

IN THE
SUPREME COURT OF TEXAS
IN THE MATTER OF
R. KEITH MADOLE

MISC. DOCKET NO. 97- 9154

ORDER

On this day, the Court considered the Motion for Acceptance of Resignation as Attorney and Counselor at Law of R. Keith Madole, together with the Response of Chief Disciplinary Counsel to Motion for Acceptance of Resignation as Attorney and Counselor at Law of R. Keith Madole. 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 considered the detailed statement of professional misconduct contained within the Response of Chief Disciplinary Counsel to be deemed conclusively established for all purposes. 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 R. Keith Madole, of Brownwood, Texas, State Bar Card Number 12801900, 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.

The Court acknowledges the affidavit of R. Keith Madole, dated August 20, 1997, regarding his inability to locate and return his Texas law license and State Bar Card.

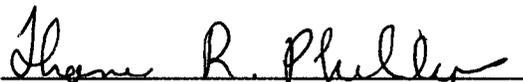
IT IS FURTHER ORDERED that Keith R. Madole, be and he is hereby, permanently enjoined and prohibited from practicing law in the State of Texas, holding himself out as an

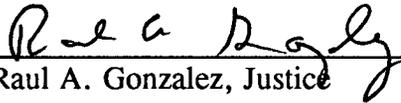
attorney at law, performing any legal services for others, giving legal advice to others, accepting any fee directly or indirectly for legal services, appearing as counsel or in any representative capacity in any proceeding in any Texas court or before any Texas administrative body (whether state, county, 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 R. Keith Madole, 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 Texas court in which R. Keith Madole, may have any client matter pending, advising each court of his resignation, of the style and cause number of any matter pending in that court, and of the name, address and telephone number of the client(s) he is representing in that court. R. Keith Madole, is ORDERED to send copies of all such notifications to the Office of the General Counsel, State Bar of Texas, P. O. Box 12487, Capitol Station, Austin, Texas 78711.

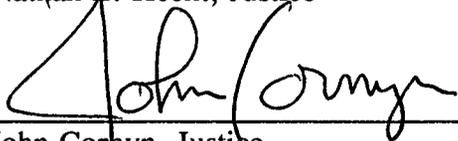
IT IS FURTHER ORDERED that R. Keith Madole shall make restitution of \$1,250.00 (one thousand two hundred and fifty dollars and no/100) to his former client, Irwin N. Boe (the Complainant in File No. F1099501866). Payment of restitution shall constitute an absolute condition precedent to reinstatement to the practice of law.

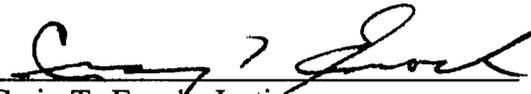
By the Court, en banc, in chambers, on this the 22nd day of September, 1997.


Thomas R. Phillips, Chief Justice


Raul A. Gonzalez, Justice


Nathan L. Hecht, Justice

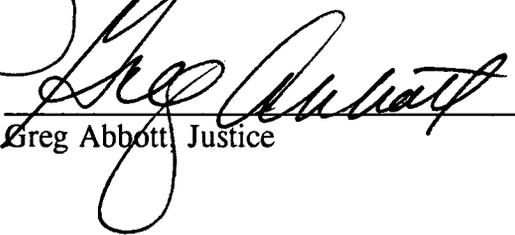

John Cornyn, Justice


Craig T. Enoch, Justice


Rose Spector, Justice


Priscilla R. Owen, Justice


James A. Baker, Justice


Greg Abbott, Justice

IN THE SUPREME COURT OF TEXAS
RESPONSE OF THE CHIEF DISCIPLINARY COUNSEL
OF THE
STATE BAR OF TEXAS
REGARDING
R. KEITH MADOLE

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 R. Keith Madole, dated on August 20, 1997. The acceptance of the resignation of R. Keith Madole, is in the best interests of the public and the profession.

The professional misconduct with which R. Keith Madole (hereafter called "Madole"), is charged is as follows:

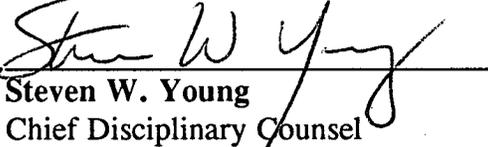
In File No. F1099501866, Madole was hired to represent a client in a Deceptive Trade Practices lawsuit in June 1993. Respondent settled the case for \$1,250.00 (One thousand two hundred fifty and no/100), but failed to retain the funds in a trust account. Respondent failed to pay the funds to his client, and in May 1994 wrote the client a check that was returned for insufficient funds.

Madole was notified of the complaint, but failed to file any response as required by the Texas Rules of Disciplinary Procedure.

The foregoing facts support violation of Rules 1.14(a), 1.14(b) and 8.04(a)(8) of the Texas

In view of R. Keith Madole's execution on or about August 20, 1997, of his resignation in lieu of discipline 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 a disciplinary case.

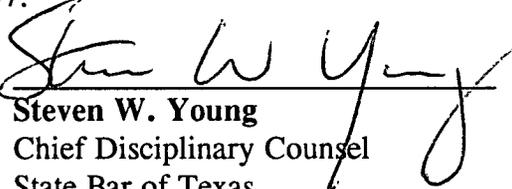
WHEREFORE, the State Bar of Texas moves the Court to accept the resignation in lieu of discipline and grant the motion filed by R. Keith Madole.



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 R. Keith Madole, has been served upon R. Keith Madole, P.O. Box 3531 by delivery of a true and correct copy to him by certified mail, return receipt requested, and by regular mail on the 8TH day of September, 1997.



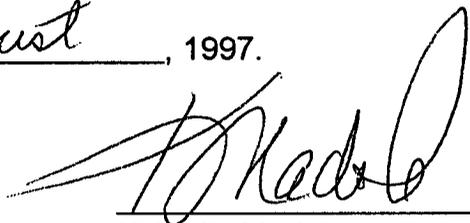
Steven W. Young
Chief Disciplinary Counsel
State Bar of Texas

AFFIDAVIT

"I, Keith R. Madole am unable to locate my Bar Card, Law License and certificate issued to me by the Supreme Court of Texas. I have searched and not found these documents, and understand that if they are discovered, I will promptly return them to the Court."

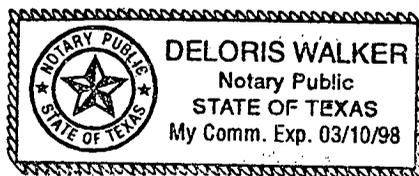
"I understand these items are the property of the Supreme Court of Texas."

Signed this 20 day of August, 1997.

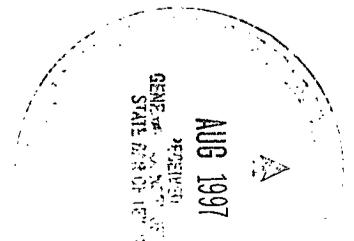


Keith R. Madole

SUBSCRIBED AND SWORN to before me by the said Keith R. Madole this 20 day of August, 1997.



Deloris Walker
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS



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

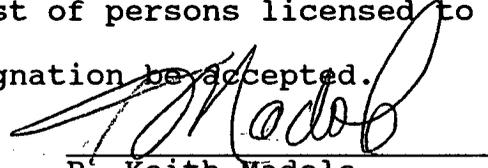
OF

R. KEITH MADOLE

NOW COMES your Applicant, R. Keith Madole, 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, R. Keith Madole, as an Attorney and Counselor at Law. 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 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.



R. Keith Madole
12801900

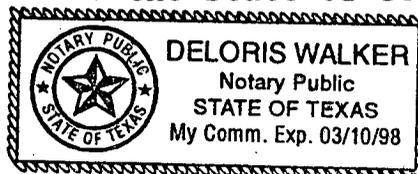
SUBSCRIBED AND SWORN to before me by the said R. Keith Madole this the 20 day of August, 1997.



NOTARY PUBLIC in and for
the State of Texas

R. Keith Madole
P. O. Box 3531
Brownswood, Texas 76802

CF6-17.PRI



STATE BAR OF TEXAS



Office of the General Counsel

INTEROFFICE MAIL

September 8, 1997

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

Re: F1099501866 Irwin Nordahl Boe - R. Keith Madole

Dear Mr. Adams:

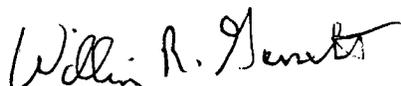
Pursuant to Part X of the Texas Rules of Disciplinary Procedure, please find enclosed herewith the following:

- (1) Original executed Motion for Acceptance of Resignation as Attorney and Counselor at Law for the above referenced attorney;
- (2) Original and two (2) copies of the Response of the Chief Disciplinary Counsel to Motion for Acceptance of Resignation as Attorney and Counselor at Law for the above referenced attorney; and
- (3) Permanent State Bar Card and law license (or affidavit stating whereabouts of either item) for the above referenced attorney.
- (4) Original Order of Resignation for the Court's signature.

Pursuant to Rule 10.02 of the Texas Rules of Disciplinary Procedure, the required ten (10) day time frame has passed and the above-referenced attorney has made no attempt to withdraw the Motion for Acceptance of Resignation. Therefore, the detailed statement of professional misconduct is deemed to have been conclusively established for all purposes.

I will appreciate your bringing this to the Court's attention. Please return a fully executed copy of the Order to our office at your earliest convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "William R. Garrett". The signature is written in a cursive style with a prominent initial "W".

William R. Garrett
Assistant General Counsel
Office of the Chief Disciplinary Counsel
State Bar of Texas

Enclosure

CF3-24RA.PRI
F1099501866