

14-17-00521-CV

IN THE COURT OF APPEALS FOR THE
FOURTEENTH JUDICIAL DISTRICT AT HOUSTON, TEXAS

ROBERT S. BENNETT,
Appellant,
v.
COMMISSION FOR LAWYER DISCIPLINE,
Appellee.

Appellant's Amicus Letter

On Appeal from the 344th District Court, Harris County, Texas

Cause No. 2013-56866
Hon. Craig Smith, presiding

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ORAL ARGUMENT REQUESTED

October 16, 2018

Honorable Christopher A. Pine, Clerk
Fourteenth Court of Appeals
301 Fannin Street, Suite 245
Houston, Texas 77002

RE: ***Robert S. Bennett, Appellant. V. Commission for Lawyer Discipline, Appellee***
On Appeal from the 344th District Court, Harris County, Texas Cause No. 2013-56866

Dear Mr. Pine:

The purpose of this letter is to provide the Court with an e-mail from Attorney Harold Eisenman State Bar of Texas Bar No. 06503500 Address 9186 Katy Fwy #210 Houston, TX 77055 regarding the case at issue. The Appellant, Robert S. Bennett and Texas Attorney Harold Eisenman, files this their Letter Amicus pursuant to Texas Rule of Appellate Procedure 38.7. Request is hereby made that this letter be submitted to the Panel so that the Court may rule on this request that it supplement the briefing with this letter and consider this Attorney Amicus Letter regarding issues raised in the Appeal.

First, it was wise of the court and we appreciate the considered opinion in: *Robert S. Bennett vs. Commission for Lawyer Discipline*, No. 14-14-00740-CV, Fourteenth Court of Appeals-Houston, March 24, 2016. This decision vindicated the Appellant's handling of any client funds. It also corrected the serious judicial mistake which abruptly and unfairly deprived the Appellant of his livelihood. Unfortunately, on June 17, 2017 the second trial judge on the case, Judge Craig Smith of Dallas, Texas at the Second Sanction Hearing that this Court ordered, imposed the same sentence as Juvenile Judge Carmen Kelsey did who was removed from the case. This second sanction Hearing partially undid what this Court had tried to accomplish in a just way.

Second, since the Second Sanction Hearing was decided by the second sanction trial judge, the Honorable Craig Smith, the Appellant Trial Brief was filed on November 20, 2017, the Appellant Reply Brief was filed on January 23, 2018. It is anticipated that additional Amicus Briefs and Letters will be filed.

Third, Texas Attorney Harold Eisenman in his attached Email joins the other submissions that Oral Argument should be granted, the Disciplinary Rules of Procedure 3.10 were not properly considered or followed, no evidence was offered at the Second Sanction Hearing that would support a 2 years plus six months suspension, that no

evidence was offered that any consideration under Tex. R. of Disciplinary Procedure 3.10 was violated, and it was a judicial abuse of discretion to impose a public reprimand of two years plus six months suspension – even with credit for time served. Eisenman joins in the request that this Court find that former Disciplinary Assistant Counsel Tim Bersch committed prosecutorial misconduct, and that the *Thompson Decision*, 455. S. W. 2nd 569 (Tex. 2014) should be followed to invalidate the period of the sanction. The Court should allow oral argument, and if a finding of no sanction is not imposed, then the Court should return the Case for an appropriate Sanction Hearing.

In conclusion and in reference to the attached email, Texas attorney Harold Eisenman joins thousands of other Texas attorneys in requesting that the case be set for Oral Argument and if no Sanction is not entered by this Court that it be returned for a new Sanction Hearing

Respectfully submitted,

By: /s/ Robert S. Bennett
Robert S. Bennett

By: /s/ Harold Eisenman
Harold Eisenman

CC: Harold Eisenman

CC: Office of Chief Disciplinary Counsel

See attachment - Harold Eisenman Letter to the Court

Harold Eisenman Letter to the Court

Dear Members of the Court,

I am Harold Eisenman, a litigation attorney in practice for 46 years. I have been board certified for 30 years and am licensed to practice in the United States Supreme Court, the Fifth Circuit Court of Appeals, every federal district in Texas and the Western District of Louisiana. I have been lead counsel and have handled litigation matters in several states including Louisiana, Mississippi, Florida, New York and California. I have known and known of Robert Bennett for at least 3 decades. I consider him to be a lawyer's lawyer in every way. He is brilliant in his work and his integrity and honesty is unquestioned. I have never seen, in my own experience nor heard anything negative about Mr. Bennett and the way he practices law. Many lawyers, myself included, have entrusted our cases and clients to him.

I have studied the record carefully and it is clear to any unbiased observer that there isn't even a hint of wrongdoing on his part. There is no good reason why he has had to suffer through this ordeal. I think it was judicial ignorance at a minimum that has jeopardized his career and good name. I would ask this Honorable Court to stop the bleeding and give this good man back his peace of mind by finding in his favor and provide guidelines so be State Bar can no longer unjustly abuse good attorneys like Robert Bennett.

I thank you for your consideration of this matter,

/S/ Harold Eisenman

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CERTIFICATE OF SERVICE

I certify that on October 16, 2018, a copy of this letter was served on the parties listed below by electronic service and that the electronic transmission was reported as complete.

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