

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 94-9004

ORDER OF THE SUPREME COURT OF TEXAS

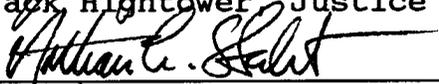
IT IS ORDERED that the temporary license issued to James S. Easton be revoked immediately, pursuant to the recommendation of the Board of Law Examiners, which is set forth in the attached Order of the Board.

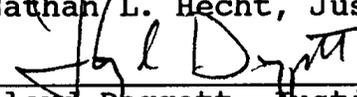
SIGNED this 19th day of <sup>March/April</sup>~~February~~, 1994.

  
Thomas R. Phillips, Chief Justice

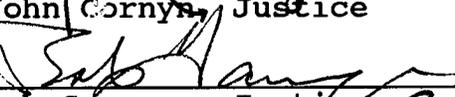
  
Raul A. Gonzalez, Justice

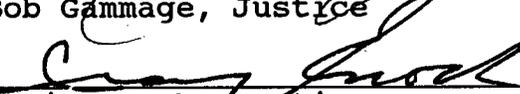
  
Jack Hightower, Justice

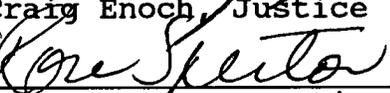
  
Nathan L. Hecht, Justice

  
Lloyd Doggett, Justice

  
John Cornyn, Justice

  
Bob Gammage, Justice

  
Craig Enoch, Justice

  
Rose Spector, Justice

BOARD OF LAW EXAMINERS

IN THE MATTER OF ) ( IN PUBLIC HEARING AT  
JAMES S. EASTON ) ( AUSTIN, TEXAS

ORDER

On November 5, 1993, came on to be heard before the Board of Law Examiners (hereinafter "Board"), with Warlick Carr, Chair, presiding, the matter of James S. Easton, wherein the Board was represented by Bruce Wyatt, Staff Attorney, and Mr. Easton appeared pro se.

Mr. Easton previously appeared in a hearing before the Board on June 26, 1991, after which the Board voted to approve conditionally his present good moral character and fitness and to recommend him for a temporary license for a two year term, upon his passing the bar examination. Mr. Easton subsequently passed the bar examination and was granted a two-year temporary license in November of 1991. The conditions of the temporary license required, among other things, that Mr. Easton abstain from the use of alcohol, make a good faith effort to identify and pay his past due debts, continue to advise the Board of any circumstances occurring after the hearing which would affect the temporary license, and furnish information satisfactory to the Board, between 60 and 30 days prior to the expiration of the temporary license, that he had complied with its conditions.

On or about September 27, 1993, Mr. Easton filed his Application for Permanent License and indicated that he had met all conditions established by the Board for retention of his temporary

license. He disclosed for the first time, however, that he owed back taxes from 1990, 1991, and 1992. When asked to explain how he could have met all conditions established by the Board for retention of his temporary license when he had not previously revealed his tax debts in apparent violation of his temporary license agreement, Mr. Easton failed to respond. The Board sent him proper and timely notice of the November 5, 1993 hearing, by certified mail, return receipt requested, on October 6, 1993. The notice letter stated that the issues to be considered at the hearing were: 1) whether the Board should recommend to the Supreme Court of Texas that Mr. Easton's temporary license be revoked due to his failure to abide by one or more of its conditions; and 2) whether Mr. Easton has successfully completed treatment and has been free from chemical dependency for the preceding two years.

After considering the evidence and testimony, including the periodic questionnaires filed by Mr. Easton during the course of his temporary license, correspondence from the Board to Mr. Easton, and Mr. Easton's statement that he would not provide requested information to the Board staff, but only to the Board itself, the Board finds:

1. that following his June 26, 1991 hearing before the Board, Mr. Easton agreed, as evidenced by his signature on July 10, 1991, to accept and comply with the conditions of a temporary license agreement;
2. that Mr. Easton has violated condition 9 of his temporary license agreement, which requires him to make a good faith effort to identify and pay his past due debts, as evidenced by his past due tax debts which he failed to disclose to the Board until on or about September 27, 1993;
3. that Mr. Easton has violated condition 15 of his temporary license agreement, which requires him to

furnish evidence satisfactory to the Board that he has complied with the conditions of his temporary license, as evidenced by his refusal to respond to requests from the Board staff for copies of his federal tax returns for 1990 - 1992, an I.R.S. release form, a current credit report, and a chemical dependency evaluation from an approved treatment facility;

4. that pursuant to condition 14 of Mr. Easton's temporary license agreement, his temporary license should be revoked due to his failure to meet the conditions of the agreement;
5. that Mr. Easton gave dishonest answers to the Board, when asked about the existence of any past due debts, by failing to disclose to the Board the existence of past due federal income tax liability until on or about September 27, 1993;
6. that Mr. Easton is entitled to neither a probationary license nor to the renewal of his temporary license as a probationary license;
7. that there is a clear and rational connection between Mr. Easton's dishonesty as established by his failure to disclose to the Board of his past due tax debts until on or about September 27, 1993 and the likelihood that he would injure a client, obstruct the administration of justice, or violate the Code of Professional Responsibility if he were licensed to practice law at the present time; and
8. that there is a clear and rational connection between Mr. Easton's lack of trustworthiness in carrying out responsibilities as established by findings 2, 3, and 5 herein and the likelihood that he would injure a client, obstruct the administration of justice, or violate the Code of Professional Responsibility if he were licensed to practice law at the present time.

IT IS THEREFORE ADJUDGED, ORDERED AND DECREED that the Board shall recommend to the Supreme Court of Texas that Mr. Easton's temporary license be revoked. IT IS FURTHER ORDERED that Mr. Easton is not entitled to a probationary license.

IT IS FURTHER ORDERED that Mr. Easton does not possess the present good moral character required for admission to the practice of law in Texas; that Mr. Easton may re-apply for admission no

earlier than November 4, 1994, and that any such re-application shall be accompanied by the supplemental investigation form in effect at the time and all applicable fees.

IT IS FURTHER ORDERED that, in order to be found to have the requisite character to become qualified for admission to the practice of law in Texas, Mr. Easton shall comply with the following conditions:

1. Commit no offense against the laws of this state or of any other state or of the United States;
2. Work faithfully at suitable employment as far as possible;
3. Conduct himself 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 he may be engaged;
4. Become involved, to the extent possible, in positive activities to demonstrate his rehabilitation from the problems set out in findings 2 - 3 of this Order;
5. Demonstrate that he has rehabilitated himself from his lack of trustworthiness in carrying out responsibilities as described above;
6. Demonstrate that he has rehabilitated himself from his dishonesty as established by the lack of candor as described above;
7. Refrain from engaging in any conduct that evidences a lack of good moral character or fitness;
8. Satisfactorily address the concerns of the Board regarding his good moral character at a second hearing to be set following receipt of his re-application; and
9. Make a good faith effort to pay his outstanding debts, including the outstanding federal income tax liability.

SIGNED this 20<sup>th</sup> day of February, 1994.

  
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Warlick Carr, Chair