

ORDER OF THE SUPREME COURT OF TEXAS

MISC. DOCKET NO. 04- **9185**

IN THE MATTER OF KEVIN RAY CAPPS

On this day, the Court considered the Motion for Acceptance of Resignation as Attorney and Counselor at Law of Kevin Ray Capps, together with the Response of the Chief Disciplinary Counsel to the Motion for Acceptance of Resignation as Attorney and Counselor at Law of Kevin Ray Capps. The Court has reviewed said Motion and Response and finds that each meets the requirements of Part X of the Texas Rules of Disciplinary Procedure. In conformity with Part X, Section 10.02 of the Texas Rules of Disciplinary Procedure, the Court considers the detailed statement of professional misconduct contained within the Response of Chief Disciplinary Counsel to be deemed conclusively established for all purposes. The Court finds that Kevin Ray Capps is resigning in lieu of compulsory discipline by reason of his acceptance of a sentence of forty-two (42) months federal imprisonment for the count of Embezzlement from an Insurance Business [18 U.S.C. 1033(b)] on April 14, 2004 in the case styled USA vs. Kevin Ray Capps, in Cause No. 3:04-CR-072-M(01), in the U.S. District Court, Northern District of Texas. The Court, being advised that the acceptance of the resignation is in the best interest of the public and the profession, hereby concludes that the following Order is appropriate.

IT IS ORDERED that the law license of Kevin Ray Capps of Dallas, Texas, State Bar card number 24036324, which was previously issued by this Court, be canceled and his name be dropped and deleted from the list of persons licensed to practice law in Texas.

IT IS FURTHER ORDERED that Kevin Ray Capps 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 the cause of his inability to do so.

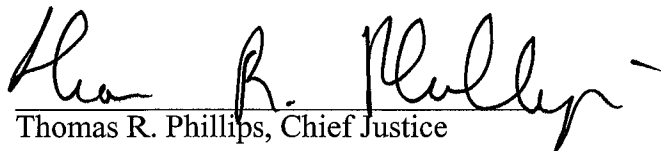
IT IS FURTHER ORDERED that Kevin Ray Capps is permanently enjoined and prohibited from practicing law in the State of Texas, holding himself out as an attorney at law, performing legal services for others, giving legal advice to others, accepting any fee directly or indirectly for legal services, appearing 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".

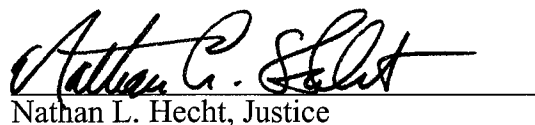
It is further **ORDERED** that Kevin Ray Capps shall immediately notify each of his current clients in writing of this resignation. In addition to such notification, Kevin Ray Capps is **ORDERED** to return any files, papers, unearned monies and other property belonging to clients and former clients in his possession to the respective clients or former clients or to another attorney at the client's or former client's request. Kevin Ray Capps is **ORDERED** to file with the State Bar of Texas, 5400 LBJ Freeway, Suite 1280, Dallas, Texas 75240, within thirty (30) days of the date of the effective 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 as ordered herein.

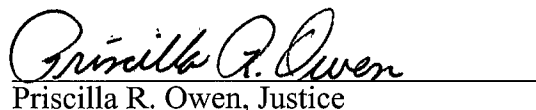
It is further **ORDERED** that Kevin Ray Capps shall, within thirty (30) days after the date on which this Order is signed by the Court, notify in writing each and every justice of the peace, judge, magistrate, and chief justice of each and every court in which Kevin Ray Capps has any matter

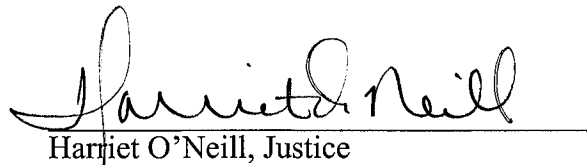
pending of the terms of this Order, the style and cause number of the pending matter(s), and the name, address and telephone number of the client(s) Kevin Ray Capps is representing in Court. Kevin Ray Capps is **ORDERED** to file with the State Bar of Texas, 5400 LBJ Freeway, Suite 1280, Dallas, Texas 75240, within thirty (30) days of the date of the effective date of this Order an affidavit stating that he has notified in writing each and every justice of the peace, judge, magistrate, and chief justice of each and every 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.

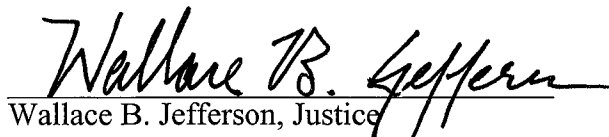
By the Court, en banc, in chambers, this the 30th day of August, 2004.

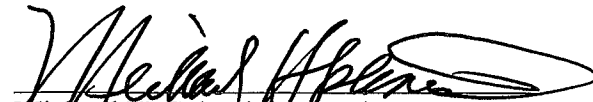

Thomas R. Phillips, Chief Justice



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