

FILED
By: _____
JAN 07 2013
Board of Disciplinary Appeals
appointed by the
Supreme Court of Texas

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

IN THE MATTER OF

BASIL SARTIN ST. CLAIR

STATE BAR CARD NO. 18984700

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§

CAUSE NO. 51671

AGREED ORDER OF INDEFINITE DISABILITY SUSPENSION

The Chief Disciplinary Counsel ("CDC"), upon investigation of case numbers D0111144395, D0071143484, D0041245597, D0041142705, and D0071246213, reasonably believes that Basil Sartin St. Clair ("Respondent") is suffering from a Disability and has been authorized by the Commission for Lawyer Discipline to enter into this Agreed Indefinite Order of Disability Suspension.

There are currently five disciplinary complaints pending against Respondent.

They are summarized as follows:

Case No. D0111144395 – Sabrina Adams

On March 31, 2011, Complainant Sabrina Adams ("Adams") employed Respondent to represent her in a Child Protective Services matter involving Adams' children. Adams paid Respondent \$2,000.00. At the time Respondent accepted Adams' matter, Respondent's license to practice law was suspended for non-payment of bar dues and Texas Attorney Occupation Tax and had been suspended since September 1, 2010. Thereafter, Respondent failed to reply to Adams' proper requests for information about the matter and failed to provide any legal services for Adams. In July 2011, Adams wrote to Respondent and demanded a refund of unearned fees but Respondent failed to respond.

Further, on December 15, 2010, while Respondent's license to practice law was suspended, Respondent posted appeal bonds for Jason Talbert ("Talbert") for eight traffic citations in Dallas County. Respondent was counsel of record for Talbert.

On March 28, 2012, a notice and copy of the complaint were delivered to Respondent via certified mail, return receipt requested. Respondent was directed to respond in writing to the complaint within thirty (30) days of receipt, but failed to do so and asserted no grounds for such failure.

The foregoing facts constitute violations of Rules 1.01(b)(1), 1.03(a), 1.15(d), 8.04(a)(8) and 8.04(a)(11) of the Texas Disciplinary Rules of Professional Conduct.

Case No. D0071143484 – State Bar of Texas

Respondent is an attorney licensed to practice law in the State of Texas. On September 1, 2010, Respondent's law license was administratively suspended for non-payment of membership dues and the Texas Attorney Occupation Tax. Respondent's law license has not been reinstated.

On December 10, 2010, Respondent engaged in the practice of law while administratively suspended by sending a letter to the Court Administrator of the Municipal Court of the City of Hudson Oaks, Texas, advising that he represented Brad Allan Neal regarding Citation Numbers 36647-01 FTST and 36647-V01. On December 10, 2010, while administratively suspended, Respondent filed an appearance bond on behalf of Brad Allan Neal regarding Citation Number 36647 with the Municipal Court of Hudson Oaks, Texas.

On August 12, 2011, notice and a copy of the complaint were delivered to Respondent via certified mail, return receipt requested. Respondent was directed to respond in writing to the complaint within thirty (30) days of receipt, but failed to do so and asserted no grounds for such failure.

The foregoing facts constitute violations of Rules 8.04(a)(8) and 8.04(a)(11) of the Texas Disciplinary Rules of Professional Conduct.

Case No. D0041245597 – Shomari B. Staten

Respondent was hired on January 17, 2012, to represent Complainant Shomari B. Staten ("Staten") on traffic ticket matters. Respondent was paid \$100.00 for the representation. Thereafter, Respondent failed to do any meaningful work on behalf of Staten and failed to return phone calls seeking information on the status of the case. As a result, Staten had to hire other counsel to do the work Respondent was hired to do. Further, Respondent has failed to return the unearned fees to Staten.

On June 20, 2012, notice and a copy of the complaint were delivered to Respondent via personal service. Respondent was directed to respond in

writing to the complaint within thirty (30) days of receipt, but failed to do so and asserted no grounds for such failure.

The foregoing facts constitute violations of Rules 1.01(b)(1), 1.01(b)(2), 1.03(a), 1.03(b), 1.15(d) and 8.04(a)(8) of the Texas Disciplinary Rules of Professional Conduct.

Case No. D0041142705 – Jamie W. Thomas

On or about November 14, 2009, Complainant Jamie W. Thomas ("Thomas") hired Respondent for representation in connection with two traffic citations: No. 2009119190, City of Allen; and No. 2009052182, City of Plano. Thomas paid Respondent \$125.00 for the representation.

Respondent failed to keep Thomas advised of the status of the matters. Respondent neglected the legal matters and failed to appear on behalf of Thomas at the hearing regarding Case No. 2009052182. As a result, Thomas was arrested on May 4, 2010, for failure to appear, and incurred additional expense to resolve the matter.

On May 9, 2011, notice and a copy of the complaint were delivered to Respondent via certified mail, return receipt requested. Respondent was directed to respond in writing to the complaint within thirty (30) days of receipt, but failed to do so and asserted no grounds for such failure.

The foregoing facts constitute violations of Rules 1.01(b)(1), 1.03(a) and 8.04(a)(8) of the Texas Disciplinary Rules of Professional Conduct.

Case No. D0071246213 – Gail Milam

In January 2009, the American-Truckers' Legal Association ("ATLA") employed Respondent to represent ATLA members on five legal cases in Texas. Legal fees were \$1,130.50. Respondent neglected the legal matters and failed to respond to the clients' requests for information. One of the five clients lost their license as a result of Respondent's neglect. Two other clients incurred extra costs and were charged with Failure to Appear as a result of Respondent's neglect.

The foregoing facts constitute violations of Rules 1.01(b)(1), 1.01(b)(2) and 1.03(a) of the Texas Disciplinary Rules of Professional Conduct.

Respondent has submitted an Affidavit (attached hereto as Exhibit "A") in which he specifically waives the following rights: (1) the right to be separately noticed of a

hearing before a District Disability Committee; (2) the right to any disability hearing resulting therefrom; (3) the right to have the Board of Disciplinary Appeals review the record of the CDC; and (4) the right to have a District Disability Committee appointed as provided in Rule 12.02 of the Texas Rules of Disciplinary Procedure and the right to have counsel appointed. Respondent also stipulated that he suffers from a Disability as defined in Rule 1.06(l) of the Texas Rules of Disciplinary Procedure and requested that the Board of Disciplinary Appeals enter an order of indefinite disability suspension from the practice of law.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Respondent Basil Sartin St. Clair be indefinitely suspended from the practice of law.

It is further **ORDERED, ADJUDGED, AND DECREED** that Respondent Basil Sartin St. Clair, during said suspension, is hereby enjoined from practicing law in Texas, holding himself out as an attorney at law, performing any legal services, appearing as counsel in any representative capacity in any proceeding in any Texas court or before any Texas administrative body, or holding himself out to others or using his name, in any manner, in conjunction with the words "attorney at law", "counselor at law", or "lawyer."


It is further **ORDERED** that Respondent Basil Sartin St. Clair shall immediately notify each of his current clients in writing of this suspension. In addition to such notification, the Respondent is **ORDERED** to return all files, papers, monies and other property belonging to clients and former clients or to another attorney at the client's or former client's request within thirty (30) days of the signing of this Order. Respondent Basil Sartin St. Clair is **ORDERED** to file within the same thirty (30) days 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), an affidavit stating that all current clients have been notified of the Respondent's suspension, and that all files, papers, monies and other property belonging to each current and former client have been returned as ordered herein, and showing in the case where it was not possible to notify clients or return their property that due diligence was used to do so.

It is further **ORDERED** that Respondent Basil Sartin St. Clair shall, on or before thirty (30) days from the date of this Order, notify 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 suspension, the style and cause number of the pending matter(s), and the name, address and telephone number of the client(s) Respondent is representing in that court. Respondent is also **ORDERED** to mail copies of all such notifications 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), on or before thirty (30) days from the date of this Order.

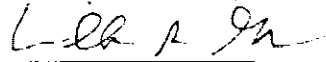
It is further **ORDERED** that Respondent Basil Sartin St. Clair shall immediately surrender his Texas law license and permanent State Bar Card to the State Bar of Texas, Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701).

Signed this 11th day of January, 2013.



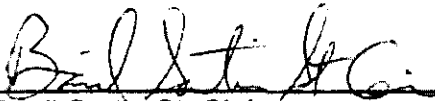
CHAIR PRESIDING

AGREED AS TO BOTH FORM
AND SUBSTANCE:



William R. Garrett
Assistant Disciplinary Counsel
State Bar of Texas
State Bar No. 07700200

DATE: 12/18/12



Basil Sartin St. Clair
Respondent
State Bar No. 18984700

DATE: 12/6/12



DEPARTMENT OF VETERANS AFFAIRS
North Texas Healthcare System

RE: Basil St. Clair

August 21, 2012

Mr. William R. Garrett
Assistant Disciplinary Counsel
State Bar of Texas
12451 Dallas Parkway, Suite 925
Dallas, Texas 75254

Dear Mr. Garrett:

I am H. Michael Cunningham, Ph.D., a licensed psychologist practicing at the North Texas VA Medical Center in Dallas, Tx. Mr. St. Clair has been under my care since May of 2012. In my professional opinion, Mr. St. Clair is competent and has the mental capacity to understand and appreciate the consequences of signing an agreed Order of Disability Suspension.

If any additional information is necessary, please contact my office.

Sincerely yours,

A handwritten signature in black ink, appearing to read "H. Michael Cunningham, Ph.D.", with a horizontal line extending to the right.

H. Michael Cunningham, Ph.D.
Psychologist, License # 23307

Released to Mr. St. Clair for delivery.

AFFIDAVIT OF BASIL SARTIN ST. CLAIR

On this 15TH day of NOVEMBER, 2012, personally appeared before me, the undersigned authority, Basil Sartin St. Clair, State Bar No. 18984700, who after being duly sworn, did state upon his oath:

"I, Basil Sartin St. Clair, am over the age of eighteen years and am competent to make this Affidavit in all respects, and am personally acquainted with the facts herein stated:

It is my understanding that the Chief Disciplinary Counsel is willing to stipulate that I am suffering from a Disability as defined in Rule 1.06(l) of the Texas Rules of Disciplinary Procedure. I hereby stipulate to same.

I hereby waive the right to be separately noticed of a disability complaint by the Chief Disciplinary Counsel, and I waive the right to any hearing resulting therefrom. I further waive the right to have the Board of Disciplinary Appeals review the record of the Chief Disciplinary Counsel regarding the disability from which I suffer, and waive the right to the appointment of a District Disability Committee as provided in Rule 12.02 of the Texas Rules of Disciplinary Procedure. I further waive the right to have counsel appointed to represent me in this matter.

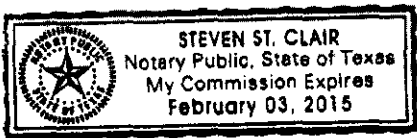
I swear or affirm that I am suffering from a Disability as defined in Rule 1.06(l) of the Texas Rules of Disability Procedure and request that the Board of Disciplinary Appeals enter an Order of indefinite disability suspension from the practice of law.

I swear or affirm that I currently am handling no pending cases, so there is no need for the State Bar of Texas to file a Motion for the Assumption of Jurisdiction of my files.

I acknowledge the above to be true and correct."

Basil Sartin St. Clair
Basil Sartin St. Clair, Affiant

15 SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned authority, this day of November, 2012.



Steven St. Clair
Notary Public for and in the State of Texas

AFFIDAVIT OF BASIL SARTIN ST. CLAIR

On this 15th day of NOVEMBER, 2012, personally appeared before me, the undersigned authority, Basil Sartin St. Clair, State Bar No. 18984700, who after being duly sworn, did state upon his oath:

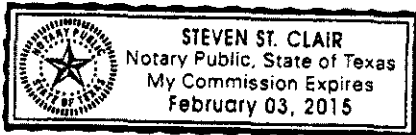
"I, Basil Sartin St. Clair, am over the age of eighteen years and am competent to make this Affidavit in all respects, and am personally acquainted with the facts herein stated:


I cannot locate my Texas law license or State Bar card. If I locate my Texas law license and/or permanent State Bar card, I will promptly surrender same to the State Bar of Texas.

I acknowledge the above to be true and correct."


Basil Sartin St. Clair, Affiant

15 SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned authority, this day of November, 2012.




Notary Public for and in the State of Texas