

ORDER OF THE SUPREME COURT OF TEXAS

MISC. DOCKET NO. 11- 9076

IN THE MATTER OF MICHAEL FONTAINE WESTBROOK, II

The Court has reviewed the Motion for Acceptance of Resignation as Attorney and Counselor at Law in Lieu of Disciplinary Action of Michael Fontaine Westbrook, II (Motion) and the Response of the Chief Disciplinary Counsel on behalf of the Commission for Lawyer Discipline. The Court concludes that each meets the requirements of Part X of the TEXAS RULES OF DISCIPLINARY PROCEDURE. In the absence of a request by Michael Fontaine Westbrook, II to withdraw his motion, the Court deems the professional misconduct detailed in the Response of the Chief Disciplinary Counsel conclusively established for all purposes. The Court further concludes that acceptance of Michael Fontaine Westbrook, II's resignation is in the best interest of the public and the profession.

Therefore, the law license of Michael Fontaine Westbrook, II of Colorado Springs, Colorado, State Bar Card Number 24037696, is cancelled. The Court notes that Mr. Westbrook has provided an affidavit stating that he cannot locate his Texas law license or his Texas bar card. Mr. Westbrook shall immediately surrender his Texas law license and Texas bar card to the Clerk of this Court should he locate them in the future.

Michael Fontaine Westbrook, II is prohibited from practicing law in the State of Texas. He is precluded from 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 terms “Attorney at Law,” “Counselor at Law,” “Lawyer,” or “Attorney.”

Mr. Westbrook shall immediately notify in writing each of his current clients of this resignation. He shall also return any files, papers, unearned monies, and other property in his possession and belonging to any client or former client to the respective client or former client or to another attorney at the client’s or former client’s request. Mr. Westbrook shall file with the Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Austin, Texas 78711-2487 (1414 Colorado Street, Austin, Texas 78701), within thirty (30) days of the date of this Order, an affidavit stating that all current clients have been notified of his resignation and that all files, papers, unearned monies, and other property belonging to all clients and former clients have been returned.

Additionally, Mr. Westbrook shall, within thirty (30) days of the date of this Order, notify in writing each justice of the peace, judge, magistrate, and chief justice of each 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 that court. Mr. Westbrook shall file with the Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Austin, Texas 78711-2487 (1414 Colorado Street, Austin, Texas 78701), within thirty (30) days of the date of this Order, an affidavit stating that he has notified in writing each justice of the peace, judge, magistrate, and chief justice of each 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 that court.

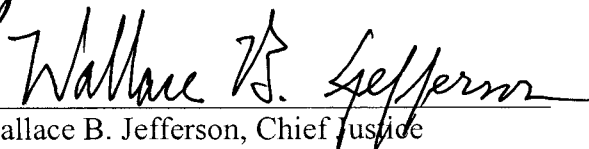
CONDITIONS FOR REINSTATEMENT


As absolute conditions precedent for the reinstatement of Michael Fontaine Westbrook, II, he shall pay \$7,200.00 in restitution to Brandon Green; \$2,000.00 in restitution to Derek Sonnier; \$4,000.00 in restitution to Alfred L. Mass; \$8,000.00 in restitution to Gerald B. West; and \$2,800.00 in restitution to Allen King; and \$637.00 in attorneys' fees and expenses to the State Bar of Texas. The attorneys' fees and expenses are to reimburse the Commission for Lawyer Discipline for fees and expenses incurred in the matters made the basis of Mr. Westbrook's resignation. Mr. Westbrook shall also pay post-judgment interest on the amount assessed as attorneys' fees, at a rate calculated pursuant to § 304.003 of the Texas Finance Code, from the date indicated below to date of final payment.

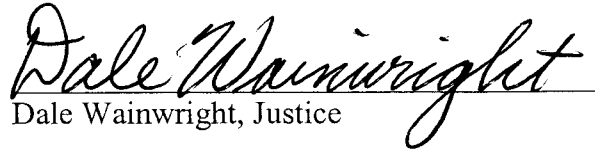
Mr. Westbrook's payments of restitution should be made by certified or cashier's check or money order, payable to Brandon Green, Derek Sonnier, Alfred L. Mass, Gerald B. West, and Allen King, and delivered to the Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Austin, Texas 78711-2487 (1414 Colorado Street, Austin, Texas 78701).

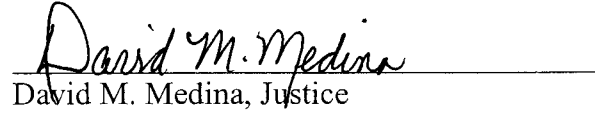
Mr. Westbrook's payment of attorneys' fees, expenses, and post-judgment interest should be made by certified or cashier's check or money order, payable to the State Bar of Texas, and delivered to the Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Austin, Texas 78711-2487 (1414 Colorado Street, Austin, Texas 78701).

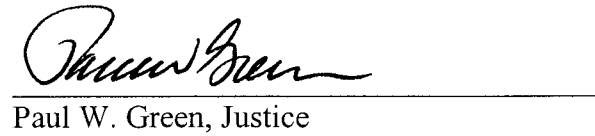
IT IS ORDERED this 9 day of May, 2011.

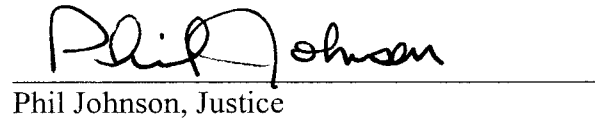

Wallace B. Jefferson, Chief Justice

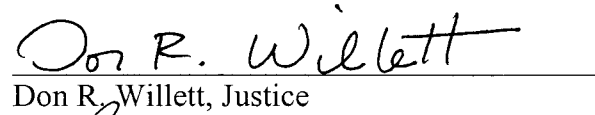

Nathan L. Hecht, Justice

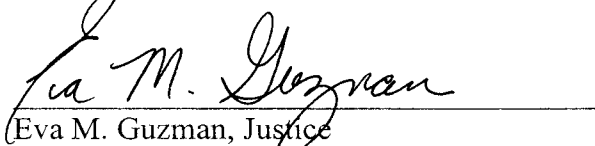

Dale Wainwright, Justice

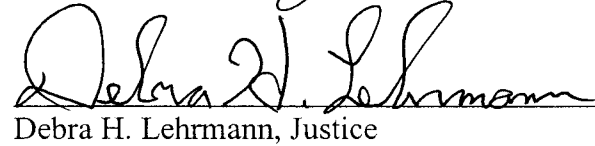

David M. Medina, Justice


Paul W. Green, Justice


Phil Johnson, Justice


Don R. Willett, Justice


Eva M. Guzman, Justice


Debra H. Lehrmann, Justice