

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

<b>IN THE MATTER OF</b>	§	
<b>STEVEN ALEXANDER BEARMAN</b>	§	<b>CAUSE NO. 43040</b>
<b>STATE BAR CARD NO. 90000546</b>	§	

**INTERLOCUTORY ORDER OF SUSPENSION**

On the 12th day of December 2008, the above-styled and numbered compulsory disciplinary action pursuant to the Texas Rules of Disciplinary Procedure Part VIII (“TRDP”) was called for hearing before the Board of Disciplinary Appeals. Petitioner Commission for Lawyer Discipline of the State Bar of Texas appeared by attorney and announced ready. Respondent, Steven Alexander Bearman, although having entered an appearance and being duly notified of the hearing, failed to appear at the hearing and made default. All issues of fact as well as all questions of law were submitted to the Board of Disciplinary Appeals for determination. The Board also considered Respondent’s Motion for Appointment of Counsel and Motion for Continuance along with the Opposition to both motions urged by the Commission for Lawyer Discipline. 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, Steven Alexander Bearman, whose State Bar Card number is 90000546, is licensed but not currently authorized to practice law in the State of Texas by the Supreme Court of Texas due to a prior indefinite disciplinary suspension dated March 30, 2007.
- (2) On December 4, 2006, Respondent was charged by Indictment with Misapplication of Fiduciary Property in Cause No. 1095272, *The State of Texas v. Steven Alexander Bearman*, 183<sup>rd</sup> Judicial District Court of Harris County, Texas.

- (3) On August 28, 2008, a Judgment of Conviction by Court – Waiver of Jury Trial was signed in Case No. 1095272 styled, *The State of Texas v. Bearman, Steven Alexander*, 183<sup>rd</sup> Judicial District Court of Harris County, Texas, reciting that Respondent pled guilty to Misapplication of Fiduciary Property over \$200,000.00 and was sentenced to 35 years in the Institutional Division of the Texas Department of Criminal Justice. Respondent was also ordered to pay \$230.00 in court costs.
- (4) Respondent, Steven Alexander Bearman, is the same person as the Steven Alexander Bearman who is the subject of the Bearman criminal case described above.
- (5) Respondent’s criminal sentence is not fully probated.
- (6) Respondent has appealed the criminal conviction.
- (7) Respondent was personally served with the Petition for Compulsory Discipline and hearing notice on September 18, 2008, and the affidavit of service was filed on September 30, 2008.

**Conclusions of Law.** Based upon the foregoing findings of facts the Board of Disciplinary

Appeals makes the following conclusions of law:

- (1) This Board has jurisdiction to hear and determine this matter. Texas Rules of Disciplinary Procedure (“TRDP”) 7.08(G).
- (2) Respondent, Steven Alexander Bearman, having been convicted of Misapplication of Fiduciary Property over \$200,000.00, has been convicted of an Intentional Crime as defined by TRDP 1.06(T) which is also a Serious Crime as defined by TRDP 1.06(Z).
- (3) Having been found guilty and convicted of an Intentional and Serious Crime and having appealed such conviction, Respondent, Steven Alexander Bearman, should have his license to practice law in Texas suspended during the appeal of his criminal conviction. TRDP 8.04.
- (4) Because the TRDP expressly allow the suspension of Respondent’s license to practice law while the criminal conviction is being appealed, Respondent’s Motion for Continuance should be denied.
- (5) Because Respondent is not entitled to appointment of counsel for a compulsory discipline case, Respondent’s Motion for Appointment of Counsel should be denied.
- (6) The Board retains jurisdiction to enter a final judgment in this matter when the criminal conviction is either reversed or becomes final after appeal.

It is, accordingly, **ORDERED, ADJUDGED, and DECREED** that Respondent, Steven Alexander Bearman, State Bar Card No. 90000546, is hereby **SUSPENDED** from the practice of law in the State of Texas effective immediately upon entry of this order and continuing hereafter until further order of this Board.

It is further **ORDERED, ADJUDGED and DECREED** that Respondent, Steven Alexander Bearman, during said suspension is hereby 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 order, 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, Steven Alexander Bearman, shall notify in writing, no later than thirty (30) days from the date of this Order, each and every justice of the peace, judge, magistrate, and chief justice of each and every court in which Respondent, Steven Alexander Bearman, has any legal matter pending, if any, of his suspension, 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 Statewide Compliance Monitor, 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, Steven Alexander Bearman, shall immediately notify each of his current clients, if any, in writing, of his suspension. 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 Order. Respondent is further **ORDERED** to file with the Statewide Compliance Monitor, Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711, within the same thirty (30) days, an affidavit stating either (a) that all current clients have been notified of his suspension 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 or (b) that Respondent has no current clients, files, or papers, and that any unearned fees paid in advance or other monies or properties belonging to clients have previously been returned to the appropriate client. If Respondent is 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 all notification letters to the Statewide Compliance Monitor, 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, Steven Alexander Bearman, immediately surrender his Texas law license and permanent State Bar Card to the Statewide Compliance Monitor, Office of the Chief Disciplinary, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711, for transmittal to the Clerk of the Supreme Court of Texas.

It is further **ORDERED** that this Order is interlocutory and that the Board retains jurisdiction to enter a final judgment when the appeal of the criminal conviction is final.

It is further **ORDERED** that Respondent shall promptly notify the Board and the State Bar of Texas Chief Disciplinary Counsel when the appeal of the criminal conviction is final.

It is further **ORDERED** that the Chief Disciplinary Counsel of the State Bar of Texas shall monitor the status of the appeal of the criminal conviction on at least a quarterly basis and promptly file an appropriate motion for entry of final judgment with the Board in the event the criminal conviction becomes final

It is further **ORDERED** that Respondent's Motion for Continuance is **DENIED**.

It is further **ORDERED** that Respondent's Motion for Appointment of Counsel is **DENIED**.

All relief not expressly granted herein is **DENIED**.

Signed this 22<sup>nd</sup> day of December 2008

  
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**CHAIRMAN PRESIDING**