

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 99- 9129

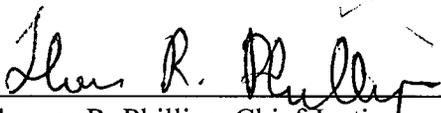
ORDER REVOKING PROBATIONARY LICENSE

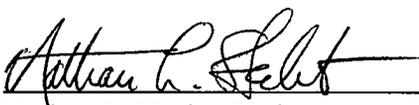
ORDERED:

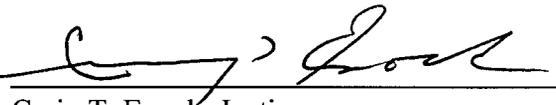
The probationary license issued to ONUNNA O. ANABA is revoked, pursuant to the recommendation contained in the attached order of the Board of Law Examiners.

This order shall be effective immediately.

SIGNED on this 27th day of July, 1999.

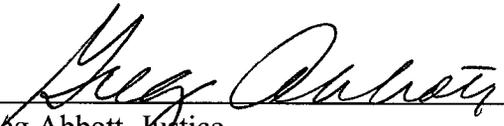

Thomas R. Phillips, Chief Justice

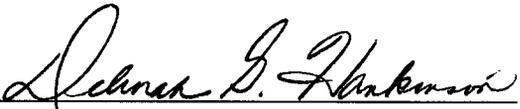

Nathan L. Hecht, Justice

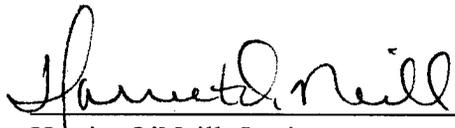

Craig T. Enoch, Justice

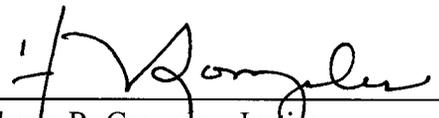

Priscilla R. Owen, Justice

James A. Baker, Justice


Greg Abbott, Justice


Deborah G. Hankinson, Justice


Harriet O'Neill, Justice


Alberto R. Gonzales, Justice

BOARD OF LAW EXAMINERS

IN THE MATTER OF
ONUNNA O. ANABA

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)

IN PUBLIC HEARING AT
AUSTIN, TEXAS

ORDER

On April 27, 1999, a three member panel of the Board of Law Examiners ("Board"), with Albert Witcher presiding, heard the matter of Onunna O. Anaba. The Board was represented by Bruce Wyatt, Staff Attorney. Mr. Anaba, although advised of his right to counsel, elected to appear pro se. The Board considered, among other things, whether Mr. Anaba possesses the present good moral character required for admission to the practice of law in Texas.

I.

PROCEDURAL HISTORY

Mr. Anaba first appeared in a hearing before the Board in January of 1995 in connection with his application for admission. Following that hearing, the Board conditionally approved his good moral character and fitness and recommended Mr. Anaba for a probationary license, subject to his compliance with certain conditions. Mr. Anaba next appeared in a hearing in March of 1998. Following that second hearing, the Board found that he had violated the conditions of his probationary license, but recommended him for an extension of his probationary license, subject to amended conditions.

On March 29, 1999, following a review of Mr. Anaba's failure to comply with the conditions of his probationary license as amended, the Board sent Mr. Anaba proper and timely notice of this hearing. The notice letter stated that the general issues to be considered at the hearing were: 1) whether Mr. Anaba had failed to comply with one or more of the conditions of his third probationary license; 2) if so, whether the Board should recommend that his probationary license be revoked; and 3) if so, whether he lacks 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, and 82.030 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, including amendments through December 21, 1998.

III.

FINDINGS OF FACT

After considering the evidence and testimony, the Board finds:

1. Following a hearing in January of 1995, the Board conditionally approved Mr. Anaba's good moral character and fitness and recommended him for a probationary license, subject to certain conditions (B.E.1 at 2).
2. Following a second hearing in March of 1998, the Board found that Mr. Anaba had violated conditions 4, 6, and 8 of his probationary license, but recommended him for an extension of his probationary license, subject to amended conditions (B.E.1 at 3-5).
3. On or about March 29, 1999, the Board gave Mr. Anaba proper and timely notice, by certified mail return receipt requested and first class mail, of an April 27, 1999 hearing (B.E.1 at 1).
4. Mr. Anaba has failed to comply with condition 6 of his probationary license as amended, which requires him to file each of his tax returns on time, as evidenced by his failure to file his 1997 tax return on time (B.E.1 at 5 and B.E.2 at 4).
5. Mr. Anaba's failure to comply with condition 6 of his probationary license as amended is indicative of the character trait of a lack of trustworthiness in carrying out responsibilities, especially given that the Board found at his hearing in 1998 hearing that he had failed to file his 1996 tax return on time (B.E.1 at 3).
6. Mr. Anaba has failed to comply with condition 8 of his probationary license as amended, which requires him to file periodic questionnaires with the Board by specified dates, as evidenced by his failure to file either his September 1998 or his February 1999 questionnaires on time (B.E.1 at 5, B.E.2 at 1-2 and B.E.3 at 1-2).
7. Mr. Anaba's failure to comply with condition 8 of his probationary license as amended is indicative of the character trait of a lack of trustworthiness in carrying out responsibilities, especially given that the Board found at his hearing in 1998 that he had failed to file his periodic questionnaires on time on at least two other occasions (B.E.1 at 3).

8. Mr. Anaba has failed to comply with condition 11 of his probationary license as amended, which requires him to report any breach of the conditions of his probationary license to the Board within 14 days, as evidenced by his failure to report the late filing of his 1997 tax return to the Board within the time required (B.E.1 at 5 and B.E.2 at 1 and 4).
9. Mr. Anaba's failure to comply with condition 11 of his probationary license as amended is indicative of the character trait of a lack of trustworthiness in carrying out responsibilities, especially given his acknowledgment at his hearing in 1998 that his failure to comply with the conditions of his probationary license could result in the revocation of that license (B.E.4 at 8-11 and 12-13).
10. Mr. Anaba has failed to comply with condition 4 of his probationary license as amended, which required that he not engage in any conduct evidencing a lack of good moral character or fitness, as evidenced by his failure to comply with conditions 6, 8, and 11 of his probationary license as amended (B.E. 1 at 5).
11. Mr. Anaba's failure to comply with condition 4 of his probationary license as amended is indicative of the character trait of a lack of trustworthiness in carrying out responsibilities, especially given that at the time of this violation he had appeared twice already before the Board.
12. Mr. Anaba testified at the time of his hearing on April 27, 1999, that he had been struggling for some time with a serious crack cocaine problem which he had not disclosed previously to the Board.
13. Mr. Anaba's probationary license order provides that his 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.1 at 5).

V.

CONCLUSIONS OF LAW

1. There is a clear and rational connection between Mr. Anaba's lack of trustworthiness in carrying out responsibilities, as evidenced by his failure to comply with condition 6 of his probationary license as amended, 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 to continue to be licensed to practice law at this time.
2. There is a clear and rational connection between Mr. Anaba's lack of trustworthiness in carrying out responsibilities, as evidenced by his failure to comply with condition 8 of his probationary license as amended, 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 to continue to be licensed to practice law at this time.

3. There is a clear and rational connection between Mr. Anaba's lack of trustworthiness in carrying out responsibilities, as evidenced by his failure to comply with condition 11 of his probationary license as amended, 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 to continue to be licensed to practice law at this time.
4. There is a clear and rational connection between Mr. Anaba's lack of trustworthiness in carrying out responsibilities, as evidenced by his failure to comply with condition 4 of his probationary license as amended, 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 to continue to be licensed to practice law at this time.
5. Mr. Anaba'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. Anaba has failed to comply with one or more of the conditions of his probationary license, that the Board recommend to the Supreme Court of Texas that Mr. Anaba's probationary license be revoked due to such failure, and that such failure indicates that Mr. Anaba lacks the present good moral character required for admission.

IT IS FURTHER ORDERED that Mr. Anaba may petition the Board for a redetermination of his character and fitness following a period of six months 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 and supplemental investigation forms then in effect and all appropriate fees, but that Mr. Anaba shall not be required to retake the bar examination following his petition for redetermination, provided that his good moral character and fitness are approved, at least conditionally, within two years from the date of this order.

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

VI.

CURATIVE MEASURES

1. Mr. Anaba shall commit no offense against the laws of this state, any other state, or the United States.
2. Mr. Anaba shall work faithfully at suitable employment as far as possible.
3. Mr. Anaba 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. Anaba shall not engage in any conduct that evidences a lack of good moral character or fitness.
5. Mr. Anaba shall file each of his tax returns becoming due between the date of this order and the date of his petition for redetermination and pay any taxes owed on time.
6. Mr. Anaba shall become involved in positive activities to demonstrate his rehabilitation from the findings of the Board. Such activities may include participation in religious, civic, or community affairs.
7. Mr. Anaba shall remain abstinent from the use of any mind-altering drugs, except when such drugs are prescribed by a treating physician or psychiatrist and taken according to such prescription.
8. Mr. Anaba shall contact the Lawyers' Assistance Program (hereinafter "Program") and shall comply with any requirements of the Program, to include the supervision of an attorney monitor, provided by the Program.
9. Mr. Anaba shall contact his attorney monitor a minimum of two times per week.
10. Mr. Anaba shall be subject to random drug screens at the frequency determined by his attorney monitor, but in no event less than one time a month, to include arriving at the designated screening site within four hours of notification.
11. Mr. Anaba shall work to maintain his abstinence with a Narcotic Anonymous (hereinafter "NA") sponsor willing to disclose to the Board and to his attorney monitor that (s)he is his sponsor.
12. Mr. Anaba shall attend 2 NA meetings per week, beginning the first day after the date he receives a copy of this Order.
13. Mr. Anaba shall document his NA attendance with a NA attendance log which he shall provide on a weekly basis to his attorney monitor.

14. Mr. Anaba shall attend NA meetings as required and make a bona fide effort to work actively all of the steps of the NA program under the supervision of his NA sponsor.
15. Mr. Anaba shall attend an attorney support group meeting one time per week if such a group meets within sixty miles from his home or work, and shall document such attendance as an NA meeting on his NA attendance log. If the support group meetings are more than sixty miles from his home or work, he shall attend one such meeting per month, and document same. Exceptions must be approved in advance by his attorney monitor.
16. Mr. Anaba shall no earlier than 30 days prior to the submission of his petition for redetermination, undergo an evaluation, at his expense, from a substance abuse treatment facility approved by the Texas Commission of Alcohol and Drug Abuse, listed on "Attachment A" to this order, the results of which he shall submit to the Board with his petition for redetermination.

IT IS FURTHER ORDERED that if Mr. Anaba submits a petition for redetermination and supplemental investigation form, the burden of proof shall be on him to present evidence satisfactorily addressing not only any character and/or fitness issues covered in this Order, but also any new issues which arise out of the investigation of his petition for redetermination and supporting documents, at a hearing before the Board.

SIGNED this 5th day of May, 1999.


Albert Witcher, Presiding Chair

Attachment A

SOLUTIONS COUNSELING & TREATMENT CENTER, INC
2800 S IH-35 STE 275
AUSTIN TX 78704
(512) 440-1922
ASK FOR MARK HAGEN

THE PAVILLION AT ST DAVIDS
1025 E 32ND ST
AUSTIN TX 78705
(512) 867-5625
ASK FOR ERIC HOLT

SOLUTIONS OUTPATIENT SERVICES
8400 WESTCHESTER DR STE 220
DALLAS TX 75225-5714
(214) 369-1155

SUBSTANCE ABUSE INTERVENTION PROGRAM
GREATER DALLAS AREA COUNSEL ON ALCOHOL & DRUG ABUSE
4525 LEMMON AVE STE 300
DALLAS TX 75219
(214) 522-8600
ASK FOR MS. JAN MCCUTCHIN

MEMORIAL CITY GENERAL HOSPITAL CORP
SPRING SHADOWS GLEN
2801 GESSNER
HOUSTON TX 77080
(713) 939-6525
ASK FOR LOYCE MATTHEWS

LUBBOCK REGIONAL COUNCIL ON ALCOHOL & DRUG ABUSE
916 MAIN ST STE 717
LUBBOCK TX 79401
(806) 763-8763
ASK FOR MS. PAT VAN DEMAN