

IN THE MATTER OF:	§	INVESTIGATORY PANEL 4-3
	§	
(MICHAEL STUART DRIVER,	§	DISTRICT 4
BAR NO. 24069634)	§	
	§	GRIEVANCE COMMITTEE

AGREED JUDGMENT OF PROBATED SUSPENSION

Parties and Appearance

Chief Disciplinary Counsel and Respondent, Michael Stuart Driver, Texas Bar Number 24069634, announce that an agreement has been reached on all matters including the imposition of a Probated Suspension.

Jurisdiction and Venue

The Investigatory Panel 4-3, having conducted an Investigatory Hearing on February 3, 2021 on the Complaint filed by Shaunice Shelton, finds that it has jurisdiction over the parties and the subject matter of this action, and that venue is proper.

Professional Misconduct

The Investigatory Panel, having considered the admissions, stipulations and agreements of the parties, finds 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 Investigatory 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's Professional Misconduct occurred, in whole or in part, In Harris County, Texas.
3. Respondent failed to abide by client, Shaunice Shelton's, decisions concerning

- the objectives and general methods of representation.
4. Respondent failed to promptly deliver to his client, Shaunice Shelton, funds that she was entitled to receive; and upon request failed to promptly render a full accounting regarding such funds.
 5. Respondent failed upon termination of representation to refund advance payments of fee that had not been earned.
 6. 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 \$1,000.00.
 7. Respondent owes restitution in the amount of \$4,000.00 payable to Shaunice Shelton.

Conclusions of Law

Based on the agreed foregoing findings of fact, the Investigatory Panel finds that the following Texas Disciplinary Rules of Professional Conduct have been violated: 1.02(a)(1), 1.14(b), and 1.15(d).

Sanction

It is AGREED and ORDERED that the sanction of a Probated Suspension shall be imposed against Respondent and is in accordance with Part XV of 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 one (1) year, with the suspension being fully probated pursuant to the terms stated below. The period of probated suspension shall begin on March 15, 2021 and shall end on March 15, 2022.

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 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 all reasonable and necessary attorney's fees and direct expenses, on or before March 31, 2021, to the State Bar of Texas in the amount of \$1,000.00. The payment shall be by certified or cashier's check or money order, made payable to the State Bar of Texas and delivered to the State Bar of Texas, Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701).
9. Respondent shall pay restitution, on or before March 31, 2021, to Shaunice Shelton in the amount of \$4,000.00. Respondent shall pay the restitution by certified or cashier's check or money order, made payable to Shaunice Shelton and delivered to the State Bar of Texas, Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701).
10. Respondent shall complete six (6) additional CLE hours in the area of law office management and course should include a component on best practices for client communication.
11. 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.

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 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, Attorney's Fees and Expenses

It is further ORDERED Respondent shall pay restitution, on or before March 31, 2021, to Shaunice Shelton in amount of \$4,000.00. Respondent shall pay the restitution by certified or cashier's check or money order, made payable to Shaunice Shelton and delivered to the State Bar of Texas, Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701).

It is further ORDERED Respondent shall pay all reasonable and necessary attorney's fees and direct expenses, on or before March 31, 2021, to the State Bar of Texas in the amount of \$1,000.00. The payment shall be made by certified or cashier's check or money order, made payable to the State Bar of Texas and delivered to the State Bar of Texas, Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701).

In addition to complying with the Minimum Continuing Legal Education (MCLE) requirements of the State Bar of Texas, Respondent shall complete six (6) additional hours of continuing legal education in the area of Law Practice Management (course should include a component on best practices for client communication). These additional hours

of CLE are to be completed by May 31, 2021. Within ten (10) days of the completion of these additional CLE hours, Respondent shall verify completion of the course to the State Bar of Texas, **via USPS: Office of the CDC, State Bar of Texas, P.O. Box 12487, Austin, TX 78711-2487; or via Delivery: Office of the CDC, State Bar of Texas, 1414 Colorado St., Suite 200, 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(FF) 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 public 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 5th day of March, 2021.

**INVESTIGATORY PANEL 4-3
DISTRICT 4**



**JEFFERY B. VADEN
PRESIDING MEMBER**

AGREED AS TO FORM AND SUBSTANCE:



MICHAEL STUART DRIVER

State Bar No. 24069634

RESPONDENT



KHADIJA T. ROBERTS

State Bar No. 24069579

ASSISTANT CHIEF DISCIPLINARY COUNSEL