

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 97- 9229

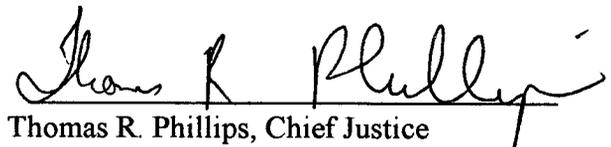
ORDER REVOKING PROBATIONARY LICENSE

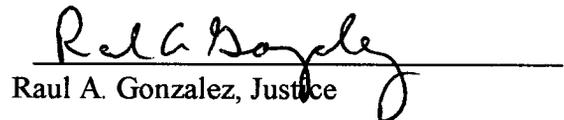
ORDERED:

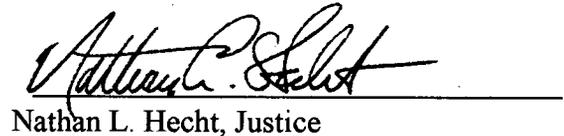
The probationary license issued to WALTER G. UNGLAUB, III is hereby revoked, pursuant to the recommendation of the Board of Law Examiners as set forth in the attached order of the Board.

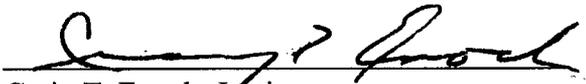
This order shall be effective immediately.

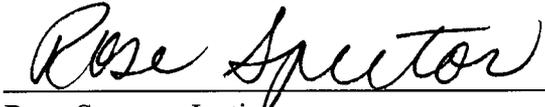
SIGNED AND ENTERED this 6th day of January, 1998.
~~December, 1997~~


Thomas R. Phillips, Chief Justice


Raul A. Gonzalez, Justice

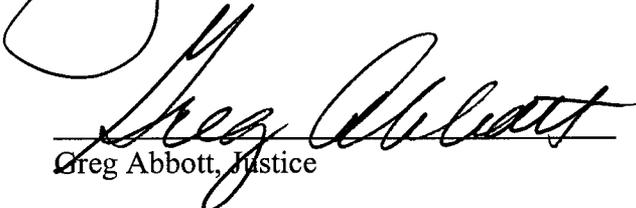

Nathan L. Hecht, Justice


Craig T. Enoch, Justice


Rose Spector, Justice


Priscilla R. Owen, Justice


James A. Baker, Justice


Greg Abbott, Justice


Deborah G. Hankinson, Justice

BOARD OF LAW EXAMINERS

IN THE MATTER OF

)

IN PUBLIC HEARING AT

WALTER G. UNGLAUB, III

)

AUSTIN, TEXAS

ORDER

On September 19, 1997, the Board of Law Examiners ("Board"), with Donato D. Ramos presiding, heard the matter of Walter G. Unglaub, III. The Board was represented by Bruce Wyatt, Staff Attorney. Mr. Unglaub failed to appear, either in person, or by counsel.

I.

PROCEDURAL HISTORY

Mr. Unglaub appeared in his first hearing before the Board in 1991. Following that hearing, he was approved for a probationary license subject to certain conditions. Mr. Unglaub failed to comply with those conditions and appeared in his second hearing before the Board in 1993. Following that hearing, he was approved for a second probationary license, subject to amended conditions. Mr. Unglaub failed to comply with those conditions as well and appeared in his third hearing before the Board in 1996. Following that hearing he was approved for a third probationary license, subject to amended conditions.

On or about August 26, 1997, after granting three prior requests for continuance in the matter, the Board gave Mr. Unglaub proper and timely notice, by certified mail, return receipt requested, and first class mail, of this hearing. The notice letter stated that the general issues to be considered at the hearing were: 1) whether Mr. Unglaub had failed to comply with one or more of the conditions of his probationary license; 2) if Mr. Unglaub had failed to comply with one or more of the conditions of his probationary license, whether the Board should recommend that his probationary license be revoked; and 3) if Mr. Unglaub had failed to comply with one or more of the conditions of his probationary license, whether such failure is indicative of a lack of the good moral character or fitness required for admission.

II.

JURISDICTION

The Board has jurisdiction over this matter pursuant to V.T.C.A., Government Code, Sections 82.004, 82.022, 82.027, 82.028, 82.030, and 82.038 as well as Rules II, IV, IX, X, XV, XVI, and XX of the Rules Governing Admission to the Bar of Texas, adopted by the Supreme Court of Texas, effective May 15, 1997.

III.

FINDINGS OF FACT

After considering the evidence and testimony, the Board finds:

1. On or about August 26, 1997, the Board gave Mr. Unglaub proper and timely notice, by certified mail, return receipt requested, and first class mail, of a September 19, 1997 hearing (B.E.21 at 1-2).
2. Mr. Unglaub has failed to comply with condition 6 of his probationary license, which required him, among other things, to provide the Board with an income and expense statement by May 1, 1996, in that the income and expense statement he provided on or about that date was incomplete (B.E.1 at 5-8; B.E.21 at 6).
3. Mr. Unglaub has failed to comply with condition 10 of his probationary license, which required him, among other things, to file with the Board properly completed periodic questionnaires by specified dates, in that he has failed to include properly completed income and expense statements with each of the periodic questionnaires he has provided to the Board (B.E.1 at 6; B.E.6 at 1; B.E.8 at 6-8; B.E.9 at 3-5; B.E.10 at 4-6; B.E.11 at 4-7; B.E.12 at 1; B.E.13 at 5-8; and B.E.21 at 7, 10, and 14-15).
4. Mr. Unglaub has failed to comply with condition 12 of his probationary license, which requires him, among other things, to work with an Alcoholics Anonymous sponsor willing to disclose to the Board that (s)he is his sponsor, in that he and his sponsor have refused to disclose the name and address of his sponsor to the Board (B.E.6 at 4; B.E.8 at 4; B.E.9 at 6; B.E.10 at 8; B.E.11 at 8-9; B.E.12 at 4-5; B.E.13 at 13-14; and B.E.21 at 7).

5. Mr. Unglaub has failed to comply with condition 16 of his probationary license, which requires him, among other things, to comply with the requirements of the Texas Lawyers' Assistance Program and to be subject to the supervision of an attorney monitor, by failing to contact his attorney monitor by telephone on three occasions, between November 4, 1996 and December 2, 1996, as required; by failing to provide his attorney monitor with Alcoholics Anonymous attendance logs as required; and by failing to attend attorney support group meetings as required (B.E.15 at 1; B.E.17 at 2; B.E. 17A at 2; and B.E. 21 at 7).
6. Mr. Unglaub has failed to comply with condition 4 of his probationary license (B.E.21 at 6), which requires him to not engage in any conduct that evidences a lack of good moral character or fitness, as evidenced by:
 - a. his failure to comply with conditions 6, 10, 12, and 16 of his probationary license;
 - b. his failure to respond to the Board's investigatory letter of July 22, 1996 (B.E.7);
 - c. his failure to appear for his hearing set for July 18, 1997 before the Board in the matter of his character and fitness, especially given that the Board had granted two prior requests for continuance in the matter (B.E.21 at 2);
 - d. his September 11, 1997 revocation (B.E.27) of his September 3, 1997 authorization and release (B.E.13 at 16) which revocation prevented the Board from obtaining records regarding his August 1997 hospitalizations (B.E.26 at 4-5);
 - e. his failure to appear for his deposition set for September 15, 1997, in the matter of his character and fitness (B.E.22; B.E.26 at 1-2); and
 - f. his failure to appear for his hearing set for September 19, 1997 before the Board in the matter of his character and fitness, especially given that the Board had granted three prior requests for continuance in the matter.
7. Mr. Unglaub's failures to comply with the conditions of his probationary license are indicative of a lack of trustworthiness in carrying out responsibilities.

8. The Board's order of January 11, 1996 provides that Mr. Unglaub's probationary license may be revoked at any time upon recommendation of the Board if, after notice and hearing, it is determined that he has violated any condition of the order (B.E.21 at 8).

IV.

CONCLUSIONS OF LAW

1. There is a clear and rational connection between Mr. Unglaub's lack of trustworthiness in carrying out responsibilities, as evidenced by his failure to comply with conditions 6, 10, 12, and 16, of his probationary license, as found herein, and the likelihood that he would harm a client, obstruct the administration of justice, or violate the Texas Disciplinary Rules of Professional Conduct if he were licensed to practice law at this time.
2. There is a clear and rational connection between Mr. Unglaub's lack of trustworthiness in carrying out responsibilities, as evidenced by his failure to comply with condition 4 of his probationary license, as found herein, and the likelihood that he would harm a client, obstruct the administration of justice, or violate the Texas Disciplinary Rules of Professional Conduct if he were licensed to practice law at this time.
3. Mr. Unglaub's probationary license should be revoked due to his failure, as found herein, to comply with the conditions of that license.

IT IS THEREFORE ADJUDGED, ORDERED AND DECREED that Mr. Unglaub's probationary license should be revoked due to his failure to abide by the conditions of that license, that Mr. Unglaub's failure to comply with the conditions of his probationary license indicates that he lacks the present good moral character required for admission, and that the Board recommend to the Supreme Court of Texas that Mr. Unglaub's probationary license be revoked.

IT IS FURTHER ORDERED that Mr. Unglaub may petition the Board for a redetermination of his character and fitness following a period of one year from the date of the Supreme Court's revocation of his probationary license, and that any such petition for redetermination shall be accompanied by the application

and supplemental investigation forms then in effect and all appropriate fees.

IT IS FURTHER ORDERED that, upon Mr. Unglaub's proper and timely filing of any future petition for redetermination, application, and supplemental investigation form, the Board's determination as to his requisite character and fitness at that time shall include an investigation as to whether he has complied with the following guidelines to correct the deficiencies summarized in the Board's findings.

V.

CURATIVE MEASURES

1. Mr. Unglaub shall commit no offense against the laws of this state, any other state, or the United States.
2. Mr. Unglaub shall work faithfully at suitable employment as far as possible.
3. Mr. Unglaub shall 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. Mr. Unglaub shall not engage in any conduct that evidences a lack of good moral character or fitness.
5. Mr. Unglaub shall 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.
6. Mr. Unglaub shall become involved in positive activities to demonstrate his rehabilitation from the Board's findings. Such activities may include participation in religious, civic, or community affairs.
7. Mr. Unglaub shall remain abstinent from the use of all alcohol and other mind altering drugs, except when such drugs are prescribed by a treating physician and taken in accordance with such prescription.
8. Mr. Unglaub shall attend and actively participate in at least two Alcoholics Anonymous meetings per week and keep documentation of same to provide to the Board upon request.
9. Mr. Unglaub shall satisfactorily address the concerns of the Board regarding his moral character and fitness at a subsequent hearing to be set following receipt of his petition for redetermination, application, and supplemental investigation form.

SIGNED this 1st day of October, 1997.


Donato D. Ramos, Presiding Chair