

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 94- 9191

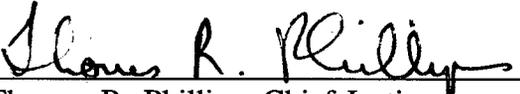
ORDER REVOKING PROBATIONARY LICENSE

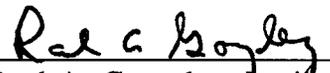
ORDERED:

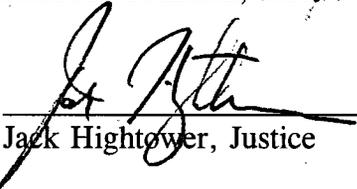
The probationary license issued to Carl A. McNeill on April 9, 1993, is hereby revoked, pursuant to the recommendation of the Board of Law Examiners of the State of Texas, as set forth in the attached order of the Board.

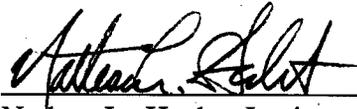
This order shall be effective January 15, 1995.

SIGNED AND ENTERED this 19th day of December, 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
CARL A. MCNEILL

)(IN PUBLIC HEARING AT
)(AUSTIN, TEXAS

ORDER

On November 18, 1994, came on to be heard before the Board of Law Examiners (hereinafter "Board"), with Warlick Carr, Chair, presiding, the matter of Carl A. McNeill, wherein the Board was represented by Bruce Wyatt, Staff Attorney, and Mr. McNeill was represented by Timothy W. Sorenson.

Mr. McNeill previously appeared in a hearing before the Board on November 23, 1992, after which the Board voted to approve conditionally his present good moral character and to recommend him for a two-year probationary license upon his meeting all admission requirements. Mr. McNeill subsequently met all admission requirements and was granted a probationary license in April of 1993. The conditions of the probationary license required, among other things, that Mr. McNeill refrain from engaging in any conduct evidencing a lack of good moral character; that he file a written report every six months on a questionnaire to be furnished by the Board addressing his faithfulness in meeting the conditions of his probationary license and other matters related to his good moral character; that he continue to advise the Board of any circumstances occurring after November 23, 1992, possibly

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constituting a breach of the conditions of his probationary license; and that he inform the Board of any changes in his address or telephone number, by certified mail, return receipt requested, within ten days of any such change.

Following its investigation, on October 19, 1994, the Board sent Mr. McNeill proper and timely notice of a November 18, 1994 hearing. The notice letter stated that the general issues to be considered at the hearing were: 1) whether Mr. McNeill's probationary license should be revoked due to his failure to abide by one or more of its conditions; 2) whether Mr. McNeill failed to disclose properly his arrest history to the Board; and 3) whether Mr. McNeill may suffer from chemical dependency as defined by Rule 1(a)(5) of the Rules Governing Admission to the Bar of Texas.

After considering the evidence and testimony, the Board finds:

1. that Mr. McNeill has violated condition 2 of his probationary license, which requires him to make a good faith effort to pay his debts throughout the term of his probationary license, as evidenced by his failure to make regular payments on all of his debts, especially between April 9, 1993 and December 3, 1993;
2. that Mr. McNeill has violated condition 3 of his probationary license, which requires him to refrain from engaging in any conduct that evidences a lack of good moral character, as evidenced by his continuing failure to reveal, until the matter was brought to his attention by the Board, an arrest prior to the grant of his probationary license for which he was recently convicted; by his two additional arrests and one additional conviction during the term of his probationary license; and by his admitted purchase and use of marijuana during the term of his probationary license;

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3. that Mr. McNeill has violated condition 4 of his probationary license, which requires him to file a written report every six months on a questionnaire to be furnished by the Board that addresses his faithfulness in meeting the conditions of his probationary license and other matters relating to his good moral character, as evidenced by his failure to file his first two periodic reports in a complete and timely manner;
4. that Mr. McNeill has violated condition 6 of his probationary license, which requires him to continue to advise the Board of any circumstances occurring after November 23, 1992, which might constitute a breach of the conditions of the probationary license, as evidenced by his failure to report his two arrests during the term of his probationary license until after receipt of periodic questionnaires from the Board asking if he had been arrested, and by his failure to report the circumstances of the arrests until after the receipt of follow-up correspondence from the Board;
5. that Mr. McNeill has violated condition 9 of his probationary license, which requires him to inform the Board of any change in his address or telephone number, by certified mail, return receipt requested, within 10 days of any such change, as evidenced by his testimony at his November 18, 1994 hearing;
6. that, pursuant to condition 7 of Mr. McNeill's probationary license, his probationary license should be revoked due to his failure to meet the conditions established therein;
7. that Mr. McNeill has failed to disclose properly his arrest history to the Board, as evidenced by his admitted failure to disclose his September 12, 1992 arrest for D.W.I. at the time of his November 23, 1992 hearing, despite an express obligation in his March 18, 1992 application for admission to advise the Board of any circumstances occurring after that date that would affect his responses therein;

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8. that Mr. McNeill suffers from chemical dependency as defined by Rule I(a)(5) of the Rules Governing Admission to the Bar of Texas, as evidenced by his history of alcohol related arrests and conviction; by the Report of Results of Chemical Dependency Evaluation admitted at his November 18, 1994 hearing; and by his own testimony; and
9. that there is a clear and rational connection between Mr. McNeill's lack of trustworthiness, dishonesty, and chemical dependency as established by the findings contained 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 allowed to continue to practice law at the present time.

IT IS THEREFORE ADJUDGED, ORDERED AND DECREED that Mr. McNeill is neither entitled to an extension or renewal of his probationary license nor to a regular license to practice law. IT IS FURTHER ORDERED that the Board shall recommend to the Supreme Court of Texas that Mr. McNeill's probationary license be revoked, effective January 15, 1995.

IT IS FURTHER ORDERED that Mr. McNeill possesses neither the present good moral character or fitness required for admission to the practice of law in Texas; that Mr. McNeill may petition the Board for a redetermination of his good moral character and fitness no earlier than November 18, 1996; and that any such petition for redetermination shall be accompanied by the supplemental investigation form then in effect and all applicable fees.

IT IS FURTHER ORDERED that, in order to be found to have the requisite character and fitness to become qualified for admission

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to the practice of law in Texas, Mr. McNeill 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 of this Order;
5. Refrain from engaging in any conduct that evidences a lack of good moral character or fitness or likely to result in injury to future clients or in the obstruction of the administration of justice;
6. Conduct his personal and business dealings in such a way as to avoid the appearance of sacrificing ethical behavior in the interest of personal gain;
7. Make a good faith effort to pay his debts between now and the time of his petition for redetermination, if any;
8. Remain abstinent from all alcohol and other mind altering drugs, except on rare occasions where drugs are prescribed by a treating physician or psychiatrist;
9. Work to maintain his sobriety with an Alcoholics Anonymous (hereinafter "AA") sponsor, and attend and actively participate in at least three AA meetings per week;
10. Make a bona fide effort to work actively all of the steps of the AA program under the supervision of his AA sponsor;

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11. Undergo an evaluation from a substance abuse treatment facility approved by the Texas Commission on Alcohol Abuse and acceptable to the Board, following receipt of his petition for redetermination, if any;
12. Satisfactorily address the concerns of the Board regarding his good moral character at a second hearing to be set following receipt of his petition for redetermination, if any.

SIGNED this 8th day of December, 1994.



Warlick Carr, Chair