

FILED

NOV 28 2018

STATE BAR OF TEXAS
HOUSTON CDC

BEFORE EVIDENTIARY PANEL 4-6 OF THE
STATE BAR DISTRICT NO. 4 GRIEVANCE COMMITTEE

COMMISSION FOR LAWYER DISCIPLINE,	§	201704242 [HAVEMANN]
Petitioner,	§	
	§	
v.	§	201706787 [AUGUST]
	§	
JEFFREY EARL CREWS,	§	
Respondent.	§	HARRIS COUNTY, TEXAS

JUDGMENT OF PARTIALLY PROBATED SUSPENSION

Parties and Appearance

On November 14, 2018, 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, Jeffrey Earl Crews, Texas Bar Number 24012475, although duly served with the Evidentiary Petition and notice of this default and sanctions hearing, failed to appear.

Jurisdiction and Venue

Evidentiary Panel 4-6, 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.

Default

The Evidentiary Panel finds that Respondent was properly served with the Evidentiary Petition and that Respondent failed to timely file a responsive pleading to the Evidentiary Petition as required by Rule 2.17(B) of the Texas Rules of Disciplinary Procedure. Accordingly, the Evidentiary Panel finds Respondent in default and further finds that all facts alleged in the Evidentiary Petition are deemed true pursuant to Rule 2.17(C) of the Texas Rules of Disciplinary Procedure.

Professional Misconduct

The Evidentiary Panel, having deemed all facts as alleged in the Evidentiary Petition true, 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 allegations as deemed true, 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 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 \$1,350.00.

COUNT ONE 201704242 Bobbie Havemann matter

4. In representing Bobbie Havemann, Respondent neglected the legal matter entrusted to him.
5. In representing Bobbie Havemann, Respondent frequently failed to carry out completely the obligations Respondent owed to Bobbie Havemann.
6. Respondent failed to keep Bobbie Havemann reasonably informed about the status of her legal matter and failed to promptly comply with reasonable requests for information.
7. Upon termination of representation, Respondent failed to surrender papers and property to which Bobbie Havemann was entitled and failed to refund advance payments of fee that had not been earned.
8. 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.
9. Respondent owes restitution in the amount of \$2,500.00 payable to Bobbie Havemann.

COUNT TWO 201706767 Gregory Eugene August matter

10. Upon termination of representation, Respondent failed to surrender papers and property to which Gregory Eugene August was entitled.
11. 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

The Evidentiary Panel concludes that, based upon the 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), 1.15(d), and 8.04(a)(8).

Sanction

The Evidentiary Panel, having found 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 Partially Probated Suspension.

Accordingly, it is ORDERED, ADJUDGED, and DECREED that Respondent be suspended from the practice of law for a period of three (3) years, beginning August 1, 2019 and ending July 31, 2022. Respondent shall be actively suspended from the practice of law for a period of one (1) year beginning August 1, 2019 and ending July 31, 2020. The two (2) year period of probated suspension shall begin on August 1, 2020 and shall end on July 31, 2022. However, if Respondent fails to comply timely with the Terms of Active Suspension, Respondent shall remain actively suspended until the date of compliance or until July 31, 2022, whichever occurs first.

Terms of Active Suspension

1. Respondent shall pay reasonable and necessary attorneys' fees and direct expenses to the State Bar of Texas in the amount of \$1,350.00.
2. Respondent shall pay restitution to Bobbie Havemann in the amount of \$2,500.00 and shall return any and all personal items, specifically the cellular telephone belonging to Bobbie Havemann's late son.
3. 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).
4. Respondent shall submit to one (1) random drug screen in accordance with the drug screen protocol of the Texas Lawyers' Assistance Program or at the request of the monitor or at the request of the Chief Disciplinary Counsel's Office's Special Programs Coordinator.
5. Respondent shall submit to monitoring of his law practice for a period of six (6) months by an attorney monitor acceptable to the State Bar of Texas.
6. 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.

It is further ORDERED that during the term of active suspension ordered herein, or that may be imposed upon Respondent by the Board of Disciplinary Appeals as a result of a probation revocation proceeding, 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, or before January 1, 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 that 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 that 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 January 1, 2019, an affidavit stating all current clients and opposing counsel have been notified of Respondent's suspension and that all files, papers, unearned monies, and other property belonging to all current clients have been returned as ordered herein.

It is further ORDERED that Respondent shall, on or before January 1, 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 that 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 January 1, 2019, an affidavit stating Respondent has notified in writing each and every justice of the peace, judge, magistrate, administrative judge or officer, 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 January 1, 2019, Respondent shall surrender his law license and permanent State Bar Card 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), to be forwarded to the Supreme Court of Texas.

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(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 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.

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 on or before August 1, 2019, to Bobbie Havemann in the amount of \$2,500.00. Respondent shall pay the restitution by certified or cashier's check or money order made payable to Bobbie Havemann 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 that Respondent shall pay reasonable and necessary attorneys' fees and direct expenses to the State Bar of Texas in the amount of \$1,350.00. The payment shall be due and payable on or before August 1, 2019, 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 Chief Disciplinary Counsel's Office, 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(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 Respondent shall remain actively suspended from the practice of law as set out above until such time as Respondent has completely paid attorney fees and direct expenses in the amount of \$1,350.00 to the State Bar of Texas and restitution in the amount of \$2,500.00 to Bobbie Havemann.

Rehabilitative Terms of Suspension

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

1. 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.
2. 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.
3. 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.

4. 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).
5. Respondent shall make contact with the Texas Lawyers' Assistance Program (TLAP) at its hotline number, 800-343-8527, not later than ten (10) days after receipt of a copy of this judgment to inquire about their drug screen protocol.
6. Respondent shall submit to one (1) random drug screen in accordance with the drug screen protocol of the Texas Lawyers' Assistance Program or at the request of the monitor or at the request of the Chief Disciplinary Counsel's Office's Special Programs Coordinator. On the required day for testing Respondent shall complete all steps of the protocol by the lab's normal close of business day.

Law Practice Monitor

Respondent shall submit to monitoring of his law practice for a period of six (6) months by an attorney monitor acceptable to the State Bar of Texas. The practice monitor shall have no personal or professional relationship with the Respondent that would interfere with the monitor's ability to exercise independent judgment regarding Respondent's compliance with the terms of this judgment. The monitor shall report the status of Respondent's compliance on a monthly basis on the form provided by the State Bar of Texas, with the initial report due by the 5th day of the month following the initial meeting. Subsequent reports shall be due by the 5th day of each month for the duration of the monitoring period and shall be sent to the State Bar of Texas, Office of Chief Disciplinary Counsel, P.O. Box 12487, Austin, TX 78711-2487, or via delivery to the State Bar of Texas, 1414 Colorado St., Austin, TX 78701.

Respondent shall meet with the attorney monitor a minimum of once per month. The initial meeting shall be held not later than fifteen (15) days after Respondent receives written notification from the State Bar of Texas of the name and phone number of Respondent's assigned monitor. Such meetings shall be in person at a place and time as determined by the monitor. Exceptions must be approved in advance by the monitor and noted on the monthly report.

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 28th day of NOVember, 2018.

**EVIDENTIARY PANEL 4-6
DISTRICT NO. 4
STATE BAR OF TEXAS**



**ANUJ ARUN SHAH
Panel 4-6 Chair**