

Interim Suspension of Attorney's Law License: Not Well Known Yet Has Dire Consequences!

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Part XIV of the Texas Rules of Disciplinary Procedure provide for the immediate Interim Suspension of a grieved attorney. This suspension is an equitable remedy for the benefit of the public, and constitutes a temporary injunction under the Texas Rules of Civil Procedure. This relief, sought by the Commission for Lawyer Discipline ("CLD") is based upon the principal that the grieved attorney has violated the Texas Disciplinary Rules of Professional Conduct and his or her continued ability to practice law constitutes "an attorney poses a substantial threat of irreparable harm to clients or prospective clients during the interim of determining one or more grievances filed against the attorney.

The CLD files a petition in "a district court of proper venue alleging the substantial threat of irreparable harm" and the court sets a hearing within ten (10) days. Obviously this now becomes matter of public record.

The number one rule of Ethics is "Do not steal from your clients!" This will get you before a court with the CLD seeking an immediate Interim Suspension of an attorney's license faster than anything else. The appropriate Texas Disciplinary Rule of Professional Conduct is Rule 1.14 Safekeeping Property of a client. This rule is usually viewed from the context of proper handling of attorneys' fees and settlement funds through an IOLTA account. The most public and recent example is the publicity around the Interim Suspension and Criminal Conviction of Steven Bearman of Harris County, Texas.

It should be noted that Rule 1.14 also pertains to ANY property belonging to the Client which has been given to the attorney.

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