

BEFORE THE BOARD OF DISCIPLINARY APPEALS
appointed by
THE SUPREME COURT OF TEXAS

IN THE MATTER OF

EDGAR ORAN COBLE

STATE BAR CARD NO. 04446000

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CAUSE NO. 34611

ORDER GRANTING MOTION TO REVOKE PROBATION
AND SUSPENDING RESPONDENT FROM THE PRACTICE OF LAW
NUNC PRO TUNC

On April 1, 2005, the Board of Disciplinary Appeals heard the Motion to Revoke Probation filed by Petitioner, the Commission for Lawyer Discipline of the State Bar of Texas. Petitioner appeared through the Chief Disciplinary Counsel and announced ready. Respondent, Edgar Oran Coble (hereinafter called "Respondent"), although having been duly served and notified of the hearing, failed to answer or appear and wholly made default. All issues of fact and all questions of law were submitted to the Board of Disciplinary Appeals for determination. Having considered the pleadings on file, the evidence presented at the hearing, and the argument of counsel, the Board of Disciplinary Appeals finds that Respondent has materially violated the terms and conditions of his probationary suspension and that Petitioner's motion should therefore be granted.

Findings of Fact. The Board of Disciplinary Appeals finds that:

- (1) On or about May 4, 2004, Respondent and the Chair of the District No. 07A grievance committee of the State Bar of Texas signed an Agreed Judgment of Partially Probated Suspension in Case No. D2120322869, a true and correct copy of which is attached hereto and incorporated herein for all purposes as Exhibit "A."

- (2) In the above judgment dated May 4, 2004, Respondent agreed to the imposition of a partially probated suspension from the practice of law for a period of 37 months with one month of active suspension beginning July 1, 2004, and ending July 31, 2004, and the last 36 months of the suspension beginning August 1, 2004, and ending July 31, 2007, being probated.
- (3) The Agreed Judgment dated May 4, 2004 contains certain terms and conditions of probation, the violation of which subjects Respondent to having the probation revoked.
- (4) Respondent failed to timely pay any restitution to Fernali Ferrice as ordered in the Agreed Judgment and had failed to do so at the time of the hearing on April 1, 2005. The Agreed Judgment required said restitution to be paid in installments beginning September 5, 2004 and delivered to the Office of the Chief Disciplinary Counsel. Respondent did not attempt to obtain an extension of time for payment from the State Bar of Texas.
- (5) Respondent failed to timely file an affidavit with the State Bar of Texas as ordered in the Agreed Judgment stating that all courts in which Respondent had any matter pending were notified in writing of his suspension. Respondent had not filed any affidavit as of the date of the hearing on April 1, 2005.
- (6) Respondent failed to timely file the results of a psychiatric or psychological evaluation with the State Bar of Texas as ordered in the Agreed Judgment and had not done so at the time of the hearing on April 1, 2005.
- (7) Respondent did not respond to communications from the Office of the Chief Disciplinary Counsel concerning his failure to timely comply with the terms and conditions of probation and had not done so at the time of the hearing on April 1, 2005.

Conclusions of Law. Based upon the foregoing findings of facts the Board of Disciplinary Appeals makes the following conclusions of law:

- (1) This Board has jurisdiction to hear this matter pursuant to TEXAS RULES OF DISCIPLINARY PROCEDURE 2.23 ("TRDP").
- (2) Respondent, Edgar Oran Coble, has materially violated the terms and conditions of probation set forth in the Agreed Judgment of Partially Probated Suspension signed by him on May 4, 2004.

(3) A material violation of the terms and conditions of probation results in the revocation of the probation and the Respondent being actively suspended for the full term of the probation without any credit for time served.

(4) Respondent's probation should be revoked and he should be actively suspended from the practice of law for a period of 36 months beginning the date this Order is signed.

The prior order recited incorrect dates for the original period of probated suspension.

Those dates are corrected herein.

It is therefore **ORDERED, ADJUDGED and DECREED** that Respondent's probation as set forth in the Agreed Judgment of Partially Probated Suspension dated May 4, 2004, be and the same is hereby **REVOKED**, and Respondent, Edgar Oran Coble, is hereby **SUSPENDED** from the practice of law in the State of Texas for a period of 36 months effective as of the date of this Order.

It is further **ORDERED** that Respondent, Edgar Oran Coble, is hereby **PROHIBITED** from practicing law in Texas during the entire term of his suspension, holding himself out as an attorney, performing any legal services for others, accepting any fee directly or indirectly for legal services not completed before the date of this Order, appearing as counsel in any proceeding in any Texas Court or before any Texas administrative body, or holding himself out to others or using his name in any matter in conjunction with the words "attorney," "counselor at law," or "lawyer."

It is further **ORDERED** that, on or before the expiration of thirty (30) days from the date of this Order, the Respondent shall **NOTIFY** each of his current clients in writing of this suspension. In addition to such notification, Respondent is **ORDERED** to **RETURN** all files, papers, monies, including unearned fees, and other property belonging to clients and former

clients in the Respondent's possession to the respective clients or former clients or another attorney at the client's request. Respondent is further **ORDERED** to **FILE** with this Board on or before the expiration of thirty (30) days from the date of this Order, an affidavit stating that all current clients have been notified of the Respondent's suspension and that all files, papers, monies, including unearned fees, and other property belonging to clients and former clients have been returned as ordered herein together with a true and correct copy of any communication directed to such clients and former clients and a list setting forth the names and addresses of the intended recipients of such communications. In the event Respondent is unable to comply in any respect with this requirement, he shall state with particularity, under oath, what client or clients he was unable to contact and what efforts he made to comply with this Order.

It is further **ORDERED**, that on or before the expiration of thirty (30) days from the date of this Order, Respondent shall **NOTIFY** in writing each and every court in which the Respondent has any matter pending, of the terms of this Order, the style and cause number of the pending matters in which the Respondent appears as an attorney, together with the name, address and telephone number of the client the Respondent is representing in that Court.

It is further **ORDERED** that Respondent, Edgar Oran Coble, **SURRENDER** his Texas law license and permanent State Bar card to the office of the Chief Disciplinary Counsel of the State Bar of Texas within ten (10) days of the date of this Order at P.O. Box 12487, Austin, Texas, 78711 for transmittal to the Clerk of the Supreme Court of Texas, if he has not already done so.

It is further **ORDERED**, that the Clerk of this Board shall forward a certified copy of the Petition to Revoke Probation on file herein, along with a copy of this Order to the Clerk of the Supreme Court of Texas, Supreme Court Building, Austin, Texas, 78711, and to the Chief Disciplinary Counsel of the State Bar of Texas, P.O. Box 12487, Austin, Texas, 78711.

All relief not expressly granted herein is **DENIED**.

SIGNED this 18th day of April 2005.



CHAIRMAN PRESIDING