

# ORDER OF THE SUPREME COURT OF TEXAS

MISC. DOCKET No. 03- 9196

## IN THE MATTER OF GERALD B. SCHEVE

The Court has reviewed the *Motion for Acceptance of Resignation as Attorney and Counselor at Law in Lieu of Disciplinary Action of Gerald B. Scheve* and the *Response of the Chief Disciplinary Counsel for the Commission for Lawyer Discipline*. The Court concludes each meets the requirements of Part X of the TEXAS RULES OF DISCIPLINARY PROCEDURE. In the absence of a request by Gerald B. Scheve to withdraw his *Motion for Acceptance of Resignation as Attorney and Counselor at Law in Lieu of Disciplinary Action*, the Court deems the professional misconduct detailed in the *Response of the Chief Disciplinary Counsel for the Commission for Lawyer Discipline* conclusively established for all purposes. The Court further concludes that acceptance of Gerald B. Scheve's resignation is in the best interest of the public and the profession.

Therefore, the law license of Gerald B. Scheve of Harris County, Texas, State Bar Number 17745500, is canceled. Gerald B. Scheve must immediately surrender his State Bar Card and law license to the SUPREME COURT OF TEXAS or file an affidavit stating why he cannot.

Gerald B. Scheve is prohibited from practicing law in the State of Texas. This includes holding himself out as 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 "Attorney at Law," "Counselor at Law," or "Lawyer."

Gerald B. Scheve must immediately notify in writing each of his current clients of this resignation. Gerald B. Scheve shall also return any files, papers, unearned monies, and other property in his possession and belonging to any client, to the respective client or to another attorney at the client's request. Gerald B. Scheve shall file with the **STATE BAR OF TEXAS, Office of the Chief Disciplinary Counsel, P.O. Box 12487, Austin, Texas 78711-2487**, within thirty (30) days of the 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 have been returned.

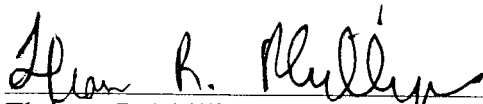
Additionally, Gerald B. Scheve shall, within thirty (30) days of this *Order*, notify in writing each justice of the peace, judge, magistrate, and chief justice of each court in which he has any matter pending of the terms of this *Order*; the style and cause number of the pending matter(s); and the name, address and telephone number of the client(s) he is representing in that court. Gerald B. Scheve shall file with the **STATE BAR OF TEXAS, Office of the Chief Disciplinary Counsel, P.O. Box 12487, Austin, Texas 78711-2487**, within thirty (30) days of the date of this *Order*, an affidavit stating that he has notified in writing each justice of the peace, judge, magistrate, and chief justice of each 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 that court.

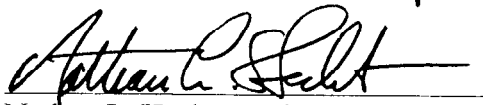
Gerald B. Scheve shall pay restitution to the following Complainants **as an absolute condition precedent to reinstatement:**


1. Jinnie Preat (on behalf of Cleon E. Ashworth) in the amount of Six Thousand Three Hundred and No/100 Dollars (\$6,300.00);
2. Lottie May Courtney (on behalf of Billy Keith Courtney) in the amount of Two Thousand Five Hundred and No/100 Dollars (\$2,500.00);
3. Joseph W. Rankin (on behalf of Todd R. Rankin) in the amount of Fifteen Thousand and No/100 Dollars (\$15,000.00); and
4. The mother of Keith Duane Towles in the amount of One Thousand Five Hundred and No/100 Dollars (\$1,500.00).

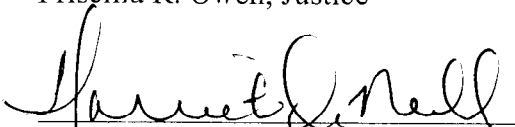
In the event that the STATE BAR OF TEXAS CLIENT SECURITY FUND shall have made any payment to said individuals, then Scheve shall pay to the STATE BAR OF TEXAS the amount paid. If the amount paid by the CLIENT SECURITY FUND is less than the full amount of restitution owed, then any amount remaining shall be paid to said individuals, as set forth above. All payments shall be made by certified or cashier's check and delivered to the **STATE BAR OF TEXAS, Office of the Chief Disciplinary Counsel, P.O. Box 12487, Austin, Texas 78711-2487.**

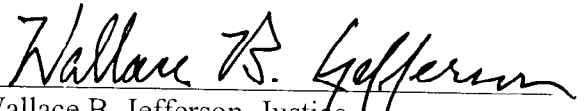
IT IS ORDERED the 19<sup>th</sup> day of November, 2003.

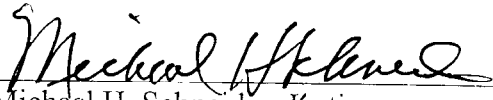
  
Thomas R. Phillips, Chief Justice

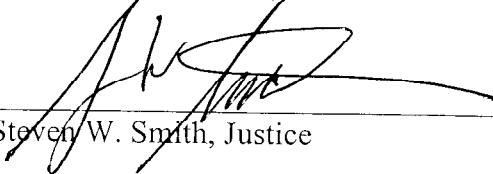
  
Nathan L. Hecht, Justice

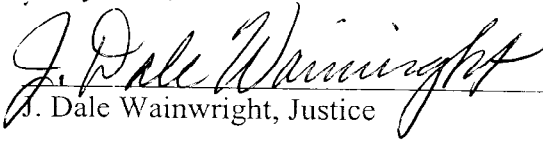
  
Priscilla R. Owen, Justice

  
Harriet O'Neill, Justice

  
Wallace B. Jefferson, Justice

  
Michael H. Schneider, Justice

  
Steven W. Smith, Justice

  
J. Dale Wainwright, Justice