

FILED

FEB 12 2020

STATE BAR OF TEXAS
HOUSTON CDC

BEFORE THE EVIDENTIARY PANEL 4-1 OF THE
STATE BAR DISTRICT NO. 4 GRIEVANCE COMMITTEE

COMMISSION FOR LAWYER DISCIPLINE,	§	201804293 [PHILLIPS]
Petitioner,	§	201804566 [MATTHEWS]
	§	201804847 [OCTAVE]
v.	§	201805362 [CLEWIS]
	§	
GEORGE B. TENNANT, JR.,	§	
Respondent.	§	HARRIS COUNTY, TEXAS

AGREED JUDGMENT OF PROBATED SUSPENSION

Parties and Appearance

On this day came to be heard the above styled and numbered cause. Petitioner, the Commission for Lawyer Discipline, and Respondent, George B. Tennant, Jr., Texas Bar Number 24042016, announced that an agreement has been reached on all matters, including the imposition of a Probated Suspension.

Jurisdiction and Venue

Evidentiary Panel 4-1, having been duly appointed to hear this complaint by the chair of the Grievance Committee for State Bar of Texas District No. 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 the pleadings, admissions, stipulations and agreements of the parties, finds that Respondent has committed Professional Misconduct as defined by Rule 1.06(CC) of the Texas Rules of Disciplinary Procedure.

Findings of Fact

Petitioner and Respondent agree to the following findings of fact. Accordingly, the Evidentiary Panel finds:

1. Respondent is an attorney licensed to practice law in Texas and is a member of the

State Bar of Texas.

2. Respondent maintains his principal place of practice in Harris County, Texas.
3. 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 \$500.00.

COUNT ONE 201804293 R Q Phillips matter

4. In representing R Q Phillips, Respondent neglected the legal matter entrusted to him.
5. Respondent failed to keep R Q Phillips reasonably informed about the status of his legal matter and failed to promptly comply with reasonable requests for information.
6. Upon termination of representation, Respondent failed to surrender papers and property to which R Q Phillips was entitled and failed to refund advance payments of fee that had not been earned.
7. Respondent engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation.
8. Respondent owes restitution in the amount of \$1,500.00 payable to R Q Phillips.

COUNT TWO 201804566 Rashad Matthews matter

9. In representing Rashad Matthews, Respondent neglected the legal matter entrusted to him.
10. Upon termination of representation, Respondent failed to refund advance payments of fee that had not been earned.
11. Respondent owes restitution in the amount of \$800.00 payable to Rashad Matthews.

COUNT THREE 201804847 Shannon Octave matter

12. 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.

COUNT FOUR 201805362 Tonia L. Clewis matter

13. In representing Tonia L. Clewis, Respondent neglected the legal matter entrusted to him.
14. Respondent failed to keep Tonia L. Clewis reasonably informed about the status of her legal matter and failed to promptly comply with reasonable requests for information.

15. 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.

Conclusions of Law

Petitioner and Respondent agree that, based on the foregoing findings of fact, the following Texas Disciplinary Rules of Professional Conduct have been violated. Accordingly, the Evidentiary Panel concludes that the following Texas Disciplinary Rules of Professional Conduct have been violated: Rules 1.01(b)(1), 1.03(a), 1.15(d), 8.04(a)(3), and 8.04(a)(8).

Sanction

It is AGREED and ORDERED that the sanction of a Probated Suspension shall be imposed against Respondent in accordance with the Texas Rules of Disciplinary Procedure.

Accordingly, it is ORDERED, ADJUDGED, and DECREED that Respondent be suspended from the practice of law for a period of three (3) years, with the suspension being fully probated pursuant to the terms stated below. The period of probated suspension shall begin on February 15, 2020 and shall end on February 14, 2023.

Terms of Probation

It is further ORDERED that during all periods of suspension, Respondent shall be under the following terms and conditions:

1. Respondent shall not violate any term of this judgment.
2. Respondent shall not engage in professional misconduct as defined by Rule 1.06(CC) 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, email address 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 pay restitution to RQ Phillips in the amount of \$1,500.00.
9. Respondent shall pay restitution to Rashad Matthews in the amount of \$800.00
10. Respondent shall pay reasonable and necessary attorneys' fees and direct expenses to the State Bar of Texas in the amount of \$500.00.
11. In addition to complying with the Minimum Continuing Legal Education (MCLE) requirements of the State Bar of Texas, Respondent shall complete five (5) additional hours of continuing legal education in the area of Law Practice Management.
12. Respondent shall make contact with the Texas Lawyers' Assistance Program (TLAP) at its hotline number, 800-343-8527, not later than seven (7) days after receipt of a copy of this judgment to inquire as to services and referrals offered by that program to aid in Respondent's rehabilitation.
13. Within ten (10) days of Respondent's receipt of a copy of this judgment, Respondent shall schedule a full psychological assessment to be conducted by a mental health professional licensed in Texas as a psychiatrist, a psychologist, a master's level social worker (LCSW), or a licensed professional counselor (LPC).
14. If recommended as part of the above assessment, Respondent shall remain under the care of one or more mental health professionals at the frequency recommended by the treatment plan for the duration of the supervision period or until released in writing by the treatment provider.
15. Respondent shall be responsible for all costs and expenses incurred, directly or indirectly, by compliance with these terms and shall pay all such costs and expenses as required by the provider, but in no event later than the final day of the supervision period.
16. Any and all reports and evaluations required by these terms of probation shall be sent to the State Bar of Texas.
17. Respondent shall make contact with the Office of the Chief Disciplinary Counsel's 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 receipt of a copy of this judgment to coordinate Respondent's compliance.

Rehabilitative Terms of Suspension

It is ORDERED that during all periods of suspension, Respondent shall be under the following terms and conditions:

1. Respondent shall make contact with the Office of the Chief Disciplinary Counsel's 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 receipt of a copy of this judgment to coordinate Respondent's compliance.
2. Respondent shall make contact with the Texas Lawyers' Assistance Program (TLAP) at its hotline number, 800-343-8527, not later than seven (7) days after receipt of a copy of this judgment to inquire as to services and referrals offered by that program to aid in Respondent's rehabilitation. Respondent shall additionally send verification of contact with TLAP to the State Bar of Texas within fifteen (15) days such contact.
3. Within ten (10) days of Respondent's receipt of a copy of this judgment, Respondent shall schedule a full psychological assessment to be conducted by a mental health professional licensed in Texas as a psychiatrist, a psychologist, a master's level social worker (LCSW), or a licensed professional counselor (LPC). Respondent shall complete the assessment at the earliest practicable date, but in no event later than sixty (60) days after receipt of a copy of this judgment. Although the details of information disclosed during the assessment shall remain confidential, the conclusions, diagnosis and treatment plan recommendations of the mental health professional shall be reported to the State Bar of Texas within ten (10) days of the completion of the assessment. Respondent shall take all necessary action, including the execution of a valid release of information, to allow and direct the mental health professional to report such results and recommendations.
4. If recommended as part of the above assessment, Respondent shall remain under the care of one or more mental health professionals at the frequency recommended by the treatment plan for the duration of the supervision period or until released in writing by the treatment provider. Each treating mental health professional shall provide written quarterly reports to the State Bar of Texas verifying Respondent's attendance at the sessions and good faith participation in the treatment plan. The initial report(s) shall be due ninety (90) days after completion of the assessment, with subsequent reports due quarterly thereafter. Respondent shall take all necessary action, including the execution of a valid release of information, to permit any treating mental health professional to provide written or oral reports for the duration of the supervision period.
5. Respondent shall be responsible for all costs and expenses incurred, directly or indirectly, by compliance with these terms and shall pay all such costs and expenses as required by the provider, but in no event later than the final day of the supervision period.

6. Any and all reports and evaluations required by these terms of probation shall be sent to the State Bar of Texas, Office of the Chief Disciplinary Counsel, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Suite 200, Austin, TX 78701).

Additional CLE

In addition to complying with the Minimum Continuing Legal Education (MCLE) requirements of the State Bar of Texas, Respondent shall complete five (5) additional hours of continuing legal education in the area of Law Practice Management. These additional hours of CLE are to be completed between February 15, 2020 – August 14, 2020. Within ten (10) days of the completion of each of these additional CLE hours, Respondent shall verify completion of the course to the State Bar of Texas, Office of the Chief Disciplinary Counsel, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Suite 200, Austin, TX 78701).

Probation Revocation

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.

Restitution, Attorneys' Fees and Expenses

It is further ORDERED that Respondent shall pay restitution to R Q Phillips in amount of \$1,500.00. Since Respondent has already paid that amount in restitution to R Q Phillips, no further provisions regarding restitution is necessary in this judgment.

It is further ORDERED that Respondent shall pay restitution to Rashad Matthews in amount of \$800.00. Since Respondent has already paid that amount in restitution to Rashad Matthews, no further provisions regarding restitution is necessary in this judgment.

It is further ORDERED that Respondent shall pay reasonable and necessary attorneys' fees and direct expenses to the State Bar of Texas in the amount of \$500.00. Since Respondent has already paid those amounts, no further provisions regarding attorneys' fees and direct expenses are necessary in this judgment.

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.

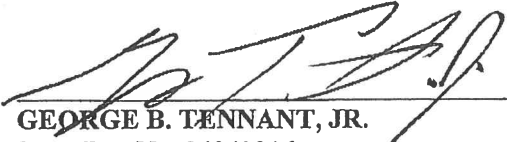
SIGNED this 12th day of February, 2020.

EVIDENTIARY PANEL 4-1
DISTRICT NO. 4
STATE BAR OF TEXAS




CORA MARIE GARCIA
Evidentiary Panel 4-1 Chair

AGREED AS TO BOTH FORM AND SUBSTANCE:



GEORGE B. TENNANT, JR.
State Bar No. 24042016
Respondent



E. WILLIAM NICHOLS II
State Bar No. 24077666
Counsel for Petitioner