

FILED

FEB 06 2020

STATE BAR OF TEXAS  
HOUSTON CDC

**BEFORE EVIDENTIARY PANEL 3-1 OF THE  
STATE BAR DISTRICT NO. 3 GRIEVANCE COMMITTEE**

<b>COMMISSION FOR LAWYER DISCIPLINE,</b>	§	201806966 [LIVEN]
Petitioner,	§	
	§	
v.	§	201802780 [YOUNG]
	§	
<b>GAYLYN LEON COOPER,</b>	§	
Respondent.	§	<b>JEFFERSON COUNTY, TEXAS</b>

**JUDGMENT OF PROBATED SUSPENSION**

**Parties and Appearance**

On January 23, 2020, came to be heard the above styled and numbered cause. Petitioner, the Commission for Lawyer Discipline, appeared by and through its attorney of record and announced ready. Respondent, Gaylyn Leon Cooper, Texas Bar Number 04774700, appeared in person and announced ready.

**Jurisdiction and Venue**

Evidentiary Panel 3-1, having been duly appointed to hear this complaint by the chair of the Grievance Committee for State Bar of Texas District No. 3, 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 arguments, finds that Respondent has committed Professional Misconduct as defined by Rule 1.06CC of the Texas Rules of Disciplinary Procedure.

**Findings of Fact**

The Evidentiary Panel, having considered the pleadings, evidence, stipulations, and arguments 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 maintains his principal place of practice in Jefferson County, Texas.
3. The Chief Disciplinary Counsel of the State Bar of Texas has incurred reasonable attorneys' fees associated with this Disciplinary Proceeding in the amount of \$2,687.50.

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COUNT ONE 201806966 Frances Liven matter

4. In representing Frances Living, Respondent neglected the legal matter entrusted to him.
5. In representing Frances Living, Respondent frequently failed to carry out completely the obligations Respondent owed to Frances Living.
6. Respondent failed to keep Frances Living reasonably informed about the status of her legal matter and failed to promptly comply with reasonable requests for information.
7. Respondent failed to explain a legal matter to the extent reasonably necessary to permit Frances Living to make informed decisions regarding the representation.
8. Upon termination of representation, Respondent failed to refund advance payments of fee that had not been earned.
9. Respondent owes restitution in the amount of \$2,350.00 payable to Frances Living.

COUNT TWO 201802780 Deborah E. Young matter

10. In representing Deborah E. Young, Respondent frequently failed to carry out completely the obligations Respondent owed to Deborah E. Young.
11. Respondent failed to hold funds belonging to Deborah E. Young that was in Respondent's possession in connection with the representation separate from Respondent's own property.
12. Upon termination of representation, Respondent failed to refund advance payments of fee that had not been earned.

**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: Rules 1.01(b)(1), 1.01(b)(2), 1.03(a), 1.03(b), 1.14(a), and 1.15(d).

### **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 a Probated Suspension.

Accordingly, it is ORDERED, ADJUDGED, and DECREED that Respondent be suspended from the practice of law for a period of four (4) years, with the suspension being fully probated pursuant to the terms stated below. The period of probated suspension shall begin on April 1, 2020 and shall end on March 31, 2024.

### **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 1.06CC 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 pay reasonable and necessary attorneys' fees to the State Bar of Texas in the amount of \$2,687.50.
9. Respondent shall pay restitution on or before April 1, 2020, to Frances Living in the amount of \$2,350.00.
10. 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 receipt of a copy of this judgment to coordinate Respondent's compliance.
11. Respondent shall be prohibited from accepting any fee directly or indirectly for legal services; or appearing as counsel or in any representative capacity in any proceeding in any Texas or Federal Court or before any administrative body not involving his duties as an employee of the city of Port Arthur, Texas.
12. Before April 1, 2020, Respondent shall finalize or otherwise withdraw from all private legal matters, not involving his duties as an employee of the city of Port Arthur, Texas, in all courts in which he is attorney of record.
13. Before April 1, 2020, 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.
14. Respondent shall file with the State Bar of Texas, Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701) on or before April 1, 2020, an affidavit stating respondent has withdrawn from or otherwise finalized all private legal matters and that all files, papers, monies and other property belonging to all current clients have been returned as ordered herein.

#### **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 and Attorneys' Fees**

It is further ORDERED that Respondent shall pay restitution on or before April 1, 2020, to Frances Living in amount of \$2,350.00. Respondent shall pay the restitution by certified or cashier's check or money order made payable to Frances Living and delivered to the State Bar of Texas, Office of the Chief Disciplinary Counsel, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701).

It is further ORDERED that Respondent shall pay reasonable and necessary attorney's fees to the State Bar of Texas the amount of \$2,687.50. The payment shall be due and payable on or before March 1, 2021, and 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 State Bar of Texas, Office of the Chief Disciplinary Counsel, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 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(DD) 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.

**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 5<sup>th</sup> day of February, 2020.

**EVIDENTIARY PANEL 3-1  
DISTRICT NO. 3  
STATE BAR OF TEXAS**

  
**GREG M. DYKEMAN  
Evidentiary Panel 3-1 Chair**

## Maribelle Hernandez

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**From:** Sandlin, Mary <msandlin@strongpipkin.com>  
**Sent:** Thursday, February 6, 2020 9:12 AM  
**To:** Will Nichols; Maribelle Hernandez  
**Cc:** Dykeman, Greg M  
**Subject:** RE: Gaylyn CooperJudgment of Probated Suspension  
**Attachments:** Gaylyn Cooper Judgment for Probated Suspension signed.pdf

**\* State Bar of Texas External Message \* - Use Caution Before Responding or Opening Links/Attachments**

Good morning,

Attached is the Judgment signed by Greg Dykeman.

Thank you.

Mary



**Mary Sandlin** | Legal Assistant  
Email: [msandlin@strongpipkin.com](mailto:msandlin@strongpipkin.com)  
Direct: 409.981.1033 | Main: 409.981.1000 | Fax: 409.981.1010  
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**From:** Dykeman, Greg M  
**Sent:** Wednesday, February 5, 2020 10:15 AM  
**To:** Sandlin, Mary <msandlin@strongpipkin.com>  
**Subject:** FW: Gaylyn CooperJudgment of Probated Suspension



**Greg M. Dykeman** | Partner  
 Email: [gdykeman@strongpipkin.com](mailto:gdykeman@strongpipkin.com)  
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**From:** Will Nichols [<mailto:Will.Nichols@TEXASBAR.COM>]  
**Sent:** Wednesday, February 5, 2020 9:54 AM  
**To:** Dykeman, Greg M <[gdykeman@strongpipkin.com](mailto:gdykeman@strongpipkin.com)>  
**Cc:** [cccctc97@aol.com](mailto:cccctc97@aol.com); [gaylyncooperattorneyatlaw@gmail.com](mailto:gaylyncooperattorneyatlaw@gmail.com); [gcoup75@aol.com](mailto:gcoup75@aol.com); Maribelle Hernandez <[Maribelle.Hernandez@Texasbar.com](mailto:Maribelle.Hernandez@Texasbar.com)>  
**Subject:** Gaylyn Cooper Judgment of Probated Suspension

Mr. Dykeman,

Attached is a proposed Judgment of Probated Suspension for your review and signature. Mr. Cooper was unresponsive to my emails (attached) regarding his active caseload. As a result, I was unable to be more specific in my language regarding the sanctions made by the panel. The language regarding these sanctions can be found in numbers 11-14 of the "Terms of Probation" section of the judgment. Please let me know if I need to change anything, if not, please sign and return the judgment. Thank you.

**E. William Nichols II**  
 Assistant Disciplinary Counsel  
 State Bar of Texas  
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