

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 01- 9041

ORDER REVOKING PROBATIONARY LICENSE

ORDERED:

The probationary license issued to JOHN P. SHAVERS is revoked, pursuant to the recommendation contained in the attached order of the Board of Law Examiners. Mr. Shavers 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.

Consequently, John P. Shavers 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 designation "Attorney at Law," "Counsel at Law," or "Lawyer."

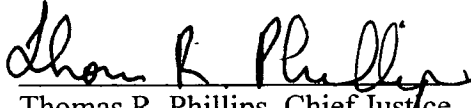
Additionally, John P. Shavers must notify in writing each of his current clients of the revocation of his license immediately. He shall also return any files, papers, unearned monies and other property in his possession belonging to any client or former client to the respective client or


former client or to another attorney at the client's or former client's request. John P. Shavers 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 the revocation of his license and that all files, papers, monies and other property belonging to all clients and former clients have been returned.

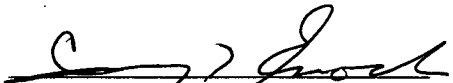
Finally, John P. Shavers shall, within thirty (30) days after the date of this Order, notify in writing each justice of the peace, judge, magistrate, and chief justice of each court in which he has any matter pending of the terms of this Order, the style and cause number of the pending matter(s), and the name, address, and telephone numbers of the client(s) he is representing in each court. John P. Shavers 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 each court.


This order shall be effective immediately.

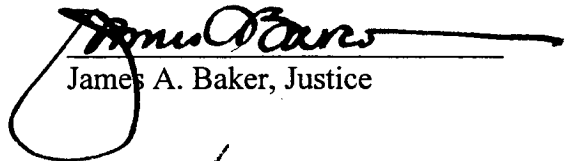
SIGNED on this 20th day of March, 2001.

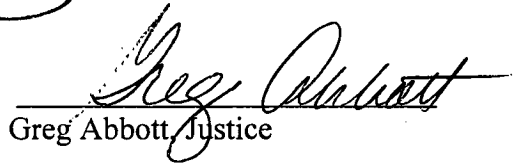

Thomas R. Phillips, Chief Justice

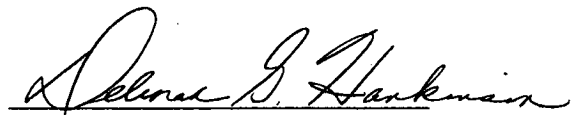

Nathan L. Hecht, Justice

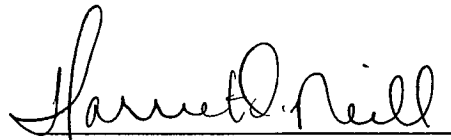

Craig T. Epoch, Justice


Priscilla R. Owen, Justice


James A. Baker, Justice


Greg Abbott, Justice


Deborah G. Hankinson, Justice


Harriet O'Neill, Justice

BOARD OF LAW EXAMINERS

IN THE MATTER OF
JOHN P. SHAVERS

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IN PUBLIC HEARING AT
AUSTIN, TEXAS

ORDER

On December 15, 2000, a three-member panel of the Board of Law Examiners ("Board"), with Robert E. Valdez presiding, heard the matter of John P. Shavers ("Applicant"). Bruce Wyatt, Staff Attorney, represented the Board. Applicant, although advised of his right to counsel, elected to represent himself. The Board considered, among other things, whether Applicant's probationary license should be revoked.

I.

PROCEDURAL HISTORY

Applicant first appeared in a hearing before the Board in October of 1996. Following that hearing, the Board recommended that Applicant be granted a probationary license. Applicant began to practice under that probationary license, but failed to abide by its conditions.

Applicant then appeared in a hearing before the Board in October of 1997. Following that hearing the Board found that Applicant had failed to abide by the conditions of his probationary license, but recommended him for a second probationary license with amended conditions.

Applicant next appeared in a hearing before the Board in September of 1999. Following that hearing the Board found that Applicant had failed to abide by the conditions of his second probationary license, but recommended him for a one-year extension of that license.

On November 6, 2000, the Board sent Applicant proper and timely notice, by certified mail return receipt requested and first class mail, of this hearing. The notice letter stated that the general issues to be considered at the hearing were: 1) whether Applicant had failed to comply with one or more of the conditions of his second probationary license as extended; 2) if so, whether the Board should recommend that Applicant's second probationary as extended be revoked; and 3) if so, whether Applicant lacks the good moral character 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, 82.028, and 82.030 as well as Rules II, III, IV, IX, X, XV, XVI, and XX of the Rules Governing Admission to the Bar of Texas, adopted by the Supreme Court of Texas, including amendments.

III.

FINDINGS OF FACT

After considering the evidence and testimony, the Board finds:

1. On or about November 6, 2000, the Board gave Applicant proper and timely notice, by certified mail return receipt requested and first class mail, of a December 15, 2000 hearing (B.E.1 at 2).
2. Following a hearing in October of 1996, the Board voted to recommend Applicant for a probationary license, subject to certain conditions (B.E.1 at 1-3).
3. Following a second hearing in October of 1997, the Board found that Applicant had failed to comply with the conditions of his probationary license, but recommended him for a second probationary license, subject to amended conditions (B.E.1 at 1-6).
4. Following a third hearing in September 1999, the Board found that Applicant had failed to comply with the conditions of his second probationary license, but recommended him for a one-year extension of his second probationary license (B.E.1 at 4-5).
5. Applicant has failed to comply with condition 4 of his second probationary license as extended, which required him to not engage in any behavior indicative of a lack of good moral character, as evidenced by his failure to provide the Board with monthly updates of his debt situation as requested (B.E.1 at 5 and B.E.8).
6. Applicant has failed to comply with condition 5 of his second probationary license as extended, which required him to make a good faith effort to reduce his debts throughout the term of his probationary license, as indicated by his failure to address his student loan and judgment debts in an adequate manner (B.E.1 at 5, B.E.3 at 5-6, B.E.8 at 4 and 7-8, B.E.9, B.E.10, B.E.12, and B.E.13).
7. Applicant has failed to comply with condition 6 of his second probationary license as extended, which required him to file properly completed questionnaires by specified dates, as evidenced by his failure to provide timely and complete questionnaires as required (B.E.1 at 5 and B.E.8 at 1).
8. Applicant has failed to comply with condition 9 of his second probationary license as extended, which required him to remain in good standing and on active status with the State

Bar of Texas throughout the term of his probationary license, as evidenced by his administrative suspensions for various reasons (B.E.1 at 6 and B.E.16 at 1).

9. Applicant has failed to comply with condition 10 of his second probationary license as extended, which required him to inform the Board, in writing within 14 days, of the occurrence of any circumstances which might constitute a breach of the conditions of his probationary license, as evidenced by his failure to report his administrative suspensions with the State Bar of Texas as required (B.E.1 at 6, B.E.9 at 6, B.E.16 at 1, and B.E.18).
10. Applicant has failed to comply with condition 12 of his second probationary license as extended, which required him to file a properly completed application for regular license by a specified date, as evidenced by his failure to file a properly completed application as required (B.E.2 at 1, B.E.3 at 1 and 3, B.E.7 at 1, and B.E.16).
11. The fact that Applicant has failed to comply with conditions 4, 5, 6, 9, 10, and 12 of his second probationary license as extended is indicative of the character trait of a lack of trustworthiness in carrying out responsibilities.
12. The fact that Applicant has failed to comply with conditions 5 and 9 of his second probationary license as extended is indicative of the character trait of a lack of financial responsibility.

V.

CONCLUSIONS OF LAW

1. There is a clear and rational connection between Applicant's lack of trustworthiness in carrying out responsibilities, as evidenced by his failure to comply with conditions 4, 5, 6, 9, 10, and 12 of his second probationary license as extended, as found herein, and the likelihood that he would harm a client, obstruct the administration of justice, or violate the Texas Disciplinary Rules of Professional Conduct if he were to continue to be licensed to practice law at this time.
2. There is a clear and rational connection between Applicant's lack of financial responsibility, as evidenced by his failure to comply with conditions 5 and 9 of his probationary license, as found herein, and the likelihood that he would harm a client, obstruct the administration of justice, or violate the Texas Disciplinary Rules of Professional Conduct if he were to continue to be licensed to practice law at this time.
3. Applicant's probationary license should be revoked due to his failure, as found herein, to comply with the conditions of that license.

IT IS THEREFORE ADJUDGED, ORDERED AND DECREED that Applicant has failed to comply with one or more of the conditions of his probationary license, that the Board recommend to the Supreme Court of Texas that Applicant's probationary license be revoked due to such failure, and that such failure indicates that Applicant lacks the present good moral character required for admission.

IT IS FURTHER ORDERED that Applicant may petition the Board for a redetermination of his character and fitness following a period of three years from the date of the Supreme Court's revocation of his

probationary license, and that any such petition for redetermination shall be accompanied by the application form then in effect and all appropriate fees.

IT IS FURTHER ORDERED that, upon Applicant's proper and timely filing of any future petition for redetermination and application form, the Board's determination as to his character and fitness at that time shall include an investigation as to whether he has complied with the following curative measures.


VI.

CURATIVE MEASURES

1. Applicant shall commit no offense against the laws of this state, any other state, or the United States.
2. Applicant shall work faithfully at suitable employment as far as possible.
3. Applicant shall conduct himself 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 he may be engaged.
4. Applicant shall not engage in any conduct that evidences a lack of good moral character or fitness.
5. Applicant shall be current in his payment of his student loan and other debts.
6. Applicant shall become involved in positive activities to demonstrate his rehabilitation from the findings of the Board. Such activities may include participation in religious, civic, or community affairs.

IT IS FURTHER ORDERED that in the event Applicant submits a petition for redetermination and application form, the burden of proof shall be on him to present evidence addressing not only any character issues covered in this Order, but also any new character or fitness issues that arise out of the investigation of his petition for redetermination and supporting documentation.

SIGNED this 30 day of December, 2000.



Robert E. Valdez, Chair

Board of Law Examiners

Appointed by the Supreme Court of Texas

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VICE-CHAIR
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CYNTHIA S. OLSEN, Houston

March 5, 2001


JULIA E. VAUGHAN
EXECUTIVE DIRECTOR
JACK MARSHALL, DIRECTOR
CHARACTER & FITNESS
JOSH HENSLEE, DIRECTOR
ELIGIBILITY & EXAMINATION

The Honorable Deborah G. Hankinson
Supreme Court of Texas
Third Floor, Supreme Court Building
Austin, Texas

Dear Justice Hankinson:

I am forwarding to you, via the Clerk's office, a miscellaneous docket order revoking the probationary license of John P. Shavers, including injunctive language requiring the cessation of practice and provisions requiring client notification. 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. Mr. Shavers has not appealed the Board's order and the time for him to do so has passed.

Sincerely,


Julia E. Vaughan
Executive Director

Enclosures