



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

IN THE MATTER OF	§	
JOHN REX THOMPSON	§	CAUSE NO. 58071
State Bar of Texas Card No. 19956150	§	

**AGREED JUDGMENT REVOKING PROBATION
AND STAYING SUSPENSION
CONDITIONED ON CONTINUED COMPLIANCE
WITH CERTAIN REQUIREMENTS**

On this day, the Commission for Lawyer Discipline of the State Bar of Texas and Respondent John Rex Thompson appeared as evidenced by their signatures hereto and announced that they have reached the agreement set forth below.

STIPULATIONS

The parties have stipulated and the Board finds as follows:

- (1) Respondent, John Rex Thompson, Texas Bar No. 19956150, is currently licensed and authorized to practice law in Texas.
- (2) Respondent was personally served with the Petition for Revocation of Probation and hearing notice in this cause by a duly authorized process server on September 12, 2016. Respondent entered an appearance on September 30, 2016.
- (3) On December 8, 2015, the Evidentiary Panel 2-4 of the State Bar of Texas District 2 Grievance Committee signed two judgments of Partially Probated Suspension in Causes 201402358 (Williams) and 201403357 (Bolton), each imposing a one month active suspension beginning June 1, 2015 and ending June 30, 2015 followed by a term of probation for 18 months beginning November 2, 2015 and ending May 1, 2017. The two judgments are collectively referred to as the Judgments. The Judgments are attached hereto as Exhibits 1 and 2 respectively and are incorporated herein for all purposes as if set out in full.

- (4) Respondent received both judgments on December 15, 2015.
- (5) The Judgment in Cause 201402358 ordered Respondent to pay attorneys' fees to the State Bar in the amount of \$1,375.70, to pay \$4,000.00 in restitution to Sherry McEwan, to complete five (5) hours of additional CLE in the area of law practice management, to submit to a full psychological evaluation and submit quarterly reports from treating mental health professionals, and to submit to the supervision of a rehabilitation monitor.
- (6) The Judgment in Cause 201403357 ordered Respondent to pay attorneys' fees to the State Bar in the amount of \$1,375.70, to pay \$2,400.00 in restitution to Carolyn Bolton, to complete five (5) hours of additional CLE in the area of law practice management, to submit to a full psychological evaluation and submit quarterly reports from treating mental health professionals, and to submit to the supervision of a rehabilitation monitor.
- (7) As of the filing of the Petition to Revoke Probation, Respondent had wholly failed to comply with the requirements of the Judgments as ordered; specifically, Respondent failed to:
- a. pay attorneys' fees to the State Bar
 - b. pay restitution to Sherry McEwan (on behalf of Williams) and Bolton
 - c. obtain a full psychological evaluation
 - d. submit quarterly reports from a treating mental health professional to the State Bar CDC compliance monitor
 - e. meet with a rehabilitation monitor or
 - f. complete ten (10) hours of Continuing Legal Education in law office management.
- (8) As of the date of this Agreed Judgment, Respondent has:
- a. paid attorneys' fees in full to the State Bar in the amount of \$2,854.58, including interest as provided for in the judgments
 - b. paid restitution in full in the amount of \$6,400.00 to the Client Security Fund (from which McEwan and Bolton were previously paid) and additional interest due as provided in the judgments in the amount of \$100.00 to Bolton and \$166.67 to McEwan, all by certified funds payable to the State Bar of Texas
 - c. submitted to a full psychological evaluation and
 - d. arranged to meet with a rehabilitation monitor.

Based on the stipulations, the Board finds that Respondent has materially violated the terms and conditions of the Judgments, and that his probation should be **REVOKED** but **STAYED** with the stay conditioned on Respondent's continued compliance with the terms set out herein.

REVOCATION AND SUSPENSION

It is therefore, **ORDERED**, **ADJUDGED** and **DECREED** that Respondent John Rex Thompson, State Bar No. 24009903, be, and hereby is, actively **SUSPENDED** from the practice of law in the State of Texas beginning November 1, 2016, and ending April 30, 2018.

STAY OF SUSPENSION

The parties have agreed and the Board further **ORDERS** that the active suspension be, and hereby is, **STAYED** beginning November 1, 2016 and continuing thereafter conditioned on Respondent's continued compliance with the following ongoing requirements as set out in the Judgments:

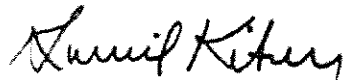
- (1) Respondent will submit quarterly reports from any treating mental health professionals or until the treating mental health professional concludes that Respondent no longer requires treatment, with the first report due January 30, 2017.
- (2) Respondent will meet with a rehabilitation monitor as the monitor deems appropriate and necessary, but at least two times per month, with the first meeting on October 20, 2017.
- (3) Respondent will complete ten hours of CLE in the area of law practice management by February 1, 2017.

CONTINUING JURISDICTION

BODA has continuing jurisdiction during the period that the suspension is stayed to reconsider the stay if Respondent fails to comply with the requirements set out herein. If

Respondent fails to comply with any or all of these conditions or any other term or condition of the Judgments, the Commission may file a motion with BODA to dissolve the stay. The Board will conduct a hearing on the motion in accordance with the TRDP and its Internal Procedural Rules.

Signed this 20 day of October 2016.

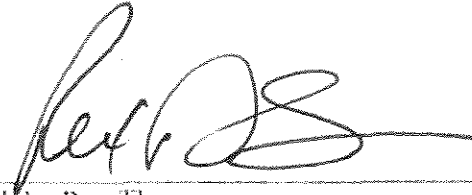


CHAIR PRESIDING

Agreed to in Form and Substance:



Judith Gres DeBerry
State Bar No. 24040780
Assistant Disciplinary Counsel
State Bar of Texas
P.O. Box 12487
Austin, Texas 78711
ATTORNEY FOR PETITIONER



John Rex Thompson
State Bar No. 19956150
709 Gabriel
Tyler, Texas 75702
RESPONDENT

BEFORE THE DISTRICT 2 GRIEVANCE COMMITTEE
EVIDENTIARY PANEL 2-4
STATE BAR OF TEXAS

FILED

COMMISSION FOR LAWYER
DISCIPLINE,
Petitioner

V.

JOHN REX THOMPSON,
Respondent

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201402358



September 19, 2016

Board of Disciplinary Appeals

JUDGMENT OF PARTIALLY PROBATED SUSPENSION

Parties and Appearance

On October 30, 2015, came to be heard the above styled and numbered cause. Petitioner, Commission for Lawyer Discipline, appeared by and through its attorney of record and announced ready. Respondent, John Rex Thompson, Texas Bar Number 19956150, appeared in person and through his attorney of record, James Huggler, and announced ready.

Jurisdiction and Venue

The Evidentiary Panel 2-4 having been duly appointed to hear this complaint by the chair of the Grievance Committee for State Bar of Texas District 2 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 all of the pleadings, evidence, stipulations, and argument, finds Respondent has committed Professional Misconduct as defined by Rule 1.06(W) of the Texas Rules of Disciplinary Procedure.

CFB-12

Judgment of Partially Probated Suspension
Page 1 of 7



I certify that this is a true and correct copy of the original.

By: Shelly Hogue
Authorized Representative
Date: 9.16.16

Exhibit

1

Findings of Fact

The Evidentiary Panel, having considered the pleadings, evidence and argument of counsel, makes the following findings of fact and conclusions of law:

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 Smith County, Texas.
3. Respondent neglected a legal matter entrusted to him by Nicki Colin Williams.
4. Respondent failed to keep Nicki Colin Williams informed about the status of his legal matter and promptly comply with his reasonable requests for information.
5. And, Respondent failed to timely furnish to the Chief Disciplinary Counsel's Office a response to Nicki Colin Williams' grievance.
6. 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 \$1,375.70.
7. Respondent owes restitution in the amount of \$4,000.00 payable to Sherry McEwan.

Conclusions of Law

The Evidentiary Panel concludes that, based on foregoing findings of fact, the following Texas Disciplinary Rules of Professional Conduct have been violated: 1.01(b)(1), 1.03(a) and 8.04(a)(8).

Sanction

The Evidentiary Panel, having found that Respondent has committed professional misconduct, heard and considered additional evidence regarding the appropriate sanction to be imposed against Respondent. After hearing all evidence and argument and after having considered the factors in Rule 2.18 of the Texas Rule of Disciplinary Procedure, the Evidentiary Panel finds that the proper discipline of the Respondent for each act of Professional Misconduct is a Partially Probated Suspension.

Accordingly, it is ORDERED, ADJUDGED and DECREED that Respondent be suspended from the practice of law for a period of eighteen months, beginning November

2, 2015 and ending May 1, 2017. Respondent shall be actively suspended from the practice of law for a period of thirty days beginning June 1, 2015 and ending June 30, 2015. The eighteen month period of probated suspension shall begin on November 2, 2015 and shall end on May 1, 2017.

Terms of Probation

It is further ORDERED that during all periods of suspension, Respondent shall be under the following terms and conditions:

1. Respondent shall not violate any term of this judgment.
2. Respondent shall not engage in professional misconduct as defined by Rule 1.06(W) of the Texas Rules of Disciplinary Procedure.
3. Respondent shall not violate any state or federal criminal statutes.
4. Respondent shall keep State Bar of Texas membership department notified of current mailing, residence and business addresses and telephone numbers.
5. Respondent shall comply with Minimum Continuing Legal Education requirements.
6. Respondent shall comply with Interest on Lawyers Trust Account (IOLTA) requirements.
7. Respondent shall promptly respond to any request for information from the Chief Disciplinary Counsel in connection with any investigation of any allegations of professional misconduct.
8. Respondent shall pay all reasonable and necessary attorney's fees and direct expenses to the State Bar of Texas in the amount of \$1,375.70. The payment shall be due and payable on or before January 1, 2016, 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).
9. Respondent shall pay restitution on or before November 30, 2015, to Sherry McEwan in the amount of \$4,000.00. Respondent shall pay the restitution by certified or cashier's check or money order made payable to Sherry McEwan and delivered to the State Bar of Texas, Chief Disciplinary Counsel's Office, The Princeton, 14651 Dallas Parkway, Suite 925, Dallas, TX 75254.
10. In addition to complying with the Minimum Continuing Legal Education (MCLE) requirements of the State Bar of Texas, Respondent shall complete five additional hours of continuing legal education in the area of Law Practice Management. These additional hours of CLE are to be completed by January 1, 2017. Within ten days of completion of these additional CLE hours, Respondent shall verify completion of the course to the State Bar of Texas, via USPS: Office of the Chief Disciplinary Counsel, State Bar of Texas, P. O. Box 12487,

Austin, TX 78711-2487; or via Delivery: Office of the Chief Disciplinary Counsel, State Bar of Texas, 1414 Colorado Street, Suite 200, Austin TX 78701.

11. It is ORDERED that during all periods of suspension, Respondent shall be under the following terms and conditions:
- a. Respondent shall make contact with the Chief Disciplinary Counsel's Office's Compliance Monitor at 877-953-5535, ext. 1334 and Special Programs Coordinator at 877-953-5535, ext. 1323, not later than seven days after receipt of a copy of this judgment to coordinate Respondent's compliance.
 - b. Respondent shall make contact with the Texas Lawyers' Assistance Program (TLAP) at its hotline number, 800-343-8527, not later than seven days after receipt of a copy of this judgment to inquire as to services and referrals offered by that program to aid in Respondent's rehabilitation. Respondent shall additionally send verification of contact with TLAP to the State Bar of Texas within fifteen days of such contact.
 - c. Respondent shall submit to supervision for a period of eighteen months by a rehabilitation monitor acceptable to the State Bar of Texas and selected by the monitoring program of the Texas Lawyers' Assistance Program. The monitor shall supervise Respondent's compliance with the requirements of the rehabilitation conditions and is under a duty to immediately report to the Chief Disciplinary Counsel's Office, State Bar of Texas, any noncompliance on the part of Respondent. The monitor shall report the status of Respondent's compliance with these conditions on a monthly basis, with the report due by the 5th day of each month for the duration of the monitoring period.
 - d. Respondent shall meet with the monitor a minimum of two times per month. The initial meeting shall be held not later than ten days after Respondent receives written notification from the State Bar of Texas of the name and phone number of Respondent's assigned monitor. Such meetings shall be in person at a place and time determined by the monitor. Exceptions must be approved in advance by the monitor and noted on the monthly report.
 - e. Within ten 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 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 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.
 - f. 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 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.

- g. 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.
- h. 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 Chief Disciplinary Counsel, State Bar of Texas, P. O. Box 12487, Austin, TX 78711-2487; or via Delivery: Office of the Chief Disciplinary Counsel, State Bar of Texas, 1414 Colorado Street, Suite 200, Austin, TX 78701.

Probation Revocation

Upon information that Respondent has violated a term of this judgment, the Chief Disciplinary Counsel may, in addition to all other remedies available, file a motion to revoke probation pursuant to Rule 2.23 of the Texas Rules of Disciplinary Procedure with the Board of Disciplinary Appeals ("BODA") and serve a copy of the motion on Respondent pursuant to Tex.R.Civ.P. 21a.

BODA shall conduct an evidentiary hearing. At the hearing, BODA shall determine by a preponderance of the evidence whether Respondent has violated any term of this Judgment. If BODA finds grounds for revocation, BODA shall enter an order revoking probation and placing Respondent on active suspension from the date of such revocation order. Respondent shall not be given credit for any term of probation served prior to revocation.

It is further ORDERED that any conduct on the part of Respondent which serves as

the basis for a motion to revoke probation may also be brought as independent grounds for discipline as allowed under the Texas Disciplinary Rules of Professional Conduct and Texas Rules of Disciplinary Procedure.

Restitution, Attorney's Fees and Expenses

It is further ORDERED Respondent shall pay restitution on or before November 30, 2015, to Sherry McEwan in the amount of \$4,000.00. Respondent shall pay the restitution by certified or cashier's check or money order made payable to Sherry McEwan and delivered to the State Bar of Texas, Chief Disciplinary Counsel's Office, The Princeton, 14651 Dallas Parkway, Suite 925, Dallas, TX 75254.

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 \$1,375.70. The payment shall be due and payable on or before January 1, 2016, 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

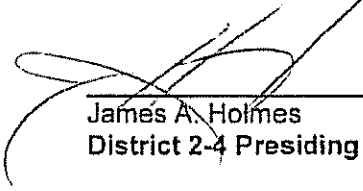
accordance with the Texas Rules of Disciplinary Procedure.

Other Relief

All requested relief not expressly granted herein is expressly DENIED.

SIGNED this 8th day of December, 2015.

EVIDENTIARY PANEL
DISTRICT NO. 2
STATE BAR OF TEXAS



James A. Holmes
District 2-4 Presiding Member



September 19, 2016

Board of Disciplinary Appeals

BEFORE THE DISTRICT 2 GRIEVANCE COMMITTEE
EVIDENTIARY PANEL 2-4
STATE BAR OF TEXAS

COMMISSION FOR LAWYER
DISCIPLINE,
Petitioner

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§
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V.

201403357

JOHN REX THOMPSON,
Respondent

JUDGMENT OF PARTIALLY PROBATED SUSPENSION

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Jurisdiction and Venue

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Professional Misconduct

The Evidentiary Panel, having considered all of the pleadings, evidence, stipulations, and argument, finds Respondent has committed Professional Misconduct as defined by Rule 1.06(W) of the Texas Rules of Disciplinary Procedure.



I certify that this is a true and correct copy of the original.

By: Shelley Hogue
Authorized Representative

Date: 9.16.16

Exhibit

2

Findings of Fact

The Evidentiary Panel, having considered the pleadings, evidence and argument of counsel, makes the following findings of fact and conclusions of law:

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 Smith County, Texas.
3. Respondent neglected a legal matter entrusted to him by Carolyn Bolton.
4. Respondent failed to keep Carolyn Bolton informed about the status of her legal matter and promptly comply with her reasonable requests for information.
5. And, Respondent failed to timely furnish to the Chief Disciplinary Counsel's Office a response to Carolyn Bolton's grievance.
6. 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 \$1,375.70.
7. Respondent owes restitution in the amount of \$2,400.00 payable to Carolyn Bolton.

Conclusions of Law

The Evidentiary Panel concludes that, based on foregoing findings of fact, the following Texas Disciplinary Rules of Professional Conduct have been violated: 1.01(b)(1), 1.03(a) and 8.04(a)(8).

Sanction

The Evidentiary Panel, having found that Respondent has committed professional misconduct, heard and considered additional evidence regarding the appropriate sanction to be imposed against Respondent. After hearing all evidence and argument and after having considered the factors in Rule 2.18 of the Texas Rule of Disciplinary Procedure, the Evidentiary Panel finds that the proper discipline of the Respondent for each act of Professional Misconduct is a Partially Probated Suspension.

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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 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.

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BODA shall conduct an evidentiary hearing. At the hearing, BODA shall determine by a preponderance of the evidence whether Respondent has violated any term of this Judgment. If BODA finds grounds for revocation, BODA shall enter an order revoking probation and placing Respondent on active suspension from the date of such revocation order. Respondent shall not be given credit for any term of probation served prior to revocation.

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Restitution, Attorney's Fees and Expenses

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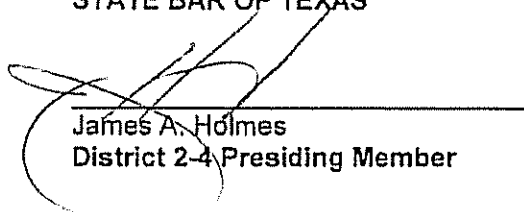
accordance with the Texas Rules of Disciplinary Procedure.

Other Relief

All requested relief not expressly granted herein is expressly DENIED.

SIGNED this 8th day of December, 2015.

EVIDENTIARY PANEL
DISTRICT NO. 2
STATE BAR OF TEXAS



James A. Holmes
District 2-4 Presiding Member