

BEFORE THE BOARD OF DISCIPLINARY APPEALS  
APPOINTED BY  
THE SUPREME COURT OF TEXAS

IN THE MATTER OF	§	
THOMAS RONALD ADKINS	§	CAUSE NO. 34434
STATE BAR CARD NO. 00919000	§	

**JUDGMENT OF DISBARMENT**

On the 17th day of June 2005, the above-styled and numbered compulsory disciplinary action was called for hearing before the Board of Disciplinary Appeals. Petitioner, Commission for Lawyer Discipline of the State Bar of Texas, appeared by Assistant Disciplinary Counsel, Stephen A. Moyik, and announced ready. Respondent, Thomas Ronald Adkins, although having filed pleadings in this action and having been duly noticed of the hearing date, failed to appear at the hearing. All issues of fact as well as all matters of law were submitted to the Board of Disciplinary Appeals for determination. Having considered the pleadings on file, having received evidence, and having heard the argument of counsel, the Board of Disciplinary Appeals is of the opinion that Petitioner is entitled to entry of the following findings and orders:

Findings of Fact. The Board of Disciplinary Appeals finds that:

- (1) Respondent, Thomas Ronald Adkins, whose State Bar Card number is 00919000, is currently licensed by the Supreme Court of Texas but is administratively suspended for failure to comply with the State Bar of Texas Minimum Continuing Legal Education requirements.
- (2) On or about November 30, 2004, Respondent, Thomas Ronald Adkins, pled guilty to Theft Under \$50.00, a Class C Misdemeanor, in Cause No. CR41C3064679, styled *The State of Texas v. Thomas Ronald Adkins*, in the Justice of the Peace Court, Precinct 4, Place 1, of Harris County, Texas, and the Court signed a Judgment fining Respondent, Thomas Ronald Adkins, \$492.00.
- (3) Respondent, Thomas Ronald Adkins, is the same person as Thomas Ronald Adkins who is the subject of the criminal conviction described above.
- (4) The conviction is final.

- (5) Respondent's criminal sentence was not fully probated, although probation was available. Texas Code of Criminal Procedure § 45.051; *see, e. g., Houston Police Department v. Berkowitz*, 95 S.W.3d 457 (Tex. App.—Houston [1<sup>st</sup> Dist.] 2002, pet. denied).

Conclusions of Law. Based upon the foregoing findings of fact the Board of Disciplinary Appeals makes the following conclusions of law:

- (1) This Board has jurisdiction to hear and determine this matter. Rule 7.08(G), Texas Rules of Disciplinary Procedure ("TRDP").
- (2) Respondent, Thomas Ronald Adkins, has been convicted of an Intentional Crime as defined by TRDP 1.06(T) for purposes of TRDP 8.04. Said crime is also a Serious Crime as defined by TRDP 1.06(Z).
- (3) Having been convicted of an Intentional Crime and having received a criminal sentence that was not fully probated, Respondent, Thomas Ronald Adkins, must be disbarred pursuant to TRDP 8.05 and *Sanchez v. Bd. of Disciplinary Appeals*, 877 S.W.2d 751, 752 (Tex. 1994), which provides:

The criminal court in this case was authorized to consider mitigating circumstances in deciding whether to probate Sanchez' sentence. . . . The court could have considered – and we must presume that it did consider – the potential impact of the sentence upon Sanchez' future livelihood, including his right to practice law. When sentencing judges and juries have it within their power to determine whether disbarment or suspension will result from the punishment imposed on an attorney in a criminal case, the Disciplinary Rules do not require disparate results. . . . Disbarment is not an excessive penalty for a criminal conviction.

It is, accordingly, **ORDERED, ADJUDGED, and DECREED** that Respondent, Thomas Ronald Adkins, State Bar Card No. 00919000, be and he is hereby **DISBARRED** from the practice of law in the State of Texas and his license to practice law in this state be and is hereby **REVOKED** as of the date of this judgment.

It is further **ORDERED** that Respondent, Thomas Ronald Adkins, is hereafter permanently prohibited, effective immediately, from practicing law in Texas, holding himself out as an attorney at law, performing any legal service for others, accepting any fee directly or

indirectly for legal services not completed before the date of this judgment, appearing as counsel 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 manner, in conjunction with the words "attorney," "counselor," or "lawyer."

It is further **ORDERED** that Respondent, Thomas Ronald Adkins, no later than thirty (30) days from the date of this judgment, shall notify in writing each and every justice of the peace, judge, magistrate, and chief justice of each and every court, if any, in which Respondent, Thomas Ronald Adkins, has any legal matter pending, if any, of his disbarment, of the style and cause number of the pending matter(s), and of the name, address, and telephone number of the client(s) Respondent is representing in that court. Respondent is also **ORDERED** to mail copies of all such notifications to the Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711.

It is further **ORDERED** that Respondent, Thomas Ronald Adkins, shall, within thirty (30) days from the date of this judgment, notify each of his current clients, if any, in writing, of his disbarment. In addition to such notification, Respondent is **ORDERED** to return all files, papers, unearned fees paid in advance, and all other monies and properties which are in his possession but which belong to current or former clients, if any, to those respective clients or former clients within thirty (30) days after the date of this judgment. Respondent is further **ORDERED** to file with this Board, within the same thirty (30) days, an affidavit stating that all current clients have been notified of his disbarment and that all files, papers, unearned fees paid in advance, and all other monies and properties belonging to clients and former clients have been returned as ordered herein. If Respondent should be unable to return any file, papers, money or other property to any client or former client, Respondent's affidavit shall state with particularity

the efforts made by Respondent with respect to each particular client and the cause of his inability to return to said client any file, paper, money or other property. Respondent is also **ORDERED** to mail a copy of said affidavit and copies of all notification letters to clients, to the Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711.

It is further **ORDERED** that Respondent, Thomas Ronald Adkins, shall, within ten (10) days from the date of this judgment, surrender his Texas law license and permanent State Bar Card to the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Austin, Texas 78711, for transmittal to the Clerk of the Supreme Court of Texas.

It is further **ORDERED** that a certified copy of the Petition for Compulsory Discipline on file herein, along with a copy of this judgment, be sent to the Chief Disciplinary Counsel of the State Bar of Texas, P.O. Box 12487, Austin, Texas 78711.

Signed this 30th day of June 2005.

  
CHAIRMAN PRESIDING