



The Van Dyke

LAW FIRM

November 7, 2014

Office of the Chief Disciplinary Counsel
1414 Colorado St.
Austin, Texas 78701

Re: *Disbarment of Robert S. Bennett*

To Whom It May Concern:

I am writing to express my concern with respect to the recent disbarment of Robert S. Bennett. Although I do not know Mr. Bennett personally, the actions of the bar in this case have caused a great deal of concern among many legal professionals in the State of Texas. Simply put, such a disproportionate punishment in a case such as this does nothing other than to give credence to the commonly heard notion that our state bar does nothing for Texas attorneys – only to them.

My understanding of this case is that Mr. Bennett had no prior disciplinary history and that the nature of the accusations against him related to an arbitration provision in his fee agreement. The sanction of disbarment, for what appears on its face to have been an unintentional and relatively minor violation of the rules, flies in the face of § 3.10 of the Texas Rules of Disciplinary Procedure which describes the manner in which sanctions are determined and imposed for ethical violations. Furthermore, the sanction was imposed by a judge who was recently defeated in her bid for re-election for reasons that included a general sense of agreement among both the legal profession and the public that she had lost the temperament befitting a judge.

The simple fact of the matter is that I know very few attorneys who have confidence in the notion that they are well represented by the State Bar of Texas or that they receive fair treatment from the Office of the Chief Disciplinary Counsel in grievance proceedings. Both your office, and the State Bar as whole, seems to misunderstand that the practice of law is not a hobby: it is a for-profit business through which Texas attorneys are having an increasingly difficult time earning a living. The unfairness of the system that has ensnared Mr. Bennett has

escalated an already hostile environment in which clients feel little or no obligation to pay their lawyers and where lawyers have little or no recourse against such clients because their fear of the disciplinary system is, quite justifiably, so great.

The case against Mr. Bennett should have been resolved by a public reprimand. The unfairness of the sanction against him cries out for relief. It is my hope that your office begin taking actions that will restore the faith of Texas lawyers in the disciplinary process. A good place to start would be correcting the serious error in judgment made by the Court in Mr. Bennett's case.

Very truly yours,

Jason L. Van Dyke
Attorney at Law, Receiver