

ORDER OF THE SUPREME COURT OF TEXAS

MISC. DOCKET NO. 02- ~~9099~~

IN THE MATTER OF KERRY BROWN CAUGHRAN

On this day, the Court considered the Motion for Acceptance of Resignation as Attorney and Counselor at Law of Kerry Brown Caughran, together with the Response of the Chief Disciplinary Counsel to the Motion for Acceptance of Resignation as Attorney and Counselor at Law of Kerry Brown Caughran. The Court has reviewed said Motion and Response and finds that each meets the requirements of Part X of the Texas Rules of Disciplinary Procedure. In conformity with Part X, Section 10.02 of the Texas Rules of Disciplinary Procedure, the Court considers the detailed statement of professional misconduct contained within the Response of Chief Disciplinary Counsel to be deemed conclusively established for all purposes. The Court finds that Kerry Brown Caughran is resigning in lieu of discipline. The Court, being advised that the acceptance of the resignation is in the best interest of the public and the profession, hereby concludes that the following Order is appropriate.

IT IS ORDERED that the law license of Kerry Brown Caughran of El Paso, Texas, State Bar card number 04018500, which was previously issued by this Court, be canceled and his name be dropped and deleted from the list of persons licensed to practice law in Texas.

IT IS FURTHER ORDERED that Kerry Brown Caughran immediately surrender his State Bar Card and Texas law license to the Clerk of the Supreme Court of Texas or file with the Court an affidavit stating the cause of his inability to do so.

IT IS FURTHER ORDERED that Kerry Brown Caughran is permanently enjoined and prohibited from practicing law in the State of Texas, holding himself out as an attorney at law,

performing legal services for others, giving legal advice to 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 Texas administrative body (whether state, county, municipal or other), 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 Kerry Brown Caughran shall immediately notify each of his current clients in writing of this resignation. In addition to such notification, Kerry Brown Caughran is **ORDERED** to return any files, papers, unearned monies and other property belonging to clients and former clients in his possession to the respective clients or former clients or to another attorney at the clients or former clients request. Kerry Brown Caughran is **ORDERED** to file with the State Bar of Texas, 6100 Southwest Blvd., Suite 320, Fort Worth, Texas 76109, within thirty (30) days of the date of the effective date of this Order an affidavit stating that all current clients have been notified of his resignation 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 Kerry Brown Caughran shall, within thirty (30) days after the date on which this Order is signed by the Court, notify in writing each and every justice of the peace, judge, magistrate, and chief justice of each and every court in which Kerry Brown Caughran has any matter pending of the terms of this Order, the style and cause number of the pending matter(s), and the name, address and telephone number of the client(s) Kerry Brown Caughran is representing in Court. Kerry Brown Caughran is **ORDERED** to file with the State Bar of Texas, 6100 Southwest Blvd., Suite 320, Fort Worth, Texas 76109, within thirty (30) days of the date of the effective date of this Order an affidavit stating that he has notified in writing each and every justice of

the peace, judge, magistrate, and chief justice of each and every court in which he has any matter pending of the terms of this Order, the style and cause number of the pending matter(s), and the name, address and telephone number of the client(s) he is representing in Court.

IT IS FURTHER ORDERED that Kerry Brown Caughran shall pay to the State Bar of Texas, the sum of Two Thousand One Hundred (**\$2,100.00**) Dollars in attorneys' fees. Said attorneys' fees shall be paid by **cashiers check or money order** made payable to the State Bar of Texas and delivered **by certified mail, return receipt requested**, to the Office of the Chief Disciplinary Counsel, State Bar of Texas, **6100 Southwest Blvd., Suite 320, Fort Worth, Texas 76109**, as an absolute condition precedent to making application for reinstatement for admission to the State Bar of Texas.

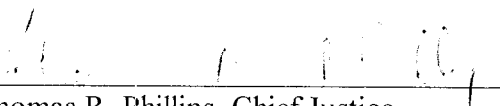
IT IS FURTHER ORDERED that Kerry Brown Caughran shall make restitution to **Joe E. Salazar** in the amount of Fifteen Thousand (**\$15,000.00**) Dollars by **cashiers check or money order made payable to Joe I. Salazar** and delivered **by certified mail, return receipt requested**, to the Office of the Chief Disciplinary Counsel, State Bar of Texas, **6100 Southwest Blvd., Suite 320, Fort Worth, Texas 76109**, as an absolute condition precedent to making application for reinstatement for admission to the State Bar of Texas.

IT IS FURTHER ORDERED that Kerry Brown Caughran shall make restitution to **Virginia Quijas** in the amount of One Hundred Fifty-Two (**\$152.00**) Dollars by **cashiers check or money order made payable to Virginia Quijas** and delivered **by certified mail, return receipt requested**, to the Office of the Chief Disciplinary Counsel, State Bar of Texas, **6100 Southwest Blvd., Suite 320, Fort Worth, Texas 76109**, as an absolute condition precedent to making application for reinstatement for admission to the State Bar of Texas.

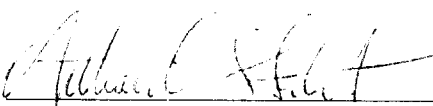
IT IS FURTHER ORDERED that Kerry Brown Caughran shall make restitution to **Lucian M. Smith** in the amount of Fifty-Two Thousand, Sixty-Five and 37/100 (**\$52,065.37**) Dollars by **cashiers check or money order made payable to Lucian M. Smith** and delivered by **certified mail, return receipt requested**, to the Office of the Chief Disciplinary Counsel, State Bar of Texas, **6100 Southwest Blvd., Suite 320, Fort Worth, Texas 76109**, as an absolute condition precedent to making application for reinstatement for admission to the State Bar of Texas.

IT IS FURTHER ORDERED that Kerry Brown Caughran shall make restitution to **David W. Nordquist** in the amount of Three Thousand (**\$3,000.00**) Dollars by **cashiers check or money order made payable to David W. Nordquist** and delivered by **certified mail, return receipt requested**, to the Office of the Chief Disciplinary Counsel, State Bar of Texas, **6100 Southwest Blvd., Suite 320, Fort Worth, Texas 76109**, as an absolute condition precedent to making application for reinstatement for admission to the State Bar of Texas.

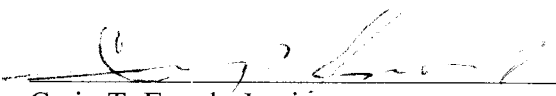
By the Court, en banc, in chambers, this the 30th day of August 2002.



Thomas R. Phillips, Chief Justice



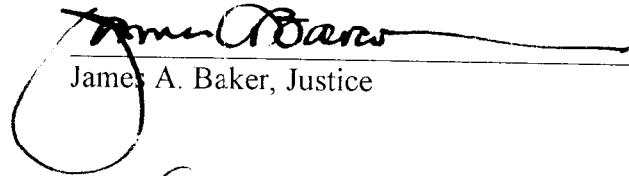
Nathan L. Hecht, Justice



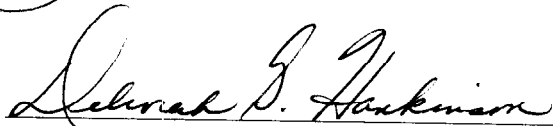
Craig T. Enoch, Justice



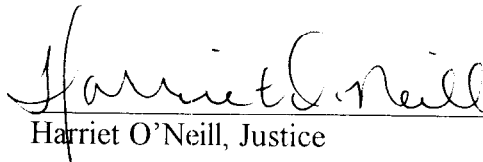
Priscilla R. Owen, Justice



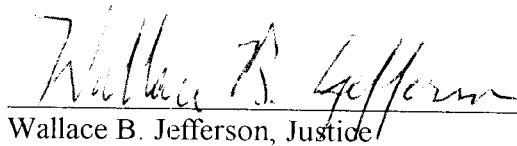
James A. Baker, Justice



Deborah G. Hankinson, Justice



Harriet O'Neill, Justice



Wallace B. Jefferson, Justice



Xavier Rodriguez, Justice