

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

<b>IN THE MATTER OF</b>	§	
<b>KENNETH ALAN THOMAS</b>	§	<b>CAUSE NO. 37431</b>
<b>STATE BAR CARD NO. 19857100</b>	§	

**INTERLOCUTORY ORDER OF SUSPENSION**

On the 9th day of June 2006, the above-styled and numbered disciplinary action was called for hearing before the Board of Disciplinary Appeals. Petitioner Commission for Lawyer Discipline of the State Bar of Texas appeared by attorney and announced ready. Respondent, Kenneth Alan Thomas, although duly cited to appear and having been notified of the hearing date, failed to answer or appear and wholly made default. All issues of fact as well as all questions of law were submitted to the Board of Disciplinary Appeals for determination. Having considered the pleadings on file, having received evidence, and having heard the argument of counsel, the Board of Disciplinary Appeals is of the opinion that Petitioner is entitled to entry of the following findings and orders:

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

- (1) Respondent, Kenneth Alan Thomas, State Bar Card Number 19857100, is currently licensed to practice law in the State of Texas.
- (2) On August 19, 2004, Respondent, Kenneth Alan Thomas, was charged by Indictment with Aggravated Assault in Cause No. F-2004-1408-C, in the 211th District Court of Denton County, Texas, (hereinafter called the "Thomas" criminal case).
- (3) Said Indictment states that Respondent Thomas committed the assault "intentionally or knowingly" and did "use or exhibit a deadly weapon, to-wit: a firearm."
- (4) On or about May 13, 2005, a Judgment on Jury Verdict of Guilty Punishment Fixed by Jury – No Probation Granted was entered in Case Number F-2004-1408-C, styled *The State of Texas v. Kenneth Alan Thomas*, in the 211th District Court of Denton County, Texas,

finding the Respondent guilty of Aggravated Assault, a 2nd Degree Felony. Respondent was committed to the custody of the Institutional Division of the Texas Department of Criminal Justice to be imprisoned for a total term of 8 years and was ordered to pay a fine in the amount of \$10,000.00.

- (5) Respondent, Kenneth Alan Thomas, is same person as the Kenneth Alan Thomas who is the defendant in criminal case F-2004-1408-C and was convicted as set forth above.
- (6) Respondent has appealed the criminal conviction.
- (7) Respondent's criminal sentence is not fully probated.
- (8) Respondent was personally served with the Original Petition for Compulsory Discipline including a hearing notice on April 11, 2006 as evidenced by the affidavit of the process server filed with the Board on April 24, 2006.

Conclusions of Law. Based upon the foregoing findings of facts the Board of Disciplinary

Appeals makes the following conclusions of law:

- (1) This Board has jurisdiction to hear and determine this matter. Rule 7.08(G), Texas Rules of Disciplinary Procedure ("TRDP").
- (2) Based on the charge contained in the True Bill of Indictment that Respondent committed the aggravated assault with knowledge or intent, the record of conviction shows that the crime for which Respondent has been convicted is an Intentional Crime as defined by TRDP 1.06(T) and a Serious Crime as defined by TRDP 1.06(Z).
- (3) Having been found guilty and convicted of an Intentional and Serious crime, and such conviction currently being appealed, Respondent, Kenneth Alan Thomas, should be suspended as an attorney licensed to practice law in Texas during the appeal of his conviction. TRDP 8.04.
- (4) In the event that the conviction of Respondent, Kenneth Alan Thomas, is affirmed and becomes final, Respondent, Kenneth Alan Thomas, should be disbarred, because his criminal sentence is not fully probated. TRDP 8.05.

It is, accordingly, **ORDERED, ADJUDGED, and DECREED** that Respondent, Kenneth Alan Thomas, State Bar Card No.19857100, is hereby **SUSPENDED** from the practice of law in the State of Texas effective immediately upon signing this order and continuing hereafter until further order of this Board.

It is further **ORDERED** that, in the event that Respondent's criminal conviction is affirmed and becomes final, he shall be disbarred pursuant to the procedure provided in TRDP 8.05.

It is further **ORDERED, ADJUDGED and DECREED** that Respondent, Kenneth Alan Thomas, during said suspension is hereby prohibited, effective immediately, from practicing law in Texas, holding himself out as an attorney at law, performing any legal service for others, accepting any fee directly or indirectly for legal services not completed before the date of this order, appearing as counsel in any proceeding in any Texas court or before any Texas administrative body, or holding himself out to others or using his name, in any manner, in conjunction with the words "attorney," "counselor," or "lawyer."

Respondent is further **ORDERED** to notify in writing, not later than thirty (30) days from the date of this Order, each and every justice of the peace, judge, magistrate, and chief justice of each and every court in which Respondent, Kenneth Alan Thomas, has any legal matter pending, if any, of his suspension, of the style and cause number of the pending matter(s), and of 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 Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711.

Respondent is further **ORDERED** to notify in writing immediately each of his current clients, if any, in writing, of his suspension. In addition to such notification, Respondent is

**ORDERED** to return all files, papers, unearned fees paid in advance, and all other monies and properties which are in his possession but which belong to current or former clients, if any, to those respective clients or former clients within thirty (30) days after the date on which this Order is signed by the Board. Respondent is further **ORDERED** to file with this Board, within the same thirty (30) days, an affidavit stating either (a) that all current clients have been notified of his suspension and that all files, papers, unearned fees paid in advance, and all other monies and properties belonging to clients and former clients have been returned as ordered herein or (b) that Respondent has no current clients, files, or papers, and that any unearned fees paid in advance or other monies or properties belonging to clients have previously been returned to the appropriate client. If Respondent should be unable to return any file, papers, money or other property to any client or former client, Respondent's affidavit shall state with particularity the efforts made by Respondent with respect to each particular client and the cause of his inability to return to said client any file, paper, money or other property. Respondent is also **ORDERED** to mail a copy of said affidavit and copies of all notification letters to clients, to the Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711.

Respondent is further **ORDERED** to surrender immediately his Texas law license and permanent State Bar Card to the Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711, for transmittal to the Clerk of the Supreme Court of Texas.

It is further **ORDERED** that a certified copy of the Petition for Compulsory Discipline on file herein, along with a copy of this Order, be sent to the Chief Disciplinary Counsel of the State Bar of Texas, P.O. Box 12487, Austin, Texas 78711.

It is further **ORDERED** that this Order is interlocutory pending the further orders of this Board upon the conclusion of Respondent's appeal of his criminal conviction. In the event that the conviction of Respondent, Kenneth Alan Thomas, is reversed, this Board, upon the filing by Respondent or his attorney of an appropriate motion supported by affidavits or certified copies of court documents showing that the conviction has been reversed, shall immediately terminate the interlocutory suspension. In the event that the conviction of Respondent, Kenneth Alan Thomas, is affirmed and becomes final, this Board, upon the filing by the Chief Disciplinary Counsel of an appropriate motion supported by affidavits or certified copies of court documents showing that the conviction has become final pursuant to Rule 8.05 of the Texas Rules of Disciplinary Procedure, shall enter a final judgment of disbarment.

Signed this 15 day of June 2006.



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CHAIRMAN