

No. 00277

STATE BAR OF TEXAS

§

BEFORE THE BOARD

V.

§

OF

MARK S. SMITH

§

DISCIPLINARY APPEALS

§

**ORDER REVOKING PROBATION OF DISABILITY SUSPENSION**

On the 24th day of June, 1994, came on to be heard Petitioner State Bar of Texas' Motion to Revoke Probation of MARK S. SMITH, Respondent. Petitioner appeared through the Chief Disciplinary Counsel and announced ready. Respondent appeared and announced ready. The Board, having considered the Motion and the evidence, and having heard the argument of counsel, finds that the Respondent has violated a material term of probation set forth in the Judgement Probating Disability Suspension signed by the Board of Disciplinary Appeals March 29, 1993, as alleged in said Motion by failing to abstain from the use of alcohol.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Motion to Revoke Probation is granted, that the probation of Respondent's suspension be, and the same hereby is, revoked, and that Respondent MARK S. SMITH be suspended from the practice of law until further order of this Board.

It is further ORDERED, ADJUDGED and DECREED that Respondent MARK W. SMITH during said suspension is hereby enjoined from practicing law in Texas, holding himself out as an attorney at law, performing any legal services, appearing as counsel 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 manner, in conjunction with the words "attorney

at law", "counselor at law", or "lawyer."

It is further ORDERED that Respondent, MARK S. SMITH, shall immediately notify each of his current clients in writing of this suspension. In addition to such notification, the Respondent is ORDERED to return all files, papers, monies and other property belonging to clients and former clients in the Respondent's possession to the respective clients or former clients or to another attorney at the client's or former client's request within thirty (30) days of the date of the signing of this Order. Respondent MARK S. SMITH is ORDERED to file within the same thirty (30) days with the Office of the General Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711, an affidavit stating that all current clients have been notified of the Respondent's suspension, and that all files, papers, monies and other property belonging to each current client and former client has been returned as ordered herein, and showing in the cases where it was not possible to notify clients or return their property that due diligence was used to do so. Respondent is also ORDERED to mail a copy of said affidavit to the Board of Disciplinary Appeals.

It is further ORDERED that Respondent MARK S. SMITH shall, on or before thirty (30) days from the date of this Judgement, notify in writing each and every justice of peace, judge, magistrate, and chief justice of each and every court in which the Respondent has any matter pending of the terms of this suspension, the style and cause number of the pending matter(s), and 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 General Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711.

It is further ORDERED that Respondent MARK S. SMITH shall immediately surrender

his Texas law license and permanent State Bar Card to the General Counsel of the State Bar of Texas, P.O. Box 12487, Austin, Texas 78711, for transmittal to the Clerk of the Supreme Court of Texas.

Signed this 29<sup>th</sup> day of June, 1994.



**THOMAS H. WATKINS, CHAIRMAN  
BOARD OF DISCIPLINARY APPEALS**