

# WEST, WEBB, ALLBRITTON & GENTRY

## A PROFESSIONAL CORPORATION

— Established in 1982 —

ATTORNEYS:

STEVEN N. ALLBRITTON +  
 ROY D. BRANTLEY \* +  
 COURTNEY S. CAIN  
 DONALD DELGADO  
 PATRICK W. FOGARTY  
 MICHAEL H. GENTRY \*\* +  
 ROB GEORGE  
 BRYAN T. HANNA  
 JENNIFER D. JASPER +  
 BAILI B. RHODES  
 JOHN "JAY" RUDINGER, JR.  
 WELDON RUSSELL \*\*\*  
 JOHN C. WEBB, JR. +  
 GAINES WEST +

\*BOARD CERTIFIED  
 PERSONAL INJURY TRIAL LAW  
 TEXAS BOARD OF LEGAL SPECIALIZATION

\*\*BOARD CERTIFIED  
 COMMERCIAL REAL ESTATE LAW  
 TEXAS BOARD OF LEGAL SPECIALIZATION

PRINCIPAL OFFICE  
 1515 EMERALD PLAZA  
 COLLEGE STATION, TEXAS 77845-1515  
 TELEPHONE: (979) 694-7000  
 FACSIMILE: (979) 694-8000

260 ADDIE ROY RD., SUITE 110  
 AUSTIN, TEXAS 78746-4111  
 TELEPHONE: (512) 501-3617

WEB SITE: <http://www.westwebblaw.com>

Writer's e-mail: [gaines.west@westwebblaw.com](mailto:gaines.west@westwebblaw.com)

January 6, 2015

+ Partner

\*\*\* BOARD CERTIFIED  
 ESTATE PLANNING AND PROBATE LAW  
 TEXAS BOARD OF LEGAL SPECIALIZATION

Mr. Bill Youngkin  
 P.O. Box 4806  
 Bryan, Texas 77805

Via fax: 979-776-1315 and CMRRR

Re: Cause No. 14-001392-CV-361; *Clayton Williams v. Robert A. Williamson, et al.*; in  
 the 361st District Court, Brazos County, Texas

Dear Mr. Youngkin,

I received your letter dated December 30, 2014 claiming that a conflict in this case requires my withdrawal. Because there is no conflict under the Disciplinary Rules, I will not be withdrawing from representing Mr. Rebich, as explained below.

Preliminarily, Mr. Rebich retained me in May 2014, and your clients have known since at least June 2014 that I represented Mr. Rebich. Furthermore, your clients directed a demand letter to Mr. Rebich through me, as his attorney, dated August 28, 2014. Apparently they had no problem with my representing Mr. Rebich as of August 28, 2014. Your December letter, sent more than 6 months after your clients knew of my representation of Mr. Rebich, is the first time your client (or anyone else) took the position that I cannot represent Mr. Rebich. Such a belated objection is patently untimely and your client has waived any such argument at this point. In fact, the objection to my representation of Mr. Rebich appears to be more of tactic to delay this matter.

In any event, even if the objection had been timely, your interpretation of the Disciplinary Rules in this context is incorrect. Disciplinary Rule 1.09(a)(3) does not require my withdrawal. According to the plain language of Rule 1.09(a)(3), the rule applies when an attorney seeks to represent a new client against a former client. See TEX. DISCIPLINARY R. PROF'L CONDUCT

January 6, 2015

Page 2

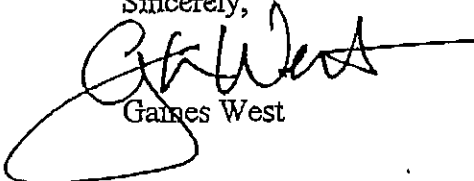
1.09(a)(3). I have continuously represented Mr. Rebich in this matter since May 2014, so he cannot be a new client.

It appears to me (and I think Judge Smith will agree) that it is your clients who have "switched sides" and, without basis in fact or law, have come after Mr. Rebich. Your clients' decision to attack Mr. Rebich after taking tens of thousands of dollars from him does not require my withdrawal in this matter.

In addition, neither my firm nor I have any information regarding the essential facts of your clients' claims, and thus not only is our testimony unnecessary, your threat to call us as witnesses is harassing. Specifically, I did not represent Mr. Rebich at the time your clients accepted tens of thousands of dollars for the leases, which leases underlie your clients' lawsuit against Mr. Rebich. The essential facts of your clients' claims arose at the time your clients accepted Mr. Rebich's offer and money, not at any time since then. Thus, Rule 3.08 does not mandate my withdrawal.

As you requested, we will provide you with copies of your clients' entire file and any relevant, unprivileged, non-confidential communications, if any, between Mr. Rebich and my firm within 10 days from the date of this letter.

Sincerely,



Gaines West

# WEST, WEBB, ALLBRITTON & GENTRY

A PROFESSIONAL CORPORATION

1515 Emerald Plaza  
College Station, TX 77845  
TELEPHONE: (979) 694-7000  
FACSIMILE: (979) 694-8000

## FACSIMILE TRANSMITTAL

---

**TO:** Bill Youngkin  
**ORGANIZATION:**  
**FACSIMILE NO:** (979) 776-1315  
**NUMBER OF PAGES:** 3, including cover sheet  
**FROM:** Gaines West  
**DATE:** January 6, 2015  
**RE:** Clayton Williams vs. Robert Williamson, et al  
**OUR FILE NO.:**  
**MESSAGE:** See Attached.  
**SENT BY:** Lorraine Rosales

---

**IMPORTANT/CONFIDENTIAL:** This message is intended only for the use of the individual or entity to which it is addressed. This message contains information from the law firm of West, Webb, Allbritton & Gentry, P.C. which may be privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee, or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately at our telephone number set forth above. We will be happy to arrange for the return of this message via the United States Postal Service to us at no cost to you.

FAXED ONLY

FAXED and MAILED