

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

BOB BENNETT
ATTORNEY AT LAW

ROBERT S. BENNETT
Texas State Bar No. 02150500
405 Main St., Suite 310
Houston, Texas 77002
(713) 225-6000
(713) 225-6001 (facsimile)
bob@bennettlawfirm.com

STEVEN C. ESTES
ATTORNEY AT LAW

STEVEN C. ESTES
Texas State Bar No. 00798168
1770 St. James Street, Suite 120
Houston, TX 77056-3405
(713) 688-5999 (phone)
(713) 621-0999 (facsimile)
lestes@scepc.com

ORAL ARGUMENT REQUESTED

October 20, 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 Letter from Attorney Steven C. Estes State Bar of Texas Bar No. 00798168 Address 1770 St. James Street, Suite 120, Houston, TX 77056 regarding the case at issue. The Appellant, Robert S. Bennett and Texas Attorney Steven C. Estes, 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 Steven C. Estes in his attached Letter 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. Estes 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 Steven C. Estes 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/ Steven C. Estes
Steven C. Estes

CC: Steven C. Estes

CC: Office of Chief Disciplinary Counsel

See attachments – Steven C. Estes – CURRENT -Letter to the Court, Steven C. Estes – PAST -Letter to the Court, Steven C. Estes – RESUME

Steven C. Estes Letter to the Court

STEPHEN C. ESTES, P.C.
1770 St. James Place, Suite 120
Houston, Texas 77056

STEPHEN C. ESTES
Attorney at Law
www.stephenesteslaw.com

Telephone: (713) 688-5999
Facsimile: (713) 621-0999
Email: lestes@scepc.com

October 11, 2018

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

RE: Robert S. Bennett, Appellant v. Commissioner for Lawyer Discipline, Appellee
On Appeal from the 344th District Court, Harris County, Texas; Cause No. 2013-56566

Dear Mr. Pine:

I have been a practicing attorney in the Houston, Harris County, Texas area since 1997. As President of the Law Offices of Stephen C. Estes, P.C. I have handled cases before many Courts in state and federal actions for 20 years.

I first came in contact with Mr. Robert (Bob) Bennett when I sought his advice on difficult litigation. I was impressed by his professionalism and competence. Bob has always been an expert with the Texas Bar's ethics and he has given CLE presentations to the Houston Trial Lawyers Association, of which I am a member of the Board of Directors, on the proper and ethical manner of handling litigation in the State of Texas. Bob is recognized as an authority in ethics and trial work in Texas. I know of no criticism of Bob Bennett's character, or legal conduct. I would further add that Bob is respected around the world and in the Houston community for his many legal and civic endeavors.

I am intimately familiar with the underlying case in this matter. I was attorney of record on the appeal of the original arbitration award taken against Mr. Bennett in the 125th District Court, in Harris County, Texas. I believed then and now, that the panel's decision was in error. The District Court disagreed with our analysis. Though I was not involved in further appeals, I think Mr. Bennett was within his right as a matter of law, to appeal the decision and was not unethical to do so, particularly if the rights of Mr. Land were protected. The client, in question, was never at any risk for monetary damages should the appeal have been unsuccessful.

I believe no consideration of any rule violation was made, until after an appeal was taken regarding the underlying fee dispute. This, after an arbitration panel found that Mr. Bennett earned a fee in the underlying matter and failed to find the contract void. A decision stripping an attorney of their license in this circumstance, will have a chilling effect on those attempting to appeal what they in good faith believe is an improper decision. Surely, the Bar is not attempting to punish a bar member for exercising their constitutional right to appeal a decision.

STEPHEN C. ESTES, P.C.
1770 St. James Place, Suite 120
Houston, Texas 77056

STEPHEN C. ESTES
Attorney at Law
www.stephenesteslaw.com

Telephone: (713) 688-5999
Facsimile: (713) 621-0999
Email: lestes@scepc.com

April 14, 2014

Linda Acevedo
Chief Disciplinary Counsel, Commission for Lawyer Discipline
P. O. Box 12487
Austin, Texas 78711-2487

RE: Commission for Lawyer Discipline vs. Bob Bennett

Dear Ms. Acevedo:

I have been a practicing attorney in the Houston, Harris County, Texas area since 1997. As President of the Law Offices of Stephen C. Estes, P.C. I have handled cases before many Courts in state and federal actions for 15 years.

I first came in contact with Mr. Bob Bennett when I sought his advice on difficult litigation. I was impressed by his professionalism and competence. Bob has always been an expert with the Texas Bar's ethics and he has given CLE presentations to the Houston Trial Lawyers Association, of which I am a member of the Board of Directors, on the proper and ethical manner of handling litigation in the State of Texas. Bob is recognized as an authority in ethics and trial work in Texas. I know of no criticism of Bob Bennett's character, or legal conduct. I would further add that Bob is respected around the world and in the Houston community for his many legal and civic endeavors.

I am intimately familiar with the underlying case in this matter. I was attorney of record on the appeal of the original arbitration award in the 125th District Court, in Harris County, Texas. I believed then and now, that the panel's decision was in error. The District Court disagreed with our analysis. Though I was not involved in further appeals, I think Mr. Bennett was within his right as a matter of law, to appeal the decision and was not unethical to do so, particularly if the rights of Mr. Land were protected by bond. When one takes an appeal, one must file a supersedeas bond to cover any amount owed. The client, in question, was never at any risk for monetary damages should the appeal have been unsuccessful.



Resume-Attorney
Steven Estes.pdf

CERTIFICATE OF SERVICE

I certify that on October 20, 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.

Jeffery Wagnon
Texas State Bar No. 20661600
504 E 27th St.
Bryan, TX 77803-4025
(979) 703-8665 (phone)
wagnonlawgroup@gmail.com

STEVEN C. ESTES
Texas State Bar No. 00798168
1770 St. James Street, Suite 120
Houston, TX 77056-3405
(713) 688-5999 (phone)
(713) 621-0999 (facsimile)
lestes@scepc.com

Linda Acevedo
Texas State Bar No. 00829825
PO Box 12487
Austin, TX 78711-2487
(512) 427-1350 (phone)
[lacevedo@texabar.com](mailto:lancevedo@texabar.com)

Robert M. (Randy) Roach, Jr.
Special Assistant Disciplinary Counsel
Texas Bar No. 16969100

Daniel W. Davis
Special Assistant Disciplinary Counsel
Texas Bar No. 24040767

ROACH & NEWTON, LLP
One Westchase Center
10777 Westheimer, Suite 212
Houston, Texas 77042
(713) 652-2800
(713) 652-2029 (fax)

rroach@roachnewton.com
ddavis@roachnewton.com

/s/ Robert S. Bennett
Robert S. Bennett
Texas State Bar No. 02150500
405 Main St. Suite 310
Houston, Texas 77002
(713) 225-6000
(713) 225-6001 (facsimile)
bob@bennettlawfirm.com