

ORDER OF THE SUPREME COURT OF TEXAS

MISC. DOCKET NO. 04- **9060**

IN THE MATTER OF PHILLIP J. SMITH

The Court has reviewed the Motion for Acceptance of Resignation as Attorney and Counselor at Law of Phillip J. Smith 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 Phillip J. Smith 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 Phillip J. Smith's resignation is in the best interest of the public and the profession.

Therefore, the law license of Phillip J. Smith of Houston, Texas, State Bar Card Number 18664450 is canceled. Phillip J. Smith 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.

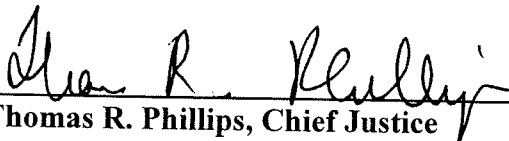
Consequently, Phillip J. Smith is prohibited from practicing law in the State of Texas. This includes holding himself out as an attorney at law, performing legal services for others, giving legal advice to others, accepting any fee directly or indirectly for legal services, appearing as counsel or in 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 words "Attorney at Law," "Counselor at Law," or "Lawyer."

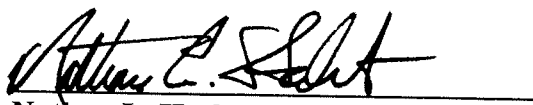
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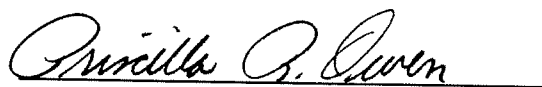
Additionally, Phillip J. Smith must immediately notify in writing each of his current clients of his resignation. He shall also return any files, papers, unearned monies and other property in his possession belonging to any client or former client to the respective client or former client or to another attorney at the client's or former client's request. Phillip J. Smith 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.

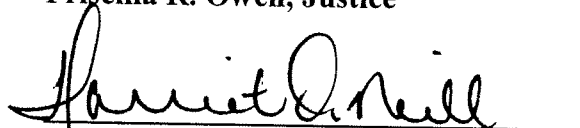
Finally, Phillip J. Smith shall, within thirty (30) days after the date of this Order, notify in writing each justice of the peace, judge, magistrate, and chief justice of each court in which Phillip J. Smith has any matter pending of the terms of this Order, the style and cause number of the pending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

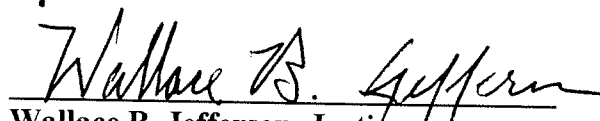
IT IS ORDERED the 10th day of May 2004.

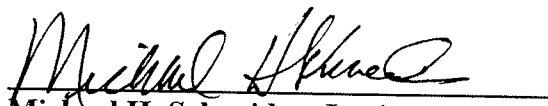

Thomas R. Phillips, Chief Justice

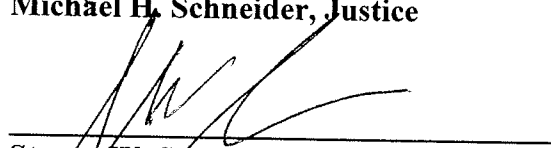

Nathan L. Hecht, Justice

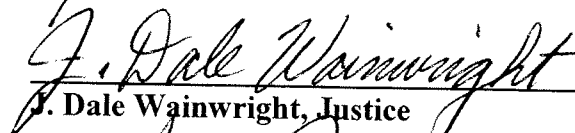

Priscilla R. Owen, Justice

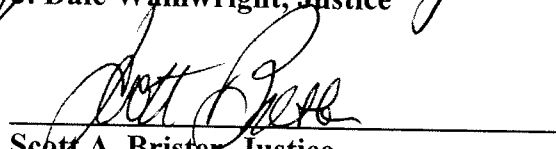

Harriet O'Neill, Justice


Wallace B. Jefferson, Justice


Michael H. Schneider, Justice


Steven W. Smith, Justice


J. Dale Wainwright, Justice


Scott A. Brister, Justice