

BEFORE THE
SUPREME COURT OF TEXAS
BOARD OF DISCIPLINARY APPEALS

COMMISSION FOR LAWYER DISCIPLINE §
V. §
KENNETH W. SMITH §
STATE BAR NUMBER 18635300 §

CASE NO. 46612

AGREED JUDGMENT OF INDEFINITE DISABILITY SUSPENSION

The Chief Disciplinary Counsel has sought and received authorization and direction from the Commission for Lawyer Discipline to seek a finding that Respondent, Kenneth W. Smith, State Bar Number 18635300, is suffering from a disability as defined by Rule 1.06I of the Texas Rules of Disciplinary Procedure (TRDP). Respondent agrees and stipulates that he is suffering from a disability, and he has executed a stipulation which supports a finding that Respondent, Kenneth W. Smith, is suffering from a disability as defined by TRDP Rule 1.06I.

The Board of Disciplinary Appeals finds that Respondent, Kenneth W. Smith

1. has stipulated to the existence of a disability as defined by Rule 1.06I of the TRDP;
 2. has waived the following rights found in Part XII of the TRDP:
 - a. the right to have a separate disability complaint filed against him;
 - b. the right to have a District Disability Committee appointed by the Board of Disciplinary Appeals; and
 - c. the right to a *de novo* hearing before the District Disability Committee to determine whether he is suffering from a disability as defined in Rule 1.06I of the TRDP; and
 3. understands the effect of this judgment and has agreed to it freely and voluntarily.
- It is, therefore, ORDERED, ADJUDGED, AND DECREED, pursuant to Part XII of the

Texas Rules of Disciplinary Procedure, that Respondent, Kenneth W. Smith, State Bar Card No. 18635300, is hereby SUSPENDED from the practice of law in the State of Texas immediately upon entry of this judgment and continuing thereafter until reinstated by this Board or by a court of competent jurisdiction.

It is further ORDERED that during said suspension Respondent, Kenneth W. Smith, is 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 Respondent, Kenneth W. Smith, within thirty (30) days from the date of this Judgment, shall notify in writing each of Respondent’s current clients of this suspension. It is further ORDERED that, within the same period, Respondent shall return any and all files, papers, unearned monies, and other property belonging to current or former clients to the clients or to another attorney at the client’s request.

It is further ORDERED that Respondent, Kenneth W. Smith, within thirty (30) days from the date of this Judgment, shall file with the Board of Disciplinary Appeals, P.O. Box 12426, Austin, Texas 78711, an affidavit stating that all current clients have been notified in writing of Respondent’s suspension and that all files, papers, unearned monies, and other property belonging to all current or former clients have been returned as ordered herein. If Respondent should be unable to return any files, papers, unearned monies, or other property to any client or former client, Respondent’s affidavit shall state with particularity the efforts made by

Respondent with respect to each particular client and the cause of his inability to return to said client the items in question. Respondent is also ORDERED to mail a copy of said affidavit and all notification letters to clients to the Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Austin, Texas 78711-2487 (1414 Colorado Street, Austin, Texas 78701).

It is further ORDERED that Respondent, Kenneth W. Smith, within thirty (30) days from the date of this Judgment, shall 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 legal matter pending, if any, of this suspension, 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 that court.

It is further ORDERED that Respondent, Kenneth W. Smith, within thirty (30) days from the date of this Judgment, shall file with the Board of Disciplinary Appeals, P.O. Box 12426, Austin, Texas 78711, an affidavit stating that 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 or tribunal in which Respondent has any matter pending of this suspension, 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 that court. Respondent is also ORDERED to mail a copy of said affidavit and all notification letters to the Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Austin, Texas 78711-2487 (1414 Colorado Street, Austin, Texas 78701).


It is further ORDERED that Respondent, Kenneth W. Smith, within thirty (30) days from the date of this Judgment, shall surrender his Texas law license and permanent State Bar Card to the Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Austin, Texas

78711-2487 (1414 Colorado Street, Austin, Texas 78701).

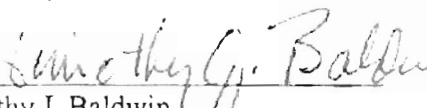
Signed this 24th day of May, 2010.


W. CLARK LEA
CHAIRMAN
TEXAS BOARD OF DISCIPLINARY APPEALS

AGREED AS TO BOTH FORM AND SUBSTANCE:


Kenneth W. Smith
State Bar No. 18635300
Respondent

Date: April 29, 2010


Timothy J. Baldwin
Administrative Attorney
Office of the Chief Disciplinary Counsel
State Bar No. 01629650
Attorney for Petitioner

Date: April 29, 2010

BEFORE THE
SUPREME COURT OF TEXAS
BOARD OF DISCIPLINARY APPEALS

COMMISSION FOR LAWYER DISCIPLINE §
V. §
KENNETH W. SMITH §
STATE BAR NUMBER 186353000 §

CASE NO. 46612

RESPONDENT'S STIPULATION AND WAIVER

COMES the Respondent, Kenneth W. Smith, and for his Stipulation and Waiver does state:

1. I stipulate that I suffer from a mental and emotional condition that results in my inability to practice law, provide client services, complete contracts of employment, or otherwise carry out my professional responsibilities to clients, courts, the profession, and the public.

2. I waive the following rights found in Part XII of the Texas Rules of Disciplinary Procedure:

- a. the right to have a separate disability complaint filed against me;
- b. the right to have a District Disability Committee appointed by the Board of Disciplinary Appeals; and
- c. the right to a hearing before the District Disability Committee to determine whether I am suffering from a disability as defined in Rule 1.06I of the Texas Rules of Disciplinary Procedure.

3. I further stipulate that I understand the effect of the Agreed Judgment of Indefinite Disability Suspension signed by me and in support of which I am providing this Stipulation and Waiver, and that I have signed this Stipulation and Waiver and agreed to said Judgment freely and voluntarily.

Kenn Smith

Kenneth W. Smith

STATE OF TEXAS

§

§

COUNTY OF HARRIS

§

Subscribed and sworn to before me by Kenneth W. Smith on this the 29th day of April,
2010.



M. Hernandez

Notary Public

My Commission Expires:

03-26-2011

WITNESSED AND APPROVED:

Fair (Fay) Clarke

Fair (Fay) Clarke

Manager

Outreach Assisted Living Facility

5010 Ridgeway

Houston, Texas 77033

Date:

April 29, 2010

AFFIDAVIT OF KENNETH W. SMITH

On this 29th day of April, 2010 personally appeared before me, the undersigned authority, Kenneth W. Smith who after being duly sworn, did state upon his oath:

"I, Kenneth W. Smith, am over the age of eighteen years and am competent to make this Affidavit in all respects, and am personally acquainted with the facts herein stated:

I swear or affirm that I am suffering from a Disability as defined in Rule 1.06(l) of the Texas Rules of Disability Procedure and request that the Board of Disciplinary Appeals enter an Order of indefinite disability suspension from the practice of law.

I swear or affirm that I am currently not handling any pending cases. I swear or affirm there is no need to notify any court or tribunal of my suspension or for the State Bar of Texas to file a Motion for the Assumption of Jurisdiction over my former law practice.

I swear or affirm that I am currently unable to notify former clients of my suspension or return files, papers, unearned monies and other property which I do not have due to my disability.

I further swear or affirm that I am unable to locate my Texas law license and permanent State Bar Card due to my disability.

I acknowledge the above to be true and correct."

Kenn Smith
Kenneth W. Smith, Affiant

29th SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned authority, this day of April, 2010.

M. Hernandez
Notary Public for and in the State of Texas. My commission expires: 03-26-2011



**PENDING GRIEVANCES REGARDING
KENNETH W. SMITH
State Bar No. 18635300**

H0021030369 Veljon Stevenson

H0030928381 Ricardo Stevenson

H0080827269 Jaime C. Rios

H0030928535 Luther Knight

H0100827663 William R. Johnson

H0120827988 Gary R. Sangster