

ORDER

OF THE SUPREME COURT OF TEXAS

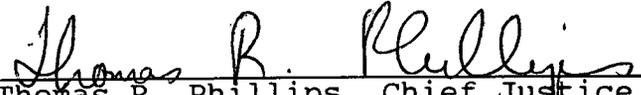
IN THE MATTER OF

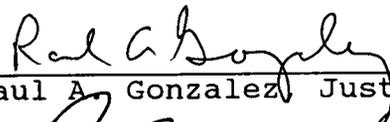
DON L. LAMBERT

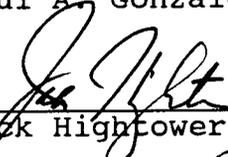
On this day came on for consideration the Motion for Acceptance of Resignation as Attorney and Counselor at Law of Don L. Lambert, together with the Response filed by Chief Disciplinary Counsel of the State Bar of Texas acting through the Commission For Lawyer Discipline. The Court has reviewed said Motion and the Response and finds each to be legally sufficient. The Court, being advised that such resignation is tendered in lieu of disciplinary action, and being of the opinion that such resignation is in the best interest of the public and of the profession and will meet the ends of justice, hereby concludes that the following order is appropriate.

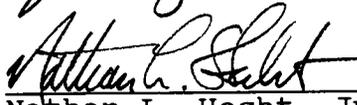
It is ORDERED that the law license of Don L. Lambert (State Bar Card No. 11842500), heretofore issued by this Court, be, and the same is hereby cancelled and revoked and his name be, and is hereby, removed and deleted from the list of persons licensed to practice law in the State of Texas. Receipt of the permanent State Bar Card issued by this Court to Don L. Lambert is hereby acknowledged.

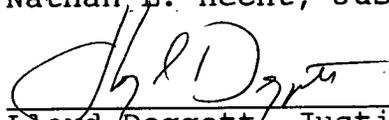
By the Court, en banc, in chambers, this the 21st day of
October, 1994.

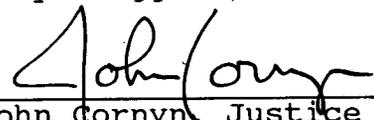

Thomas R. Phillips, Chief Justice

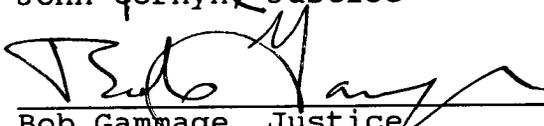

Raul A. Gonzalez, Justice

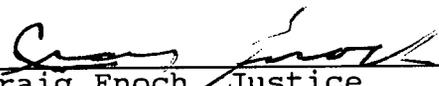

Jack Hightower, Justice

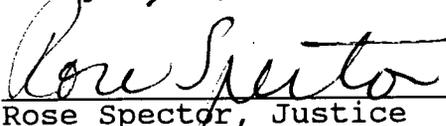

Nathan L. Hecht, Justice


Lloyd Doggett, Justice


John Cornyn, Justice


Bob Gammage, Justice


Craig Enoch, Justice


Rose Spector, Justice

STATE BAR OF TEXAS

October 10, 1994



Office of the General Counsel

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

Re: Resignation of Don L. Lambert, Bar Card No. 11842500

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;
- 2) RESPONSE OF THE CHIEF DISCIPLINARY COUNSEL TO MOTION FOR ACCEPTANCE OF RESIGNATION OF DON L. LAMBERT, 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 the proposed ORDER for review and entry by the Court accepting the resignation of Don L. Lambert as Attorney and Counselor at Law.

The permanent State Bar card issued by this Court to the Applicant, Don L. Lambert, as an Attorney and Counselor at Law is attached.

The license issued by this Court to the Applicant, Don L. Lambert, is lost but will be surrendered to the Clerk, Supreme Court of Texas, if located.

I will appreciate your bringing this to the Court's attention. Please return a copy of the Court Order when the Court has signed it.

Sincerely,

A handwritten signature in cursive script that reads "Russell A. Friemel".

Russell A. Friemel
Assistant General Counsel

RAF/tjm/enclosures

xc: The Honorable Derwood Johnson, Senior District Judge, 1425 Hilltop Drive, Waco, Texas 76710

xc: Mr. John R. Gladney, Attorney, Kreisner & Gladney, 1200 San Antonio Street, Austin, Texas 78701, CMRRR #P 188 957 785

P. O. BOX 12487, CAPITOL STATION, AUSTIN, TEXAS 78711, (512)463-1463 or 1-800-204-2222



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

DON L. LAMBERT

NOW COMES your Applicant, Don L. Lambert, 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.

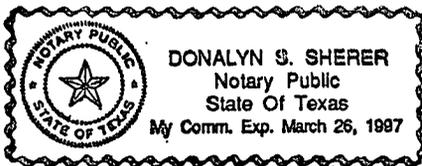
The license and permanent State Bar card issued by this Court to the Applicant, Don L. Lambert, as an Attorney and Counselor at Law on April 16, 1973, are attached hereto or are lost but will be surrendered to the Clerk, Supreme Court of Texas, if located.

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.

Don L. Lambert

Don L. Lambert
State Bar Card No. 11842500

SUBSCRIBED AND SWORN to before me by the said Don L. Lambert, on this the 5th day of October, 1994.



My Commission Expires

Donalyn S. Sherer
Notary Public in and for the
State of Texas

DONALYN S. SHERER
Printed Name of Notary

IN THE SUPREME COURT OF TEXAS
RESPONSE OF THE CHIEF DISCIPLINARY COUNSEL
TO
THE RESIGNATION OF DON L. LAMBERT

TO THE SUPREME COURT OF TEXAS:

Pursuant to Part X of the Texas Rules of Disciplinary Procedure, James M. McCormack, Chief Disciplinary Counsel, hereby files this 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, in lieu of discipline, filed by Don L. Lambert (State Bar Card No. 11842500), and would show as follows:

I.

The acceptance by the Court of the resignation of Don L. Lambert is in the best interest of the public and of the profession.

II.

A disciplinary suit was filed against Movant, Don L. Lambert, on April 1, 1993, styled The State Bar of Texas v. Don L. Lambert, Cause No. 93-204-A, in the 216th District Court of Kerr County, Texas. The Disciplinary Petition filed in the aforementioned case essentially alleges the following professional misconduct was committed by Don L. Lambert, Respondent:

On or about April 9, 1991, Respondent entered into a contract for services with Guitenna G. Williamson (hereinafter called "Williamson") to represent her in several personal legal matters and several matters relating to the Williamson family trust, of which Williamson was a beneficiary. A letter sent by Williamson to

Respondent on or about April 9, 1991, served as the contract for services between the parties. Such letter did not specify the rate or amount of attorney's fees Respondent was to be paid for providing legal services to Williamson.

On or about April 9, 1991, Respondent arranged for the early redemption of a certificate of deposit owned by Williamson in the amount of Twenty Thousand and no/100 (\$20,000.00) Dollars . The proceeds from the certificate of deposit were deposited into the operating account for Respondent's law practice. On or about April 30, 1991, Respondent obtained an additional Fifteen Thousand and no/100 (\$15,000.00) Dollars from Williamson which he also deposited into his operating account.

On or about September 13, 1991, Howard N. Collins (hereinafter referred to as "Collins") was appointed limited guardian of Williamson's estate. Collins demanded an accounting from Respondent for the Thirty-five Thousand and no/100 (\$35,000.00) Dollars Respondent had obtained from Williamson. Respondent replied that he had taken the Thirty-five Thousand and no/100 (\$35,000.00) Dollars for safekeeping in order to prevent Williamson's son from taking the money. Respondent later alleged that the Thirty-five Thousand and no/100 (\$35,000.00) Dollars represented attorney's fees which Respondent had earned by representing Williamson. To date, Respondent has failed to return the money to Williamson or to provide an accounting of the money to Collins.

Such acts and/or omissions on the part of Respondent as are described hereinabove which occurred on or after January 1, 1990,

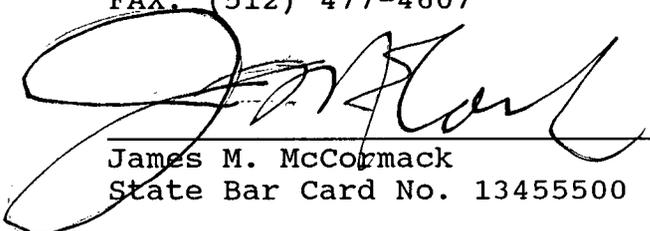
constitute conduct violative of Rules 1.03(a), 1.04(a), 1.04(c), 1.14(a), 1.14(b), and/or 8.04(a)(3) of the Texas Disciplinary Rules of Professional Conduct.

The complaint which forms the basis of the cause of action hereinabove set forth was brought to the attention of the Office of General Counsel of the State Bar of Texas by George H. Williamson, Jr.'s filing of a complaint on or about November 19, 1991, and Collins' filing of a complaint on or about November 16, 1991.

Respectfully submitted,

James M. McCormack
General Counsel

Office of the General Counsel
State Bar of Texas
P.O. Box 12487, Capitol Station
Austin, Texas 78711
1-800-204-2222, Ext. 2302
512/463-1463, Ext. 2302
FAX: (512) 477-4607



James M. McCormack
State Bar Card No. 13455500

CHIEF DISCIPLINARY COUNSEL

CERTIFICATE OF SERVICE

This is to certify that the above and foregoing Response Of The Chief Disciplinary Counsel has been served on Don L. Lambert, by and through his attorney of record, John R. Gladney, Kreisner and Gladney, 1200 San Antonio Street, Austin, Texas 78701, by certified mail, return receipt requested, on the 12th day of October, 1994.



Russell A. Friemel
Assistant General Counsel