

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 06- ~~9064~~

ORDER REVOKING PROBATIONARY LICENSE

ORDERED:

The probationary license issued to DION A. CRAIG is revoked, pursuant to the recommendation contained in the attached Order of the Board of Law Examiners. Dion A. Craig 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, Dion A. Craig is prohibited from the practice of 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, Dion A. Craig must provide immediate, written notification of the revocation to each of his clients. He shall return any files, papers, unearned monies, and other property in his possession belonging to any client or former client to the client or former client or to another attorney at the client's or former client's request. Dion A. Craig shall file with the State Bar of Texas, Office of the

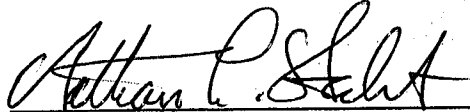
Chief Disciplinary Counsel, Post Office Box 12487, Austin, Texas 78711-2487, within thirty (30) days after the date of this Order, an affidavit stating that all current clients have been notified of the revocation of his license and that all files, papers, monies, and other property belonging to all clients and former clients have been returned.

Finally, Dion A. Craig shall, within thirty (30) days after the date of this Order, provide written notice of the terms of this Order to 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. Dion A. Craig 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 after the date of this Order, an affidavit stating that he has provided written notice to each justice of the peace, judge, magistrate, and chief justice of each court in which he has any pending matter the style and cause number of the pending matter with the name, address, and telephone numbers of each client he represents in each court.

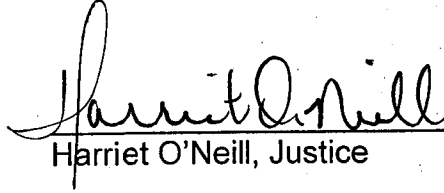
This Order shall be effective immediately.

SIGNED on this 31st day of May, 2006

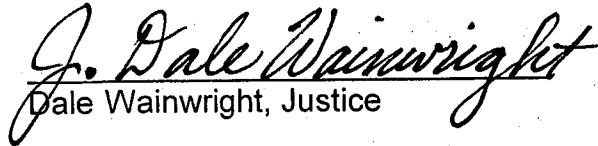
Wallace B. Jefferson
Wallace B. Jefferson, Chief Justice



Nathan L. Hecht, Justice



Harriet O'Neill, Justice



Dale Wainwright, Justice




Scott A. Brister, Justice

David Medina, Justice



Paul W. Green, Justice

Phil Johnson, Justice



Don R. Willett, Justice

BOARD OF LAW EXAMINERS

IN THE MATTER OF

§
§
§

DOCKET NUMBER 02-06-02

DION A. CRAIG

AUSTIN, TEXAS

ORDER

On February 10, 2006, a three-member panel of the Board of Law Examiners ("Board"), with Dan Pozza presiding, heard the matter of Dion A. Craig (Respondent). Kristin Bassinger, Staff Attorney, represented the Board. Jerry Zunker represented Respondent. The Board considered, among other things, whether Respondent's probationary license should be revoked.

I.

PROCEDURAL HISTORY

Respondent appeared before the Board in a March 20, 2003 hearing. Following that hearing, the Board issued a March 26, 2003 Order, which decreed that Respondent would be recommended for a probationary license upon his successful completion of all the requirements of admission, subject to his faithful compliance with certain conditions, from the date of licensure.

On September 16, 2004, a hearings panel of the Board determined Respondent violated one or more terms of the March 26, 2003 Order. The Board issued a September 17, 2003 Order, which decreed that Respondent's probationary license would be extended for three years, to September 16, 2007, subject to his faithful compliance with certain conditions, from the date of the Order. Respondent accepted the extension of his probationary license but failed to abide by one or more of the conditions of that extension.

On January 5, 2006, the Board sent Respondent proper and timely notice of this hearing, by first class mail and certified mail, return receipt requested. The notice letter stated that the general issues to be considered at the hearing were whether Respondent failed to comply with one or more of the conditions of his September 17, 2003 Order; whether such failure, if any, indicated he lacks the good moral character required for admission; and, whether the Board should recommend revocation of his probationary license.

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, and 82.030, as well as Rules II, IV, IX, X, XV, XVI, XVII, 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 1/5/06, the Board gave Respondent proper and timely notice of a 2/10/06 hearing by first class mail and by certified mail with return receipt requested. (B.E.1 at 1).
2. After a hearing on 3/20/03, a hearings panel of the Board voted to recommend Respondent for a probationary license. (B.E.1 at 3-7).
3. After a hearing on 9/16/04, a hearings panel of the Board found that Respondent violated two conditions of his 3/26/03 Order, then voted to extend Respondent's probationary license to 9/16/07. (B.E.1 at 8-12).
4. Respondent is the subject of two grievances pending before the Chief Disciplinary Counsel of the State Bar of Texas. (B.E.3, 4, 5, and 6).
5. In a letter marked as received by the State Bar of Texas Houston Regional Office on 10/28/05, Judge Karen Brown, Chief United States Bankruptcy Judge of the Southern District of Texas, filed a grievance alleging that Respondent "took monies and filed cases in federal court in violation of the State Bar rules and the rules of the Southern District of Texas" in that he "filed at least five bankruptcy cases in federal court without being admitted to practice [there]." Judge Brown further alleged that Respondent's representation of one client was "not competent." (B.E.3 at 3, 4).
6. In a letter marked as received by the State Bar of Texas Houston Regional Office on 10/13/05, Judge Jeff Bohm, United States Bankruptcy Judge, filed a grievance against Respondent, in which he provided a copy of a Memorandum Opinion and an Order he had issued, regarding Respondent's conduct and behavior. (B.E.3 at 5-10).
7. Respondent failed to comply with condition 5 of his probationary license, which required that he "avoid and not be subject to disciplinary action for the breach of any regulation, rule, or statute governing any profession or activity in which he may be engaged" (B.E.1 at 11), as evidenced by the two grievances pending before the Chief Disciplinary Counsel of the State Bar of Texas, as found above.

8. Respondent failed to comply with condition 6 of his probationary license, which required that he "not engage in any conduct that evidences a lack of good moral character" (B.E.1 at 11), as evidenced by the two grievances pending before the Chief Disciplinary Counsel of the State Bar of Texas, as found above.
9. On or about 4/22/05, in Bankruptcy case *In re Zuniga*, No. 05-33416-H4-7 in the Southern District of Texas, Houston Division, the Trustee filed a motion to show cause to clarify whether Respondent had engaged in the unauthorized practice of law or in illegal fee sharing. (B.E.4 at 11).
10. On or about 7/20/05, the U. S. Trustee's response requested Judge Bohm, presiding over the case *In re Zuniga*, to order Respondent to disgorge fees he had received from Ms. Zuniga, to pay the costs of the Trustee, and to assess any other appropriate sanctions. (B.E.4 at 11).
11. On or about 7/20/05, a hearing was held on the Trustee's motion to show cause and on the U.S. Trustee's response. (B.E.4 at 12). Respondent was present at the hearing. (B.E.4 at 17).
12. Respondent failed to comply with condition 8 of his probationary license, which required that he inform the Board, in writing, within fourteen days of the occurrence of any circumstances which might constitute a breach of the conditions of the Order, as evidenced by his failure to disclose within fourteen days the charges or complaints (formal or informal) concerning his conduct as an attorney leveled against him by the Trustee that he had engaged in the unauthorized practice of law or illegal fee sharing, as found above.
13. On 9/22/05, Judge Bohm, entered a *Memorandum Opinion on Chapter 7 Trustee's Motion to Show Cause and United States Trustee's Request for Entry of Order Disgorging Fees and Other Sanctions* (hereafter "*Memorandum Opinion and Order*"). (B.E.4 at 5-39). Judge Bohm found that Respondent had:
 - a. Violated the Bankruptcy Code and Federal Rules of Bankruptcy Procedure (B.E.4 at 13, 14);
 - b. Committed a fraud on the court (B.E.4 at 14);
 - c. Violated Bankruptcy Local Rules (B.E.4 at 14, 15).
 - d. Violated Local Rules of the United States District Court for the Southern District of Texas (B.E.4 at 15, 16); and
 - e. Violated *Texas Disciplinary Rules of Professional Conduct*:
 - 1) 8.04, Misconduct
 - 2) 5.05, Unauthorized Practice of Law
 - 3) 1.03, Communication
 - 4) 1.04, Fees
 - 5) 3.03, Candor Towards the Tribunal and
 - 6) 7.02 Communications Concerning a Lawyer's Services

(B.E.4 at 17-30 and the *Texas Disciplinary Rules of Professional Conduct*).

14. On or about 9/22/05, Judge Bohm ordered Respondent to disgorge all fees paid to him in the Zuniga matter (\$500) and to pay \$5000 to the Court as a sanction for Respondent's unethical conduct. (B.E.4 at 35, 36). On or about 12/19/05, Respondent complied with the Court's order and tendered \$5,500 in cashier's checks. (B.E.8 at 8, 9).
15. Respondent failed to comply with condition 5 of his probationary license, which required that he "avoid and not be subject to disciplinary action for the breach of any regulation, rule, or statute governing any profession or activity in which he may be engaged" (B.E.1 at 11), as evidenced by Judge Bohm's 9/22/05 *Memorandum Opinion and Order* that found Respondent violated numerous rules of court and the *Texas Disciplinary Rules of Professional Conduct*, as found above.
16. Respondent failed to comply with condition 6 of his probationary license, which required that he "not engage in any conduct that evidences a lack of good moral character" (B.E.1 at 11), as evidenced by Judge Bohm's 9/22/05 *Memorandum Opinion and Order* that found Respondent violated numerous rules of court and the *Texas Disciplinary Rules of Professional Conduct*, as found above.
17. Respondent failed to comply with condition 11 of his probationary license, which required that he "conduct his personal and business dealings in a manner calculated to avoid the appearance of sacrificing ethical behavior in the interest of personal gain" (B.E.1 at 11), as evidenced by Judge Bohm's 9/22/05 *Memorandum Opinion and Order* that required Respondent to disgorge fees as a sanction for Respondent's unethical behavior as found above.
18. The fact that Respondent failed to comply with conditions 5, 6, 8 and 11 of his probationary license is indicative of the character traits of lack of trustworthiness in carrying out responsibilities and a lack of respect for the law.
19. On or about 10/28/05, Respondent affirmed, by his signature and oath, that the information provided with his Probationary License Questionnaire was "true and correct." (B.E.2 at 2). However, Respondent failed to disclose, as required by his questionnaire, the fact of the "charges or complaints (formal or informal) concerning [his] conduct as an attorney" that had been levied against him by the Trustee that he engaged in the unauthorized practice of law or illegal fee sharing. (B.E.2 at 1 and B.E.4 at 11). Additionally, Respondent falsely marked "No" to question 3, which asked "Have you in any way failed to comply with any of the conditions outlined in your Board Order?" since he had violated conditions 5, 6, 8, and 11 of his 9/17/04 Board Order at the time he swore his oath and affixed his signature to his questionnaire. (B.E.2).
20. The fact that Respondent failed to disclose the Trustee's complaint and the Judge's sanction is indicative of dishonesty and a lack of trustworthiness in carrying out responsibilities.
21. The Board's Order, of 9/17/04, provides that Respondent's probationary license may be revoked at any time upon recommendation of the Board if, after notice and hearing, it is determined that he has violated any condition of the Order (B.E.1 at 12).

IV.

CONCLUSIONS OF LAW

1. There is a clear and rational connection between Respondent's lack of trustworthiness in carrying out responsibilities and lack of respect for the law, evidenced by his failure to comply with conditions 5, 6, 8 and 11 of his probationary license, as found above, 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 Respondent's dishonesty and lack of trustworthiness in carrying out responsibilities, evidenced by his failure reveal the complaint and resulting sanction, as required by his Probationary License Questionnaire, as found above, 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. Respondent'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 Respondent failed to comply with one or more of the conditions of his probationary license; that Respondent's non-compliance indicates he lacks the present good moral character required for admission; and, that the Board shall recommend to the Supreme Court of Texas that Respondent's probationary license be revoked due to his non-compliance.

IT IS FURTHER ORDERED that Respondent must re-take the Texas Bar Examination, in compliance with *Rules Governing Admission to the Bar of Texas* Rule XVI (i), and the Multistate Professional Responsibility Examination and may petition the Board for a re-determination of his moral character no earlier than two years from the date of the Supreme Court's Order revoking Respondent's probationary license, and any such Petition for Re-Determination shall be accompanied by the Re-Application form and Supplemental Investigation form then in effect and all the appropriate fees.

IT IS FURTHER ORDERED that, upon Respondent's proper and timely filing of any future Petition for Re-Determination, Supplemental Investigation form, and Re-Application form, the Board's determination as to Respondent's requisite character and fitness at that time shall include an investigation as to whether Respondent has complied with the following curative measures.


V.

CURATIVE MEASURES

1. Respondent shall timely comply with all requirements of this Order and with all requests from the Board for information or documentation.
2. Respondent shall commit no offense against the laws of this state, any other state, or the United States.
3. Respondent shall re-take and pass the Texas Bar Examination.
4. Respondent shall re-take and pass the Multistate Professional Responsibility Examination.
5. Respondent shall provide a copy of this Order to the State Bar Disciplinary Authority in all jurisdictions in which he is a member and to all licensing bodies of jurisdictions in which he has an application pending or in which he makes future applications to practice law.
6. Respondent shall conduct himself in such a way as to avoid and not be subject to disciplinary action for the breach of any regulation, rule, or statute governing any profession or activity in which he may be engaged.
7. Respondent shall not engage in any conduct that evidences a lack of good moral character or fitness.
8. Respondent shall satisfactorily address the concerns of the Board regarding his good moral character at a subsequent hearing to be set at the staff's discretion, following a Petition for Re-Determination, if any.

IT IS FURTHER ORDERED that, in the event Respondent submits any future Petition for Re-determination, Supplemental Investigation form, and Re-Application for Admission to Practice Law in the State of Texas, 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 arise out of the investigation conducted on Respondent's petition, supplemental investigation, and application.

SIGNED this 23rd day of February 2006


Dan Pozza, Presiding Chair

Board of Law Examiners

Appointed by the Supreme Court of Texas

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ALBERT WITCHER, Waco

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May 9, 2006

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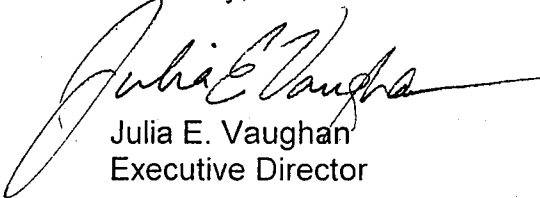
INTERAGENCY MAIL

The Honorable Scott A. Brister
Supreme Court of Texas
Third Floor, Supreme Court Building
Austin, Texas

Dear Justice Brister:

I am forwarding to you, via the Clerk's office, one miscellaneous docket order revoking the probationary license of Dion Alfred Craig. The proposed order includes injunctive language requiring cessation of practice and client notification. Attached to the proposed order, for the Court's approval, is a copy of the Board's order, setting out findings of fact and conclusions of law. Mr. Craig did not appeal the Board's order and the time for appeal has passed.

Sincerely,



Julia E. Vaughan
Executive Director

Enclosures

9064

MAILING ADDRESS

Post Office Box 13486

-82-

TELEPHONE: 512-463-1621 ♦ FACSIMILE: 512-463-5300 ♦ WEBSITE: www.ble.state.tx.us

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