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CAUSE NO. 00-3650-A

COMMISSION FOR LAWYER DISCIPLINE	§	IN THE JUSTICE COURT
VS.	§	14TH JUDICIAL DISTRICT
DONALD W. HILL	§	DALLAS COUNTY, TEXAS

**AGREED JUDGMENT OF FULLY PROBATED SUSPENSION**

The following Agreed Judgment is entered at the request of Petitioner, THE COMMISSION FOR LAWYER DISCIPLINE, and at the request of Respondent, DONALD W. HILL, who agree that all matters of fact and things in controversy between them have been fully and finally compromised and settled.

The Court, after considering the pleadings on file and the agreement of the parties, is of the opinion that Petitioner is entitled to judgment on its Second Amended Disciplinary Petition.

The Court is of the opinion and so finds that the acts and conduct on the part of the Respondent constitute conduct in violation of Rules 1.01(b)(1); 1.01(b)(2); 1.01(c); 1.03(a); 1.03(b); 1.14(a); 1.14(b); 1.14(c); and 1.15(d) of the Texas Disciplinary Rules of Professional Conduct regarding the Bryan complainant and Rules 1.01(b)(1); 1.01(b)(2); 1.01(c); 1.03(a); 1.14(a); 1.14(b); 1.14(c); 1.15(d); 8.01(b); 8.04(a)(1); and 8.04(a)(8) regarding the McKinley complaint and in violating said Rules above, has committed professional misconduct as defined in Rule 1.06 of the Texas Rules of Disciplinary Procedure.

The Court finds it has jurisdiction over the subject matter and parties in this cause of action and venue is proper in Dallas County, Texas.

Petitioner the COMMISSION FOR LAWYER DISCIPLINE is entitled to judgment against Respondent as prayed in its Second Amended Disciplinary Petition on file in this case.

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Therefore, **IT IS ORDERED, ADJUDGED, AND DECREED** that the proper discipline of Respondent for each occurrence of professional misconduct as found by this Court is a three (3) year Fully Probated Suspension.

**IT IS ORDERED, ADJUDGED, AND DECREED** that Respondent is hereby suspended for a period of three (3) years with said suspension being fully probated, beginning on May 1, 2004, and ending on April 30, 2007, subject to all of the following terms and conditions:

1. During the term of probation, Respondent shall not engage in professional misconduct as defined by §1.06(Q) of the Texas Rules of Disciplinary Procedure. No conduct on the part of Donald W. Hill occurring prior to the date of this agreed judgment shall ever serve as the basis for revocation of the probation herein agreed to including, but not limited to any conduct alleged against the Respondent in connection the following cases: State Bar of Texas Case Number D0089913404 – LaVerne A. Bryan vs. Donald W. Hill and State Bar of Texas Case Number D0080015201 Jacqueline McKinley – Donald W. Hill; Joyce Baker v. The Glen Lakes Clinic, Inc., Civil Action No. 3-01-CV-1829-R, U. S. District Court, N.D. Texas, Dallas Division; Mitchell King v. DISD, Docket No. 089-R2-602, before the Commissioner of Education, State of Texas; Manuel Lucero v. Minyard Food Stores, Inc., Civil Action No. 3-03-CV1948-L, U. S. District Court, N.D. Texas, Dallas Division; Sandra Parker v. J.C. Penney Company, Inc. Case No. 02-05564-A, in the 14<sup>th</sup> Judicial District Court, Dallas County, Texas; Juanita Vera v. Ellis County Community Supervision Department, Cause No. 97-07188, in the 126<sup>th</sup> Judicial District Court, Travis County, Texas; Delbra Wilson v. State of Texas, Office of Court Administration et al., Cause No. 48-192831-02 in the 48<sup>th</sup> Judicial District Court, Tarrant County, Texas; In Re: Voluntary Purchasing Groups, Inc. Litigation, Civil No. 3:96-CV-2985-H, U. S. District Court, N.D. Texas, Dallas Division.
2. During the term of probation, Respondent shall not violate any state or federal criminal statutes, except that misdemeanor traffic offenses shall not be grounds for revocation of Respondent's probation.
3. During the term of probation, Respondent shall at all times keep the State Bar of Texas membership department notified as to his current mailing, residence, and business addresses and telephone numbers, and he shall advise the State Bar of Texas of any of these changes within ten days of the change.
4. During the term of probation, Respondent shall respond to any request for information forwarded to him by any grievance committee of the State Bar of Texas or by the Office of the General Counsel of the State Bar of Texas in connection with

an investigation of any allegations of professional misconduct in accordance with the Texas Rules of Disciplinary Procedure unless the Respondent claims the privilege against self-incrimination.

5. During the term of probation, John Holman Barr shall serve as Respondent's attorney mentor in accordance with the Order below.
6. Respondent shall pay to the State Bar of Texas the amount of Six Thousand Five Hundred Dollars and No Cents (\$6,500.00) as attorneys' fees, costs and expenses in accordance with the terms specified below.
7. Respondent shall pay to LaVerne A. Bryan the amount of Seven Thousand Three Hundred Twenty Four Dollars and Sixty Nine Cents (\$7,324.69) as restitution in accordance with the terms specified below.
8. Respondent shall pay to Jacqueline McKinley the amount of Three Thousand Nine Hundred Seventy Three Dollars and Ninety Eight Cents (\$3,973.98) as restitution in accordance with the terms specified below.

It is further ORDERED that upon determination by the Court that Respondent has, during the term of his probation, violated any term or condition of probation, the Court shall enter an order revoking the probation and imposing the suspension of the Respondent from the practice of law for a period of three (3) years commencing on or after the date of revocation upon the following conditions:

1. the General Counsel of the State Bar of Texas may apply to this Court for revocation by filing a written Motion to Revoke Probation containing specific allegations that Respondent violated any of the terms or conditions of his probation;
2. a copy of the Motion to Revoke Probation and a Notice of Hearing on the Motion shall be delivered to Respondent pursuant to Rule 21a of the Texas Rules of Civil Procedure at Respondent's last known address on the membership rolls of the State Bar of Texas; and
3. the Court shall expeditiously hear the Motion to Revoke Probation without the aid of a jury and shall determine whether the Respondent has violated any of the terms or conditions of probation and whether the acts constituting the violation occurred during the term of probation by a preponderance of the evidence.

It is further ORDERED that any active suspension imposed on Respondent as a result of revocation of his probation shall be in addition to any and all other action taken against Respondent as a consequence of his professional misconduct or criminal acts occurring during the period of probation which serve as the basis for the revocation of his probation.

It is further ORDERED that, during any term of active suspension that may be imposed upon Respondent by the Court by reason of Respondent's failure to adhere to the terms of this Judgment, Respondent shall be enjoined from practicing law in Texas, holding himself out as an attorney, performing any legal services for 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, or holding himself out to others or using his name in any matter in conjunction with the words "attorney," "counselor," "counselor at law," or "lawyer."

It is further ORDERED, ADJUDGED, and DECREED that during the entire length of said Fully Probated Suspension, John Holman Barr, Texas Bar No. 01798700, shall serve as attorney mentor to Respondent for the purposes of monitoring Respondent's professional conduct. During the term of probation, Respondent and John Holman Barr shall supervise Respondent to ensure that Respondent's professional conduct is compatible with that of the legal profession. Respondent shall submit monthly mentoring reports to the State Bar of Texas, 3710 Rawlins, Ste. 800, Dallas, Texas 75219, on or before the first day of each month, with the first report being due January 31, 2004 and continuing on the first day of each month thereafter, with the last report being due November 30, 2007. In the event that John Holman Barr is unable to serve as attorney mentor to Respondent, it is further ORDERED, ADJUDGED, and DECREED that Respondent immediately notify the State Bar of Texas and Respondent and the State Bar of Texas shall agree on a substitute attorney mentor. If

no agreement can be reached as to the identity of a substitute monitor, the Court shall appoint the substitute monitor.

It is further ORDERED, ADJUDGED, and DECREED that Respondent pay to the State Bar of Texas the amount of Six Thousand Five Hundred Dollars and No Cents (\$6,500.00) as attorneys' fees to the State Bar of Texas on or before December 31, 2003. Payment shall be made in the form of a certified cashier's check or money order and shall be made payable to the State Bar of Texas and remitted to State Bar of Texas, 3710 Rawlins, Ste. 800, Dallas, Texas 75219.

It is further ORDERED, ADJUDGED, and DECREED that Respondent pay to LaVerne A. Bryan, by and through the State Bar of Texas, the amount of Seven Thousand Three Hundred Twenty Four Dollars and Sixty Nine Cents (\$7,324.69) as restitution on or before December 31, 2003. Said payment includes prejudgment interest at the rate of ten percent (10%) from the time of filing the LaVerne Bryan complaint in district court to the date of signing this Agreed Judgment. Restitution payment is figured as follows: \$5,000.00 multiplied by 10% for the time period May 8, 2000 through May 8, 2003 for a total of \$2,000.00 and May 9, 2003 through December 31, 2003 for a total of 237 days at \$1.37 per day for a total of \$324.69. Such payment shall be made in the form of a certified cashier's check or money order and shall be made payable to LaVerne A. Bryan and remitted to the State Bar of Texas, 3710 Rawlins, Ste. 800, Dallas, Texas 75219.

It is further ORDERED, ADJUDGED, and DECREED that Respondent pay to Jacqueline McKinley, by and through the State Bar of Texas, the amount of ~~Seven Thousand Three Hundred Seventy Three Dollars and Ninety Eight Cents~~ <sup>Three Thousand Nine Hundred</sup> ~~Twenty Four Dollars and Sixty Nine Cents (\$7,324.69)~~ <sup>3973.98</sup> as restitution on or before December 31, 2003. Said payment includes prejudgment interest at the rate of ten percent (10%) from the time of filing the Jacqueline McKinley complaint in district court to the date of signing this Agreed

no agreement can be reached as to the identity of a substitute monitor, the Court shall appoint the substitute monitor.

It is further ORDERED, ADJUDGED, and DECREED that Respondent pay to the State Bar of Texas the amount of Six Thousand Five Hundred Dollars and No Cents (\$6,500.00) as attorneys' fees to the State Bar of Texas on or before December 31, 2003. Payment shall be made in the form of a certified cashier's check or money order and shall be made payable to the State Bar of Texas and remitted to State Bar of Texas, 3710 Rawlins, Ste. 800, Dallas, Texas 75219.

It is further ORDERED, ADJUDGED, and DECREED that Respondent pay to LaVerne A. Bryan, by and through the State Bar of Texas, the amount of Seven Thousand Three Hundred Twenty Four Dollars and Sixty Nine Cents (\$7,324.69) as restitution on or before December 31, 2003. Said payment includes prejudgment interest at the rate of ten percent (10%) from the time of filing the LaVerne Bryan complaint in district court to the date of signing this Agreed Judgment. Restitution payment is figured as follows: \$5,000.00 multiplied by 10% for the time period May 8, 2000 through May 8, 2003 for a total of \$2,000.00 and May 9, 2003 through December 31, 2003 for a total of 237 days at \$1.37 per day for a total of \$324.69. Such payment shall be made in the form of a certified cashier's check or money order and shall be made payable to LaVerne A. Bryan and remitted to the State Bar of Texas, 3710 Rawlins, Ste. 800, Dallas, Texas 75219.

It is further ORDERED, ADJUDGED, and DECREED that Respondent pay to Jacqueline McKinley, by and through the State Bar of Texas, the amount of ~~Seven Thousand Three Hundred Seventy Three Dollars and Ninety Eight Cents~~ <sup>Three Thousand Nine Hundred</sup> ~~Twenty Four Dollars and Sixty Nine Cents (\$7,324.69)~~ <sup>3973.98</sup> as restitution on or before December 31, 2003. Said payment includes prejudgment interest at the rate of ten percent (10%) from the time of filing the Jacqueline McKinley complaint in district court to the date of signing this Agreed

Judgment. Restitution payment is figured as follows: \$3,000.00 multiplied by 10% for the time period December 22, 2000 through December 22, 2003 for a total of \$900.00 and December 23, 2003 through December 31, 2003 for a total of 9 days at \$8.22 per day for a total of \$73.98. Such payment shall be made in the form of a certified cashier's check or money order and shall be made payable to Jacqueline McKinley and remitted to the State Bar of Texas, 3710 Rawlins, Ste. 800, Dallas, Texas 75219.

All attorneys fees, costs, and restitution amounts ordered herein are due to the misconduct of the attorney and are assessed as a part of the sanction in accordance with Rule 1.06(t) of the Texas Rules of Disciplinary Procedure. Interest shall accrue on the attorneys' fees and court costs from the date the judgment is signed at the rate of ten percent (10%) per annum until paid.

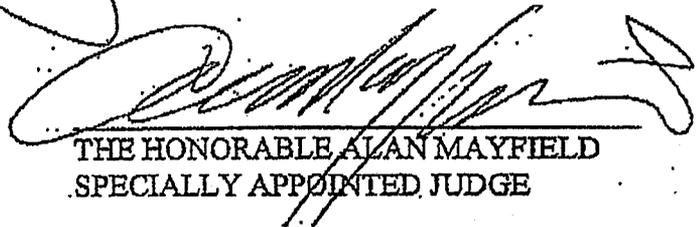
It is further ORDERED, ADJUDGED, and DECREED that this fully probated suspension is made a matter of public record, and it shall be published in the Texas Bar Journal.

It is further ORDERED that the Clerk of this Court shall forward one (1) certified copy of the Second Amended Disciplinary Petition on file in this case, along with a copy of this Judgment to the Clerk of the Supreme Court of Texas, Supreme Court Building, Austin, Texas, 78711; to the General Counsel of the State Bar of Texas, P.O. Box 12487, Austin, Texas, 78711; and to Respondent, by and through his attorney of record, John Holman Barr, at P.O. Box 223667, Dallas, Texas 75222.

It is further ORDERED that the Clerk of this Court shall forward two (2) certified copies of the Second Amended Disciplinary Petition on file in this case, along with a copy of this judgment to the State Bar of Texas, attention J. G. Molleston, Assistant Disciplinary Counsel, 1111 Fannin, Suite 1370, Houston, Texas 77002.

All relief not expressly granted in this Judgment is DENIED.

SIGNED this 6 day of May, 2004.



THE HONORABLE ALAN MAYFIELD  
SPECIALLY APPOINTED JUDGE

APPROVED

J. G. Molleston  
State Bar No: 00795924  
Assistant Disciplinary Counsel  
Office of the Chief Disciplinary Counsel  
State Bar of Texas  
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Houston, Texas 77002  
Phone: (713) 759-6931  
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ATTORNEY FOR PETITIONER  
THE COMMISSION FOR LAWYER

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Donald Hicks  
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LEAD ATTORNEY FOR RESPONDENT.

Donald W. Hill  
State Br No. 09628400  
400 S. Zang Blvd., Ste. 600  
Dallas, Texas 75208  
Telephone Number (214) 943-4030

RESPONDENT

STATE OF TEXAS }  
COUNTY OF DALLAS }

I, JIM HAMLIN, Clerk of the District  
Courts of Dallas County, Texas, do  
hereby certify that I have compared  
this instrument to be a true and  
correct copy of the original as  
appears of record in my office.

GIVEN UNDER MY HAND AND SEAL OF  
said Court, at office in Dallas, Texas,  
this 18 day of May,  
A.D. 2009.

Final Judgment of Partially Probated Suspension/Hill

JIM HAMLIN, DISTRICT CLERK  
DALLAS COUNTY, TEXAS  
By Bonnette Hughes Deputy

Page 3