

**BEFORE THE EVIDENTIARY PANEL OF THE
STATE BAR DISTRICT NO. 4-2 GRIEVANCE COMMITTEE**

COMMISSION FOR LAWYER DISCIPLINE,	§	201701317 [FRANK PYRTLE]
Petitioner,	§	
	§	
v.	§	
	§	HARRIS COUNTY, TEXAS
WILLIAM E. JONES,	§	
	§	
Respondent.	§	

JUDGMENT OF ACTIVE SUSPENSION

Parties and Appearance

On April 5, 2019, came to be heard the above-styled and numbered cause. Petitioner, the **COMMISSION FOR LAWYER DISCIPLINE**, appeared by and through its attorney of record, Melisa H. Jordan, Assistant Disciplinary Counsel, and announced ready. Respondent, **WILLIAM E. JONES** (hereinafter referred to as "Respondent"), Texas Bar Number 10964700, appeared in person and announced ready.

Jurisdiction and Venue

The Evidentiary Panel 4-2, having been duly appointed to hear this complaint by the chair of the Grievance Committee for STATE BAR OF TEXAS District 4, finds that it has jurisdiction over the parties and the subject matter of this action and that venue is proper.

Professional Misconduct

The Evidentiary Panel, having considered all of the pleadings, evidence, stipulations, and argument, finds Respondent has committed Professional Misconduct as defined by Rule 1.06(W) of the TEXAS RULES OF DISCIPLINARY PROCEDURE.

Findings of Fact

The Evidentiary Panel, having considered the pleadings, evidence and argument of counsel, makes the following findings of fact and conclusions of law:

1. Respondent is an attorney licensed to practice law in Texas and is a member of the STATE BAR OF TEXAS.
2. Respondent resides in and maintains his principal place of practice in Harris County, Texas.
3. In representing Frank Pyrtle, Respondent neglected the legal matter entrusted to him.
4. Respondent failed to keep Frank Pyrtle reasonably informed about the status of his case.
5. Respondent failed to promptly comply with reasonable requests for information from Frank Pyrtle about his case.
6. Upon termination of his representation of Frank Pyrtle, Respondent failed to refund advance payments of fee that had not been earned.
7. Respondent failed to timely furnish to the Chief Disciplinary Counsel's Office a response or other information as required by the TEXAS RULES OF DISCIPLINARY PROCEDURE.
8. Respondent owes restitution in the amount of Two Hundred and No/100 Dollars (\$200.00) payable to Frank Pyrtle.
9. The Chief Disciplinary Counsel of the STATE BAR OF TEXAS has incurred reasonable attorneys' fees and direct expenses associated with this Disciplinary Proceeding in the amount of One Thousand Eight Hundred Seventy-Two and 00/100 Dollars (\$1,872.00).

Conclusions of Law

The Evidentiary Panel concludes that, based on foregoing findings of fact, the following TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT have been violated: 1.01(b)(1) [in representing a client, a lawyer shall not neglect a legal matter entrusted to the lawyer]; 1.03(a) [a lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information]; 1.15(d) [upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable

notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled and refunding any advance payments of fee that has not been earned]; and 8.04(a)(8) [a lawyer shall not fail to timely furnish to the Chief Disciplinary Counsel's Office or a district grievance committee a response or other information as required by the TEXAS RULES OF DISCIPLINARY PROCEDURE, unless he or she in good faith timely asserts a privilege or other legal ground for failure to do so].

Sanction

The Evidentiary Panel, having found that Respondent has committed Professional Misconduct, heard and considered additional evidence regarding the appropriate sanction to be imposed against Respondent. After hearing all evidence and argument and after having considered the factors in Rule 2.18 of the TEXAS RULE OF DISCIPLINARY PROCEDURE, the Evidentiary Panel finds that the proper discipline of the Respondent for each act of Professional Misconduct is an active suspension.

Accordingly, it is **ORDERED, ADJUDGED and DECREED** that Respondent shall be actively suspended from the practice of law for a period of three (3) years beginning April 5, 2019, and ending April 4, 2022.

Terms of Active Suspension

It is further **ORDERED** that during the term of active suspension ordered herein, Respondent shall be prohibited from practicing law in Texas; holding himself out as an attorney at law; performing any legal services for others; accepting any fee directly or indirectly for legal services; appearing as counsel or in any representative capacity in any proceeding in any Texas or Federal court or before any administrative body; or holding himself out to others or using his name, in any manner, in conjunction with the words "attorney at law," "attorney," "counselor at law," or "lawyer."

It is further **ORDERED** that, on or before May 15, 2019, Respondent shall notify each of Respondent's current clients and opposing counsel in writing of this suspension.

In addition to such notification, it is further **ORDERED** Respondent shall return any files, papers, unearned monies and other property belonging to current clients in Respondent's possession to the respective clients or to another attorney at the client's request.

It is further **ORDERED** Respondent shall file with the STATE BAR OF TEXAS, Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, Texas 78711-2487 (1414 Colorado St., Austin, Texas 78701) on or before May 15, 2019, an affidavit stating all current clients and opposing counsel have been notified of Respondent's suspension and that all files, papers, monies and other property belonging to all current clients have been returned as ordered herein.

It is further **ORDERED** Respondent shall, on or before May 15, 2019, notify in writing each and every justice of the peace, judge, magistrate, administrative judge or officer and chief justice of each and every court or tribunal in which Respondent has any matter pending of the terms of this judgment, the style and cause number of the pending matter(s), and the name, address and telephone number of the client(s) Respondent is representing.

It is further **ORDERED** Respondent shall file with the STATE BAR OF TEXAS, Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, Texas 78711-2487 (1414 Colorado St., Austin, Texas 78701) on or before May 15, 2019, an affidavit stating Respondent has notified in writing each and every justice of the peace, judge, magistrate, and chief justice of each and every court in which Respondent has any matter pending of the terms of this judgment, the style and cause number of the pending matter(s), and the name, address and telephone number of the client(s) Respondent is representing in Court.

It is further **ORDERED** that, on or before April 19, 2019, Respondent shall surrender his law license and permanent State Bar Card to the STATE BAR OF TEXAS, Chief Disciplinary Counsel's Office, 4801 Woodway Drive, Suite 315-W, Houston, Texas 77056, to be forwarded to the SUPREME COURT OF TEXAS.

Restitution, Attorneys' Fees and Expenses

It is further **ORDERED** Respondent shall pay restitution to Frank Pyrtle in the amount of Two Hundred and No/100 Dollars (\$200.00). Respondent shall make one payment to Frank Pyrtle no later than May 31, 2019. Respondent shall pay the restitution by certified or cashier's check or money order made payable to Frank Pyrtle and delivered to the STATE BAR OF TEXAS, Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, Texas 78711-2487 (1414 Colorado St., Austin, Texas 78701).

It is further **ORDERED** Respondent shall pay all reasonable and necessary attorneys' fees and direct expenses to the STATE BAR OF TEXAS in the amount of One Thousand Eight Hundred Seventy-Two and 00/100 Dollars (\$1,872.00). Once all restitution has been paid to Frank Pyrtle, Respondent shall make twelve (12) payments each in the amount of One Hundred Fifty Six and No/100 Dollars (\$156.00) a month beginning June 15, 2019. The payments shall be made by certified or cashier's check or money order. Respondent shall forward the funds, made payable to the STATE BAR OF TEXAS, to the Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, Texas 78711-2487 (1414 Colorado St., Austin, Texas 78701).

It is further **ORDERED** that all amounts ordered herein are due to the misconduct of Respondent, are assessed as a part of the sanction in accordance with Rule 1.06(Z) of the TEXAS RULES OF DISCIPLINARY PROCEDURE. Any amount not paid shall accrue interest at the maximum

legal rate per annum until paid and the STATE BAR OF TEXAS shall have all writs and other post-judgment remedies against Respondent in order to collect all unpaid amounts.

It is further **ORDERED** that after one (1) year of active suspension, if Respondent has repaid all restitution owed to Frank Pyrtle in the amount of Two Hundred and No/100 Dollars (\$200.00) and all attorneys' fees and direct expenses to the STATE BAR OF TEXAS in the amount of One Thousand Eight Hundred Seventy-Two and 00/100 Dollars (\$1,872.00), as well as all restitution owed to Jade Gee in the amount of Eight Hundred Fifty and No/100 Dollars (\$850.00) and all attorneys' fees and direct expenses to the STATE BAR OF TEXAS in the amount of One Thousand Two Hundred Seventy-Five and No/100 Dollars (\$1,275.00) in Case No. 201702871, CFLD v. William E. Jones, then the remaining two (2) years active suspension will be reduced to two (2) years fully probated suspension, with the following terms of probation:

1. Respondent shall not violate any term of this *Judgment*.
2. Respondent shall not engage in professional misconduct as defined by Rule 1.06(W) of the TEXAS RULES OF DISCIPLINARY PROCEDURE.
3. Respondent shall not violate any state or federal criminal statutes.
4. Respondent shall keep the STATE BAR OF TEXAS membership department notified of current mailing, residence and business addresses and telephone numbers.
5. Respondent shall comply with Minimum Continuing Legal Education requirements.
6. Respondent shall comply with Interest on Lawyers Trust Account (IOLTA) requirements.
7. Respondent shall promptly respond to any request for information from the Chief Disciplinary Counsel in connection with any investigation of any allegations of professional misconduct.
8. Respondent shall make contact with the Chief Disciplinary Counsel's Offices' Compliance Monitor at 877-953-5535, ext. 1334 and Special Programs Coordinator at 877-953-5535, ext. 1323, not later than seven (7) days after the beginning of the term of probated suspension.

9. Upon information that Respondent has violated a term of this *Judgment*, the Chief Disciplinary Counsel may, in addition to all other remedies available, file a motion to revoke probation pursuant to Rule 2.23 of the TEXAS RULES OF DISCIPLINARY PROCEDURE with the Board of Disciplinary Appeals ("BODA") and serve a copy of the motion on Respondent pursuant to Tex.R.Civ.P. 21a.

BODA shall conduct an evidentiary hearing. At the hearing, BODA shall determine by a preponderance of the evidence whether Respondent has violated any term of this *Judgment*. If BODA finds grounds for revocation, BODA shall enter an order revoking probation and placing Respondent on active suspension from the date of such revocation order. Respondent shall not be given credit for any term of probation served prior to revocation.

It is further **ORDERED** that any conduct on the part of Respondent which serves as the basis for a motion to revoke probation may also be brought as independent grounds for discipline as allowed under the TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT and TEXAS RULES OF DISCIPLINARY PROCEDURE.

It is further **ORDERED** that Respondent shall remain actively suspended from the practice of law as set out above until such time as Respondent has completely paid attorneys' fees and direct expenses in the amount of One Thousand Eight Hundred Seventy-Two and 00/100 Dollars (\$1,872.00) to the STATE BAR OF TEXAS and restitution in the amount of Two Hundred and No/100 Dollars (\$200.00) to Frank Pyrtle.

Publication

This suspension shall be made a matter of record and appropriately published in accordance with the TEXAS RULES OF DISCIPLINARY PROCEDURE.

Other Relief

All requested relief not expressly granted herein is expressly DENIED.

SIGNED, this 24th day of April, 2019.

**EVIDENTIARY PANEL
DISTRICT NO. 4-2
STATE BAR OF TEXAS**



RUBEN R. PEREZ
District 4-2 Presiding Member