BEFORE THE DISTRICT 7 GRIEVANCE COMMITTEE
EVIDENTIARY PANEL 7-3
STATE BAR OF TEXAS

COMMISSION FOR LAWYER DISCIPLINE, **Petitioner**	§	
V.	§	**CASE NO. 201905773** **(Younger)**
THOMAS F. FLEISCHER, **Respondent**	§	

JUDGMENT OF PUBLIC REPRIMAND

Parties and Appearance

On May 24, 2021, came to be heard the above-styled and numbered cause. Petitioner, Commission for Lawyer Discipline, appeared by and through its attorney of record and announced ready. Respondent, **THOMAS F. FLEISCHER**, Texas Bar Number **00784056** (Respondent), although duly served with the Evidentiary Petition and notice of this hearing, failed to appear.

Jurisdiction and Venue

The Evidentiary Panel 7-3, having been duly appointed to hear this complaint by the chair of the Grievance Committee for State Bar of Texas District 7, 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(CC) 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 Tarrant County, Texas.

3. Respondent mailed a cease and desist letter to Rodney Younger (Younger) dated September 3, 2019 regarding Younger's public comments about Younger's former employer, Trademark Electric, Inc.

4. The letterhead identifies the "Law Office of Tom Fleischer" and Respondent indicates that he has been retained by Trademark Electric Inc.

5. Respondent's law license was actively suspended on September 1, 2019 for non-payment of dues and was not reinstated until September 25, 2019. Respondent's license to practice was suspended when he mailed this letter on September 3, 2019 and when Younger received the letter on September 6, 2019.

6. On September 30, 2019, Respondent was directed to provide a written response to Younger's allegations but failed to timely furnish a response.

7. The Chief Disciplinary Counsel of the State Bar of Texas has incurred reasonable attorney's fees and direct expenses associated with this Disciplinary Proceeding in the amount of Two Thousand Three Hundred Seventy-Seven and 50/100 Dollars ($2,377.50).

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 8.04(a)(8) and 8.04(a)(11).

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, the Evidentiary Panel finds that the proper discipline of the Respondent for each act of Professional Misconduct is a Public Reprimand.

Accordingly, it is **ORDERED**, **ADJUDGED** and **DECREED** that a Public Reprimand be imposed against Respondent in accordance with the Texas Rules of Disciplinary Procedure. The Evidentiary Panel finds that the sanction imposed against Respondent is the appropriate sanction for each of the violations set forth in this judgment.

Attorney's Fees and Expenses

It is **ORDERED** that Respondent shall pay all reasonable and necessary attorney's fees and direct expenses to the State Bar of Texas in the amount of Two Thousand Three Hundred Seventy-Seven and 50/100 Dollars ($2,377.50). The payment shall be due and payable on or before June 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 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(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 reprimand 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 27th day of May, 2021.

EVIDENTIARY PANEL 7-3
DISTRICT NO. 7
STATE BAR OF TEXAS

Jeffrey Warren Cochran
District 7, Panel 7-3 Presiding Member