

ORDER OF THE SUPREME COURT OF TEXAS

MISC. DOCKET NO. 00- 9133

IN THE MATTER OF CHARLES EDWARD LINCOLN

The Court has reviewed the Motion for Acceptance of Resignation as Attorney and Counselor at Law of Charles Edward Lincoln and the Response of the Chief Disciplinary Counsel for the Commission for Lawyer Discipline. The Court concludes each meets the requirements of Part X of the Texas Rules of Disciplinary Procedure. In the absence of a request by Charles Edward Lincoln to withdraw his motion, the Court deems the professional misconduct detailed in the Response of Chief Disciplinary Counsel conclusively established for all purposes. The Court further concludes that acceptance of Charles Edward Lincoln's resignation is in the best interest of the public and the profession.

Therefore, the law license of Charles Edward Lincoln, of New Orleans, Louisiana, State Bar Card Number 00791116 is canceled. Charles Edward Lincoln must immediately surrender his State Bar Card and Texas law license to the Clerk of the Supreme Court of Texas or file with the court an affidavit stating why he cannot.

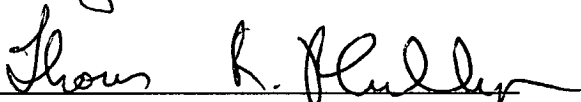
Consequently, Charles Edward Lincoln is prohibited from practicing law in the State of Texas. This includes holding himself out as an attorney at law, performing legal services for others, giving legal advice to others, accepting any fee directly or indirectly for legal services, appearing as counsel or in any representative capacity in any proceeding in any Texas court or before any Texas


administrative body (whether state, county, municipal, or other), or holding himself out to others or using his name in any manner in conjunction with the "Attorney at Law," "Counsel at Law," or "Lawyer."

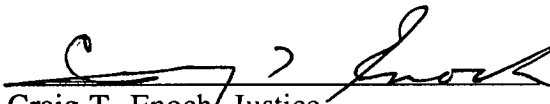
Additionally, Charles Edward Lincoln must immediately notify in writing each of his current clients of his resignation. He shall also return any files, papers, unearned monies and other property in his possession belonging to any client or former client to the respective client or former client or to another attorney at the client's or former client's request. Charles Edward Lincoln shall file with the State Bar of Texas, Office of the Chief Disciplinary Counsel, Post Office Box 12487, Austin, Texas 78711-2487, within thirty (30) days of the date of this Order an affidavit stating that all current clients have been notified of his resignation and that all files, papers, monies and other property belonging to all clients and former clients have been returned.


Finally, Charles Edward Lincoln shall, within thirty (30) days after the date of this Order, notify in writing each justice of the peace, judge, magistrate, and chief justice of each court in which Charles Edward Lincoln has any matter pending of the terms of this Order, the style and cause number of the pending matter(s), and the name, address and telephone number of the client(s) Charles Edward Lincoln is representing in court. Charles Edward Lincoln shall file with the State Bar of Texas, Office of the Chief Disciplinary Counsel, Post Office Box, 12487, Austin, Texas 78711-2487, within thirty (30) days of the date of this Order an affidavit stating that he has notified in writing each justice of the peace, judge, magistrate, and chief justice of each court in which he has any matter pending of the terms of this Order, the style and cause number of the pending matter(s), and the name, address and telephone number of the client(s) he is representing in Court.

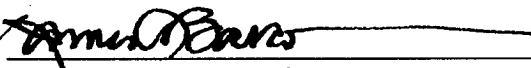
IT IS ORDERED the 22nd day of August, 2000.

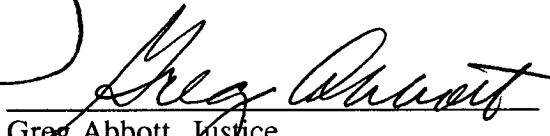

Thomas R. Phillips, Chief Justice

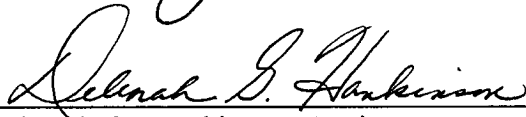

Nathan L. Hecht, Justice

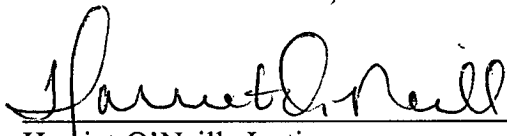

Craig T. Enoch, Justice



Priscilla R. Owen, Justice


James A. Baker, Justice


Greg Abbott, Justice


Deborah G. Hankinson, Justice


Harriet O'Neill, Justice


Alberto R. Gonzales, Justice

IN THE SUPREME COURT OF TEXAS
MOTION FOR ACCEPTANCE OF RESIGNATION AS
ATTORNEY AND COUNSELOR AT LAW
OF
CHARLES EDWARD LINCOLN

TO THE HONORABLE SUPREME COURT OF TEXAS:

Movant, CHARLES EDWARD LINCOLN, moves the Court to accept his resignation as an Attorney and Counselor at Law, showing the Court:

I.

Movant hereby resigns as an Attorney and Counselor at Law in lieu of discipline for having committed professional misconduct.

II.

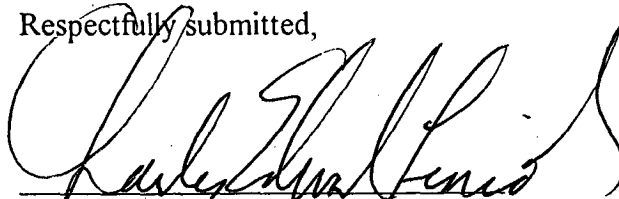
Movant's License and permanent State Bar card issued by the Court on November 4, 1994, have been lost or destroyed.

III.

Movant's State Bar card number is 00791116. Movant's address is 31 McAlister Drive, Box 5011, New Orleans, Louisiana 70118.

Movant prays that the Court accept his resignation as an Attorney and Counselor at Law and remove his names from the list of persons licensed to practice law in the State of Texas.

Respectfully submitted,



CHARLES EDWARD LINCOLN
State Bar Card No. 00791116

8-4-00

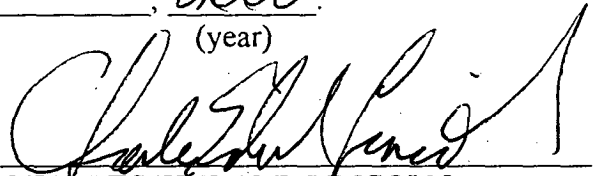
Date

AFFIDAVIT

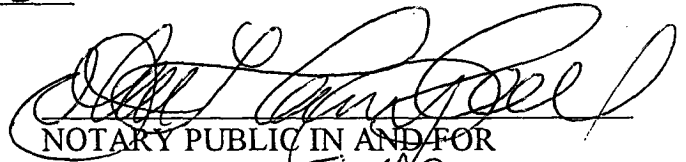
“I, Charles Edward Lincoln, am unable to locate my Bar Card, Law License and certificate issued to me by the Supreme Court of Texas. I have searched and not found these documents, and understand that if they are discovered, I will promptly return them to the Court.”

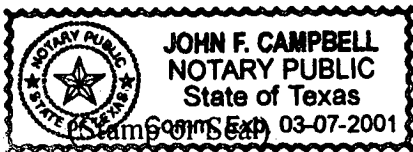
“I understand that these items are the property of the Supreme Court of Texas.”

Signed this 29th day of July, 2000.
(year)


CHARLES EDWARD LINCOLN

SUBSCRIBED AND SWORN to before me by the said Charles Edward Lincoln, this the 29th day of July, 2000.


NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS



Printed Name of Notary _____

My Commission Expires: _____

IN THE SUPREME COURT OF TEXAS

**RESPONSE OF THE CHIEF DISCIPLINARY COUNSEL OF
THE STATE BAR OF TEXAS
TO MOTION FOR RESIGNATION IN LIEU OF DISCIPLINE
OF CHARLES EDWARD LINCOLN**

TO THE HONORABLE SUPREME COURT OF TEXAS:

COMES NOW, Dawn Miller, Chief Disciplinary Counsel for the State Bar of Texas, and in accordance with Part X of the Texas Rules of Disciplinary Procedure, would show unto the Court as follows:

I. RESIGNATION OF MOVANT

Movant, Charles Edward Lincoln, State Bar No. 00791116, has filed his Motion for Acceptance of Resignation as Attorney and Counsel at Law, dated August 4, 2000. Such Motion for Acceptance of Resignation is in lieu of discipline for professional misconduct.

**II. ACCEPTANCE OF RESIGNATION IS IN THE
BEST INTERESTS OF THE PUBLIC AND THE PROFESSION**

The Commission for Lawyer Discipline believes that the acceptance of Movant's Motion for Acceptance of Resignation is in the best interests of the public and the profession.

III. DISCIPLINARY CHARGES

The Commission for Lawyer Discipline has information regarding the following Professional Misconduct:

In a Plea Agreement between Charles Edward Lincoln and the United States of America by and through the United States Attorney for the Western District of Texas in the United States District

Court, Western District of Texas, Austin Division, in Cause No. A-99-CR-275-WS dated March 17, 2000, Charles Edward Lincoln agreed to enter a plea of guilty and resign his Texas law license in lieu of disciplinary proceedings by the State Bar of Texas. On March 23, 2000, Charles Edward Lincoln entered a plea of guilty of falsely representing his social security number in violation of 42 U.S.C. 408(a)(7)(B).

Such plea of guilty to an Intentional Crime as defined in Rule 1.06(O), Texas Rules of Disciplinary Procedure, subjects Movant to Compulsory Discipline under Part VIII of the Rules. In view of Charles Edward Lincoln's execution on or about August 4, 2000, of his resignation as an attorney and counselor at law, and in anticipation of the Court's acceptance of same, the Chief Disciplinary Counsel does not anticipate going forward with a compulsory disciplinary action.

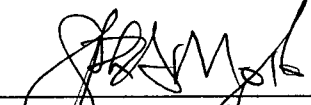
IV. PRAYER

The Commission for Lawyer Discipline prays that this Honorable Court accept the Motion for Acceptance of Resignation as Attorney and Counselor at Law of Charles Edward Lincoln, State Bar Card No. 00791116, and that such motion to resign is in lieu of discipline for professional misconduct of Charles Edward Lincoln.

Respectfully submitted,

Dawn Miller
Chief Disciplinary Counsel

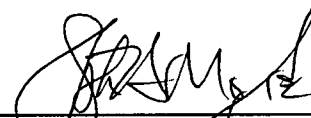
Stephen A. Moyik
Assistant Disciplinary Counsel
Office of the Chief Disciplinary Counsel
State Bar of Texas
P. O. Box 12487
Austin, Texas 78711-2487
(512) 453-5535
(512) 453-6667 (Fax)

By: 

Stephen A. Moyik
State Bar Card No. 14614300

CERTIFICATE OF SERVICE

A true and correct copy of this Response of the Chief Disciplinary Counsel of the State Bar of Texas Regarding Charles Edward Lincoln, has been served on Charles Edward Lincoln, by and through his attorney of record, Mr. John F. Campbell, Campbell & Morgan, P.C., 805 West 10th Street, Third Floor, Austin, Texas 78701, by CMRRR on this the 14th day of August, 2000.



Stephen A. Moyik
Assistant Chief Disciplinary Counsel

STATE BAR OF TEXAS



FILE COPY

Office of the Chief Disciplinary Counsel

June 29, 2000

CMRRR Z 746 077 876

Mr. John F. Campbell, II
Attorney at Law
805 West 10th Street, Third Floor
Austin, Texas 78701

Re: Resignation of Charles Edward Lincoln

Dear Mr. Campbell:

Pursuant to our June 19, 2000, meeting, enclosed please find the agreed changes to the Response of the Chief Disciplinary Counsel ("CDC") regarding Mr. Lincoln's Motion to Resign. I have also enclosed duplicate copies of the Motions and Affidavits previously provided to you. If Mr. Lincoln will be attaching his law license and bar card to his Motion, please have him complete the documents marked "A." If Mr. Lincoln's bar card and law license have been lost or destroyed, please have him complete the documents marked "B." Once Mr. Lincoln has signed the documents, please return them to me. I will then file them, along with the CDC's Response, with the Supreme Court and provide you with copies of same.

Thank you for your attention and cooperation in this regard.

Sincerely,

Stephen A. Moyik
Assistant Disciplinary Counsel

SAM:aa g\general\steve\dist\Lincoln\corres\campbell6.29

STATE BAR OF TEXAS



Office of the Chief Disciplinary Counsel

August 14, 2000

Mr. John Adams, Clerk
Supreme Court of Texas
Supreme Court Building
P.O. Box 12248
Austin, Texas 78711

Re: Resignation of Charles Edward Lincoln, Bar Card No. 00791116

Dear Mr. Adams:

Pursuant to Part X of the Texas Rules of Disciplinary Procedure, please find enclosed herewith the following:

- (1) Motion for Acceptance of Resignation as Attorney and Counselor at Law of Charles Edward Lincoln, dated August 4, 2000;
- (2) Response of Chief Disciplinary Counsel to Motion for Acceptance of Resignation as Attorney and Counselor at Law of Charles Edward Lincoln;
- (3) Affidavit of Charles Edward Lincoln, dated August 4, 2000, stating that he is unable to locate his bar card and law license; and
- (4) Original and one (1) copy of proposed Order for review and entry by the Court accepting the resignation of Charles Edward Lincoln as Attorney and Counselor at Law.

Upon entry of the Order by the Court, please transmit a true and correct copy of the same to the undersigned in order that this office may properly give notice to all parties of the Court's disposition of such motion.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen A. Moyik".

Stephen A. Moyik
Assistant Disciplinary Counsel

cc: Mr. John F. Campbell, II, Attorney at Law, 805 West 10th Street, Third Floor, Austin, Texas 78701,
by CMRRR Z 746 077 889

P. O. Box 12487, Capitol Station, Austin, Texas 78711-2487, (512) 453-5535, (512) 453-6667 (FAX)