

# IN THE SUPREME COURT OF TEXAS

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Misc. Docket No. 18-9098

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## REVOCATION OF PROBATIONARY LAW LICENSE

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The probationary law license issued to Bradley Cowan is revoked, pursuant to the recommendation contained in the attached Order of the Board of Law Examiners. Bradley Cowan must surrender his State Bar Card and Texas law license to the Clerk of the Supreme Court immediately or file an affidavit with the Court stating why he cannot do so.

Consequently, Bradley Cowan is prohibited from practicing law in the State of Texas. He is prohibited from 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 words “Attorney at Law,” “Counselor at Law,” or “Lawyer.”

Additionally, Bradley Cowan must provide immediate, written notification of the revocation of his probationary law license to each of his clients. He shall also return any files, papers, unearned monies and other property in his possession belonging to any client or former client to each respective client or former client or to another attorney at the client’s or former client’s request. Bradley Cowan shall file with the State Bar of Texas, Office of the Chief Disciplinary Counsel, Post Office Box 12487, Austin TX 78711-2487, within 30 days of the date

of this Order an affidavit stating that all current clients have been notified of the revocation of his license and that all files, papers, monies and other property belonging to all clients and former clients have been returned.

Finally, Bradley Cowan shall, within 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 he has any pending matter and shall therein identify the style and cause number of the pending matter with the name, address, and telephone numbers of each client he represents in each court. Bradley Cowan shall file with the State Bar of Texas, Office of the Chief Disciplinary Counsel, Post Office Box 12487, Austin TX 78711-2487, within 30 days after 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.

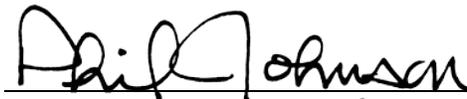
SIGNED this 5th day of July, 2018.



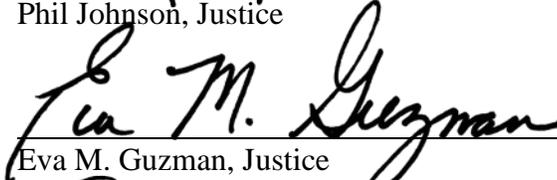
Nathan L. Hecht, Chief Justice



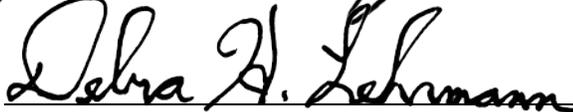
Paul W. Green, Justice



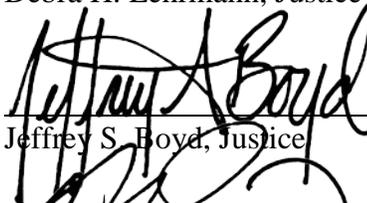
Phil Johnson, Justice



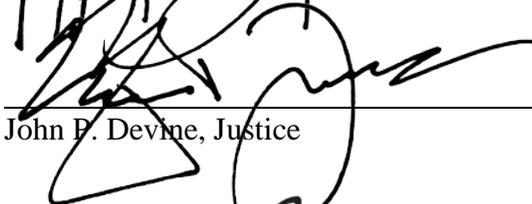
Eva M. Guzman, Justice



Debra H. Lehrmann, Justice



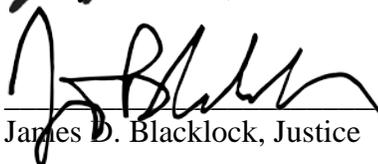
Jeffrey S. Boyd, Justice



John P. Devine, Justice



Jeffrey V. Brown, Justice



James D. Blacklock, Justice

**BOARD OF LAW EXAMINERS**

**IN THE MATTER OF  
BRADLEY COWAN**

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**DOCKET No. 3-18-03  
AUSTIN, TEXAS**

**ORDER**

On March 22, 2018, a three-member panel of the Board of Law Examiners, Dwaine Massey presiding, and panel members Anna McKim and Barbara Ellis, heard the matter of Bradley Cowan. Allan Cook, staff attorney, represented the Board. Mr. Cowan, although duly advised of the time, date, and place of the hearing, failed to appear.

**I.**

**PROCEDURAL HISTORY**

**A. October 9, 2015 Hearing**

Following an investigation into his disclosed criminal history, the Board made a preliminary determination on November 24, 2014 that Mr. Cowan lacked the present good moral character required for admission and that he might suffer from chemical dependency. Mr. Cowan appeared before the Board on October 9, 2015 to address character and fitness issues raised in his disclosures and non-disclosures to his law school and the Board. During the hearing, the evidence showed, among other things, that:

1. In February 2002, he was cited for attempt to purchase or possess alcohol underage.
2. On or about February 23, 2006, he was arrested for driving while intoxicated. He was sentenced to 180 days' confinement in the Travis County Jail and ordered to pay a \$2,000 fine. The jail sentence and \$1,500 of the fine were suspended and he was placed on community supervision for 18 months. The conditions of his community supervision included 80 hours of community service, a drug and alcohol evaluation, and installing an ignition interlock system on his car for nine months.

3. On or about May 26, 2006, he was arrested for driving with an invalid license while the above-referenced DWI was pending. His bond for the DWI was revoked and he was returned to jail.
4. On or about June 15, 2007, he was cited for Failure to Maintain Proof of Financial Responsibility.
5. On or about January 7, 2014, he was arrested for DWI. He pleaded guilty to obstruction of a highway and was placed on deferred adjudication until September 2016.
6. He underwent a chemical-dependency evaluation in June 2015 and was found to meet the DSM-5 criteria for Alcohol Use Disorder Moderate.
7. Julie Killelea, the LCDC who evaluated Mr. Cowan, recommended that he abstain from the use of alcohol for the remainder of his life and that he attend Alcoholics Anonymous (AA) meetings regularly as part of an ongoing commitment to the recovery process.

On November 3, 2015, the Board issued an Order recommending Mr. Cowan for a two-year probationary license, subject to his compliance with certain conditions, including compliance with the Texas Lawyers' Assistance Program (TLAP); meeting weekly with his attorney monitor; documenting his attendance at a 12-step program and Lawyers Concerned for Lawyers (LCL) meetings; undergoing random drug/alcohol screens and enrolling in, and complying with, all requirements of the Drug and Alcohol Screening Protocol facilitated by TLAP; and filing periodic questionnaires with Board staff.<sup>1</sup>

#### **B. July 8, 2016 Hearing**

Mr. Cowan appeared before the Board again on July 8, 2016 to address his breach of conditions 6, 7, 11, 12, and 18 of the Board's November 3, 2015 Order. The Board recommended on July 19, 2016 that Mr. Cowan's probationary license be extended for two

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<sup>1</sup> A copy of the November 3, 2015 Order is appended hereto as Attachment 1 and is incorporated herein by reference.

years “subject to his strict and complete compliance,” from the date of the Order but left the existing conditions of probation unchanged.<sup>2</sup>

### **C. September 14, 2017 Hearing**

Mr. Cowan appeared before the Board a third time on September 14, 2017 to address his failure to comply with ten conditions of the November 3, 2015 Order:

1. He failed to respond to email from staff on June 21, 2017 and July 20, 2017.
2. He failed to comply with the requirements of TLAP.
3. He failed to meet with his attorney monitor weekly during the time a monitor was assigned to him.
4. He failed to attend LCL meetings every week.
5. He failed to attend two AA meetings every week.
6. He failed to document his participation in a 12-step program and LCL meetings with an attendance log provided to his attorney monitor every week.
7. He failed to check in daily with the drug/alcohol screening companies.
8. He failed to inform the Board of changes in his home and work addresses within ten days as required.
9. He failed to inform the Board of breaches of the probationary license Order within 14 days as required.
10. He failed to file a required questionnaire.<sup>3</sup>

The Board also noted that medical evidence in the record, along with Mr. Cowan’s demeanor and testimony during the hearing, substantiated his claim that he had suffered a

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<sup>2</sup> A copy of the July 19, 2016 Order is appended hereto as Attachment 2 and is incorporated herein by reference.

<sup>3</sup> A copy of the October 13, 2017 Order is appended hereto as Attachment 3 and is incorporated herein by reference.

head injury in a June 2017 motor-vehicle accident. Mr. Cowan agreed on the record to cooperate with the Board by requesting that the State Bar of Texas put him on inactive status until he was medically cleared to practice law and until he returned for a hearing before the Board and was certified as presently possessing the character and fitness necessary to practice law. On October 13, 2017 the Board ordered that the probationary period set out in the July 19, 2016 order be unchanged and that Mr. Cowan's probation be modified to include requirements that he:

1. Provide a copy of the doctor's report, introduced as Board Exhibit 16 during the September 14, 2017 hearing, to the State Bar of Texas within seven calendar days of the Board's order.
2. Notify the State Bar of Texas that he wished to go on inactive status.
3. Obtain an independent evaluation of his cognitive and psychological functions after receiving pre-approval of his choice of psychiatrist or psychologist by Board staff.
4. Provide Board staff with copies of his AA and LCL meeting logs every Monday until he received a new attorney assignment.
5. Contact his assigned attorney monitor.
6. Check in daily with Affinity, the company that administers drug tests.

Mr. Cowan failed to meet any of the foregoing conditions. A letter describing Mr. Cowan's non-compliance and including a blank request for enrollment as an inactive member of the State Bar of Texas was mailed and emailed to him on January 19, 2018. A notice of this hearing was mailed to Mr. Cowan on February 16, 2018 by certified mail, and was delivered on February 17, 2018. A second hearing notice was mailed on February 20, 2018 by certified mail, and was delivered on February 26, 2018. Mr. Cowan did not respond or appear at the hearing.

**II.**  
**JURISDICTION**

The Board has jurisdiction over this matter pursuant to Texas Government Code Sections 82.004, 82.022, 82.027, 82.028, 82.030, and 82.038 as well as Rules 1, 2, 4, 8, 10, 15, 16, and 20 of the *Rules Governing Admission to the Bar of Texas*, adopted by the Supreme Court of Texas, as amended.

**III.**  
**FINDINGS OF FACT**

After considering the evidence, the Board finds Mr. Cowan has failed to meet numerous conditions of his probationary license, including, but not limited to, failing to:

1. Provide a copy of the doctor's report, introduced as Board Exhibit 16 during the September 14, 2017 hearing, to the State Bar of Texas within seven calendar days of the Board's Order.
2. Notify the State Bar of Texas that he wished to go on inactive status.
3. Obtain an independent evaluation of his cognitive and psychological functions after receiving pre-approval of his choice of psychiatrist or psychologist by Board staff.
4. Provide Board staff with copies of his AA and LCL meeting logs every Monday until he received a new attorney assignment.
5. Contact his assigned attorney monitor.
6. Check in daily with Affinity, the company that administers drug tests.

**IV.**  
**CONCLUSIONS OF LAW**

1. There is a clear and rational connection between Mr. Cowan's numerous failures to comply with the conditions of his probationary license, as described in the Board's November 3, 2015 and July 19, 2016 orders, as modified on October 13, 2017, and the likelihood he would injure a client, obstruct the administration of

justice, or violate the Texas Disciplinary Rules of Professional Conduct, if he were allowed to continue to practice law.

2. There is a clear and rational connection between Mr. Cowan's lack of trustworthiness in carrying out responsibilities, evidenced by his failure to comply with the conditions of his probationary license, as modified on October 13, 2017, and the likelihood he would injure a client, obstruct the administration of justice, or violate the Texas Disciplinary Rules of Professional Conduct, if he were allowed to continue to practice law.
3. There is a clear and rational connection between Mr. Cowan's chemical dependency, evidenced by his admitted use of alcohol and illegal substances and his criminal history, as found by the Board at the hearing on October 9, 2015, and the likelihood he would fail to carry out duties to clients, courts, or the profession, if he were allowed to continue to practice law under the conditions of a probationary license.
4. Mr. Cowan's probationary license should be revoked due to his failure, as found herein, to comply with the conditions of that license and due to his lack of present good moral character and fitness.

IT IS THEREFORE ORDERED that Mr. Cowan failed to comply with one or more of the conditions of his probationary license; that Mr. Cowan's non-compliance indicates he lacks the present good moral character and fitness required for admission; that Mr. Cowan's multiple failures to comply with the conditions of his probationary license demonstrate that he is unfit to practice law and incompetent to carry out duties to clients, courts, or the profession; and, that the Board recommends to the Supreme Court of Texas that Mr. Cowan's probationary license be revoked.

IT IS FURTHER ORDERED that Mr. Cowan may petition the Board for a re-determination of his moral character and fitness no earlier than two years from the date of the Supreme Court's Order revoking his probationary license, and any such Petition for Re-Determination shall be accompanied by the Application for Admission to the State Bar of Texas then in effect and all the appropriate fees.

IT IS FURTHER ORDERED that, in the event Mr. Cowan submits a Petition for Re-Determination and application form, the burden of proof shall be on him to present evidence addressing not only any character or fitness issues covered in this Order, but also any new issues that may arise out of any future investigation conducted on Mr. Cowan's petition and supplemental investigation.

SIGNED THIS 29<sup>th</sup> DAY OF MARCH, 2018.

A handwritten signature in black ink, appearing to read "Dwaine Massey", written over a horizontal line.

Dwaine Massey, Presiding Chair