

GRIEVANCE SUMMARY

The undersigned taxpayers of the Liberty Hill Fire District, Liberty Hill, Texas, joining together as Liberty Hill Citizens for Public Safety, respectfully request the Office of the Chief Disciplinary Counsel for the State Bar of Texas to investigate the egregious acts of professional misconduct committed by Attorney Ken Campbell against us.

Mr. Campbell has violated rules of professional and ethical conduct as outlined in the State Bar of Texas' own *Texas Disciplinary Rules of Professional Conduct*. These include rules regarding conflict of interest, communication with individuals represented by opposing counsel, and taking legal action on behalf of clients without client's official approval.

Background

Since December 2008, the LHVFD and the ESD#4 Board of Commissioners have been involved in ongoing legal disputes regarding the administration of the LHVFD. In hindsight, it appears those problems have been the result of prodding by Mr. Campbell who has a history of going into rural communities across Texas and facilitating the hostile takeover of volunteer fire departments by Emergency Services Districts. (Attachment A)

Mr. Campbell has represented the Liberty Hill VFD since 1999. When voters approved the creation of the ESD#4 in 2000, he also began providing legal counsel to the newly-formed ESD Board. But, the real problems in Liberty Hill started in 2008 when two LHVFD administrators questioned the transfer of ownership of the fire station facility from the LHVFD to the ESD#4. At that time, Ken Campbell represented himself as the attorney for both the ESD#4 and the LHVFD.

Since that time, the conflicts between the two entities have escalated and resulted in the April 7, 2009, termination of a contract between the ESD#4 and the LHVFD.

Conflict of Interest

Ken Campbell currently represents Williamson County Emergency Services District #4 Board of Commissioners and is paid directly from ESD#4 funds generated from local tax revenue. However, Mr. Campbell has also been representing the Liberty Hill Volunteer Fire Department. He has represented his role as such in public and in written correspondence as the attorney for the fire department, has provided legal advice and counsel and given legal directives to administrators of the fire department, and has accepted payment for services from the Liberty Hill VFD.

This dual representation became a conflict in summer 2008 when Mr. Campbell advised the LHVFD to sign over the ownership of its building at 301 Loop 332 in Liberty Hill, Texas, 78642, to the WCESD#4. This facility was built by volunteers using donated materials on donated land within the Liberty Hill city limits.

During that real estate transaction, Mr. Campbell advised the fire department to sign certain corporate resolutions (Attachment B), which he prepared, allowing the sale transaction to proceed. Administrators say they firmly believed that Mr. Campbell was the fire department attorney and they were following his advice in approving the transaction.

As other problems developed in the relationship between the ESD Board and the LHVFD, Mr. Campbell has lied repeatedly about his role as the fire department's attorney. He even claimed to reporters and others that he was never the attorney for the fire department. However, throughout the years, he created Bylaws for the fire department, advised the Fire Department Board of Directors on numerous legal issues, has billed and been paid from fire department bank accounts, and has provided legal advice by phone and through email with fire department employees. (Attachment C)

Communication with Individuals Represented by Opposing Counsel

When the conflict between the ESD#4 and the LHVFD escalated in late 2008, Ken Campbell told the Fire Chief during a phone conversation that he had never been the attorney for the fire department despite the legal work he had done and all the evidence to the contrary. He said he was instead the lawyer for the ESD#4.

As a result, the fire department then retained the legal services of John Carlton, also of Austin. Today, Mr. Carlton continues to serve as the legal counsel for the LHVFD.

Employees of the LHVFD have confirmed that Ken Campbell has contacted them on numerous occasions by phone and visited with them personally about issues involving the ESD#4's proposed takeover of the LHVFD and the termination of the LH Fire Chief and the EMS Coordinator. However, on March 20, 2009, he was observed by numerous citizens and local newspaper reporters herding three fire department captains into an office of the fire station and closing the door behind them. Through a glass window in the office, observers saw Mr. Campbell speaking to the employees. This meeting was held immediately after the ESD Board met in executive session to discuss a possible termination of the contract with the LHVFD.

When Mr. Carlton found out about the meeting, he sent by certified mail a letter to Mr. Campbell reminding him that he had violated Rule 4.02 of the Rules of Professional Conduct and demanded that Mr. Campbell submit in writing a summary of his communications with those LHVFD employees. (Attachment D)

Taking legal action on behalf of client without client's approval

On January 8, 2009, Mr. Campbell sent a letter to Mr. Carlton via email declaring that the LHVFD had breached its contract with the ESD#4. The letter (Attachment E) was signed by Mr. Campbell and carbon copied (cc) to Brent Davis. On that day, Mr. Davis was serving as President of the ESD Board. Five days later, the Commissioners Court of Williamson County appointed another citizen to replace him on the ESD Board.

During a regular meeting of the ESD Board on Feb. 10, 2009, the Board discussed and clarified that it DID NOT agree with the contents of that letter written and submitted by Mr. Campbell to the fire department. In fact, the Board wanted to note for the record that it simply understood that the letter had been sent. (Attachment F)

During a meeting of the LHVFD Board of Directors on March 30, 2009, ESD Commissioner Dean Andrews said during public comments that neither he nor the current ESD Board authorized Ken Campbell to issue this breach of contract letter. Further, Mr. Andrews said Mr. Campbell did not have the permission

