

# STATE BAR OF TEXAS



*Office of the Chief Disciplinary Counsel*

November 21, 2013

**VIA CERTIFIED MAIL NO.  
7013 1710 0001 4222 8294,  
RETURN RECEIPT REQUESTED, and  
VIA FIRST CLASS U.S. MAIL**

Gregory Lance Williams  
6136 Frisco Square Blvd.  
Suite 400  
Frisco, Texas 75034

**Re: 201300225 Commission for Lawyer Discipline v. Gregory Lance Williams**

Dear Mr. Williams:

After considering all of the evidence and testimony presented in the above-referenced Evidentiary Proceeding, the Evidentiary Panel determined that you have committed Professional Misconduct as set forth in the enclosed disciplinary judgment.

Pursuant to the Texas Rules of Disciplinary Procedure, you have a right to appeal the judgment. An appeal, if taken, is perfected when a written notice of appeal is filed with the Board of Disciplinary Appeals ("BODA"), at P.O. Box 12426, Capitol Station, Austin, Texas 78711. The notice of appeal must be filed with BODA within thirty (30) days of the date of notice, which is the date the chair of the evidentiary panel signs the judgment. See BODA Internal Procedural Rule 4.02(a). Appeals are further governed by Tex. R. Disciplinary P. 2.24 and Section 4 of BODA's Internal Procedural Rules.

**Please be advised that any judgment conditions requiring compliance will be regularly monitored and enforced by the Office of Chief Disciplinary Counsel.** If any sanction other than a private reprimand has been imposed, all documents, statements, and other information coming to the attention of the Evidentiary Panel may be made public.

Sincerely,

Susan Morgan Farris  
Senior Trial Attorney

SMF/slv

Enclosures: 1) Default Judgment of Partially Probated Suspension; 2) Evidentiary Hearing Report; 3) Order Granting Motion for Default Judgment

COMMISSION FOR LAWYER  
DISCIPLINE

v.

GREGORY LANCE WILLIAMS

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EVIDENTIARY PANEL

OF DISTRICT 1

GRIEVANCE COMMITTEE

**ORDER GRANTING MOTION FOR DEFAULT JUDGMENT**

ON THIS DAY CAME TO BE HEARD Commission for Lawyer Discipline's Motion for Default Judgment in the above-entitled and numbered cause. After hearing the evidence submitted, the Evidentiary Panel is of the opinion that the Motion for Default Judgment should be, and is hereby **GRANTED**.

IT IS ACCORDINGLY ORDERED, ADJUDGED AND DECREED that the following findings of fact and conclusions of law are deemed as true:

**Factual Allegations  
Grievance 201300225**

1. On December 30, 2011, Respondent was administratively suspended from the practice of law in Texas for non-compliance with Minimum Continuing Legal Education requirements.
2. On January 19, 2012, while Respondent was under administrative suspension, Jo Ann Smiedt (Smiedt) hired Respondent for representation in various legal matters that involved home repairs and related insurance claims, a theft claim, two automobile accidents, and personal injury claims.
3. Smiedt paid Respondent \$50 and entered into a contingent fee contract with Respondent.
4. The contingent fee contract failed to state the method by which the fee is to be determined; whether there is to be a differentiation in the percentage or percentages that would accrue to Respondent in the event of settlement, trial, or appeal and the percentage of each; the litigation and other expenses to be deducted from the recovery and whether such expenses are to be deducted before or after the contingent fee is calculated.

5. During the course of the representation, Respondent received two checks from HomeSite Insurance Company (HomeSite) on claims for damage to Smiedt's house: one in the amount of \$45,104.35 received by Respondent on or about January 31, 2012, and one in the amount of \$11,132.47 received by Respondent on or about March 15, 2012.
6. After payment for repairs to Smiedt's house, as of April 13, 2012, Respondent held \$19,851.62 in trust on behalf of Smiedt.
7. Respondent failed to provide Smiedt with her portion of the funds and failed to provide an accounting.
8. Respondent failed to keep Smiedt reasonably informed about the status of her legal matters.
9. Respondent, by his conduct in connection with the grievance initiated by Thomas Howery, has violated Rules 1.03(a), 1.04(d), 1.14(b), and 8.04(a)(11) of the Texas Disciplinary Rules of Professional Conduct, Article X, Section 9, State Bar Rules, effective January 1, 1990.

SIGNED this 8<sup>th</sup> day of November, 2013.



Tom Kulik  
Evidentiary Panel Chair

**BEFORE THE DISTRICT 1 GRIEVANCE COMMITTEE  
EVIDENTIARY PANEL 1-1  
STATE BAR OF TEXAS**

**COMMISSION FOR LAWYER  
DISCIPLINE,  
Petitioner**

**V.**

**GREGORY LANCE WILLIAMS,  
Respondent**

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**201300225**

**DEFAULT JUDGMENT OF PARTIALLY PROBATED SUSPENSION**

**Parties and Appearance**

On November 8, 2013, 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, Gregory Lance Williams, Texas Bar Number 24053550, although duly served with the Evidentiary Petition and notice of this default and sanctions hearing, failed to appear.

**Jurisdiction and Venue**

The Evidentiary Panel 1-1 having been duly appointed to hear this complaint by the chair of the Grievance Committee for State Bar of Texas District 1, finds that it has jurisdiction over the parties and the subject matter of this action and that venue is proper.

**Default**

The Evidentiary Panel finds Respondent was properly served with the Evidentiary Petition and that Respondent failed to timely file a responsive pleading to the Evidentiary Petition as required by Rule 2.17(B) of the Texas Rules of Disciplinary Procedure. Accordingly, the Evidentiary Panel finds Respondent in default and further finds that all facts alleged in the Evidentiary Petition are deemed true pursuant to Rule 2.17(C) of the

Texas Rules of Disciplinary Procedure.

### **Professional Misconduct**

The Evidentiary Panel, having deemed all facts as alleged in the Evidentiary Petition true, finds Respondent has committed Professional Misconduct as defined by Rule 1.06(V) of the Texas Rules of Disciplinary Procedure.

### **Findings of Fact**

The Evidentiary Panel, having considered the allegations as deemed true, 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 Collin County, Texas.
3. Respondent failed to keep Jo Ann Smiedt (Smiedt) reasonably informed about the status of her legal matters.
4. The contingent fee agreement entered into with Smiedt failed to state the method by which the fee was to be determined.
5. The contingent fee agreement entered into with Smiedt failed to differentiate the percentage or percentages that would accrue to Respondent in the event of settlement, trial, or appeal and the percentage of each; and failed to state the litigation and other expenses to be deducted from the recovery and whether such expenses were to be deducted before or after the contingent fee was calculated.
6. Respondent failed to promptly deliver to Smiedt funds that Smiedt was entitled to receive.
7. Upon request by Smiedt, Respondent failed to promptly render a full accounting regarding such funds.
8. Respondent engaged in the practice of law when his right to practice had been administratively suspended for failure to comply with Article XII of the State Bar Rules relating to Mandatory Continuing Legal Education.
9. 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 \$2,070.58.
10. Respondent owes restitution in the amount of \$19,851.62 payable to Jo Ann Smiedt.

### **Conclusions of Law**

The Evidentiary Panel concludes that, based upon the foregoing findings of fact, the

following Texas Disciplinary Rules of Professional Conduct have been violated: 1.03(a), 1.04(d), 1.14(b), and 8.04(a)(11).

### Sanction

The Evidentiary Panel, having found 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 Rules 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 four years, beginning November 8, 2013, and ending November 7, 2017. Provided Respondent complies with the following terms and conditions, Respondent shall be actively suspended from the practice of law for a period of three years, beginning November 8, 2013, and ending November 7, 2016. If Respondent complies with all of the following terms and conditions timely, the one-year period of probated suspension shall begin on November 8, 2016, and shall end on November 7, 2017:

1. Respondent shall pay all reasonable and necessary attorney's fees and direct expenses to the State Bar of Texas in the amount of Two Thousand Seventy and 58/100 Dollars (\$2,070.58). The payment shall be due and payable on or before May 8, 2014, 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, Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701).
2. Respondent shall pay restitution on or before November 8, 2016, to Jo Ann Smiedt in the amount of Nineteen Thousand Eight Hundred Fifty-One and 62/100 Dollars (\$19,851.62). Respondent shall pay the restitution by certified or cashier's check or money order made payable to Jo Ann Smiedt and delivered 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).

3. 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.

Should Respondent fail to comply with all of the above terms and conditions timely, Respondent shall remain actively suspended until the date of compliance or until November 7, 2017, whichever occurs first.

#### **Terms of Active Suspension**

It is further ORDERED that during the term of active suspension ordered herein, or that may be imposed upon Respondent by the Board of Disciplinary Appeals as a result of a probation revocation proceeding, 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."

It is further ORDERED that, on or before November 15, 2013, Respondent shall notify each of Respondent's current clients and opposing counsel in writing of this suspension.

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.

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 November 15, 2013, 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.

It is further ORDERED Respondent shall, on or before November 15, 2013, 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.

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 November 15, 2013, 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.

It is further ORDERED that, on or before November 15, 2013, 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.

#### **Terms of Probation**

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

4. Respondent shall not violate any term of this judgment.
5. Respondent shall not engage in professional misconduct as defined by Rule 1.06(V) of the Texas Rules of Disciplinary Procedure.
6. Respondent shall not violate any state or federal criminal statutes.



7. Respondent shall keep State Bar of Texas membership department notified of current mailing, residence and business addresses and telephone numbers.
8. Respondent shall comply with Minimum Continuing Legal Education requirements.
9. Respondent shall comply with Interest on Lawyers Trust Account (IOLTA) requirements.
10. 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.
11. For three years, Respondent shall provide a quarterly report to the State Bar of Texas for each trust account that he maintains as part of his law license. The first report shall be filed by February 8, 2017, and cover the three months from November 8, 2016, through February 7, 2017. Additional reports shall be filed every three months after February 8, 2017, with each report covering the three-month period ending on the last day of the previous month. The last report shall be filed by February 8, 2020. Each report shall include the records regarding Respondent's trust accounts for the applicable three-month period, including the checkbooks, canceled checks, check stubs, check registers, bank statements, vouchers, deposit slips, ledgers, journals, closing statements, accountings, and other statements of receipts and disbursements rendered to clients or other parties with regard to client trust funds, or other similar records clearly reflecting the date, amount, source, and explanation for all receipts, withdrawals, deliveries, and disbursements of the funds or other property of a client. The records regarding each trust account shall be grouped together.
12. All reports and verifications of compliance with the above shall be sent to the State Bar of Texas via USPS to: Compliance Monitor, 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., Austin, TX 78701, or via FAX to: 512-427-4167.

### **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 or before November 8, 2016, to Jo Ann Smiedt in the amount of Nineteen Thousand Eight Hundred Fifty-One and 62/100 Dollars (\$19,851.62). Respondent shall pay the restitution by certified or cashier's check or money order made payable to Jo Ann Smiedt and delivered 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).

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 Two Thousand Seventy and 58/10 Dollars (\$2,070.58). The payment shall be due and payable on or before May 8, 2014, 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(Y) 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**

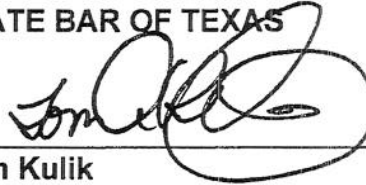
This suspension shall be made a matter of record and appropriately published in accordance with the Texas Rules of Disciplinary Procedure.

**Other Relief**

All requested relief not expressly granted herein is expressly DENIED.

SIGNED this 15<sup>th</sup> day of November, 2013.

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



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Tom Kulik  
District 1-1 Presiding Member

# EVIDENTIARY HEARING REPORT

PANEL: 1-1 COMMITTEE: 1 HEARING DATE: November 8, 2013  
CASE NO: 201300225 STYLE: Commission for Lawyer Discipline v. Gregory Lance Williams  
LOCATION: The Princeton, 14651 N. Dallas Parkway, Suite 925, Dallas, Texas 75254  
COURT REPORTER: Stoffels & Associates, Inc.

**PANEL MEMBERS (INDICATE ATTY OR PUBLIC).** Please note presiding member with an asterisk (\*).

1. Tom Kulik (Atty*)	<u>Present</u> / Absent / Recused
2. Monica Cruz (Atty)	<u>Present</u> / Absent / Recused
3. Scott Gray (Atty)	<u>Present</u> / Absent / Recused
4. Byron Henry (Atty)	Present / <u>Absent</u> / Recused
5. Kim Carson (Public)	<u>Present</u> / Absent / Recused
6. Sherri Zemanski (Public)	<u>Present</u> / Absent / Recused

**I. TYPE OF HEARING:** (Check One)

- Evidentiary and Sanction
- Continued Evidentiary and Sanction
- Sanction Only
- Default

**II. HEARING RESULT:** (Check One)

- Hearing Continued
- Dismissed
- Default Granted
- Default Denied
- Professional Misconduct Found (If selected, please continue)

Private Reprimand

Public Reprimand

Disbarment

Suspension: (If selected, please choose either Fully Active, Fully Probated or Partially Probated)

Fully Active Suspension: Length \_\_\_\_\_

Beginning: \_\_\_\_\_

Fully Probated Suspension: Length \_\_\_\_\_

Beginning: \_\_\_\_\_

Partially Probated Suspension: 4 years

Length of Active Portion: 3 years

Beginning: 11/08/2013

Length of Probated Portion: 1 year

Beginning: 11/08/2016

: Probated portion conditioned upon:

Payment of restitution

Payment of attorney's fees/cost

Other: \_\_\_\_\_

CFLD attorney's fees:  
Amount: 1,687.<sup>00</sup> Payable: 5/8/14  
(Date)

CFLD Costs:  
Amount: 383.<sup>08</sup> Payable: 5/8/14  
(Date)

Restitution payable to: the Complainant Jo Ann Smeidt  
Amount: 19,851.<sup>62</sup> Payable: by 11/08/16  
(Date)

**TERMS AND CONDITIONS OF PROBATION**

Please check all terms and conditions the Panel finds appropriate for this probation:

- Respondent shall not engage in professional misconduct during term of probation.
- Respondent shall not violate any state or federal criminal statutes during term of probation.
- Respondent shall keep State Bar of Texas membership notified of current address and telephone number.
- Respondent shall comply with Minimum Continuing Legal Education requirements during term of probation.
- Respondent shall comply with IOLTA requirements during term of probation.
- Respondent shall respond to any request for information from the Grievance Committee or Chief Disciplinary Counsel during term of probation.

\_\_\_ ADDITIONAL CONTINUING LEGAL EDUCATION COURSES AS FOLLOWS:

Areas of Law	No. of Hours	Deadline

\_\_\_ PSYCHOLOGICAL EVALUATION REPORTS (Utilize only if supported by evidence of Mental Illness)

Evaluation Deadline	Frequency

\_\_\_ SUBSTANCE ABUSE TESTING (Utilize only if supported by evidence of Substance Abuse)

Start Date	End Date	Frequency

\_\_\_\_ LAW OFFICE MANAGEMENT PROGRAM EDUCATION COURSES

<u>No. of Seminar Hours</u>	<u>Deadline</u>

\_\_\_\_ LAW OFFICE MANAGEMENT PROGRAM CONSULTATION

<u>Deadline</u>

TRUST ACCOUNT REPORTING (Utilize only if supported by evidence of Trust Account Violation)

<u>Start Date</u>	<u>Frequency</u>
11/08/16	Quarterly

\_\_\_\_ TRUST ACCOUNT AUDIT (Utilize only if supported by evidence of Trust Account Violation)

<u>Deadline</u>

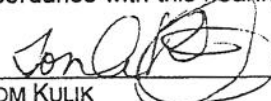
\_\_\_\_ OTHER: \_\_\_\_\_  
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**PROFESSIONAL MISCONDUCT**

The Panel finds the following Disciplinary Rules were violated: 1.03(a), 1.04(d), 1.14(b) & 8.04(a)(1)

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By my signature below, I request the Office of the Chief Disciplinary Counsel to prepare a Judgment in accordance with this hearing report.

  
\_\_\_\_\_  
TOM KULIK  
District No. 1  
Presiding Member