

IN THE  
SUPREME COURT OF TEXAS  
IN THE MATTER OF  
JOHN MARVIN ROBINSON

Misc. Docket No. 93- 0068

ORDER

On this day, the Court considered the Motion for Acceptance of Resignation as Attorney and Counselor at Law of John Marvin Robinson, together with the Response of the Chief Disciplinary Counsel of the State Bar of Texas regarding John Marvin Robinson. The Court has reviewed said Motion and Response and finds each to meet 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, 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 John Marvin Robinson, of Houston, Texas, State Bar Card No. 17097000, heretofore issued by this Court, be cancelled and his name be dropped and deleted from the list of persons licensed to practice law in Texas.

IT IS FURTHER ORDERED that John Marvin Robinson immediately surrender his Texas law license and his State Bar Card 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.

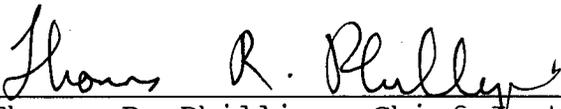
IT IS FURTHER ORDERED that John Marvin Robinson be, and he is hereby permanently prohibited, effective immediately, from practicing law in Texas, holding himself out as an attorney at law, performing any legal services for others, accepting any fee directly or indirectly for legal services, appearing 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," "attorney at law," "counselor at law," or "lawyer."

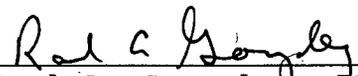
IT IS FURTHER ORDERED that Respondent, shall, within thirty (30) days after the date on which this Order is signed by the Court, notify in writing each and every justice of the peace judge, magistrate, and chief justice of each and every Texas court in which the Respondent may have any client matter pending, advising each court of his resignation in lieu of discipline, of the style and cause number of the pending matter(s), and the name, address and telephone number of the client(s) Respondent is representing in that court. Respondent is also ORDERED to mail copies of all such notifications to the Office of the General Counsel, State Bar of Texas, P.O. Box 12487, Austin, Texas 78711.

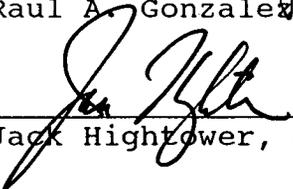
It is further ORDERED that the Respondent, John Marvin Robinson, notify each of his current clients, in writing, of his resignation in lieu of discipline. In addition to such notification, the Respondent is ORDERED to return all files, papers, unearned fees paid in advance, and all other monies and other properties which are in his possession but which belong to

current or former clients, to those respective clients or former clients within thirty (30) days after the date on which this Order is signed by the Court. Respondent is further ORDERED to file with the Office of the General Counsel, State Bar of Texas, P.O. Box 12487, Austin, Texas 78711, within the same thirty (30) days, an affidavit stating that all current clients have been notified of his resignation in lieu of discipline, and that all files, papers, unearned fees paid in advance, and all other monies and properties belonging to clients and former clients have been returned as ordered herein. If Respondent should be unable to return any file, papers, money or other property to any client or former client, Respondent's affidavit shall state with particularity the efforts made by Respondent with respect to each particular client and the cause of his inability to return said client any file, papers, money or other property. Respondent is also ORDERED to mail a copy copies of all notification letters to clients, in addition to said affidavits, to the Office of the General Counsel, State Bar of Texas, P.O. Box 12487, Austin, Texas 78711.

By the Court, en banc, in chambers, on this 29th day of March, 1993.

  
Thomas R. Phillips, Chief Justice

  
Raul A. Gonzalez, Justice

  
Jack Hightower, Justice

*Nathan L. Hecht*

Nathan L. Hecht, Justice

*Lloyd Doggett*

Lloyd Doggett, Justice

*John Cornyn*

John Cornyn, Justice

*Bob Gammage*

Bob Gammage, Justice

*Craig Enoch*

Craig Enoch, Justice

*Rose Spector*

Rose Spector, Justice

# STATE BAR OF TEXAS



Office of the General Counsel

March 3, 1993

John Adams, Clerk  
Supreme Court of Texas  
Price Daniel, Sr. Bldg.  
P.O. Box 12248  
Austin, Texas 78711

Re: Resignation of John Marvin Robinson, Bar Card No. 17097000

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 John Marvin Robinson dated February 18, 1993, and received by the Office of General Counsel/Chief Disciplinary Counsel on February 22, 1993.
2. Response of Chief Disciplinary Counsel to Motion for Acceptance of Resignation as Attorney and Counselor at Law of John Marvin Robinson, which is being filed within twenty (20) days of service upon Chief Disciplinary Counsel of Motion for Acceptance of Resignation; and
3. Original and one (1) copy of proposed Order for review and entry by the Court accepting the resignation of John Marvin Robinson as Attorney and Counselor at Law.

If no motion to withdraw the Motion for Acceptance has been filed by or on behalf of John Marvin Robinson with the Court by March 14, 1993, please present the enclosed Order to the Court for review and entry.

Upon entry of the Order by the Court, please transmit a true and correct copy of same to the undersigned in order that this office may properly give notice to John Marvin Robinson, the District 4A Grievance Committee, the Commission for Lawyer Discipline, and the complainants of the Court's disposition of such motion.

Sincerely,

A handwritten signature in cursive script that reads "Mary F. Klapperich".

Mary F. Klapperich  
Assistant General Counsel

MFK/db

Enclosures

cc: Dan G. Hoffman, 1100 Louisiana, Houston, Texas 77002

P.O. BOX 12487, CAPITOL STATION, AUSTIN, TEXAS 78711, (512) 463-1381

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

OF

**JOHN MARVIN ROBINSON**

TO THE HONORABLE SUPREME COURT OF TEXAS:

Movant, JOHN MARVIN ROBINSON, moves the Court to accept his resignation as an Attorney and Counselor at Law, showing the Court:

I.

Movant hereby resigns as an Attorney and Counselor at Law.

II.

Movant certifies that disciplinary actions are presently pending against him in the 281st Judicial District Court of Harris County, Texas under cause number 91-10826.

III.

Movant attaches hereto and hereby surrenders his License and permanent State Bar Card issued by the Court on May 10, 1949.

IV.

Movant's State Bar Card number is 17097000. Movant's current address is 910 Travis Building, Suite 2330, Houston, Texas 77002.

Movant prays that the Court accept his resignation as an Attorney and Counselor at Law and drop his name from the list of persons licensed to practice law in the State of Texas.

Respectfully submitted,

*Feb 18, 1993*  
Date

*John Marvin Robinson*  
JOHN MARVIN ROBINSON

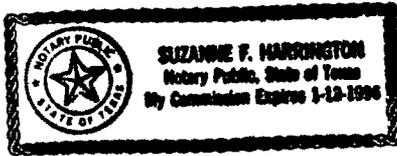
ACKNOWLEDGEMENT

STATE OF TEXAS     )  
                                  )  
COUNTY OF HARRIS    )

BEFORE ME, the undersigned authority, on this day personally appeared JOHN MARVIN ROBINSON, known to me to be the person whose name is subscribed to the foregoing Motion, and acknowledged to me that he executed the same for the purposes therein expressed and that all facts stated are within his personal knowledge and are true and correct.

GIVEN UNDER my hand and seal of office on this 18 day of February, 1993.

Suzanne F. Harrington  
NOTARY PUBLIC - STATE OF TEXAS  
Printed Name: SUZANNE F. HARRINGTON  
My Commission Expires: 1-13-96



Robsn. Res

IN THE SUPREME COURT OF TEXAS

RESPONSE OF THE CHIEF DISCIPLINARY COUNSEL  
OF THE  
STATE BAR OF TEXAS  
REGARDING  
JOHN MARVIN ROBINSON

TO THE HONORABLE SUPREME COURT OF TEXAS:

I, James M. McCormack, 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 John Marvin Robinson executed on February 18, 1993. The acceptance of the resignation of John Marvin Robinson is in the best interest of the public and the profession. There is currently pending a disciplinary action against John Marvin Robinson numbered 91-10826 styled The State Bar of Texas v. John Marvin Robinson, in the 281st Judicial District Court of Harris County, Texas.

The professional misconduct with which John Marvin Robinson is charged is as follows:

I.

WILSON/BRETTING COMPLAINT

In January of 1980, Respondent was named as the trustee, agent, and attorney-in-fact in a Deed of Trust after the sale of property jointly owned by Respondent, Respondent's sister, and Respondent's brother had been completed. Respondent's sister, Dorothy Wilson (deceased in November 1989), and brother, Robert C. Robinson, were grantees under the Deed of Trust and specifically

designated as "Payees" in the promissory note that was executed in conjunction with the sale.

Respondent was expressly obligated under the terms of the Deed of Trust to perform certain fiduciary functions as the agent and attorney-in-fact, including the receipt and distribution of principal and interest payments from the sale and furnishing a copy of the computations of the amounts received and distributed to his brother and sister as grantees.

Respondent was asked by his sister and additionally agreed to be responsible for filing the appropriate tax returns and paying any federal taxes due to the receipt of income from this sales transaction out of her share of the proceeds. Respondent failed to properly report taxes owed to the Internal Revenue Service, hereafter the IRS, and failed to pay taxes to the IRS on his sister's behalf. Respondent also failed to respond to repeated inquiries from the IRS. As a result, in April of 1985, the IRS attached approximately \$11,000.00 from Respondent's sister's bank accounts.

Respondent deposited proceeds he received from the sales transaction into a personal checking account, #415-935 at the Guardian Bank in Houston, Texas, instead of maintaining a separate trust account. Portions of the proceeds were disbursed to Respondent's brother and sister out of this same account. By not maintaining a separate trust account for this transaction, Respondent commingled personal funds with money that should have been maintained in a separate law firm trust account. In addition, over a period of several years, Respondent failed to properly

disburse nearly \$200,000.00 to his sister as required under the Deed of Trust. Respondent further failed to render appropriate accountings to his sister following numerous requests made by family members on her behalf.

By his conduct as alleged in this Paragraph I, Respondent violated the following Disciplinary Rules of the Texas Code of Professional Responsibility, in force and effect at the time of Respondent's conduct: DR 1-102(A)(1) [violate a disciplinary rule]; DR 1-102(A)(3) [engage in illegal conduct involving moral turpitude]; DR 1-102(A)(4) [engage in conduct involving dishonesty, fraud, deceit, or misrepresentation]; DR 1-102(A)(6) [engage in other conduct that adversely reflects on his fitness to practice law]; DR 6-101(A)(3) [willfully or intentionally neglect a legal matter entrusted to him]; DR 7-101(A)(3) [intentionally prejudice or damage his client during the course of the professional relationship]; DR 7-102(A)(8) [shall not knowingly engage in other illegal conduct]; DR 9-102(A) [preserving identity of funds and property of client]; and DR 9-102(B)(3) [maintain complete records and render appropriate accounts to his client regarding them].

## II.

### DAVID COMPLAINT

Henry Jacob David died June 27, 1986. An order admitting his Will to probate and appointing Respondent as Independent Executor of the estate was entered on July 15, 1986, in Cause No. 208,121; styled In Re: Estate of Henry Jacob David, Deceased; in the Probate Court No. 1 of Harris County, Texas. For the five (5) years that Respondent was the Independent Executor of the Estate, he failed to

inform the Estate's beneficiaries of the status of the Estate, the transactions he undertook as Independent Executor, the extent of the Estate's assets and the disposition thereof, although requested in writing to do so.

On or about February 27, 1991, beneficiaries Elodie Day, Corinne Moreland, Renee May, Lucille Hensley and Lorraine Fourrier requested the law firm of Butler and Binion to seek an accounting of the Estate on their behalf. Respondent failed to provide the requested accounting. The beneficiaries subsequently petitioned the Probate Court No. 1 of Harris County, Texas for an accounting and pursuant thereto the Court entered an Order dated April 4, 1991, that Respondent file an accounting of the Estate by May 15, 1991. Respondent wholly failed to file such accounting, and on July 22, 1991, the Probate Court No. 1 entered an Order confirming Respondent's resignation as Independent Executor of the Estate and directing Respondent to deliver all records and assets of the Estate to Thomas Hensley, Jr., Successor Independent Executor of the Estate, by August 1, 1991. The Probate Court No. 1 of Harris County, Texas further ordered Respondent to file an accounting of the Estate as ordered on April 4, 1991, and to furnish copies of such accounting to Thomas Hensley, Jr. on or before August 1, 1991. Though ordered to do so several times by the Probate Court No. 1 of Harris County, Texas, Respondent has failed to account to the beneficiaries of the Estate or to file an accounting with the Court.

The records of the Estate as turned over to the Successor Independent Executor by Respondent indicate missing funds in money

market checking account number 4003-5230 at Allied Bank of Texas (now First Interstate Bank of Texas, N.A., Houston, Texas) which had a balance on June 4, 1987, of \$44,444.10. The records further indicate the loss of property to the Estate including, but not limited to:

1. loss of a 1985 Mercury automobile resulting from theft. Respondent failed to file a claim with the insurance company, resulting in a loss in excess of \$7,000.00.
2. loan of \$92,000.00 in Estate funds without security and without the right to accelerate to three individuals, namely Jack Stiles, Harold Chamberlain, and William Wagner, all of whom are relatives and/or business associates of Respondent. The notes executed by Jack Stiles are in default. Chamberlain and Wagner refuse to acknowledge their debt to the Estate.
3. loss of Decedent's extensive gun collection, which disappeared after the Decedent's death, causing loss to the Estate and to the beneficiaries.

Respondent's conduct as alleged in Paragraph II, constitutes a violation of the following Disciplinary Rules of the Texas Code of Professional Responsibility, in force and effect from the time Respondent was named Independent Executor through December 31, 1989: DR 1-102(A)(1) [violate a disciplinary rule]; DR 1-102(A)(3) [engage in illegal conduct involving moral turpitude]; DR 1-102(A)(4) [engage in conduct involving dishonesty, fraud, deceit, or misrepresentation]; DR 1-102(A)(5) [engage in conduct that is prejudicial to the administration of justice]; DR 1-102(A)(6) [engage in other conduct that adversely reflects on his fitness to practice law]; DR 6-101(A)(3) [willfully or intentionally neglect a legal matter entrusted to him]; DR 7-101(A)(3) [intentionally prejudice or damage his client during the course of the

professional relationship]; DR 7-101(A)(8) [shall not knowingly engage in other illegal conduct]; DR 9-102(A) [preserving identity of funds and property of client]; and DR 9-102(B)(3) [maintain complete records and render appropriate accounts to his client regarding them].

The conduct of Respondent as hereinabove alleged in Paragraph II constitutes a violation of the following Texas Disciplinary Rules of Professional Conduct, in force and effect beginning January 1, 1990: 1.01(b)(1) [neglect a legal matter entrusted to him]; 1.101(b)(2) [frequently fail to carry out completely the obligations that the lawyer owes to a client or clients]; 1.03(a) [keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information]; 1.03(b) [explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation]; 1.14(a) [a lawyer shall hold funds and other property belonging in whole or in part to clients or to third persons that are in a lawyer's possession in connection with a representation separate from the lawyer's own property . . . Other client property shall be identified as such and appropriately safeguarded. Complete records of such account funds and other property shall be kept by the lawyer and shall be preserved for a period of five years after termination of the representation]; 1.14(b) [upon receiving funds or other property in which a client or third person has an interest, a lawyer shall promptly notify the client or third person . . . a lawyer shall promptly deliver to the client or third person any funds or other property that the client or third person is

entitled to receive and, upon request by the client or third person, shall promptly render a full accounting regarding such property]; 3.04(d) [knowingly disobey, or advise the client to disobey, an obligation under the standing rules of or a ruling by a tribunal]; 8.04(a)(1) violate these rules]; and 8.04(a)(3) [engage in conduct involving dishonesty, fraud, deceit, or misrepresentation]. The conduct of the Respondent as alleged in Paragraph IV also constitutes a violation of Article X, Section 7 of the State Bar Rules.

### III.

#### STATE BAR COMPLAINT/MORELAND

On or about February 12, 1990, Respondent received from the State Bar of Texas a written request that he furnish information to the Grievance Committee about the complaint filed against him by Corinne Moreland. Respondent failed to timely provide such information and failed to assert grounds for his failure to do so.

Respondent was sent a second request that he furnish information on April 5, 1990, which was received on April 6, 1990. Respondent did not respond to either request and failed to assert grounds for his failure to do so. As a result, Respondent violated Article X, §7(4) of the State Bar Rules.

### IV.

#### STATE BAR COMPLAINT/HENSLEY

On or about February 12, 1990, Respondent received from the State Bar of Texas a written request that he furnish information to the Grievance Committee about the complaint filed against him by Lucille Hensley. Respondent failed to timely provide such

information and failed to assert grounds for his failure to do so.

Respondent was sent a second request that he furnish information on April 5, 1990, which was received on April 6, 1990. Respondent did not respond to either request and failed to assert grounds for his failure to do so. As a result, Respondent violated Article X, §7(4) of the State Bar Rules.

V.

STATE BAR COMPLAINT/FOURRIER

On or about February 12, 1990, Respondent received from the State Bar of Texas a written request that he furnish information to the Grievance Committee about the complaint filed against him by Lorraine Fourrier. Respondent failed to timely provide such information and failed to assert grounds for his failure to do so.

Respondent was sent a second request that he furnish information on March 9, 1990, which was received on March 16, 1990. Respondent did not respond to either request and failed to assert grounds for his failure to do so. As a result, Respondent violated Article X, §7(4) of the State Bar Rules.

VI.

STATE BAR COMPLAINT/MAY

On or about February 23, 1990, Respondent received from the State Bar of Texas a written request that he furnish information to the Grievance Committee about the complaint filed against him by Renee May. Respondent failed to timely provide such information and failed to assert grounds for his failure to do so.

Respondent was sent a second request that he furnish information on April 5, 1990, which was received on April 6, 1990.

Respondent did not respond to either request and failed to assert grounds for his failure to do so. As a result, Respondent violated Article X, §7(4) of the State Bar Rules.

VII.

STATE BAR COMPLAINT/DAY

On or about February 12, 1990, Respondent received from the State Bar of Texas a written request that he furnish information to the Grievance Committee about the complaint filed against him by Elodie Day. Respondent failed to timely provide such information and failed to assert grounds for his failure to do so.

Respondent was sent a second request that he furnish information on March 9, 1990, which was received on March 16, 1990. Respondent did not respond to either request and failed to assert grounds for his failure to do so. As a result, Respondent violated Article X, §7(4) of the State Bar Rules.

VIII.

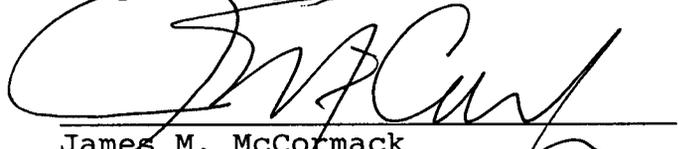
STATE BAR COMPLAINT/DAVID

On or about July 27, 1990, Respondent received from the State Bar of Texas a written request that he furnish information to the Grievance Committee about the complaint filed against him by Dianne David. Respondent failed to timely provide such information and failed to assert grounds for his failure to do so.

Respondent was sent a second request that he furnish information on August 21, 1990, which was received on August 22, 1990. Respondent did not respond to either request and failed to assert grounds for his failure to do so. As a result, Respondent violated Article X, §7(4) of the State Bar Rules.

In view of the execution of John Marvin Robinson's resignation on February 18, 1993, 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 disciplinary lawsuit, and intends to obtain a Non-Suit in said disciplinary lawsuit upon entry of an Order by the Supreme Court of Texas deleting John Marvin Robinson from the list of persons licensed to practice law in the State of Texas.

Respectfully submitted,



James M. McCormack  
Chief Disciplinary Counsel  
State Bar of Texas

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing Response of the Chief Disciplinary Counsel of the State Bar of Texas regarding John Marvin Robinson has been served on John Marvin Robinson, 910 Travis Building, Suite 1203, Houston, Texas 77002, by certified mail, return receipt requested, by depositing same, enclosed in a postpaid, properly addressed wrapper in an official depository under the care and custody of the United States Postal Service on the 3rd day of March, 1993.



James M. McCormack