

IN THE SUPREME COURT OF TEXAS

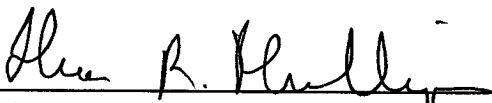
Misc. Docket No. 97- 9072

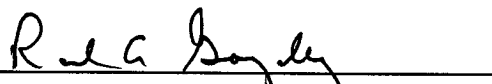
ORDER REVOKING PROBATIONARY LICENSE


ORDERED:


The probationary license issued to LINDA A. WARD is hereby revoked, pursuant to the recommendation of the Board of Law Examiners as set forth in the attached order of the Board.

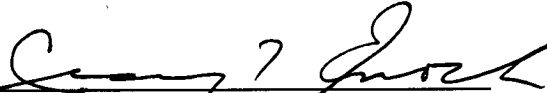
This order shall be effective immediately.

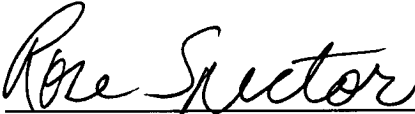

Thomas R. Phillips, Chief Justice



Raul A. Gonzalez, Justice

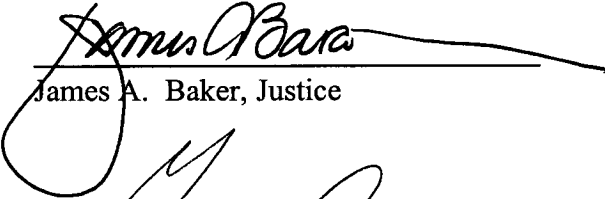

Nathan L. Hecht, Justice

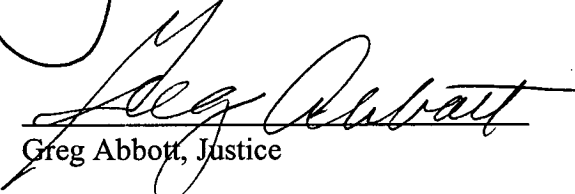

John Cornyn, Justice


Craig T. Enoch, Justice


Rose Spector, Justice


Priscilla R. Owen, Justice


James A. Baker, Justice


Greg Abbott, Justice

SIGNED AND ENTERED this 15th day of May, 1997.

BOARD OF LAW EXAMINERS

IN THE MATTER OF
LINDA A. WARD

)
)

IN PUBLIC HEARING AT
AUSTIN, TEXAS

ORDER

On November 23, 1996, of the Board of Law Examiners ("Board"), with Robert M. Roller, Vice-Chair, presiding, heard the matter of Linda A. Ward. The Board was represented by Bruce Wyatt, Staff Attorney. Ms. Ward, although advised of her right to counsel, elected to appear pro se.

I.

PROCEDURAL HISTORY

On or about November 17, 1994, the Board approved a stipulated agreement conditionally approving Ms. Ward's character and fitness and recommended her for a two year probationary license. Ms. Ward began to practice subject to the conditions of that probationary license agreement, which was approved for a two year extension in October of 1996, pursuant to Ms. Ward's request. Shortly thereafter, Ms. Ward disclosed that she had failed to abide by the conditions of her probationary license agreement with the Board. On or about October 29, 1996, the Board gave Ms. Ward proper and timely notice, by certified mail return receipt requested, of this hearing.

The notice letter stated that the general issues to be considered at the hearing were: 1) whether Ms. Ward had failed to comply with one or more of the conditions of her agreement with the Board; 2) if Ms. Ward had failed to comply with one or more of the conditions of her agreement with the Board, whether that agreement should be revoked; and 3) if Ms. Ward had failed to comply with one or more of the conditions of her agreement with the Board, whether such failure is indicative of a lack of the good moral character or fitness required for admission.

II.

JURISDICTION

The Board has jurisdiction over this matter pursuant to V.T.C.A., Government Code, Sections 82.004, 82.022, 82.027, 82.028, 82.030, and 82.038 as well as Rules II, IV, IX, X, XV, XVI, and XX of the Rules Governing Admission to the Bar of Texas, adopted by the Supreme Court of Texas, effective December 8, 1995.

III.

FINDINGS OF FACT

After considering the evidence and testimony, the Board finds:

1. On or about October 29, 1996, the Board gave Ms. Ward proper and timely notice, by certified mail return receipt requested, of a November 23, 1996 hearing (B.E.3 at 1).
2. Ms. Ward has failed to comply with condition 1 of her probationary license agreement with the Board, which requires her, among other things, to remain abstinent from the use of alcohol, as evidenced by her admitted use of alcohol immediately prior to her September 20, 1996 arrest for driving while intoxicated (B.E.2 at 1-4; Transcript of Testimony at 18-22).
3. Ms. Ward has failed to comply with condition 7 of her probationary license agreement with the Board, which requires, among other things, that she not engage in conduct evidencing a lack of good moral character, in that:
 - a. Ms. Ward failed to disclose her September 20, 1996 relapse and arrest for driving while intoxicated to the Board with her questionnaire received by the Board on September 30, 1996, although she mailed her questionnaire to the Board after the date of her arrest (B.E.1 at 1-2; Transcript of Testimony at 18-19); and
 - b. Ms. Ward failed to disclose her September 20, 1996 relapse and arrest for driving while intoxicated to the Board during her October 2, 1996 phone conversation with Ms. Miekka Mires, Assistant Director of Character and Fitness for the Board, despite the

fact that Ms. Mires asked her during that conversation if she was drinking (B.E.2 at 3; Transcript of Testimony at 7-8).

4. Ms. Ward's failure to comply with the conditions of her probationary license agreement with the Board is indicative of a lack of trustworthiness in carrying out responsibilities.
5. Ms. Ward's probationary license agreement with the Board provides that the agreement may be revoked at any time upon recommendation of the Board if, after a hearing, it is determined that she has violated a condition of the agreement (B.E.3 at 7; Transcript of Testimony at 17).
6. Ms. Ward testified at her hearing that the Board would be legally justified in recommending revocation of her probationary license and in finding that she lacks the present good moral character and fitness required for admission (Transcript of Testimony at 23).

IV.

CONCLUSIONS OF LAW

1. There is a clear and rational connection between Ms. Ward's lack of trustworthiness in carrying out responsibilities, as evidenced by her failure to comply with condition 1 of her agreement with the Board, as found herein, and the likelihood that she would harm a client, obstruct the administration of justice, or violate the Texas Disciplinary Rules of Professional Conduct if she were licensed to practice law at this time.
2. There is a clear and rational connection between Ms. Ward's lack of trustworthiness in carrying out responsibilities, as evidenced by her failure to comply with condition 7 of her agreement with the Board, as found herein, and the likelihood that she would harm a client, obstruct the administration of justice, or violate the Texas Disciplinary Rules of Professional Conduct if she were licensed to practice law at this time.
3. Ms. Ward's probationary license agreement should be revoked due to her failure, as found herein, to comply with the conditions of that agreement.

IT IS THEREFORE ADJUDGED, ORDERED AND DECREED that Ms. Ward's probationary license agreement should be revoked due to her failure to abide by the conditions of that agreement, that Ms. Ward's failure to comply with the conditions of her probationary license agreement indicates that she lacks the present good moral character required for admission, and that the Board recommend to the Supreme Court of Texas that Ms. Ward's probationary license be revoked.

IT IS FURTHER ORDERED that Ms. Ward may petition the Board for a redetermination of her character and fitness following a period of one year from the date of the Supreme Court's revocation of her probationary license, that any such petition for redetermination shall be accompanied by an application and the supplemental investigation forms then in effect and all appropriate fees, and that Ms. Ward shall not be required to re-take the Texas bar examination, provided her petition is received within a period of two years from the date of the revocation of her probationary license.

IT IS FURTHER ORDERED that, upon Ms. Ward's proper and timely filing of any future petition for redetermination, application, and supplemental investigation form, the Board's determination as to her requisite character and fitness at that time shall include an investigation as to whether she has complied with the following guidelines to correct the deficiencies summarized in the Board's findings.

V.

CURATIVE MEASURES

1. Ms. Ward shall commit no offense against the laws of this state, any other state, or the United States.
2. Ms. Ward shall work faithfully at suitable employment as far as possible.
3. Ms. Ward shall conduct herself in such a way so as to avoid, and not be subject to disciplinary action for, the breach of any regulation, rule, or statute governing any profession in which she may be engaged.
4. Ms. Ward shall not engage in any conduct that evidences a lack of good moral character or fitness.
5. Ms. Ward shall conduct her personal and business dealings in such a way as to avoid the appearance of sacrificing ethical behavior in the interest of personal gain.

6. Ms. Ward shall become involved in positive activities to demonstrate her rehabilitation from the Board's findings.
7. Ms. Ward shall remain abstinent from the use of all alcohol and other mind-altering drugs, except when such drugs are prescribed by a treating physician or psychiatrist.
8. Ms. Ward shall attend at least three Alcoholics anonymous meetings per week and keep records of same.
9. Ms. Ward shall satisfactorily address the concerns of the Board regarding her moral character and fitness, if any, at a subsequent hearing to be set following receipt of his petition for redetermination, application, and supplemental investigation form.

SIGNED this ²⁴13 day of February 1997.



Robert M. Roller, Presiding Chair

The Supreme Court of Texas
BOARD OF LAW EXAMINERS

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CHARACTER & FITNESS

April 22, 1997

The Honorable Raul A. Gonzalez
Supreme Court of Texas
Third Floor, Supreme Court Building
Austin, Texas

Dear Justice Gonzalez:

I am forwarding to you, via the Clerk's office, a miscellaneous docket order revoking the probationary license of Linda A. Ward. Attached to the proposed order for the Court's approval is a copy of the Board's order, setting out the Board's findings of fact and conclusions of law.

The Court has previously indicated to us that we should not send the revocation order for signing by the Court until such the time for appealing the Board's order has passed. We mailed Ms. Ward a copy of the Board's order recommending revocation on February 18, 1997. Under Rule XV(j)(1), *Rules Governing Admission to the Bar of Texas*, Ms. Ward had sixty days from that day to file an appeal of the Board's decision in the Travis County district courts. It has now been sixty-four (64) days from the mailing of the order, and we have no indication that Ms. Ward has filed an appeal.

Sincerely,



Rachael Martin
Executive Director

Enclosure

cc: Linda A. Ward (w/encl.)