

IN THE MATTER OF:	§	INVESTIGATORY PANEL 4-2
	§	
THOMAS AUSTIN WILLBERN III,	§	DISTRICT NO. 4
BAR NO. 21507700	§	
	§	GRIEVANCE COMMITTEE

AGREED JUDGMENT OF PROBATED SUSPENSION

Parties and Appearance

The Chief Disciplinary Counsel and Respondent, Thomas Austin Willbern III, Texas Bar Number 21507700, announce that an agreement has been reached on all matters, including the imposition of a Probated Suspension.

Jurisdiction and Venue

Investigatory Panel 4-2, having conducted an Investigatory Hearing on January 17, 2024, on the Complaint filed by the State Bar of Texas - Houston, 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 violated a disciplinary judgment.
4. The Chief Disciplinary Counsel of the State Bar of Texas has incurred reasonable attorneys' fees associated with this Disciplinary Proceeding in the amount of \$1,000.00.

Conclusion of Law

Based on the agreed foregoing findings of fact, the Investigatory Panel finds that the following Texas Disciplinary Rule of Professional Conduct has been violated: Rule 8.04(a)(7).

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 six (6) months, with the suspension being fully probated pursuant to the terms stated below. The period of probated suspension shall begin on April 1, 2024, and shall end on September 30, 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 1.06(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 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 \$1,000.00.
9. 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 Professional Responsibility.
10. 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 2.22 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.

Attorneys' Fees

It is further ORDERED that Respondent shall pay reasonable and necessary attorneys' fees to the State Bar of Texas in the amount of \$1,000.00 and shall be due no later than 30 days from the date of this judgment. 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, 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(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.

Additional CLE

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 Professional Responsibility. These six (6) additional hours of CLE are to be completed between April 1, 2024, and September 30, 2024. 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., Austin, TX 78701).

Respondent shall make contact with the Office of the Chief Disciplinary Counsel's

Compliance Monitor at 512-427-1334 and Special Programs Coordinator at 512-427-1343, not later than seven (7) days after receipt of a copy of this judgment to coordinate Respondent's compliance.

Publication

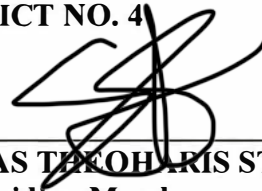
This suspension shall be made a matter of public record and appropriately published in accordance with the Texas Rules of Disciplinary Procedure.

Other Relief

All requested relief not expressly granted herein is expressly DENIED.

SIGNED this 15th day of March, 2024.

**INVESTIGATORY PANEL 4-2
DISTRICT NO. 4**



**SAVVAS THEODORIS STEFANIDES
4-2 Presiding Member**

AGREED AS TO BOTH FORM AND SUBSTANCE:



**THOMAS AUSTIN WILLBERN III
State Bar No. 21507700
Respondent**



**E. WILLIAM NICHOLS II
State Bar No. 24077666
Assistant Disciplinary Counsel
State Bar of Texas**



**DAVID ALTON BRYANT, JR.
State Bar No. 00785730
Counsel for Respondent**