

TY CLEVENGER

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July 16, 2013

Mr. Chad Childers, Administrative Attorney  
Office of the Chief Disciplinary Counsel  
State Bar of Texas  
P.O. Box 12487  
Austin, Texas 78711-2487

*Via facsimile*  
(512) 427-4167

RE: 201302596 – Ty Odell Clevenger – Bryan Franklin Russ, Jr.

Dear Mr. Childers:

After I sent my letter to you on July 16, 2013, Calvert City Secretary Rose Ann Jones told me that the city had no records indicating that Mr. Russ advised city officials that he would be representing other clients against the city's interests. This is significant because as of 2011, when Mr. Russ undertook representation of John C. Paschall, he was already serving as the Calvert City Attorney.

As set forth in my July 16, 2013 letter, the City of Calvert had (and has) potential claims against Mr. Paschall. As soon as Mr. Russ saw Mr. Paschall's documents (namely, the 1992 Marium Oscar Trust Agreement, which lies at the center of the claims against Mr. Paschall), Mr. Russ would have known that his municipal client had potential claims against Mr. Paschall.

According to Rule 1.06(e), Mr. Russ should have immediately withdrawn from representing Mr. Paschall or sought a waiver from the city pursuant to Rule 1.06(c). It appears that he did neither in the two years since he began representing Mr. Paschall.

Please let me know if you need additional information.

Sincerely,



Ty Clevenger