



F I L E D

Apr 26 2022

**BEFORE THE BOARD OF DISCIPLINARY APPEALS  
APPOINTED BY  
THE SUPREME COURT OF TEXAS**

**IN THE MATTER OF** §  
**ROBERT RAY SMITH** § **CAUSE NO. 66183**  
**STATE BAR NUMBER 18678070** §

**RESPONSE TO PETITION FOR COMPULSORY DISCIPLINE  
TO THE BOARD OF DISCIPLINARY APPEALS:**

Respondent, Robert Ray Smith, (hereinafter called “Respondent” or “Smith”), respectfully responds to the Petitioner’s, the Commission for Lawyer Discipline (hereinafter called “Petitioner”) Petition for Compulsory Discipline as follows:

## I. LEGAL AUTHORITY

In response to Petitioner's Petition for Compulsory Discipline, Respondent would note the following controlling legal authority:

**8.05. Disbarment:** When an attorney has been convicted of an Intentional Crime, and that conviction has become final, or the attorney has accepted probation with or without an adjudication of guilt for an Intentional Crime, the attorney shall be disbarred **unless** the Board of Disciplinary Appeals, under Rule 8.06, **suspends his or her license to practice law**. If the attorney's license to practice law has been suspended during the appeal of the criminal conviction, the Chief Disciplinary Counsel shall file a motion for final judgment of disbarment with the Board of Disciplinary Appeals. If the motion is supported by affidavits or certified copies of court documents showing that the conviction has become final, the motion shall be granted without hearing, unless within ten days following the service of the motion pursuant to Rule 21a of the Texas Rules of Civil Procedure, upon the attorney so convicted or his or her attorney of record, the attorney so convicted files a verified denial contesting the finality of the judgment, in which event the Board of Disciplinary Appeals will immediately conduct a hearing to determine the issue. If no Disciplinary Action is pending at the time the conviction becomes final, disbarment shall be initiated by filing a Disciplinary Action.

**8.06. Suspension:** If an attorney's sentence upon conviction of a Serious Crime is fully probated, or if an attorney receives probation through deferred adjudication in connection with a Serious Crime, the attorney's license to practice law shall be suspended during the term of probation. If an attorney is suspended during the term of probation, the suspension shall be conditioned upon the attorney's satisfactorily completing the terms of probation. If probation is revoked, the attorney shall be disbarred. An early termination of probation does not result in reinstatement until the entire probationary period, as originally assessed, has expired.

Sections 8.05, 8.06, Texas Rules of Disciplinary Procedure.

This matter is before this disciplinary panel because of allegations that Mr. Robert Smith has violated Texas Rules of Disciplinary Procedure (“TRDP”) Sec. 8.05 in that he pled guilty to an Intentional Crime and that he, without an adjudication of guilt, was placed on probation for a term of three years by the Travis County, Texas District Court. Mr. Smith so stipulates to these facts. However, because he received a fully probated sentence under the terms of deferred adjudication, Mr. Smith respectfully requests that this panel suspend his license to practice law in accordance with the provisions of TRDP 8.06 in lieu of disbarment.

As required by 8.06, Respondent’s “sentence upon conviction of a Serious Crime [was] fully probated,” or if Respondent “receives probation through deferred adjudication in connection with a Serious Crime, the attorney's license to practice law shall be suspended during the term of probation. If an attorney is suspended during the term of probation, the suspension shall be conditioned upon the attorney's satisfactorily completing the terms of probation.”

## **II. ISASSI CRITERIA**

In determining whether suspension under Sec. 8.06 is appropriate, guidance from the Board of Disciplinary Appeals is found by a list of factors set forth in No. 57699 styled *In the Matter of Alfred L. Isassi, State Bar of Texas Card No. 24010124*. This response is an application of those factors to this matter. See Exhibit 1.

## **III. WAS THE CRIME DIRECTLY RELATED TO THE ATTORNEY’S PRACTICE OF LAW?**

Yes, Mr. Smith’s crime was directly related to the attorney’s practice of law. However, the analysis should not end with this simple answer. A person’s actions do not happen in a vacuum. There is always a backstory. To understand the events and factors that culminated in a person’s actions provides insight to the finder of fact that is beneficial in making the ultimate decision in this matter. For almost 30 years, Mr. Smith had been a credit to both the legal profession and to society in general. His actions in 2018 were an aberration from both his overall personal and professional life. The following is an abbreviated timeline of events that set the stage for his personal and professional failures.

- A. In 2009, black mold was discovered in Mr. Smith’s home. It was so widespread that his home had to be almost completely rebuilt. Only the roof and the foundation were unaffected. His homeowners’ insurance policy did not cover black mold and he had to pay

for the cost of the rebuild exclusively from his own funds. He and his family moved in with his mother, an 84-year-old cancer survivor.

By late 2010, he had expended all of his funds and the rebuild was not even half done. Foreclosure on his home was begun and it was set for April 5, 2011. *See Exhibit 1.* The foreclosure was avoided on the day before the sale through a combination of financial assistance from friends and an agreement with the financing company to modified payment terms. Finally, with additional personal loans from friends, the rebuild of Mr. Smith's home was completed in mid-2012.

- B. In addition to the financial hardship, the black mold aggravated the medical condition of Mr. Smith's wife, Cindy. Cindy's medical state was already fragile before the black mold was discovered. She already had a weakened immune system caused from prior medical problems. The black mold greatly exacerbated her respiratory problems. Periodic illnesses like the cold or flu became more frequent, the symptoms increased in severity, and she required a longer recovery period. It was also during this general period of time that she developed significant problems with her back and gastro-intestinal tract and her diabetic condition worsened. Complications from which she previously suffered emanating from the diabetes, such as blurred vision, loss of sensation in her feet, etc., became more severe.
- C. Late in 2012, Mr. Smith's 16-year-old son, Shea, was diagnosed with severe anxiety and depression. Mr. Smith suffers from depression and it is an illness which has occurred in Mr. Smith's family over several consecutive generations. At least one member of the last three generations have taken their own lives as a result of this disease. Shea's depression worsened and he developed suicidal ideations. Finally, it got to the point that he had to be removed from his regular school and enrolled in a charter school where daily psychological counseling was provided in addition to the standard educational curriculum. Besides the personal stress of taking care of his son, Mr. Smith's already shaky financial situation was forced to add the expense of the charter school along with insurance co-pays to mental health professionals. His son's condition required intensive support from Mr. Smith and his wife over the next five years. Eventually, through counseling and getting the correct combination of medication after much trial and error, he has gotten much better although he still requires extensive family support.
- D. In 2011, Mr. Smith's mother was diagnosed with early-stage dementia. Over the subsequent years, she required an increasing level of care. In early 2015, she was diagnosed with cancer and passed away later that year.
- E. Although Mr. Smith had his own private practice, he worked with another attorney who had a large volume of cases. The work referred to him provided a substantial part of his

annual income, along with administrative support for the referral attorney's cases. In 2016, after 21 years of working with the other attorney, he was informed that his services were no longer needed. No notice was given. Thus overnight, his financial position changed from difficult to extremely critical.

Over the years, because of the income and administrative support he received from the other attorney and his own practice, he was able to reasonably keep up with the workload. To do so, however, he had to work afterhours and weekends on a regular basis. On occasion, he was able to hire a temporary worker to help him when he had a lot of cases that increased the demand on his time.

To address the suddenly changed situation, and the drastic loss of income, Mr. Smith began efforts to increase the number of cases he accepted. The influx of cases he took on in a relatively short period of time caused problems for him in addressing them in a timely manner. He continued to work after hours and on weekends. As he was unable to hire an assistant due to his financial situation, he had to take care of every aspect of his practice. In addition to performing substantive legal work, he had to take care of the clerical/office work (drafting documents, reminding clients of court dates, etc.) and oversee the business aspect of the business.

Still, despite his efforts to increase his income, his financial condition continued to deteriorate. By 2018, he had exhausted all of his personal savings, including the amount set aside for his son's education, the funds that he had received from his mother's estate, and he had taken out a loan using the house that he had inherited from his mother as collateral. This was in addition to him continuing to pay his own mortgage. Despite the temporary influx of capital, and all of these efforts to increase his income, he soon found himself facing foreclosure on both houses. *See Exhibit 2.*

Against this backdrop, his wife's medical condition significantly deteriorated in 2017 and 2018. Despite numerous doctor visits and accompanying tests, the cause of her symptoms could not be ascertained. By 2018, the doctors suspected the cause of her problems was an infection and antibiotics were prescribed. Unfortunately, they were not effective. In response, at each visit, the doctor increased the strength and/or dosage of them or prescribed a more potent medicine.

Finally, the doctor tried the most powerful antibiotic available. It was unsuccessful. Although the unsuccessful regimen was very troubling in and of itself, Mr. Smith was especially distraught because his father had died from sepsis after all antibiotic treatments prescribed for him had failed. (Eventually, it was discovered that the infection was in her nasal cavity and was removed via surgery.)

As mentioned earlier, an action does not occur in a vacuum. The objective of the narrative set forth is not to gain sympathy for Mr. Smith. Rather, it is intended to explain---not excuse---how an attorney with an unblemished record as an attorney for almost 30 years suddenly deviated from his history of ethical behavior.

The circumstance of his crime is very straightforward. Late one evening at his office, he was trying to catch up on a large amount of work which was way overdue. One of the overdue projects was the preparation of an expunction for a client. As the task did not contain the same level of urgency as the other cases that needed quick attention, it was “triaged” to the bottom of his work list. In addition, there was one question raised by the facts that required research.<sup>1</sup>

Over the weeks, the client had inquired regarding the status of her case. Mr. Smith falsely responded to her with a variety of answers; “it’s been filed”, “found a problem and had to amend”, and finally, “it’s been signed, just have to wait for it to be removed from the various databases.”

After the final lie, he realized that the once non-urgent case now required immediate attention. When the client requested a file-marked copy of the order, and she could not be put off any further, Mr. Smith racked his brain for possible options. At 10:00 p.m. one night, he selected the worst option possible. He cut file stamps from the clerk he had on other documents, along with a judge’s signature, and pasted them on a draft final order he had prepared. Then he emailed the forged document to the client and believed that he had bought himself some additional time to complete the case. When the client went to the Clerk’s office to get a certified copy, his criminal and unethical behavior was discovered.

#### **IV. HAS THE ATTORNEY COMPLIED WITH THE TERMS AND CONDITIONS OF HIS PROBATION?**

Yes, Mr. Smith has complied with the terms and conditions of his probation. He has complied with both the terms of the five-year probation imposed by the State Bar of Texas, *see* Exhibit 3, and the three-year deferred adjudication probation imposed upon him in the criminal case by Travis County District Court. *See* Exhibit 4.

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<sup>1</sup> The client had been arrested on one occasion, but no charges were filed. Mr. Smith was unclear as to how to identify the incident in the petition as no cause number had been issued.

## V.

### EFFORTS AT REHABILITATION

Yes, Mr. Smith had demonstrated additional efforts at rehabilitation. On the State Bar suspension, after completing the basic requirements, such as notifying clients and requisite judges of his suspension and its' terms, he has complied with his ongoing requirement of getting mental health treatment and providing proof of such to the State Bar. *See Exhibit 5.* Mental health treatment is also an ongoing provision of his deferred adjudication. He remains compliant on this term as well. In addition to the standard terms required by the criminal court, on the provisions specific to his case, he has paid all financial requirements (fines and court costs) in full and immediately after being probated, he provided letters of apology to Judge Julie Kocurek, Judge David Wahlburg, and Velva Price, the District Clerk. *See Exhibit 6.*

Community service is a requirement of the vast majority of probated sentences. Instead of performing the community service at an approved non-profit as is customary, Mr. Smith requested, and the State and Court approved, his community service to be performed as sharing his personal story and the importance of mental health treatment to various groups of attorneys. Although delayed by the Covid-19 epidemic, he has still partially performed this term and it will be completed within the required deadline. Mr. Smith has given two in-person talks, one to the Houston Christian Legal Society and the second to Bastrop County Bar Association in Bastrop, Texas at the invitation of County Judge Benton Escew. He has also contacted Erica Grigg at TLAP to offer his story to the TLAP library and speaker's bureau to help others who suffer from depression as a preventive and rehabilitative measure.

Mr. Smith proposed this form of community service because, in his words, he "didn't want others to go through the despair, hopelessness, and the deterioration of his health and self that he went through." His presentation is one of brutal honesty, description of life in the "darkness", and ultimately of the hope and personal contentment that can be obtained through various forms of assistance. Importantly, he provides a first-hand description of the treatment forms and strongly urges persons with mental illness to seek help. He also addresses effective strategies for others who suspect a friend or colleague who might suffer from a mental health problem. Finally, once his community service obligations are completed, he will continue making the presentations to others.

## VI.

### DID THE ATTORNEY ACCEPT RESPONSIBILITY FOR HIS PAST ACTIONS?

Yes, Mr. Smith Has accepted responsibility for his past actions. Once he realized that everything had fallen apart, he voluntarily spoke to Judge Wahlburg and explained what he had done. Subsequently, he met with Judge Kocurek and Velva Price, the District Clerk, and informed them of what transpired. During the pendency of both the criminal matter and the State Bar disciplinary action, Mr. Smith never denied or minimized his actions. *See Exhibit 5.*

## **VII.**

### **HAS ANY PRIOR DISCIPLINE BEEN IMPOSED ON THE ATTORNEY?**

Respondent Smith previously responded “No” to this question. He responded to the question to the best of his ability at the time. However, there was a private reprimand which occurred approximately 24 years prior that he did not recall when he was preparing the response. He only recalled it after it was subsequently brought to his attention. The issue involved an uncontested divorce in which all of the work had been completed except for proving it up on the uncontested docket.

He also overlooked the fact that he had been previously late on payments of bar dues and taxes. Because there had been no sanction imposed, other than late charges, and since no formal proceedings were filed against him, he did not realize it fell under the category of disciplinary action

## **VII.**

### **SERIOUSNESS OF AND CIRCUMSTANCES SURROUNDING THE ATTORNEY’S CONDUCT**

There is no disputing that Mr. Smith’s misconduct was extremely serious. It cannot be minimized and Mr. Smith does not minimize it. As to the circumstances that led up to the behavior, the narrative in set forth Section I describes the stress that he had been under for a prolonged period of time. Those stressors, coupled with his own mental health problems, and the downward spiral he was experiencing culminated in an awful decision.

## **IX.**

### **THE LOSS OR DAMAGE TO CLIENTS**

When the client asked for a refund of all fees paid, Mr. Smith immediately refunded them. The client was delayed in having her prior offenses expunged or shielded from the public by an Order of Nondisclosure. However, she was not prevented by statute of limitations to do so and was able to completely obtain all of the legal relief she sought from Mr. Smith.

## **X.**

### **DAMAGE TO THE PROFESSION**

Mr. Smith accepts the fact that he caused great damage to the legal profession. He cannot undo the damage. He can, however, help prevent others from making a serious mistake like he did. As noted in the final paragraph of Section III, he will work diligently in any way possible to educate his fellow attorneys as to the warning signs that can lead to a self-destructive spiral into

the darkness of depression. In doing so, he hopes that he can do at least a small part in bettering the profession.

## **XI.**

### **ASSURANCE THAT THOSE SEEKING LEGAL SERVICES IN THE FUTURE WILL BE INSULATED FROM THIS TYPE OF MISCONDUCT**

Mr. Smith, with assistance from his psychiatrist and his counselors, has created a personal recovery plan. He more closely monitors his medication and if he notices any changes in it, he immediately makes an appointment with his psychiatrist to determine if adjustments need to be made. Previously, he would opt to “discuss it at the next appointment.”

He also sees a psychologist on a weekly basis to discuss the situation in his life and accompanying stress he experiences. Through her assistance, he is better able to quickly identify “distorted thoughts” --- such as those that led to his personal and professional downfall --- and develop better strategies for handling problems. The counselor has assisted him in modifying his thinking regarding both his current situation as well as his overall life track. The latter includes moving on from personal failure, both personal and professional, focusing on creating a better future for himself, and restoring his perception of his self-worth and self-esteem.

Mr. Smith has made a successful effort to take advantage of close friends who are committed to helping him in his recovery. This is a very important factor. When he committed his crime and ethical breach, his mindset was that he had to come up with solutions to problems entirely on his own. Interacting with his dedicated friends helps him understand that he is not alone in his struggle for a better life. Much like his counselor, they help him maintain a healthy overall balance in his life. In that way, when he encounters the more exacerbated peaks and valleys that occur in his life as a result of his mental illness, or his distorted perception of them, can be immediately countered. His friends are available for him to contact at any time of the day or night to assist him through his dark periods. He calls them his “reality checkers.”

One of his reality checkers is a person from his church called a Stephen minister. Stephen ministers are lay persons who have received training in dealing with persons who are experiencing difficulties in life. In meeting with the Stephen minister, he has become more spiritual. In his presentation, he explains how his heightened spirituality is beneficial in achieving the goals mentioned earlier.

Finally, his mission to prevent his colleagues from descending into the awful pit of depression has added a new, heart-felt purpose to his life. By helping others, Mr. Smith more fully appreciates how it improves his self-esteem. It reminds and reassures him that in his life, despite its difficulties, he *is* succeeding in making the world a little better place. After one of his presentations, a person told him that he had been struggling with whether to contact a psychiatrist for his depression. After



hearing Mr. Smith's story, the person said that the presentation had decided to seek help. Mr. Smith described the moment as "heartwarming."

## **XII.**

### **PROFIT TO THE ATTORNEY**

Mr. Smith did not profit from his misconduct. When the client came to his office seeking a return of her payments in the matter, he refunded all of the funds immediately.

## **XIII.**

### **AVOIDANCE OF REPETITION**

See the response in Section IX above. In addition, besides the obvious effect of future misconduct, Mr. Smith often reflects on his parents and grandparents who made many sacrifices to help him along in life. He experiences pain and guilt thinking about the hurt that his actions would cause them if they were alive. This guilt is a difficulty that his support team is helping him overcome. The past cannot be changed so he is focusing on "letting it go" and making a better life for himself by working on factors that he *can* control--his future actions. There is one element of his thoughts about his parents and grandparents that is positive. It helps motivate him to dedicate living his life in a manner that would make them proud.

## **XIV.**

### **THE DETERRENT EFFECT ON OTHERS**

The severity of the sanctions which he has already been imposed on him --- the suspension of his law license for five years and the accompanying loss of respect of his colleagues --- sends a clear and unmistakable message to others in the profession that gross misconduct and criminal behavior will not be tolerated. In addition, his personal story that he relates in his presentations reinforce the deterrent aspect of severe, wrongful acts. Because it is communicated on an individual level, it has more impact that if an attorney just reads about it in the Texas Bar Journal.

## **XV.**

### **THE MAINTENANCE OF RESPECT FOR THE LEGAL PROFESSION**

Again, it cannot be overstated as to the harm Mr. Smith's actions have caused the legal profession. Unfortunately, it is impossible to undo the initial impact of his actions on society. However, in reviewing this brief, one can see his motivated efforts to show his colleagues and society in general that his story does not end with his misconduct. By his efforts to aid others in

seeking help for mental illness, it may, in at least a small way, illustrate that something positive can arise from even a really bad act.

Mr. Smith respectfully asks that this panel to suspend his license in lieu of disbarment. For three decades he was a productive and dedicated member of the Bar. He sincerely desires to resume his career as an attorney and assist people in solving their legal problems. Permitting him to eventually resume his career will be beneficial to all. In fact, as strange as it may seem, he will contribute even more to the profession than he did before the incident because of the lessons that he has learned and the insight he has gathered over the past three years.

In the many cases that this panel reviews, a suspension is only for the balance of his community supervision in the criminal matter. However, since he has already been suspended for five years by the State Bar, he will continue to be monitored long after his term of community supervision has ended.

Mr. Smith will not have another legal or ethical lapse of any type. There is now an extraordinary support system in place for him. Not only is it a safeguard for his career, it is something that he must maintain for his personal welfare for the rest of his life. He knows, understands, and appreciates this fact. As part of his recovery, he has a major goal motivating him; the resumption of his legal career. Goals are a significant part of a recovery process, whether for addressing mental health problems or recovering from addictions such as alcohol or drug abuse.

Besides everything mentioned in this response, the greatest motivation Mr. Smith has is his family. He has a wife and three children for whom he must provide. While part of his responsibility is financial, specifically for his youngest child and his wife, who have major medical problems, the more important type of support is providing mental and emotional support and love for all of his family. His motivation will not permit him to hurt or embarrass them again.

Mr. Smith appreciates your thoughtful consideration and sincerely looks forward to addressing the panel in person at his upcoming hearing. You will find that he is completely sincere in taking responsibility for his actions and following through with his recovery plan.

Respectfully submitted,



Catherine Tabor

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**CERTIFICATE OF SERVICE**

By my signature above, this is to certify that a true and correct copy of the above and foregoing instrument was this day forwarded in accordance with the Texas Rules of Civil Procedure to all counsel of record, on this the 26<sup>th</sup> day of April, 2022.

## VERIFICATION

THE STATE OF TEXAS

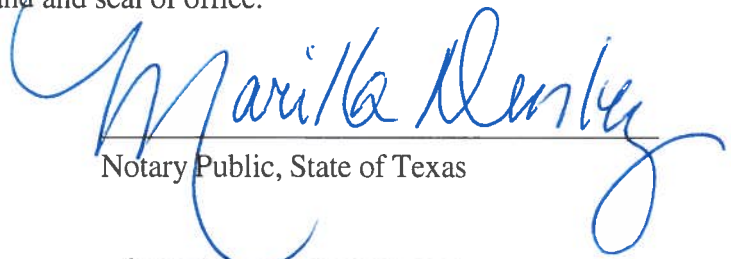
COUNTY OF TRAVIS

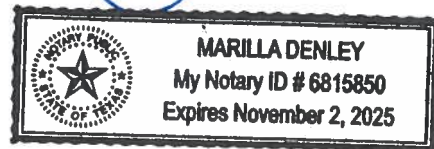
BEFORE ME, the undersigned authority, personally appeared ROBERT R. SMITH who, upon Petitioner's oath, deposed and stated:

"My name is ROBERT R. SMITH. I am the Respondant in the above-entitled and numbered cause. I have read the foregoing Amended Response and the facts set forth therein are within my personal knowledge true and correct."

  
ROBERT R. SMITH

SUBSCRIBED AND SWORN TO before me by ROBERT R. SMITH on this the 26<sup>th</sup> day of April, 2022, to certify which witness my hand and seal of office.

  
Notary Public, State of Texas



# EXHIBIT

1

**JUDGMENT OF DISBARMENT**

**Opinion and Judgment Signed and Delivered May 8, 2017.**



**BEFORE THE BOARD OF DISCIPLINARY APPEALS  
APPOINTED BY  
THE SUPREME COURT OF TEXAS**

**No. 57699**

**IN THE MATTER OF  
ALFRED L. ISASSI  
STATE BAR OF TEXAS CARD NO. 24010124**

**Opinion and Judgment**

**COUNSEL:**

Gaines West, West, Webb, Allbritton & Gentry, P.C., College Station, Texas, for  
Respondent Alfred I. Isassi.

Linda A. Acevedo, Chief Disciplinary Counsel, Rebecca (Beth) Stevens, Assistant  
Disciplinary Counsel, Dean Schaffer, Assistant Disciplinary Counsel, Office of the Chief  
Disciplinary Counsel of the State Bar of Texas, Austin, Texas, for Petitioner Commission for  
Lawyer Discipline of the State Bar of Texas.

## OPINION

This compulsory discipline case presents whether the Board should impose sanctions under Tex. Rules Disciplinary P. R. 8.05 or under Rule 8.06. Respondent Isassi has asked the Board to impose no additional discipline beyond the date of this judgment based on the time he has already been suspended pending the hearing. Based on the evidentiary record, the Board has determined that sanctions should be imposed under Rule 8.05 and that Respondent Isassi should be disbarred.

### The felony conviction

On October 13, 2015, following a jury trial, Isassi was convicted of Tampering with Governmental Record in violation of Texas Penal Code § 37.10. Tampering with Governmental Record is a felony offense involving moral turpitude, thus a “Serious Crime” under Tex. Rules Disciplinary P. R. 1.06.AA., *reprinted in* Tex. Gov’t Code Ann., tit. 2, subtit. G, app. A-1. The crime required proof of knowledge or intent—thus, an “Intentional Crime” under Rule 1.06.T. Isassi was sentenced to two years confinement, probated for four years.<sup>1</sup> On April 7, 2016, by an amended judgment, Isassi’s sentence was modified to one year in jail probated for two years.<sup>2</sup> By order dated September 30, 2016, Isassi’s probation was terminated.

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<sup>1</sup> The felony was committed while Isassi was a county court at law judge. The judgment included an order that Isassi be removed from his position as judge.

<sup>2</sup> The amendment was pursuant to Texas Penal Code § 12.44(a). The conviction remained a felony conviction but the punishment was reduced to a level permissible for a Class A misdemeanor. Isassi admits that the conviction was a felony under the original judgment and under the amended judgment. Answer, ¶¶ 4, 5. As a condition for issuance of the amended judgment, Isassi agreed to dismiss his pending appeal from the original judgment.

### Disbarment or Suspension

Because Isassi did not file a verified denial contesting finality of the judgment, Tex. Rules Disciplinary P. R. 8.05 requires disbarment “unless the Board of Disciplinary Appeals, under Rule 8.06, suspends his ... license to practice law.” Rule 8.06 is available for consideration where, as here, the attorney’s sentence was fully probated. Isassi urges that any suspension of his license should be through September 30, 2016, when his probation was terminated—that is, that any suspension should conclude at a date earlier than both the four-year probationary period set forth in the judgment of conviction and earlier than the two-year probationary period set forth in the amended judgment. Answer, ¶ 11. Thus, Isassi’s position is that the “ceiling on the compulsory discipline that can be imposed by BODA” (*id.*) is suspension of his license to practice law for a period that ends on a date before it is imposed.<sup>3</sup> We do not agree.

The Supreme Court has made clear that in circumstances such as this case, “BODA has discretion to disbar or suspend.” *In re Caballero*, 272 S.W.3d 595, 601 (Tex. 2008). The Supreme Court has affirmed BODA decisions to disbar an attorney who received a

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<sup>3</sup> Procedurally, Isassi agreed to a suspension of his license on July 26, 2016, in exchange for his request to continue BODA’s hearing from an originally scheduled hearing on July 29, 2016. Based on the record at that date, any suspension under Rule 8.06 would have been imposed until September 30, 2017, if measured by the two-year probation in the amended judgment, or until September 23, 2019, if measured by the four-year probation in the original judgment. But after the continuance of the BODA hearing, Isassi obtained an order from the criminal court on September 30, 2016, terminating his probation effective that date. Isassi urges that BODA should look to the September 30, 2016 order (issued pursuant to Texas Code of Criminal Procedure § 42.12, § 20) as guidance for mitigation factors in this disciplinary proceeding. However, Isassi did not introduce any evidentiary record from that hearing into the BODA proceeding to allow evaluation of what the criminal court considered at the termination hearing. The transcript of the September 30, 2016 hearing (admitted by agreement at the BODA hearing) makes it appear that no evidence was introduced. The Judge’s comments in the transcript do not indicate consideration of many of the factors that BODA considers in evaluating which compulsory discipline should be imposed. Thus, the September 30, 2016 order is not dispositive.



fully-probated criminal sentence. *See, e.g., In re Mercier*, BODA Case No. 38020, aff'd, 14-0367 (Tex. Jan. 30, 2015); *In re Filippov*, BODA Case No. 30611, aff'd, 04-0151 (Tex. June 18, 2004); *In re Goldberg*, BODA Case No. 25757, aff'd, 02-0853 (Tex. Mar. 3, 2003); *In re Raynor*, BODA Case No. 25458, aff'd, 02-0435 (Tex. Sept. 26, 2002); *In re Hartley*, BODA Case No. 06052, aff'd, 95-0511 (Tex. Oct. 27, 1995).

In exercising its discretion, BODA has considered such factors as whether the crime was directly related to the attorney's practice of law, the conduct of the attorney during the compulsory proceeding, whether the attorney has complied with the terms and conditions of his probation, the attorney's efforts at rehabilitation, if applicable, the attorney's credibility under oath, whether the attorney accepts responsibility for his past actions, and any prior discipline imposed on the attorney. *In re Filippov, supra*, 2004 WL 5698154, at p. 6, *approved, In re Caballero, supra*, 272 S.W.3d at 601. Additional relevant factors are listed in Tex. Rules Disciplinary P. R. 3.10,<sup>4</sup> including the seriousness of and circumstances surrounding the attorney's conduct, damage to the profession, avoidance of repetition, the deterrent effect on others, and the maintenance of respect for the legal profession.

#### **Evaluation of factors**

We analyze the evidence presented by Isassi at the compulsory disciplinary hearing addressing the *Filippov* and other instructive factors.

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<sup>4</sup> Rule 3.10 governs standard grievance proceedings in district court and not compulsory discipline. Nevertheless, we find the factors instructive on the issue of whether to exercise discretion under Rule 8.06. *See In re Humphreys*, 880 S.W.2d 402, 404 (Tex. 1994) (discussing the Administrative Procedure Act).

1. *Whether the crime was directly related to the attorney's practice of law*

The jury in Isassi's criminal case found that, on February 17, 2015, while serving as an elected judge, Isassi forged the signature of the county attorney on a motion to dismiss to achieve dismissal of criminal charges against one of Isassi's former clients. Isassi's actions while in a judicial capacity require a license to practice law. We give substantial aggravating weight to this factor.

2. *The conduct of the attorney during the compulsory proceeding*

Isassi conducted himself professionally throughout the compulsory proceedings. We give some mitigating weight to this factor.

3. *Whether the attorney has complied with the terms and conditions of his probation*

Isassi complied with the terms and conditions of his probation. We give mitigating weight to this factor.

4. *The attorney's efforts at rehabilitation*

Isassi testified that he is a stay-at-home father for his 7-year-old son. Isassi provided no evidence of counseling, therapy, or any attempts to engage a licensed professional so that he may explore the reasons he finds himself convicted a second time<sup>5</sup> for conduct directly related to the practice of law. His testimony displayed a lack of self-awareness and insight. We find this lack of effort at rehabilitation an aggravating factor.

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<sup>5</sup> Isassi's conviction by a jury of a separate crime in 2005 that also required intent and involved his practice of law is described under items 6 and 13 below.

5. *The attorney's credibility under oath*

In reviewing the credibility of the witness, the Board finds that Isassi was the least credible in the areas that mattered most. Isassi was credible under oath when he lamented the consequences and embarrassment that resulted from his conviction. Isassi was credible when he discussed his appreciation and love for his family. Isassi was far less credible when he attempted to convince the Board that he accepted the jury's verdict, yet maintained his innocence. Isassi's body language and long pauses when questioned about what he did wrong did not come across as reflective or remorseful. Isassi admits to doing things wrong, but simultaneously believes he was wrongfully prosecuted. Isassi still maintains that he did not forge a prosecutor's signature, but respects the jury's verdict. While Isassi said the words, "I accept responsibility for my actions," the totality of factors observed during his testimony including his demeanor, his tone, and his guardedness severely undermined his credibility. We give substantial aggravating weight to this factor.

6. *Whether the attorney accepts responsibility for his past actions*

At the hearing before the Board of Disciplinary Appeals, Isassi did not accept responsibility for his crime, and his expressions of remorse did not appear sincere. Although stating that he accepted the jury's verdict, Isassi continues to deny that he engaged in the forgery for which he was convicted. He said that he had only been helping a former client and that he now recognizes that "no good deed goes unpunished." His testimony appeared to reflect respect for the power of the criminal justice system when one is caught, but it failed to express any sincerity in understanding that what he had done was criminal. Indeed, Isassi's explanation of his conduct, if true, stated a prima facie violation of a different statute under

which Isassi had been convicted of two crimes in 2005—namely, improper influence with intent to influence the outcome of adjudicatory proceedings on the basis of considerations other than those authorized by law.

During his testimony Isassi referred to his 2015 conviction as being reduced to a misdemeanor, which is not correct. While his characterization of the felony as a misdemeanor may seem like a technical mistake, his minimization of his role in the forgery, his minimization of the seriousness of the felony conviction, and his comment that he was punished for simply doing “a good deed” severely undercut any testimony he provided that he accepts responsibility for his past actions. We give substantial aggravating weight to this factor.

7. *Any prior discipline imposed on the attorney*

Isassi was disciplined in 2016 for communicating with a party whom he knew was represented by counsel. Isassi was subject to a four-month probated suspension from February 1, 2016 to May 31, 2016. We give only slight aggravating weight to this factor.

8. *Seriousness of and circumstances surrounding the attorney's conduct*

First, it was not Isassi's role to obtain a dismissal from the prosecutor. Even asking the prosecutor to dismiss the case would subject Isassi to the offense of Improper Influence. Second, the forged dismissal was not to rectify a clerical error. There was no agreement by the prosecutor to dismiss these cases. This makes the conduct corrupt. Third, the forged dismissal could have led to the criminal investigation and wrongful accusation of the former client or court appointed lawyer. The forged dismissal directly benefits Isassi's former client. As such, Isassi's conduct put others at risk. Fourth, Isassi was not doing a

“good deed.” He abused his position as a judge in a case from which he admitted he should have recused himself<sup>6</sup> to facilitate a dismissal for a former client, to which the prosecutor did not agree. The integrity of the legal profession relies upon respect for the legal process. Unlike many other Intentional Crimes or Serious Crimes, Isassi’s felony offense directly relates to the integrity of the legal system. We give substantial aggravating weight to this factor.

9. *The loss or damage to clients.*

Isassi’s criminal misconduct related to an improper effort to dismiss charges against his former client by forging the signature of an unwilling prosecutor. Isassi’s former client suffered no loss; but if the prosecutor had not learned of Isassi’s fraudulent conduct, the victims of the Theft by Check offenses might have lost their ability to seek restitution through the criminal proceeding. We give slight weight to this aggravating factor.

10. *Damage to the profession*

The Preamble of the Texas Disciplinary Rules of Professional Conduct gives guidance on measuring the seriousness of Isassi’s conduct:

1. A lawyer is a representative of clients, an officer of the legal system and a public citizen having special responsibility for the quality of justice. *Lawyers, as guardians of the law, play a vital role in the preservation of society. The fulfillment of this role requires an understanding by lawyers of their relationship with and function in our legal system.* A consequent obligation of lawyers is to maintain the highest standards of ethical conduct.

4. A lawyer should demonstrate respect for the legal system and for those who serve it, including judges, other lawyers and public officials. While it

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<sup>6</sup> Isassi testified at the hearing, when asked what he accepted responsibility for, that “I should have done it a little bit differently—recused myself from that case, as a former client.”

is a lawyer's duty, when necessary, to challenge the rectitude of official action, it is also a lawyer's duty to uphold legal process.

9. Each lawyer's own conscience is the touchstone against which to test the extent to which his actions may rise above the disciplinary standards prescribed by these rules. The desire for the respect and confidence of the members of the profession and of the society which it serves provides the lawyer the incentive to attain the highest possible degree of ethical conduct. The possible loss of that respect and confidence is the ultimate sanction. *So long as its practitioners are guided by these principles, the law will continue to be a noble profession.* This is its greatness and its strength, which permit of no compromise.

(Tex. Disciplinary Rules Prof'l Conduct, Preamble: A Lawyer's Responsibilities, *reprinted* in Tex. Gov't Code, tit.2, subtit. G, app. A; emphasis added.)

Isassi perceives his action as helping a former client. We view the situation far more gravely. The evidence presented at the hearing demonstrates a pattern where Isassi knows the lawyer's role and function in our legal system yet intentionally disregards these distinctions. This demonstrates a disrespect for the legal system and for those who serve it. The damage inflicted is not against a client or a victim, but against the entire profession. We give substantial aggravating weight to this factor.

11. *Assurance that those seeking legal services in the future will be insulated from this type of misconduct*

The only evidence Isassi provides is his personal assurance that the embarrassment and disgrace from his conviction will deter him from future misconduct. But it is unclear whether Isassi views his past conduct as criminal or unethical. His mischaracterization of the conviction as a misdemeanor, and his reference to his conduct as a "good deed" for which he was punished, make it appear that Isassi views his own behavior as less serious than the Board sees it. The Board therefore has concern that those seeking legal services in

the future will be subject to this type of misconduct. We give little weight to this potentially mitigating factor.

12. *Profit to the attorney*

The record does not show any profit to Isassi from his criminal misconduct. We do not give any weight to this aggravating factor.

13. *Avoidance of repetition*

Isassi's prior criminal conviction on August 8, 2005 and September 1, 2005 resulted from Class A misdemeanor violations of Texas Penal Code §§ 39.02 and 36.04 (improper influence with intent to influence the outcome of adjudicatory proceedings on the basis of considerations other than those authorized by law).<sup>7</sup> On those two occasions, while Isassi served as the elected County Attorney, Isassi attempted to prevent felony prosecution of his aunt by another prosecutor. When testifying before the Board of Disciplinary Appeals that he had *not* forged the county attorney's signature in 2015 (despite the jury's contrary finding), Isassi claimed that he had simply gone across the hall to persuade the county attorney to file a motion to dismiss charges against Isassi's former client. If that version were true (rather than the forgery found by the jury), then Isassi would have been exercising improper influence with intent to influence the outcome of adjudicatory proceedings on the basis of considerations other than those authorized by law—*i.e.*, violating the same statute he had violated on two occasions 10 years earlier. Neither Isassi's denial of responsibility for the forgery nor his own version of his conduct relating to the 2015 convictions indicated

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<sup>7</sup> In 2005, Isassi was sentenced to a one-year jail term (suspended with 6 months of community supervision).

an attitude that gives confidence that Isassi has learned his lesson and will not repeat prior misconduct—both prior criminal misconduct and misconduct proscribed by the Disciplinary Rules of Professional Conduct. Indeed, even after conviction of the criminal act at issue, Isassi was disciplined with a probated suspension in 2016 for an unrelated incident involving his intentionally violating Tex. Disciplinary Rules Prof'l Conduct R. 4.02(a). We give substantial aggravating weight to this factor.

14. *The deterrent effect on others*

Because we focused exclusively on Isassi's conduct, we do not give any weight to this aggravating factor.

15. *The maintenance of respect for the legal profession*

Even if the 2005 conviction of intentional criminal conduct is ignored, Isassi's dishonest conduct as a judge in 2015, his refusal to admit to the criminality of that conduct, and his additional unethical conduct as an attorney leading to the 2016 discipline persuade BODA that its discretion is best exercised by disbarring Isassi. The decision to disbar is all the more compelling when the earlier 2005 conviction is considered along with the 2015 conviction that substantially mirrored the conduct for which a jury convicted him in 2005. The public cannot have confidence in a profession that does not remove recidivists when (i) they have intentionally and repeatedly engaged in criminal and unethical misconduct and (ii) they fail to take rehabilitative steps to give objective viewers a confidence that their criminal and unethical misconduct will not recur. We give substantial aggravating weight to this factor.

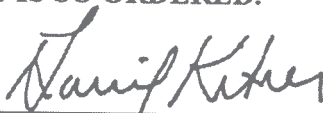


### Conclusion

The Board concludes that disbarment is necessary to protect the administration of justice, to afford respect for the legal profession, and to prevent recurrence of Isassi's misconduct. This attorney has been convicted by two separate juries of crimes involving abuse of his position as a public official and intentional misconduct. This attorney then also engaged in other misconduct which, though not criminal, was an intentional violation of the Texas Disciplinary Rules of Professional Conduct. The totality of the facts leaves the members of the Board of Disciplinary Appeals convinced that considerations under *In re Filippov* and the other factors discussed herein require disbarment.

Respondent is disbarred.

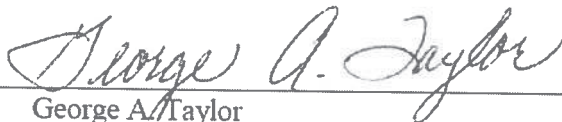
IT IS SO ORDERED.



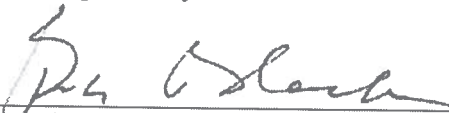
David N. Kitner, Chair



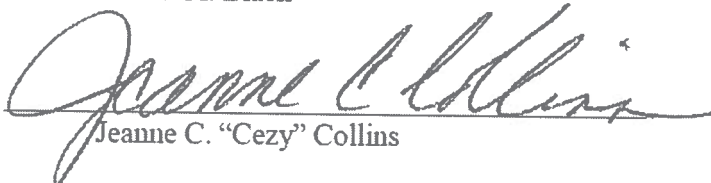
Ramon Luis Echevarria II, Vice Chair




George A. Taylor



Robert A. Black



Jeanne C. "Cezy" Collins

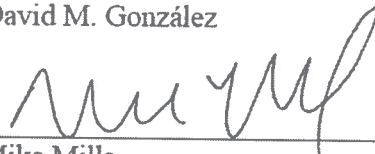
  
Roland K. Johnson

  
Deborah Pullum

  
John J. McKetta III

  
Katherine A. Kinser

  
David M. González

  
Mike Mills

Wendy Adele Humphrey not sitting.

# EXHIBIT

2



NOTICE OF ACCELERATION AND NOTICE OF TRUSTEE'S SALE

DEED OF TRUST INFORMATION:

Date: 03/01/2004

Grantor(s): CINDY SMITH, ROBERT R. SMITH

Original Mortgagee: OPTION ONE MORTGAGE CORPORATION, A CALIFORNIA CORPORATION

Original Principal: 149,000.00

Recording Information  
(if currently possessed): INSTRUMENT NUMBER 2004016593

Property County: Williamson

Property: BEING 1.20 ACRES OF THE L.J. DYCHES SURVEY, ABSTRACT NO. 180, IN WILLIAMSON COUNTY, TEXAS. THIS TRACT IS THE SAME PROPERTY WHICH IS DESCRIBED IN A DEED TO C.J. AND ROBERTA DUEY OF RECORD IN VOL. 524, PG. 102, OFFICIAL RECORDS OF WILLIAMSON COUNTY, TEXAS. THIS TRACT WAS SURVEYED ON THE GROUND IN FEBRUARY OF 2004, BY WILLIAM F. FOREST, JR., REGISTERED PROFESSIONAL LAND SURVEYOR NO. 1847

BEGINNING AT A PIPE FOUND AT THE SOUTHEAST CORNER OF THE SAID PROPERTY, CONVEYED TO C.J. & ROBERTA DUEY AND AT THE NORTHEAST CORNER OF THE CLAUDIA FOWLER PROPERTY DESCRIBED IN DOC. 9732960.

THENCE WITH THE SOUTH LINE OF THE SAID DUEY TRACT ALONG AN EXISTING FENCE, S 70 DEG. 45 MIN. W AT 200.67 FEET PASS A 3 FOOT TALL WITNESS STAKE FOUND NEAR THE NORTHWEST CORNER OF THE CLAUDIA FOWLER TRACT, CONTINUING IN ALL 400.50 FEET TO AN IRON PIN SET AT A FENCE CORNER.

THENCE WITH THE WEST LINE OF THE DUEY TRACT, ALONG AN EXISTING FENCE, N 18 DEG. 46 MIN. W 130.38 FEET TO AN IRON PIN SET AT A FENCE CORNER.

THENCE WITH THE NORTH LINE OF THE DUEY TRACT, ALONG AN EXISTING FENCE, N 70 DEG. 48 MIN. 07 SEC. E 399.99 TO AN IRON PIN FOUND.

THENCE WITH THE WEST LINE OF F.M. 1460, S 18 DEG. 37 MIN. 05 SEC. E 85.4 FEET TO THE REMAINS OF A CONCRETE MONUMENT FOUND, AND S 19 DEG. 41 MIN. 46 SEC. E 44.62 FEET TO THE POINT OF BEGINNING.

Reported Address: 930 F.M. 1460, GEORGETOWN, TX 78626-3906

MORTGAGE SERVICING INFORMATION:

The Mortgage Servicer, if not the Current Mortgagee, is representing the Current Mortgagee pursuant to a Mortgage Servicing Agreement.

Current Mortgagee: Wells Fargo Bank, N.A., as Trustee for Option One Mortgage Loan Trust 2004-3, Asset-Backed Certificates, Series 2004-3

Mortgage Servicer: American Home Mortgage

Current Beneficiary: Wells Fargo Bank, N.A., as Trustee for Option One Mortgage Loan Trust 2004-3, Asset-Backed Certificates, Series 2004-3

Mortgage Servicer  
Address: 6591 Irvine Center Drive, Irvine, CA 92618

SALE INFORMATION:

Date of Sale: Tuesday, the 5th day of April, 2011

WHEREAS, the original Trustee and any previously appointed Substitute Trustee has been removed and Juanita Strickland or Janie Mucha, Selim Taherzadeh, Kendall Yow, David Romness or Lauren Godfrey, any to act, have been appointed as Substitute Trustees and requested to sell the Property to satisfy the indebtedness; and

WHEREAS, the undersigned law firm has been requested to provide these notices on behalf of the Current Mortgagee, Mortgage Servicer and Substitute Trustees;

NOW, THEREFORE, NOTICE IS HEREBY GIVEN of the foregoing matters and that:

1. The maturity of the Note has been accelerated and all sums secured by the Deed of Trust have been declared to be immediately due and payable.
2. Juanita Strickland or Janie Mucha, Selim Taherzadeh, Kendall Yow, David Romness or Lauren Godfrey, any to act, as Substitute Trustee will sell the Property to the highest bidder for cash on the date, at the place, and no earlier than the time set forth above in the Sale Information section of this notice. The sale will begin within three hours after that time.
3. This sale shall be subject to any legal impediments to the sale of the Property and to any exceptions referenced in the Deed of Trust or appearing of record to the extent the same are still in effect and shall not cover any property that has been released from the lien of the Deed of Trust.
4. No warranties, express or implied, including but not limited to the implied warranties of merchantability and fitness for a particular purpose shall be conveyed at the sale, save and except the Grantor's warranties specifically authorized by the Grantor in the Deed of Trust. The property shall be offered "AS-IS", purchasers will buy the property "at the purchaser's own risk" and "at his peril", and no representation is made concerning the quality or nature of title to be acquired. Purchasers will receive whatever interest Grantor and Grantor's assigns have in the property, subject to any liens or interests of any kind that may survive the sale. Interested persons are encouraged to consult counsel of their choice prior to participating in the sale of the property.

Very truly yours,

*[Signature]*

~~Selim Taherzadeh, Kendall Yow, David Romness or Lauren Godfrey~~

STATE OF TEXAS

COUNTY OF DALLAS

SUBSCRIBED AND SWORN TO BEFORE ME, the undersigned authority, on this day personally appeared Selim Taherzadeh, Kendall Yow, David Romness or Lauren Godfrey, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he or she executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE the 11 day of March, 2011.



*[Signature: Sarah Murphy]*

Notary Public in and for the State of Texas

My commission expires: \_\_\_\_\_

24  
E

After Recording Return To:  
Brice, Vander Linden & Wernick, P.C.  
~~9441 LBJ Freeway, Suite 250 PO Box 829009~~  
Dallas, Texas 75243 82-9935  
Attn: Foreclosure Department

**FILED AND RECORDED**  
**OFFICIAL PUBLIC RECORDS 2011017221**

*Nancy E. Rister*

03/15/2011 02:53 PM

MARIA \$24.00

NANCY E. RISTER, COUNTY CLERK  
WILLIAMSON COUNTY, TEXAS

Official Document

# EXHIBIT

3A



54

**NOTICE OF SUBSTITUTE TRUSTEE'S SALE**

DATE: February 13, 2018

**DEED OF TRUST:**

Date: October 28, 2016

Grantor: ROBERT RAY SMITH

Grantor's County: WILLIAMSON

Beneficiary: CHRISTINE MCCALL

Trustee: KENT LEEDIKER

Substitute Trustee: ROBERT E. BLACK

Substitute Trustee's Address:

ROBERT E. BLACK  
2499 S. Capital of Texas Hwy., #A-205  
Austin, Travis County, Texas 78746  
(512) 477-1964

Recorded in: Document No. 2018010244, Real Property Records, Williamson County,  
Texas

FILED FOR RECORD

FEB 13 2018

Nancy E. Kister  
County Clerk Williamson Co., TX

**PROPERTY:**

0.48 OF AN ACRE OF LAND, MORE OR LESS, OUT OF THE L. J. DYCHES  
SURVEY, ABSTRACT NO. 180 IN WILLIAMSON COUNTY, TEXAS, AND BEING  
MORE FULLY DESCRIBED BY METES AND BOUNDS IN EXHIBIT "A"  
ATTACHED HERETO AND MADE A PART HEREOF.

→ Locally known as 940 FM 1460, Georgetown, Texas 78626

**NOTE SECURED BY DEED OF TRUST:**

Date: October 28, 2016

→ Original Principal Amount: \$50,000.00

Holder: CHRISTINE MCCALL

**DATE OF SALE OF PROPERTY** (first Tuesday of month, between 10:00 a.m. and 4:00 p.m.): 6<sup>th</sup> day of March, 2018.

**PLACE OF SALE OF PROPERTY** (including county):

County Courthouse of Williamson County, Georgetown, Texas, at area designated by County Commissioners for said sales.

The earliest time at which a sale will occur is 1:00 p.m., provided the sale must begin at such time or not later than three hours after that time.

Because of default in performance of the obligations of the Deed of Trust, Substitute Trustee will sell the property by public auction to the highest bidder for cash at the place and date specified to satisfy the debt secured by the Deed of Trust.

Assert and protect your rights as a member of the armed forces of the United States.

If you are or your spouse is serving on active military duty, including active military duty as a member of the Texas National Guard or the National Guard of another state or as a member of a reserve component of the armed forces of the United States, please send written notice of the active duty military services to the sender of this notice immediately.



ROBERT E. BLACK  
2499 S. Capital of Texas Hwy., Ste A-205  
Austin, Texas 78746  
(512) 477-1964

MARCH 2018 NOTICE OF FORECLOSURES						
ENTRY NO	OWNER'S LAST NAME	FILE NO	CREATION DATE	ADDRESS	CITY	LEGAL DESCRIPTION
15	BAILEY	4	1/26/2018	108 Steven Street	Hutto	Lt 5 Bk C Country Estates II Ph Three
35	BAKER	16	2/13/2018	No Address	No City	Lt 24 Bk A Benttree Section 1
21	BARNETT & COOPER	4	1/29/2018	4358 Green Tree Dr	Round Rock	Lt 8 Bk 2 Teravista Sec 22
8	BARRERA/CAVAZOS	15	1/12/2018	3508 Walleye Way	Round Rock	Lt 7 Bk Q Meadow Lake Sec Three
13	BARTON	6	1/28/2018	1212 Henley Drive	Leander	Lt 5 Bk B Benbrook Ranch Sec Two Phase One
5	BRAND/HOLLEY	10	1/8/2018	1100 Gainer Cove	Hutto	Lt 43 Bk T Legends of Hutto Ph Three
24	BROWN	1	1/29/2018	No Address	No City	Lt 3 Bk A North Creek Sec 2
42	CABLING	8	2/13/2018	No Address	No City	Lt 31 Bk G Northside Meadow Ph 2
23	CAMACHO	2	1/29/2018	10701 Pecan Park Blvd	Austin	Unit 308 Pecan Park Garden Estates Condominium
36	CARPENTER	15	2/13/2018	400 Drake Lane	Taylor	Lt 20 Bk A-1 Dahiberg Estates Section 6
31	COREDIG JR	4	2/8/2018	No Address	No City	Lt Twenty-Four (24) Bk C Summerlyn Ph L-2
19	COULTER	6	1/29/2018	No Address	No City	Lt 19 Bk B Forest Bluff Sec 1C
34	COVEY	1	2/8/2018	1207 Calistoga Dr	Leander	Lf 21 Bk G Ridgewood South Ph 2
52	CRUZ	20	2/13/2018	No Address	No City	Lt 10 Bk E Quail Valley Sec 2
9	DOMINGUE JR	18	1/12/2018	1820 Brentwood Drive	Leander	Lt 23 Bk R Horizon Park Section Two
38	DOUBLE CREEK LLC	13	2/13/2018	No Address	No City	Lt 2 Bk A Austin Addition
50	GALLEGOS	1	2/13/2018	No Address	No City	Lt 8 Bk D Preserve At Stone Oak Ph 1 Sec 2
43	GIBBS	18	2/13/2018	No Address	No City	Lt 39 Bk B Preserve At Stone Oak Ph 2 Sec 3
6	GILLIAM	13	1/12/2018	1114 Leah Lane	Round Rock	Lt 37 Bk A Rolling Ridge Sec 1-A
22	GOETHEM & LEITH	3	1/29/2018	3000 Hanstrom Crt	Hutto	Lt 10 Bk A Legends of Hutto Ph One
44	GUERRA	7	2/13/2018	No Address	No City	Lt 65 Bk F Santa Rita Ranch Ph 1 Sec 3A
30	GUREFF	5	2/8/2018	No Address	No City	Lt 8 Bk D Eagle Ridge Sec Twelve
20	HENRY	5	1/29/2018	2021 Carriage Club Dr	Cedar Park	Lt 10 Bk C The Trails at Carnage Hills Sec 3 Rev
	HERNANDEZ JR &					
48	MARKAM	3	2/13/2018	No Address	No City	See Instrument
3	JOHNSON	26	12/27/2017	3504 Sandy Brook	Round Rock	Lt 21, Bk A, Lakeside, Sec One
46	JONES	5	2/13/2018	No Address	No City	Lt 9 & 10 Pecan Creek Est
17	LEHNER	2	1/26/2018	No Address	No City	Lt 2 Bk C Avery Ranch East Ph 1
27	LEMASTERS	8	2/8/2018	116 Briar Park Dr	Georgetown	Lt 5 Bk 8 Teravista Secs 311 & 312
1	LEVINE	24	12/27/2017	11021 Dodge Cattle Drive	Austin	Lt 17, Bk CC, Avery Ranch Far West, Ph One Sec Four
	LIVE OAK PARKWAY /					
16	WONDER WORLD	3	1/26/2018	No Address	No City	Lt 5-B Bk A Replat Lots 3, 4, 5 & 6 Coltonwood Creek Business Park Sec 2
11	LOCKWOOD	9	1/18/2018	No Address	No City	Lt 34 Bk A Chisholm Crossing
33	LOPEZ	2	2/8/2018	No Address	No City	Lt 2 Bk D Fern Bluff Sec Three-A
47	LOVELADY-JONES INC	4	2/13/2018	No Address	No City	Lt 2 Bk A Buttercup Creek Sec 3 Vil 3A
18	LYON	1	1/26/2018	903 Ridge Line	Round Rock	Lt 30 Bk J Mesa Park Sec 2
53	MEIER	21	2/13/2018	706 Honeysuckle Drive	Leander	Lt 8 Bk G the Woods at Mason Creek Sec One
26	MELLO	9	2/8/2018	No Address	No City	Lt 15 Bk M Red Oaks Sec 3
29	MORALE / MORENO	6	2/8/2018	No Address	No City	Lt 18 Bk E Lakeside Sec Four
41	MORGAN / ZAMORA	10	2/13/2018	No Address	No City	Lt 2 Bk A Saratoga Springs Sec 1
12	NATHANSON	7	1/26/2018	115 Highalea Court	Georgetown	Lt Four (4) Bk B Churchill Farms Sec Four
25	PEREZ	10	2/8/2018	No Address	No City	Lt 9 Bk B Springwoods II-C
40	RAMIREZ / PEREZ	11	02-13-2018	No Address	No City	20.004 Acres J. Jackson Survey Abst No A-841 and J F Webber Survey Abst No A-654
10	ROBERTSON/HAWKINS	8	1/18/2018	No Address	No City	20.573 Acres Willis Avery Survey Abstract No. 924
4	ROSE	9	1/8/2018	No Address	No City	Lt 34 Bk D Enclave of Towne Centre Ph I
49	SANCHEZ	2	2/13/2018	No Address	No City	Lt 29 Bk H Oaklands Sec 1A
16	SEMLER	5	1/26/2018	1102 Iron Horse	Leander	Lt 15 Bk C The Boulders at Crystal Falls Ph I
54	SMITH	22	2/13/2018	No Address	No City	.48 Ac I J Dyches Svy Abst No 180
28	SPIETT JR	7	2/8/2018	No Address	No City	Lt 15 Bk E The Meadows at Chandler Creek Rev
7	STECHER	14	1/12/2018	No Address	No City	Lt 32 Bk A Block House Creek Ph G
51	SURDOVEL	19	2/13/2018	2727 Herrington Cove	Round Rock	Lt 55 Bk C Settlers Overlook North
39	THE PLAY CAFE LLC	12	2/13/2018	No Address	No City	.69 Acres N Porter Survey No 26 Abst No 497
55	TERRY			121 Dove Song Dr	Leander	Lt 29 Bk G Old Town Village Sec 3

EXHIBIT

3B

NOV 29 2017

TS No. 2017-02820-TX  
17-000110-673*Nancy E. Ruten*  
County Clerk Williamson Co., TX

## Notice of [Substitute] Trustee Sale

Assert and protect your rights as a member of the armed forces of the United States. If you are or your spouse is serving on active military duty, including active military duty as a member of the Texas National Guard or the National Guard of another state or as a member of a reserve component of the armed forces of the United States, please send written notice of the active duty military service to the sender of this notice immediately.

## 1. Date, Time and Place of Sale.

Date: 01/02/2018Time: The sale will begin at 11:00 AM or not later than three hours after that timePlace: AT THE NORTHEAST BASEMENT DOOR OF THE NEW ADDITION TO THE WILLIAMSON COUNTY JUSTICE CENTER, 405 MARTIN LUTHER KING, GEORGETOWN, TX 78626; OR, AS DESIGNATED BY THE COUNTY COMMISSIONER'S OFFICE PURSUANT TO SECTION 51.002 OF THE TEXAS PROPERTY CODE AS THE PLACE WHERE FORECLOSURE SALES ARE TO TAKE PLACE OR AS DESIGNATED BY THE COUNTY COMMISSIONERS Property Address: 930 F.M. 1460, Georgetown, TX 78626-3906

2. **Terms of Sale:** The sale will be conducted as a public auction to the highest bidder for cash. Pursuant to the deed of trust, the mortgagee has the right to direct the Trustee to sell the property in one or more parcels and/or to sell all or only part of the property. Pursuant to section 51.009 of the Texas Property Code, the property will be sold in AS IS, WHERE IS condition, without any express or implied warranties, except as to the warranties of title, if any, provided for under the deed of trust. Any conveyance of the property is subject to all matters of record affecting the property.

3. **Instrument to be Foreclosed:** The instrument to be foreclosed is the Deed of Trust or Contract Lien dated 03/01/2004 and recorded 03/03/2004 in Document 2004016593 real property records of Williamson County, Texas, with Robert R. Smith and Wife, Cindy Smith, grantor(s) and OPTION ONE MORTGAGE CORPORATION, A CALIFORNIA CORPORATION, as Lender, WELLS FARGO BANK, NATIONAL ASSOCIATION, AS TRUSTEE FOR OPTION ONE MORTGAGE LOAN TRUST 2004-3, ASSET-BACKED CERTIFICATES, SERIES 2004-3 as Beneficiary.

4. **Appointment of Substitute Trustee:** In accordance with Texas Property Code Sec. 51.0076, the undersigned authorized agent for the mortgage servicer has named and appointed, and by these presents does name and appoint JOHN LATHAM, JOHN W. LATHAM, MICHAEL LATHAM, BRETT ADAMS, MICHAEL W. ZIENTZ OR CARL NIENDORFF, Substitute Trustee to act under and by virtue of said Deed of Trust.

5. **Obligation Secured:** Deed of Trust or Contract Lien executed by Robert R. Smith and Wife, Cindy Smith, securing the payment of the indebtedness in the original principal amount of \$149,000.00, and obligations therein described including but not limited to the promissory note; and all modifications, renewals and extensions of the promissory note. WELLS FARGO BANK, NATIONAL ASSOCIATION, AS TRUSTEE FOR OPTION ONE MORTGAGE LOAN TRUST 2004-3, ASSET-BACKED CERTIFICATES, SERIES 2004-3 is the current mortgagee of the note and deed of trust or contract lien.

**Notice of [Substitute] Trustee Sale**

6. **Default:** A default has occurred in the payment of indebtedness, and the same is now wholly due, and the owner and holder has requested to sell said property to satisfy said indebtedness.

7. **Property to be sold:** The property to be sold is described as follows:

**DESCRIPTION FOR ROBERTA DUEY ET. AL. - ROBERT RAY SMITH ET. UX**

BEING 1.20 acres of the L.J. Dyches Survey, Abstract No. 180, in Williamson County, Texas. This tract is the same property which is described in a deed to C.J. and Roberta Duey of record in Vol. 524, Pg. 102, Official Records of Williamson County, Texas. This tract was surveyed on the ground in February of 2004, by William F. Forest, Jr., Registered Professional Land Surveyor No. 1847.

BEGINNING at a pipe found at the Southeast corner of the said property conveyed to C.J. & Roberta Duey and at the Northeast corner of the Claudia Fowler property described in Doc. 9732960.

THENCE with the South line of the said Duey tract along an existing fence, S 70 deg. 45 min. W at 200.67 feet pass a 3 foot tall witness stake found near the Northwest corner of the Claudia Fowler tract, continuing in all 400.50 feet to an iron pin set at a fence corner.

THENCE with the West line of the Duey tract, along an existing fence, N 18 deg. 46 min. W 130.38 feet to an iron pin set at a fence corner.

THENCE with the North line of the Duey tract, along an existing fence, N 70 deg. 48 min. 07 sec. E 399.99 feet to an iron pin found.

THENCE with the West Line of F.M. 1460, S 18 deg. 37 min. 05 sec. E 85.4 feet to the remains of a concrete monument found, and S 19 deg. 41 min. 46 sec. E 44.62 feet to the POINT OF BEGINNING

8. **Mortgage Servicer Information:** The Mortgage Servicer is authorized to represent the Mortgagee by virtue of a servicing agreement with the Mortgagee. Pursuant to the Servicing Agreement and Texas Property Code § 51.0025, the Mortgage Servicer is authorized to collect the debt and to administer any resulting foreclosure of the lien securing the property referenced above. Ocwen Loan Servicing, LLC, as Mortgage Servicer, is representing the current mortgagee, whose address is:

C/O Ocwen Loan Servicing, LLC

1661 Worthington Rd., Suite 100  
West Palm Beach, FL 33409

Phone: 1-800-746-2936

TS No.: 2017-02820-TX  
17-000110-673

**Notice of [Substitute] Trustee Sale**

9. **Limitation of Damages:** If the sale is set aside for any reason, the Purchaser at the sale shall be entitled only to a return of the funds paid. The Purchaser shall have no further recourse against the Mortgagor, the Mortgagee, or the Mortgagee's attorney.

**THIS INSTRUMENT APPOINTS THE SUBSTITUTE TRUSTEE(S) IDENTIFIED TO SELL THE PROPERTY DESCRIBED IN THE SECURITY INSTRUMENT IDENTIFIED IN THIS NOTICE OF SALE. THE PERSON SIGNING THIS NOTICE IS THE ATTORNEY OR AUTHORIZED AGENT OF THE MORTGAGEE OR MORTGAGE SERVICER.**

Date: November 22, 2017

  
Stephanie Spurlock, Laterika Thompson, Camisha Scott, Melisa Jones, Inan Walcott, Tanesha Humphrey, Claire Buxton - Attorney or Authorized Agent of The Mortgage or Mortgage Servicer

C/O Power Default Services, Inc.  
Northpark Town Center  
1000 Abernathy Rd NE; Bldg 400, Suite 200  
Atlanta, GA 30328  
Telephone: 855-427-2204  
Fax: 866-960-8298

  
JOHN LATHAM, JOHN W. LATHAM, MICHAEL LATHAM, BRETT ADAMS, MICHAEL W. ZIENTZ OR CARL NIENDORFF - Substitute Trustee(s)

C/O AVT Title Services, LLC  
1101 Ridge Rd. Suite 222  
Rockwall, TX 75087

**POWER DEFAULT SERVICES, INC. MAY BE ACTING AS A DEBT COLLECTOR  
ATTEMPTING TO COLLECT A DEBT. ANY INFORMATION OBTAINED MAY BE USED FOR  
THAT PURPOSE.**

I am \_\_\_\_\_, Certificate of Posting  
75087 I declare under penalty of perjury that on \_\_\_\_\_ whose address is C/O AVT Title Services, LLC, 1101 Ridge Rd., Suite 222, Rockwall, TX  
I filed this Notice of Foreclosure Sale at the office of the  
Williamson County Clerk and caused it to be posted at the location directed by the Williamson County Commissioners Court

# EXHIBIT

4



BEFORE THE EVIDENTIARY PANEL FOR  
STATE BAR DISTRICT NO. 09-1 STATE BAR OF TEXAS

COMMISSION FOR LAWYER  
DISCIPLINE,  
Petitioner

V.

ROBERT RAY SMITH,  
Respondent

\*  
\*  
\*  
\*  
\*  
\*  
\*

201803273

AGREED JUDGMENT OF ACTIVE SUSPENSION

Parties and Appearance

On this day came to be heard the above styled and numbered cause. Petitioner and Respondent, Robert Ray Smith, Texas Bar Number 18678070, announce that an agreement has been reached on all matters including the imposition of an Active Suspension.

Jurisdiction and Venue

The Evidentiary Panel 9-1 having been duly appointed to hear this complaint by the chair of the Grievance Committee for State Bar of Texas District 9, 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 the pleadings, admissions, stipulations and agreements of the parties, finds Respondent has committed Professional Misconduct as defined by Rule 1.06(W) of the Texas Rules of Disciplinary Procedure.

Findings of Fact

Petitioner and Respondent agree to the following findings of fact. Accordingly, the Evidentiary 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 resides in and maintains his principal place of practice in Travis County, Texas.
3. On August 17, 2017, Respondent, Robert Smith, was paid \$1,200 to obtain four non-disclosures and one expunction on five criminal cases for a client. At the time of hiring, Respondent guaranteed the client that the cases would be finished within two months. In October, the client began attempting to contact Respondent to obtain an update on her case status, to no avail. Towards the end of November 2017, Respondent informed the client that he had not filed anything on her behalf, and he needed more time to complete her cases. The client continued her attempts to contact Respondent for updates through April of 2018, but did not receive any further information until May 2018. On May 4, 2018, the client went to Respondent's office to obtain her case file. On this date, Respondent informed her that one of her non-disclosures and one expunction were completed and provided her with copies of the file-stamped documents, both signed by a judge. Respondent further informed the client that he would go to the courthouse on Monday, May 7, 2018, and complete the remaining cases.
4. On May 7, 2018, the client appeared at the Travis County Courthouse to obtain certified copies of the file-stamped documents provided by Respondent the previous week. When the client presented the two file-stamped documents to the criminal court clerk, the clerk informed her that the cause number for one of the cases did not exist, and the other cause number was linked to an entirely different case. The client was informed that the documents were not legitimate and that Respondent had never filed either a non-disclosure or an expunction in Travis County. Upon further investigation, it was determined that the signatures and file-stamps were both forgeries committed by Respondent.
5. 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 \$2,709.27

#### Conclusions of Law

Petitioner and Respondent agree that, based on the foregoing findings of fact, the following Texas Disciplinary Rules of Professional Conduct have been violated. Accordingly, the Evidentiary Panel concludes that the following Texas Disciplinary Rules of Professional Conduct have been violated: 1.01(b)(1), 1.03(a), 8.04(a)(3) and 8.04(a)(2).

### Sanction

It is AGREED and ORDERED that the sanction of an Active Suspension shall be imposed against Respondent in accordance with the Texas Rules of Disciplinary Procedure.

Accordingly, it is ORDERED, ADJUDGED and DECREED that Respondent shall be actively suspended from the practice of law for a period of five (5) years beginning October 11, 2019, and ending October 10, 2024.

### Terms of Active Suspension

1. It is further ORDERED that during the term of active suspension ordered herein, 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."

2. It is further ORDERED that, on or before October 10, 2019, Respondent shall notify each of Respondent's current clients and opposing counsel in writing of this suspension.

3. In addition to such notification, it is further ORDERED 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.

4. It is further ORDERED 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 October 15, 2019, an affidavit stating all current clients and opposing counsel have been notified of Respondent's suspension and that all files, papers, monies and other property belonging to all current clients have been returned as ordered herein.

5. It is further ORDERED Respondent shall, on or before October 10, 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.

6. It is further ORDERED 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 October 15, 2019, an affidavit stating Respondent has notified in writing each and every justice of the peace, judge, magistrate, 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.

7. It is further ORDERED that, on or before October 15, 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.

8. 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.

9. 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.

10. 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.

11. Any and all reports and evaluations required by these terms of probation shall be sent to the State Bar of Texas, via USPS: Office of the CDC, State Bar of Texas, P.O. Box 12487, Austin, TX 78711-2487; or via Delivery: Office of the CDC, State Bar of Texas, 1414 Colorado St., Suite 200, Austin, TX 78701.

12. Respondent shall make contact with the Chief Disciplinary Counsel's Offices' 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.

#### Attorney's Fees and Expenses

It is further ORDERED Respondent shall pay all reasonable and necessary attorney's fees and direct expenses to the State Bar of Texas in the amount of \$2,709.27. The payment shall be due and payable on or before this judgment is presented to the Evidentiary Panel for execution, 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.

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.

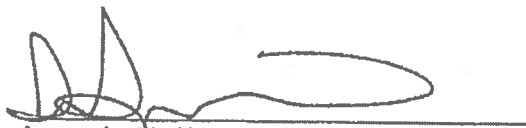
SIGNED this 29 day of Sept, 2019.


EVIDENTIARY PANEL 9-1  
DISTRICT NO. 9  
STATE BAR OF TEXAS

  
Henry Moore  
District 9-1 Presiding Member

AGREED AS TO BOTH FORM AND SUBSTANCE:

  
Robert Ray Smith  
State Bar No. 18678070  
Respondent

  
Amanda M. Kates  
State Bar No. 24075987  
Counsel for Petitioner

  
Catherine L. Tabor  
State Bar No. 19601790  
Counsel for Respondent

# EXHIBIT

5



☐ REGULAR  
☐ IN JAIL

☒ DEFERRED ADJUDICATION  
☐ STATE JAIL

☐ POST  
☐ SHOCK

TRN 9237661827  
TRS A001

CAUSE NO. D1DC18904233-I

THE STATE OF TEXAS

VS.

Robert Smith

IN THE 403rd District Court

OF TRAVIS COUNTY, TEXAS

OFFENSE/DEGREE: FORGERY  
GOVERNMENT INSTRUMENT / FELONY -  
LEVEL 3

CONDITIONS OF COMMUNITY SUPERVISION

In accordance with the authority by the Community Supervision Law of the State of Texas, you have been placed on community supervision this date November 12, 2019 for a period of three (3) years by Honorable Brenda Kennedy, Judge, 403rd District Court, Judicial District Court of Travis County, Texas. It is the order of the Court that you shall comply with the following conditions of community supervision:

- (1) Commit no offense against the laws of this or any State or of the United States.
- (2) Avoid injurious or vicious habits.
- (3) Avoid the use of all narcotics, habit forming drugs, alcoholic beverages, and controlled substances.
- (4) Avoid persons or places of disreputable or harmful character.
- (5) Report to the supervision officer as directed by the judge or the supervision officer and obey all orders of the Court and the rules and regulations of the Community Supervision and Corrections Department.
- (6) Refrain from disorderly conduct, abusive language, or disturbing the peace while present at the office of the Department.
- (7) Permit the Supervision Officer to visit you at your home or elsewhere.
- (8) Work faithfully at suitable employment as far as possible.
- (9) Do not change residence without permission and report changes of employment to Supervision Officer as directed.
- (10) Remain within \_\_\_\_\_ (Travis County [or another county] or State of Texas) unless given permission to depart by the Supervision officer.
- (11) While on community supervision, you must have on your person at all times a current, valid Texas Department of Public Safety photo identification card or a valid Texas Department of Public Safety photo driver's license. You must obtain this photo identification within thirty (30) days of the date of your community supervision.
- (12) Support your dependents.
- (13) Submit a urine or breath specimen at the direction of the Supervision Officer and pay all costs if required.
- (14) Pay to and through the Community Supervision and Corrections Department of Travis County, Texas, in one lump sum or in installments, as set forth in the collection schedule, the following:
  - a. Court Costs \$ To be determined
  - b. Fine \$ Waived per State
  - c. Attorney Fees \$ \_\_\_\_\_
  - d. Supervision Fee of \$60.00 per month
  - e. Restitution \$ \_\_\_\_\_ to \_\_\_\_\_
  - f. Crime Stopper Fee of \$30.00
  - Family Violence Center Fee \$100

Filed on

11/12/2019 11:27 AM

Travis County District Clerk  
Velva L. Price SC



Name: Robert Smith

Cause No. D1DC18904235-I

**ADDITIONAL CONDITIONS OF COMMUNITY SUPERVISION**

(15) Do not operate a motor vehicle without a valid Texas Driver's License and proof of automobile liability insurance.

(16) Surrender your Driver's License for a term of \_\_\_\_\_.

(17) Participate in, and comply with the rules of the following program(s):

- ☐ a. Electronic Monitoring \_\_\_\_\_
- ☐ b. SCRAM for \_\_\_\_\_
- ☐ c. Ignition Interlock and follow Ignition Interlock Additional Conditions of Community Supervision.
- ☐ d. Other Device \_\_\_\_\_

(18) Complete 2 hours of Community Service Restitution at a place approved and designated by the Community Supervision and Corrections Department.

(19) Report to, cooperate with, and participate in all programs (until successfully discharged), and pay all costs for the following classes and services:

**Assessments:**

- ☐ a. CSCD Diagnostic
- ☐ b. CSCD CSTAP (TAIP)
- ☐ c. Family Violence at CES
- ☐ d. ATCIC
- ☐ e. Psychological or Psychiatric by a department approved service provider
- ☐ f. MH Assessment

**Classes:**

- ☐ g. Anger Management Program
- ☐ h. BIPP
- ☐ i. Certified Drug Education Class (15 hours) for driver's license reinstatement (if convicted)
- ☐ j. DWI Offender Certified Intervention Program (30 hours) and submit proof to DPS for driver's license
- ☐ k. Parenting Classes
- ☒ l. \_\_\_\_\_ or other classes as determined by the Supervising Officer
- ☐ m. \_\_\_\_\_

(20) Report to the supervision office for an evaluation for the following program or services and follow the recommendation and pay costs incurred while in the program:

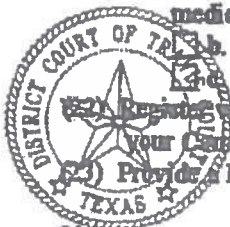
- ☐ a. CSCD Counseling Center
- ☒ b. Counseling/Treatment designated by the Supervision Officer
- ☐ c. In-Patient Treatment Program at \_\_\_\_\_ or comparable treatment program
- ☐ d. Out-Patient Treatment Program at \_\_\_\_\_ or comparable treatment program recommended by TAIP and complete aftercare as recommended by the Treatment provider.
- ☐ e. Relapse Prevention Program
- ☐ f. SMART Residential and Continuing Care
- ☐ g. Aftercare, as directed by treatment provider
- ☐ h. \_\_\_\_\_

(21) Assigned to the following specialized unit until the level of supervision is changed by the court and/or supervision officer and follow the department guidelines for the caseload:

- ☐ a. Mental Health Unit; participate in assessment for services through ATCIC or designated treatment provider and follow recommendations; do not participate in clinical drug studies; sign all necessary releases and take all medications as prescribed.
- ☐ b. Sex Offender Unit and follow Sex Offender Additional Conditions of Community Supervision.
- ☐ c. Other Specialized Caseload

(22) Register with and remain registered with the Travis County Domestic Relations Office, if ordered by the Court and/or your Community Supervision Officer.

(23) Provide a DNA sample, as directed by the probation department, if convicted of a felony offense.



Name: Robert Smith

Cause No. D1DC18904235-J

**ADDITIONAL CONDITIONS OF COMMUNITY SUPERVISION**

- ☐ (24) Serve \_\_\_\_\_ days in the Travis County Jail, beginning \_\_\_\_\_; straight time/work release/weekends/credit for back time/SWAP Program
- ☐ (25) Do not open or maintain a checking account until approved, in writing, by the Court and/or your Supervision Officer.
- ☐ (26) Have no contact with \_\_\_\_\_, either in writing, in person, by phone, electronically or through third parties and stay 200 yards from where they live, work, or any place they may be.
- ☐ (27) Serve a term of confinement in a State Jail Felony Facility for a period of \_\_\_\_\_ days/one year, said term to begin on \_\_\_\_\_. Obey all rules and regulations and participate in the rehabilitative programs of said facility until discharged from the facility.
- ☐ (28) Show proof of a high school diploma within ninety (90) days or obtain GED within \_\_\_\_\_ year(s).
- ☐ (29) Have no contact with gangs or gang members during term of community supervision.
- ☐ (30) Report by mail if deported.
- ☒ (31) Letters of apology to victims (Velva Price, Judge Wahlberg, Judge Kocurek) within six months of sentencing.
- ☒ (32) Six TLAP presentations and provide proof to PO
- ☒ (33) Continue Mental Health Services with private provider and provide proof to PO
- ☒ (34) Do not practice law for three years.

You are hereby advised that under the law of this State, the Court shall determine the terms and conditions of your community supervision, and may at any time during the period of community supervision, alter or modify the conditions of your community supervision. The Court also has the authority at any time during the period of your community supervision to revoke your community supervision for violation of any of the conditions set out above.

Witness our signature this 12<sup>th</sup> day of November, 2019.

  
Judge Presiding

We, the undersigned, certify delivery of the Conditions of Community Supervision to the above named defendant.

  
Community Supervision Officer

**Defendant's Receipt**

I acknowledge receipt of one copy of the Conditions of my Community Supervision which were read to me by my attorney and I understand and agree to obey these Conditions of Community Supervision.

Right Thumb  
I, VELVA L. PRICE, District Clerk, Travis County,

Texas, do hereby certify that this is a true and correct copy as it appears of record in my office. Witness \_\_\_\_\_ and seal of office

On 11/08/2019



VELVA L. PRICE  
DISTRICT CLERK

By Deputy: Em

  
Defendant

# EXHIBIT

6

## FAX COVER SHEET

Christine Warmann, M.D.  
11673 Jollyville Road Suite 204  
Austin, Texas 78759  
TEL 512-401-0005  
FAX 512-401-0006

DATE: 11/5/2020

TO: Michelle Fontenot FAX: 512.427.4446

FROM: CWarmann, MD

RE: Quarterly report

NUMBER OF PAGES: (3)

**PLEASE NOTE:** The information contained in this facsimile message may be privileged and confidential, and is intended only for the use of the individual named above and others who have been specifically authorized to receive it. If you are not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error or if any problems occur with this transmission, please notify us immediately at the above number. Thank you.

**3 PAGES**  
**15:29**

STATE OF TEXAS TREATMENT PLAN COMPLIANCE REPORT		
Your name: Christine Warmann, MD		
Attorney's Name: Robert Smith		
Report Due Date: 12/30/20	Today's Date: 11/5/20	Date of Last Report: 7/14/20

All responses should relate to the period of time since the date of your last report. Please indicate if this is your first report. Questions regarding this form can be directed to: Michelle Pontenot, JD, MEd, the Special Programs Administrator, for the Office of the Chief Disciplinary Counsel, at 512-427-1323.

1. During this reporting period, when did you meet with the attorney?

11/5/2020

2. What is the current diagnosis and treatment plan for the attorney? Please include any recommended adjuncts to the work you are doing with the attorney.

F34.1 Persistent Depressive Disorder

3. If psychotherapy sessions are part of your treatment plan, what duration and frequency do you recommend?

N/A

4. Is the attorney fully complying with the elements of the treatment plan you recommended for him/her? If not, please explain.

yes

5. In your professional opinion, is the attorney participating in good faith in the treatment plan? If not, please explain.

yes

STATE BAR OF TEXAS TREATMENT PLAN COMPLIANCE REPORT		
Your name: Christine Wasmann, MD		
Attorney's Name: Robert Smith		
Report Due Date: 3/30/21	Today's Date: 2/23/21	Date of Last Report: 11/5/20

All responses should relate to the period of time since the date of your last report. Please indicate if this is your first report. Questions regarding this form can be directed to: Michelle Fontenot, JD, MEd, the Special Programs Administrator, for the Office of the Chief Disciplinary Counsel, at 512-427-1323.

1. During this reporting period, when did you meet with the attorney?

02/23/21 01/7/21

2. What is the current diagnosis and treatment plan for the attorney? Please include any recommended adjuncts to the work you are doing with the attorney.

F34.1 Persistent Depressive Disorder  
Medication  
Psychotherapy

3. If psychotherapy sessions are part of your treatment plan, what duration and frequency do you recommend?

6-12 sessions @ 2-4 weeks apart

4. Is the attorney fully complying with the elements of the treatment plan you recommended for him/her? If not, please explain.

yes

5. In your professional opinion, is the attorney participating in good faith in the treatment plan? If not, please explain.

yes

## State Bar of Texas Treatment Plan Compliance Report - Page 2

6. In your professional opinion, does any psychiatric or behavioral impediment exist at this time that would negatively impact the attorney's ability to carry out his or her professional responsibilities to clients or the courts? If yes, please explain.

No.

Christine Waumann, MD MD TX H2016  
Signature License Type and Number  
Address: 11673 Jollyville Rd # 204  
Phone No. 512. 401. 0005 Email Address N/A

Please return to Michelle Fontenot via fax using 512-427-4446, or mail to her attention at State Bar of Texas, Office of Chief Disciplinary Council, P.O. Box 12487, Austin, Texas 78711.



## FAX COVER SHEET

Christine Warmann, M.D.  
11673 Jollyville Road Suite 204  
Austin, Texas 78759  
TEL 512-401-0005  
FAX 512-401-0006

DATE: 6/17/21

TO: Michelle Fontenot FAX: 512.427.4446

FROM: Warmann, MD

RE: Quarterly Report

NUMBER OF PAGES: (3)

PLEASE NOTE: The information contained in this facsimile message may be privileged and confidential, and is intended only for the use of the individual named above and others who have been specifically authorized to receive it. If you are not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error or if any problems occur with this transmission, please notify us immediately at the above number. Thank you.

STATE BAR OF TEXAS TREATMENT PLAN COMPLIANCE REPORT		
Your name: <b>Christine L. Warmann, MD</b>		
Attorney's Name: <b>Robert Smith</b>		
Report Due Date:	Today's Date:	Date of Last Report:

All responses should relate to the period of time since the date of your last report. Please indicate if this is your first report. Questions regarding this form can be directed to: Michelle Fontenot, JD, MEd, the Special Programs Administrator, for the Office of the Chief Disciplinary Counsel, at 512-427-1323.

1. During this reporting period, when did you meet with the attorney?

2/23/21 & 6/17/21

2. What is the current diagnosis and treatment plan for the attorney? Please include any recommended adjuncts to the work you are doing with the attorney.

F34.1 Persistent Depressive Disorder

- medication

- psychotherapy

3. As psychotherapy sessions are part of your treatment plan, what duration and frequency do you recommend?

20 session @ 1-2 wks

4. Is the attorney fully complying with the elements of the treatment plan you recommended for him/her? If not, please explain.

yes

5. In your professional opinion, is the attorney participating in good faith in the treatment plan? If not, please explain.

yes

6. In your professional opinion, does any psychiatric or behavioral impediment exist at this time that would negatively impact the attorney's ability to carry out his or her professional responsibilities to clients or the courts? If yes, please explain.

No.

**Please return to Michelle Fontenot via fax using 512-427-4446, or mail to her attention at State Bar of Texas, Office of Chief Disciplinary Council, P.O. Box 12487, Austin, Texas 78711.**

STATE BAR OF TEXAS TREATMENT PLAN COMPLIANCE REPORT		
Your name: Christine L. Warmann, MD		
Attorney's Name: Robert Smith		
Report Due Date:	Today's Date: 8/6/21	Date of Last Report: 6/17/21

All responses should relate to the period of time since the date of your last report. Please indicate if this is your first report. Questions regarding this form can be directed to: Michelle Fontenot, JD, MEd, the Special Programs Administrator, for the Office of the Chief Disciplinary Counsel, at 512-427-1323.

1. During this reporting period, when did you meet with the attorney?

6/17/21 & 8/5/21

2. What is the current diagnosis and treatment plan for the attorney? Please include any recommended adjuncts to the work you are doing with the attorney.

F34.1 Persistent Depressive Disorder  
- medication  
as indicated only

3. If psychotherapy sessions are part of your treatment plan, what duration and frequency do you recommend?

20 sessions @ 1-2 weeks

4. Is the attorney fully complying with the elements of the treatment plan you recommended for him/her? If not, please explain.

yes

5. In your professional opinion, is the attorney participating in good faith in the treatment plan? If not, please explain.

yes

## State Bar of Texas Treatment Plan Compliance Report ~ Page 2

6. In your professional opinion, does any psychiatric or behavioral impediment exist at this time that would negatively impact the attorney's ability to carry out his or her professional responsibilities to clients or the courts? If yes, please explain.

No.

Charmann, MD MD H2016  
Signature License Type and Number  
Address: 11673 Jollyville Rd #204 Austin, TX 78759  
Phone No. 512.401.0005 Email Address N/A

Please return to Michelle Fontenot via fax using 512-427-4446, or mail to her attention at State Bar of Texas, Office of Chief Disciplinary Council, P.O. Box 12487, Austin, Texas 78711.

## FAX COVER SHEET

Christine Warmann, M.D.  
11673 Jollyville Road Suite 204  
Austin, Texas 78759  
TEL 512-401-0005  
FAX 512-401-0006

DATE: 6/17/21

TO: Michelle Fontenot FAX: 512.427.4446

FROM: Warmann, MD

RE: Quarterly Report

NUMBER OF PAGES: (3)

PLEASE NOTE: The information contained in this facsimile message may be privileged and confidential, and is intended only for the use of the individual named above and others who have been specifically authorized to receive it. If you are not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error or if any problems occur with this transmission, please notify us immediately at the above number. Thank you.

STATE BAR OF TEXAS TREATMENT PLAN COMPLIANCE REPORT		
Your name: Christine L. Warmann, MD		
Attorney's Name: Robert Smith		
Report Due Date:	Today's Date:	Date of Last Report:

All responses should relate to the period of time since the date of your last report. Please indicate if this is your first report. Questions regarding this form can be directed to: Michelle Fontenot, JD, MEd, the Special Programs Administrator, for the Office of the Chief Disciplinary Counsel, at 512-427-1323.

1. During this reporting period, when did you meet with the attorney?

2/23/21 & 6/17/21

2. What is the current diagnosis and treatment plan for the attorney? Please include any recommended adjuncts to the work you are doing with the attorney.

F34.1 Persistent Depressive Disorder

- medication

- psychotherapy

3. If psychotherapy sessions are part of your treatment plan, what duration and frequency do you recommend?

20 session @ 1-2 wks

4. Is the attorney fully complying with the elements of the treatment plan you recommended for him/her? If not, please explain.

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5. In your professional opinion, is the attorney participating in good faith in the treatment plan? If not, please explain.

yes

## State Bar of Texas Treatment Plan Compliance Report - Page 2

6. In your professional opinion, does any psychiatric or behavioral impediment exist at this time that would negatively impact the attorney's ability to carry out his or her professional responsibilities to clients or the courts? If yes, please explain.

No.

<u>Waimann, MD</u>	<u>MD TX H2016</u>
Signature	License Type and Number
<u>Address: 11673 Jollyville Rd #204</u>	
Phone No. <u>512. 401. 0005</u>	Email Address <u>N/A</u>

Please return to Michelle Fontenot via fax using 512-427-4446, or mail to her attention at State Bar of Texas, Office of Chief Disciplinary Council, P.O. Box 12487, Austin, Texas 78711.



# HP LaserJet Pro MFP M127fw

## Fax Confirmation

1104Nueces 5124781790

Jun-17-2021 1:34 PM

Job	Date	Time	Type	Identification	Duration	Pages	Result
3424	06/17/2021	1:33:53 PM	Receive	5124010006	0:59	3	OK

05/02/2013 01:16 5124010006

PAGE 01/03

### FAX COVER SHEET

Christine Warmann, M.D.  
11673 Jollyville Road Suite 204  
Austin, Texas 78759  
TEL 512-401-0005  
FAX 512-401-0006

DATE: 6/17/21

TO: Michelle Fontenot FAX: 512.427.4446

FROM: Warmann, MD

RE: Quarterly Report

NUMBER OF PAGES: ③

PLEASE NOTE: The information contained in this facsimile message may be privileged and confidential, and is intended only for the use of the individual named above and others who have been specifically authorized to receive it. If you are not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error or if any problems occur with this transmission, please notify us immediately at the above number. Thank you.

## FAX COVER SHEET

Christine Warmann, M.D.  
11673 Jollyville Road Suite 204  
Austin, Texas 78759  
TEL 512-401-0005  
FAX 512-401-0006

DATE: 10/5/21

TO: Michelle Fontenot FAX: 512.427.4446

FROM: Warmann, MD

RE: Quarterly Report

NUMBER OF PAGES: (3)

PLEASE NOTE: The information contained in this facsimile message may be privileged and confidential, and is intended only for the use of the individual named above and others who have been specifically authorized to receive it. If you are not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error or if any problems occur with this transmission, please notify us immediately at the above number. Thank you.

STATE BAR OF TEXAS TREATMENT PLAN COMPLIANCE REPORT		
Your name: Christine L. Warmann, MD		
Attorney's Name: Robert R. Smith		
Report Due Date:	Today's Date: 10/5/21	Date of Last Report: 8/6/21

All responses should relate to the period of time since the date of your last report. Please indicate if this is your first report. Questions regarding this form can be directed to: Michelle Fontenot, JD, MEd, the Special Programs Administrator, for the Office of the Chief Disciplinary Counsel, at 512-427-1323.

1. During this reporting period, when did you meet with the attorney?

8/6/21 & 10/5/21

2. What is the current diagnosis and treatment plan for the attorney? Please include any recommended adjuncts to the work you are doing with the attorney.

F34.1 Persistent Depressive Disorder  
 - medication  
 - psychotherapy

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5. In your professional opinion, is the attorney participating in good faith in the treatment plan? If not, please explain.

yes

6. In your professional opinion, does any psychiatric or behavioral impediment exist at this time that would negatively impact the attorney's ability to carry out his or her professional responsibilities to clients or the courts? If yes, please explain.

No.

Christine Warmann, MD MD H2016  
Signature License Type and Number  
Address: 11673 Jollyville Rd, Ste 204  
Phone No. 512. 401. 0005 Email Address N/A

Please return to Michelle Fontenot via fax using 512-427-4446, or mail to her attention at State Bar of Texas, Office of Chief Disciplinary Council, P.O. Box 12487, Austin, Texas 78711.

# HP LaserJet Pro MFP M127fw

## Fax Confirmation

1104Nueces 5124781790

Oct-5-2021 1:56 PM

Job	Date	Time	Type	Identification	Duration	Pages	Result
3615	10/05/2021	1:55:34 PM	Receive		0:58	3	OK

### FAX COVER SHEET

Christine Warmann, M.D.  
11673 Jollyville Road Suite 204  
Austin, Texas 78759  
TEL 512-401-0005  
FAX 512-401-0006

DATE: 10/5/21

TO: Michelle Fontenot FAX: 512.427.4446

FROM: Warmann, MD

RE: Quarterly Report

NUMBER OF PAGES: (3)

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## FAX COVER SHEET

Christine Warmann, M.D.  
11673 Jollyville Road Suite 204  
Austin, Texas 78759  
TEL 512-401-0005  
FAX 512-401-0006

DATE: 1/10/22

TO: Michelle Fontenot FAX: 512.427.4446

FROM: Warmann, MD

RE: Quarterly Report

NUMBER OF PAGES: (3)

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STATE BAR OF TEXAS TREATMENT PLAN COMPLIANCE REPORT		
Your name: <u>Christine L. Warmann, MD</u>		
Attorney's Name: <u>Robert R. Smith</u>		
Report Due Date:	Today's Date: <u>1/10/22</u>	Date of Last Report: <u>10/5/21</u>

All responses should relate to the period of time since the date of your last report. Please indicate if this is your first report. Questions regarding this form can be directed to: Michelle Fontenot, JD, MEd, the Special Programs Administrator, for the Office of the Chief Disciplinary Counsel, at 512-427-1323.

1. During this reporting period, when did you meet with the attorney?

10/5/21 & 1/10/22

2. What is the current diagnosis and treatment plan for the attorney? Please include any recommended adjuncts to the work you are doing with the attorney.

F34.1 Persistent Depressive Disorder

- medication
- psychotherapy

3. If psychotherapy sessions are part of your treatment plan, what duration and frequency do you recommend?

20 sessions @ 1-2 wks

4. Is the attorney fully complying with the elements of the treatment plan you recommended for him/her? If not, please explain.

yes

5. In your professional opinion, is the attorney participating in good faith in the treatment plan? If not, please explain.

yes

6. In your professional opinion, does any psychiatric or behavioral impediment exist at this time that would negatively impact the attorney's ability to carry out his or her professional responsibilities to clients or the courts? If yes, please explain.

No.

<u>Christine Warmann, MD</u>		<u>MD H2016</u>
Signature		License Type and Number
<u>Address: 11673 Jollyville Rd., Ste 20A</u>		
<u>Phone No. 512. 401. 0005</u>	<u>Email Address N/A</u>	

Please return to Michelle Fontenot via fax using 512-427-4446, or mail to her attention at State Bar of Texas, Office of Chief Disciplinary Council, P.O. Box 12487, Austin, Texas 78711.



## FAX COVER SHEET

Christine Warmann, M.D.  
11673 Jollyville Road Suite 204  
Austin, Texas 78759  
TEL 512-401-0005  
FAX 512-401-0006

DATE: 4/4/22

TO: Michelle Fontenot FAX: 512.427.4446

FROM: Warmann, MD

RE: Quarterly Report

NUMBER OF PAGES: (3)

PLEASE NOTE: The information contained in this facsimile message may be privileged and confidential, and is intended only for the use of the individual named above and others who have been specifically authorized to receive it. If you are not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error or if any problems occur with this transmission, please notify us immediately at the above number. Thank you.

STATE BAR OF TEXAS TREATMENT PLAN COMPLIANCE REPORT		
Your name: Christine L. Warmann, MD		
Attorney's Name: Robert R. Smith		
Report Due Date:	Today's Date: 4/4/22	Date of Last Report: 1/10/22

All responses should relate to the period of time since the date of your last report. Please indicate if this is your first report. Questions regarding this form can be directed to: Michelle Fontenot, JD, MEd, the Special Programs Administrator, for the Office of the Chief Disciplinary Counsel, at 512-427-1323.

1. During this reporting period, when did you meet with the attorney?

1/10/22 & 4/4/22

2. What is the current diagnosis and treatment plan for the attorney? Please include any recommended adjuncts to the work you are doing with the attorney.

F3A.1 Persistent Depressive Disorder

- medication
- psychotherapy

3. If psychotherapy sessions are part of your treatment plan, what duration and frequency do you recommend?

20 session @ 1.2 wks

4. Is the attorney fully complying with the elements of the treatment plan you recommended for him/her? If not, please explain.

yes

5. In your professional opinion, is the attorney participating in good faith in the treatment plan? If not, please explain.

yes

6. In your professional opinion, does any psychiatric or behavioral impediment exist at this time that would negatively impact the attorney's ability to carry out his or her professional responsibilities to clients or the courts? If yes, please explain.

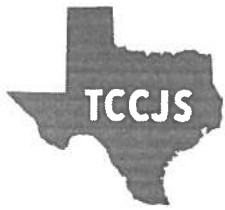
No.

Christine Wermann, MD MD H2016  
Signature License Type and Number  
Address: 11673 Jollyville Rd. Ste 20A  
Phone No. 512.401.0005 Email Address N/A

Please return to Michelle Fontenot via fax using 512-427-4446, or mail to her attention at State Bar of Texas, Office of Chief Disciplinary Council, P.O. Box 12487, Austin, Texas 78711.

# EXHIBIT

7



TRAVIS COUNTY  
**COMMUNITY JUSTICE SERVICES**

Pretrial Services & Adult Probation

PO Box 2245, Austin, TX 78768-2245  
512-854-4600 Phone; 512-854-4604 Fax  
[www.traviscountytexas.gov/TCCJS](http://www.traviscountytexas.gov/TCCJS)

Rodolfo Pérez, Jr., Director  
Daniel McCoy-Bae, Assistant Director

04/06/2022

To Whom It May Concern,

I am writing this letter to respond to your request for information on Robert Smith. I am providing you with the following information:

1. Cause number and Court: D1DC18904235-I), 403rd District Court
2. Date of Community Supervision: 11/12/2019
3. Probated Offense: Forgery Govt/National Inst/Money/Security
4. Disposition Type: Deferred Adjudication
5. Length of Community Supervision: 3 Years
6. Motion to Revoke has not been filed;

If you have any questions, please feel free to contact me in writing at the following address:

You may also access information on this client from the original file located in the County or District Clerk's Office.

Sincerely,

Kim Mitchell  
North 3  
512-854-6305 /Ext 46305

# EXHIBIT

8

**Robert R. Smith**  
**930 Old 1460 Trail**  
**Georgetown, Texas 78626**

January 8, 2020

Hon. David Wahlberg  
167th District Court  
P.O. Box 1748  
Austin, TX 78767

Dear Judge Wahlberg,

I want to formally apologize to you for forging your signature upon an expunction document. My actions were reprehensible and I take full responsibility for them. I am dealing with the consequences of what I did and I am doing so without hesitation or complaint. That is the first step along a long path of atonement. It is a travel that will not end until I take my final breath.

I realized long ago, even as I was committing my crime in fact, that I was not only doing something wrong, I was doing something repulsive and shameful. If I realized it at the time, then why did I go through with it? When we discussed everything in your office that day, I told you that I was in a very bad, very dark place in my life. That was true, but regardless of what was happening, or the seriousness of it, I never should have allowed the Bob Smith who had strived to live his life in an upright manner to be overcome by his weak and flawed side. Never.

However, I did allow it. It was a decision that I have inwardly analyzed and agonized over for countless hours. I finally concluded that searching for the why of it was a waste of time. Ultimately I have opted to believe that I really was not the good person that I thought I was and move on with life and simply become a better person. It is undeniable that no excuses for my actions exist. I must accept that fact and I do. As a result, I have deemed the back story leading up to the crime to be irrelevant. I no longer even reference the circumstances in any recounting of the events. Instead of focusing on why my actions occurred, I decided that I should spend my time trying to live the life that I thought I was living. Upon further reflection, I realized that my decision did not go far enough. I realized that I need to do more in my life than merely be a good citizen.

In the months following the incident, I started down my previously mentioned path of atonement. As with any error, I had to learn from it and make changes so that it will never reoccur. That has been done. Living with the shame and self-loathing I feel is a more than ample deterrent. The dishonor that I have brought upon my family, the ones who love me unconditionally, is almost unbearable. But, bear it I must because I cannot accomplish the most important element of atonement.

The most important thing—something that is essential to my very being now—is to better any situation that I find myself in. It is to better the lives of everyone that I possibly can in any way, no matter how minute. Ultimately, when I finally slip free from my earthly bonds, I hope that it

can be said that I left the world a better place for all, not just my loved ones, my family, my friends, or my colleagues or clients. It should be a better place for all. That is how I intend to pay my debt to society.

Again, I am truly sorry for the harm and hurt that I have caused to you and everyone involved.

Sincerely,

Robert R. Smith



**Robert R. Smith  
930 Old 1460 Trail  
Georgetown, Texas 78626**

January 8, 2020

Hon. Julie Kocurek  
390<sup>th</sup> District Court  
P.O. Box 1748  
Austin, TX 78767

Dear Judge Kocurek:

I want to offer my deepest apology for forging your signature on an Order of Non-Disclosure. The terms “horrible” and “reprehensible” do not even come close to describing my conduct. I take full and complete responsibility for my crimes. There are no excuses for what I did; none whatsoever. I accept all of the consequences of my actions without hesitation or complaint. It is I, and I alone, who triggered the consequences and I deserve the full measure of every punishment that I receive.

There are many apologies that I must give and many layers to each apology. For you, I disrespected you in your professional capacity as someone that the people of Travis County chose to perform public service work of the highest order. In disrespecting you, I disrespected them. In performing your duties, you expect, demand, and absolutely must have complete honesty and integrity from your fellow officers of the Court. Any deviation from that standard is an assault on the fundamentals of a free and fair society. I failed miserably.

On a personal level, we had a friendly relationship based on mutual respect and trust. A well-functioning judicial system does not solely revolve around statutes and case law. It is comprised of people, each playing a vital role to ensure that its’ important objectives are accomplished. Personal relationships and interactions are part of the system dynamic. I betrayed the personal trust that you had in me as an attorney, but more importantly as a person. When you learned about what I did, I saw deep hurt in your eyes. That hurt ripped my insides and it will torment me for the rest of my life. To know that I caused pain to anyone, much less a friend, is one of the greatest and most difficult consequences that I must accept.

Time does not stand still and life moves forward. As I move forward, I owe you, and all of the many persons that I have harmed, a solid assurance that there will never be a reoccurrence of any criminal actions or dishonesty. I can offer that assurance. The sanctions by the State of Texas and the State Bar are not necessary on this count. The realizations of the harm I caused to you, my colleagues, my clients, my friends, and countless others are an overwhelming deterrent. However, as great as the harm has been to those I just mentioned, it does not hold a candle to the harm and hurt that I caused to those persons who love me unconditionally, my family.

As much as I tried to be a conscientious attorney dedicated to playing an effective and vital role in the justice system, I had, and still have, an infinitely greater responsibility: being a good

husband and father. The crime I committed, with the forfeiture of integrity as one of its' elements, is not the way of a good husband and father. A good husband and father puts the well-being and honor of his wife, children, and grandchildren above all else. They deserve someone who does not cause them pain in any way. My actions caused them a lot of it. I can never do that again. That, your honor, is the greatest deterrent of all.

Next, it is incumbent upon me to make amends to atone for my actions. There are many amends that I must make and the task will be difficult. Merely writing a letter of apology is but a tiny step on my future journey to repay my debt to society. During the past year, I have spent innumerable hours reflecting upon my life, my actions, and who I really am as a person. It was an intense and, at times, an ugly inventory. However, it was a task necessary to find a way to make true, significant amends to repay the real debt that I owe to you, to everyone else I have harmed, and society as a whole.

After much self-introspection, deep thought, and earnest prayer, I came up with a road map for my journey to recovery and atonement. It is very simple. Each and every day, I must try to find a way to better each situation and circumstance I encounter. It may be as simple as offering a kind word to someone, helping someone with a significant need, or making a serious sacrifice that imposes a hardship on me. This obligation is for each hour of each day. There are no weekends, holidays, or sick days. I am aware that this is a big undertaking, but I have a big debt to repay to society. I will spend the rest of my days doing it. That is my solemn promise to you and to everyone in my life.

I hope that you accept my apology and that it makes things better for you, even if it is just in a small way.

Sincerely,

Robert R. Smith

**Robert R. Smith**  
**930 Old 1460 Trail**  
**Georgetown, Texas 78626**

January 8, 2020

Hon. Velva L. Price  
Travis County District Clerk  
P.O. Box 679003  
Austin, TX 78767-9003

Dear Ms. Price:

I want to take this opportunity to formally apologize to you personally and to your entire staff for my actions in forging the signatures of the two judges and making it appear that the documents had been filed in your office. There is no excuse for my actions. I take full responsibility for them and I accept my punishment without hesitation.

Over the preceding months, I have spent many hours in sincere reflection of my crime and of everyone that I have harmed. I am deeply ashamed of what I did. To your office in particular, I realize that time was taken away from the regular job duties of you and your employees to investigate my actions. It is time that should have been used to serve the public. I brought disrespect to my profession, I dishonored my family, and I harmed the many people who had placed their trust in me. These are profound errors that I must live with for the rest of my life.

These words cannot undo the impact of my wrongs and they are a pitifully insignificant amend to you. However, I can assure you of two things; there will never be a recurrence of my actions or anything that has a shred of dishonesty involved, and I pledge to you that the haunting memory of my crimes will drive me to work to better the world in any way possible for the remainder of my days. I hope that you accept this apologize and find it in your heart to forgive me.

Sincerely,

Robert R. Smith