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By: DANIELLE JIMENEZ

CAUSE NO. 2013-56866

COMMISSION FOR LAWYER DISCIPLINE, Petitioner,	§	IN THE DISTRICT COURT OF
	§	
	§	
vs.	§	HARRIS COUNTY, TEXAS
	§	
ROBERT S. BENNETT, Respondent.	§	334th JUDICIAL DISTRICT

FINAL JUDGMENT OF DISBARMENT

Parties and Appearance

On March 17-19, 2014 came to be heard the above-captioned cause. Petitioner, the Commission for Lawyer Discipline, appeared through its attorney of record, Timothy R. Bersch, and announced ready. Respondent, Robert S. Bennett, Texas Bar Number 02150500, appeared in person and through his attorney of record, Jeffery D. Wagnon, and announced ready. The parties waived a jury, and all matters of fact and law were submitted to the Court for determination.

Jurisdiction and Venue

On September 3, 2013, pursuant to Rule 3.02 of the Texas Rules of Disciplinary Procedure, the Supreme Court of Texas appointed the Honorable Carmen Kelsey to preside over this disciplinary action. The Court finds that it has jurisdiction over the parties and the subject matter of this action, and that venue is proper.

Professional Misconduct

After considering the testimony and documentary evidence, arguments of counsel, and applicable law, the Court finds and concludes:

1. Respondent is an attorney licensed to practice law in Texas and is a member of the State Bar of Texas. Respondent's principal place of practice is Houston, Harris County, Texas. Therefore, this Court has jurisdiction over the parties and subject matter of this case, and venue is appropriate in Harris County, Texas.

2. Respondent has committed professional misconduct as defined by Rule 1.06W of the Texas Rules of Disciplinary Procedure and in violation of one or more of the Texas Disciplinary Rules of Professional Conduct; Article X, Section 9, of the State Bar Rules.
3. Respondent violated the following Texas Disciplinary Rules of Professional Conduct: Rules 1.15(d) and 3.02.
4. Respondent's affirmative defenses are denied.

Sanction

The Court, having found that Respondent has committed Professional Misconduct, heard and considered additional evidence regarding the appropriate sanction to be imposed against Respondent. After hearing evidence and argument and after having considered the factors in Rule 3.10 of the Texas Rules of Disciplinary Procedure, the Court finds that the appropriate sanction is DISBARMENT.

Disbarment

It is therefore ORDERED, ADJUDGED, and DECREED that Respondent, Robert S. Bennett, State Bar Number 02150500, is hereby DISBARRED from the practice of law in the State of Texas, effective on the date this judgment is signed.

It is further ORDERED that Respondent is prohibited from practicing law in Texas, holding himself out as an attorney at law, 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 administrative body or holding himself out to others or using his name, in any manner, in conjunction with the words "attorney at law," "attorney," "counselor at law," or "lawyer."

Notification

It is further ORDERED that Respondent shall immediately notify each of his current clients in writing of this disbarment. In addition to such notification, Respondent is ORDERED

to return any files, papers, unearned 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. Respondent is further ORDERED to file with the State Bar of Texas, Office of the Chief Disciplinary Counsel, P.O. Box 12487, Austin, Texas 78711 (1414 Colorado Street, Austin, Texas 78701), within thirty (30) days of the signing of this judgment, an affidavit stating that all current clients have been notified of Respondent's disbarment and that all files, papers, monies, and other property belonging to all clients and former clients have been returned as ordered herein.

It is further ORDERED that Respondent shall, on or before thirty (30) days from the signing of this judgment, notify in writing each and every justice of the peace, judge, magistrate, administrative judge or officer, and chief justice of each and every court or tribunal in which Respondent has any matter pending of the terms of this judgment, the style and cause number of the pending matter(s), and the name, address and telephone number of the client(s) Respondent is representing. Respondent is further ORDERED to file with the State Bar of Texas, Office of the Chief Disciplinary Counsel, P.O. Box 12487, Austin, Texas 78711 (1414 Colorado Street, Austin, Texas 78701), within thirty (30) days of the signing of this judgment, an affidavit stating that each and every justice of the peace, judge, magistrate, administrative judge or officer, and chief justice has received written notice of the terms of this judgment.

Surrender of License

It is further ORDERED that Respondent shall, within thirty (30) days of the signing of this judgment, surrender his law license and permanent State Bar Card to the State Bar of Texas, Office of the Chief Disciplinary Counsel, P.O. Box 12487, Austin, Texas 78711 (1414 Colorado Street, Austin, Texas 78701), to be forwarded to the Supreme Court of the State of Texas.

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Restitution and Direct Expenses

It is further ORDERED that Respondent shall pay restitution on or before May 1, 2014 to Gary O. Land in the amount of \$27,500.00. Respondent shall pay the restitution by certified or cashier's check or money order made payable to Gary O. Land and delivered to the State Bar of Texas, Office of the Chief Disciplinary Counsel, P.O. Box 12487, Austin, Texas 78711 (1414 Colorado Street, Austin, Texas 78701). (Respondent will be relieved of this obligation if, before May 1, 2014, Gary O. Land provides to the State Bar written confirmation that Respondent has paid \$27,500.00 to Mr. Land by turning over to him the funds that have been on deposit with the Harris County District Clerk in connection with Cause No. 2012-20006.)

It is further ORDERED that Respondent shall pay direct expenses in the amount of \$320.00 to the State Bar of Texas. The payment shall be due and payable on or before May 1, 2014, and shall be made by certified or cashier's check or money order. Respondent shall forward the funds, made payable to the State Bar of Texas, to the Office of the Chief Disciplinary Counsel, P.O. Box 12487, Austin, Texas 78711 (1414 Colorado Street, Austin, Texas 78701).

It is further ORDERED that all amounts ordered herein are due to the misconduct of Respondent and are assessed as a part of the sanction in accordance with Rule 1.06Z of the Texas Rules of Disciplinary Procedure. Any amount not paid shall accrue interest at the maximum legal rate per annum until paid and the State Bar of Texas shall have all writs and other post-judgment remedies against Respondent in order to collect all unpaid amounts.

Publication

It is further ORDERED that this disbarment shall be made a matter of record and appropriately published in accordance with the Texas Rules of Disciplinary Procedure.

Condition Precedent to Reinstatement

It is further ORDERED that payment of the foregoing restitution and direct expenses shall be a condition precedent to any consideration of reinstatement from disbarment as provided by Rules 2.19, 2.20 and 11.02(D) of the Texas Rules of Disciplinary Procedure.


Other Relief

It is further ORDERED that the Clerk of this Court shall forward a certified copy of Petitioner's First Amended Disciplinary Petition on file in this case, along with a certified copy of this Final Judgment of Disbarment, to the following: (1) Clerk of the Supreme Court of Texas, Supreme Court Building, Austin, Texas 78711; (2) The State Bar of Texas, Office of the Chief Disciplinary Counsel, P. O. Box 12487, Austin, Texas 78711; and (3) Respondent, by and through his attorney of record, Jeffery D. Wagnon, Wagnon Law Group, PLLC, 515 Louisiana, Suite 200, Houston, Texas 77002.

It is further ORDERED that all costs of court incurred in the prosecution of this lawsuit shall be taxed against Respondent, for which the Clerk may have execution if they are not timely paid.

All requested relief not expressly granted herein is expressly DENIED.

SIGNED this 21ST day of March, 2014.


HONORABLE CARMEN KELSEY
Specially Assigned Judge