at 1).
5. Ms. Feltovich has failed to comply with condition 15 of her probationary license, which requires her to engage in no contact evidencing a lack of good moral character or fitness, as evidenced by her use of marijuana, in January of 1999, especially given that she was on probation for DWI at the time (B.E.1 at 4, B.E.2 at 2-7, and B.E.5 at 1).
6. Ms. Feltovich has failed to comply with condition 15 of her probationary license, which requires her to report any breach of the conditions of her probationary license within fourteen days, as evidenced by her failure to report her use of marijuana in January of 1999, until March of 1999 (B.E.1 at 4 and B.E.5 at 1).
7. Ms. Feltovich has failed to comply with condition 19 of her probationary license, which required that she successfully complete her DWI probation, as evidenced by her use of marijuana in January of 1999, which resulted in the extension of her probation, from April of 1999 to October of 1999 (B.E.1 at 4 and B.E.5 at 1).
8. Ms. Feltovich's failures to comply with the conditions of her probationary license are indicative of a lack of trustworthiness in carrying out responsibilities.

9. Ms. Feltovich's agreed order provides that her 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. Feltovich's lack of trustworthiness in carrying out responsibilities, as evidenced by her failures to comply with the conditions of her probationary license, as found herein, and the likelihood that she would injure a client, obstruct the administration of justice, or violate the Texas Disciplinary Rules of Professional Conduct if she were continued to be licensed to practice law at this time.
2. Ms. Feltovich's 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. Feltovich has failed to comply with one or more of the conditions of her probationary license, that the Board recommend to the Supreme Court of Texas that her probationary license be revoked due to such failure, and that such failure indicates that Ms. Feltovich lacks the present good moral character required for admission.

IT IS FURTHER ORDERED that Ms. Feltovich 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, and that any such petition for redetermination shall be accompanied by the supplemental investigation forms then in effect and all appropriate fees.

IT IS FURTHER ORDERED that Ms. Feltovich's passing score on the bar examination shall be considered valid until July 31, 2001.

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

V.

CURATIVE MEASURES

1. Ms. Feltovich shall commit no offense against the laws of this state, any other state, or the United States.
2. Ms. Feltovich shall work faithfully at suitable employment as far as possible.
3. Ms. Feltovich 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. Feltovich shall not engage in any conduct that evidences a lack of good moral character or fitness.
5. Ms. Feltovich shall remain abstinent from the use of alcohol and other mind-altering drugs, except when such drugs are prescribed by a treating physician and taken in accordance with such prescription.
6. Ms. Feltovich shall complete her present DWI probation, on time, without violating its terms.
7. Ms. Feltovich shall become involved in positive activities to demonstrate her rehabilitation from the Board's findings. Such activities may include involvement in religious, civic, or community affairs.

IT IS FURTHER ORDERED that in the event Ms. Feltovich submits a petition for redetermination and supplemental investigation form, the burden of proof shall be on her to present evidence, at a hearing before the Board, addressing not only any character and/or fitness issues covered in this Order, but also any additional issues which arise out of the investigation of her petition for redetermination and supporting documents.

SIGNED this 23rd day of July, 1999.


U. Lawrence Boze, Presiding Chair