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June 11, 2021

Andrew Reginald Hairston
Via ATLAS

Dear Mr. Hairston:

After completing our investigation, the staff of the Board of Law Examiners has made a preliminary determination that the matters described below indicate you may not meet the standards described in Rule 4(b) of the *Rules Governing Admission to the Bar of Texas*.

You may stipulate to some or all of the facts listed below. Your stipulations may be used as evidence in a hearing to determine whether you possess the appropriate character and fitness for admission to the bar. You have the right to retain counsel in this matter. If you do so, have your attorney immediately send me a letter of representation. If you retain counsel, all further communications between you and the Board staff related to your character and fitness investigation must be through your attorney. If you prefer to represent yourself, you may do so and you may continue to communicate directly with Board staff.

A. Background Information

1. In August 2013, you matriculated at Louisiana State University, Paul M. Hebert Law Center (law school).

ARH I stipulate to the facts listed above.

2. On May 27, 2016, your Juris Doctorate degree was conferred by the law school.

ARH I stipulate to the facts listed above.

3. On October 20, 2016, you were admitted to the Louisiana State Bar Association and licensed to practice law in Louisiana.

ARH I stipulate to the facts listed above.

4. You have never been admitted to practice law in any jurisdiction other than Louisiana.

ARH I stipulate to the facts listed above.

5. On March 2, 2020, you submitted an application to take the July 2020 Texas Bar Examination and later converted it to an application for the September 2020 exam, which you withdrew and did not take that exam.

ARH I stipulate to the facts listed above.

6. On August 4, 2020, you submitted an application (August 4, 2020 Application) to take the February 2021 Texas UBE Exam, which you took and passed.

ARH I stipulate to the facts listed above.

B. Unauthorized Practice of Law

i. Employment in Washington, D.C.

1. From September 6, 2016, to August 18, 2017, you were employed as the George N. Lindsay Fellow and Associate Counsel at the Lawyers' Committee for Civil Rights Under Law (Lawyers' Committee) in Washington, D.C.

ARH I stipulate to the facts listed above.

2. Natasha Quiroga, who ^{was} ~~is~~ the Director and Senior Counsel of Lawyers' Committee's Parental Readiness & Empowerment Program (PREP), is a person who has personal knowledge of or is familiar with the nature and scope of your employment at Lawyers' Committee.

ARH I stipulate to the facts listed above.

3. At Lawyers' Committee, you assisted with trial preparation and support for the trial on the remedies for Lawyers' Committee's Maryland HBCU litigation.

ARH I stipulate to the facts listed above.

4. At Lawyers' Committee, you co-presented PREP's parental advocacy workshops in Minnesota.

ARH I stipulate to the facts listed above.

5. At Lawyers' Committee, you co-presented PREP's parental advocacy workshops in Pennsylvania.

ARH I stipulate to the facts listed above.

6. You represented the Lawyers' Committee on the steering committee of the Dignity in Schools Campaign.

ARH I stipulate to the facts listed above.

7. At Lawyers' Committee, you worked with the Stop Hate Project to build community relationships in Louisiana.

ARH I stipulate to the facts listed above.

8. At Lawyers' Committee, you supported efforts to launch the PREP e-clinic in New York.

ARH I stipulate to the facts listed above.

9. From August 21, 2017, to May 22, 2019, you were employed as a full-time Staff Attorney for the Advancement Project's National Office (Advancement Project) in Washington, D.C.

ARH I stipulate to the facts listed above.

10. Glendale Clarkson, who is the Director of Operations of Advancement Project, is a person who has personal knowledge of or is familiar with the nature and scope of your employment at Advancement Project.

ARH I stipulate to the facts listed above.

11. As the Advancement Project's Staff Attorney, you worked to address the "School-to-Prison Pipeline," i.e., the over-use of suspensions and arrests that push students, especially students of color, out of school and into the juvenile or criminal justice system.

ARH I stipulate to the facts listed above.

12. As the Advancement Project's Staff Attorney, you worked to address inequity in education.

ARH I stipulate to the facts listed above.

13. As the Advancement Project's Staff Attorney, you worked with Advancement Project's Voter Protection Program.

ARH I stipulate to the facts listed above.

14. As the Advancement Project's Staff Attorney, you traveled to various states to investigate and work with grassroots partners regarding individuals who had encountered voting rights problems.

ARH I stipulate to the facts listed above.

15. You have never been admitted to practice law in Washington, D.C.

ARH I stipulate to the facts listed above.

16. You have never submitted an application for admission to the D.C. Bar.

ARH I stipulate to the facts listed above.

17. At all times relevant to any period of your employment in Washington, D.C., you did not have a pending application for admission to the D.C. Bar.

ARH I stipulate to the facts listed above.

18. During your employment in Washington, D.C., you held yourself out as authorized to practice law in the District of Columbia by using the title "Associate Counsel" or "Staff Attorney" with a District of Columbia address,

ARH I stipulate to the facts listed above.

with business cards that stated admitted in LA, not admitted in D.C.

19. On March 26, 2020, you were directed by Board staff to provide proof that your employment in Washington, D.C., was lawful.

ARH I stipulate to the facts listed above.

20. On June 10, 2020, you were directed by Board staff to provide proof that your employment in Washington, D.C., was lawful.

ARH I stipulate to the facts listed above.

21. On June 29, 2020, you contacted the Committee on Unauthorized Practice of Law of the District of Columbia Court of Appeals (D.C. UPL Committee) and requested a determination on whether your employment related activities in that jurisdiction was lawful.

ARH I stipulate to the facts listed above.

22. On July 20, 2020, you requested the Board to defer your application until the February 2021 exam.

ARH I stipulate to the facts listed above.

23. On October 15, 2020, you completed a UPL Committee Questionnaire regarding your background and practice (UPL Questionnaire) and submitted it to the D.C. UPL Committee.

ARH I stipulate to the facts listed above.

24. In that UPL Questionnaire, you stated your job was physically performed in an office located in the District of Columbia.

ARH I stipulate to the facts listed above.

25. In that UPL Questionnaire, you stated the work you performed in Washington, D.C., was authorized under District of Columbia Court of Appeals Rule 49(c)(9)(B).

ARH I stipulate to the facts listed above.

26. On February 8, 2021, a Formal Agreement was executed by you and the D.C. UPL Committee.

ARH I stipulate to the facts listed above.

27. In that Formal Agreement, you agreed that District of Columbia Court of Appeals Rule 49(c)(9)(B) does not apply to you.

ARH I stipulate to the facts listed above.

28. In that Formal Agreement, you agreed to pay a tax-deductible contribution to the D.C. Bar Pro Bono Center, in an amount that corresponds to two years' worth of then-current District of Columbia bar dues, "to resolve the unauthorized practice of law issue."

ARH I stipulate to the facts listed above.

29. On March 15, 2021, you made that agreed donation to the D.C. Bar Pro Bono Center.

ARH I stipulate to the facts listed above.

~~30. Your unauthorized practice of law in the District of Columbia is a violation of Rule 5.5(a) of the Louisiana Rules of Professional Conduct, which prohibits you from practicing law in another jurisdiction where your practice is in violation of the regulation of the legal profession in that jurisdiction.~~

~~_____ I stipulate to the facts listed above.~~

~~31. Your unauthorized practice of law in the District of Columbia is a violation of Rule 8.4(c) of the Louisiana Rules of Professional Conduct, which prohibits you from engaging in conduct involving dishonesty, fraud, deceit or misrepresentation.~~

~~_____ I stipulate to the facts listed above.~~

ii. Employment in Texas

32. Since June 21, 2019, you have been employed as the School-to-Prison Pipeline Project Director at Texas Appleseed in Austin, Texas.

ARH I stipulate to the facts listed above.

33. Deborah Fowler, who is the Executive Director of Texas Appleseed, is a person who has personal knowledge of or is familiar with the nature and scope of your employment at Texas Appleseed.

ARH I stipulate to the facts listed above.

34. During your employment at Texas Appleseed in Austin, Texas, you have held the Education Justice Project Director position.

ARH I stipulate to the facts listed above.

35. At Texas Appleseed, you direct all of its policy and legal work related to systemic education justice issues.

ARH I stipulate to the facts listed above.

36. As a project director at Texas Appleseed, you are responsible for engaging in legislative advocacy at the Texas Legislature, working with community organizations across the state of Texas to support local campaigns, and engaging with various stakeholders to advance Texas Appleseed's mission of racial, social, and economic justice for all Texans.

ARH I stipulate to the facts listed above.

37. As a project director at Texas Appleseed, you are particularly focused on dismantling the school-to-prison pipeline and securing equal educational opportunities for historically underserved young Texans.

ARH I stipulate to the facts listed above.

38. As a project director at Texas Appleseed, your work involved your advice or counsel on Texas legislation.

ARH I stipulate to the facts listed above.

C. Nondisclosure of UPL Investigation

1. On January 21, 2020, you signed and uploaded to your ATLAS user account a Verification of Application Submitted to the Board of Law Examiners, which included the following statement:

While my application is pending, I am obligated to promptly amend my application as needed so that my responses remain full, frank, true, and correct, and to promptly furnish any additional information and documentation requested by the Board.

ARH I stipulate to the facts listed above.

2. On July 30, 2020, you signed and uploaded to your ATLAS user account a Verification of Application Submitted to the Board of Law Examiners, which included the following statement:

While my application is pending, I am obligated to promptly amend my application as needed so that my responses remain full, frank, true, and correct, and to promptly furnish any additional information and documentation requested by the Board.

ARH I stipulate to the facts listed above.

3. You answered “no” to Question 10.6 on your August 4, 2020 Application, which asked: “Since the filing of your last application or re-application, have you been the subject of an investigation for the unauthorized practice of law in Texas or any other jurisdiction?”

ARH I stipulate to the facts listed above.

4. By October 15, 2020, you knew that you were the subject of an investigation for the unauthorized practice of law in the District of Columbia (D.C. UPL Investigation).

ARH I stipulate to the facts listed above.

5. You did not promptly amend your August 4, 2020 Application to include the D.C. UPL Investigation.

ARH I stipulate to the facts listed above.

6. On March 15, 2021, you uploaded a copy of the Formal Agreement to your ATLAS user account.

ARH I stipulate to the facts listed above.

7. On March 18, 2021, you were asked by Board staff to provide an explanation for your failure to disclose the D.C. UPL Investigation.

ARH I stipulate to the facts listed above.

8. On March 22, 2021, you stated to Board staff that you thought the Board was aware of the D.C. UPL Investigation, because you had not provided proof of your lawful practice in the District of Columbia, and that you did not intend to withhold any information from the Board.

ARH I stipulate to the facts listed above.

9. On May 11, 2021, you amended your February 2021 re-application to include the information that you were the subject of that D.C. UPL Investigation, which investigation you stated “took 8 months to complete.”

ARH I stipulate to the facts listed above.

Pursuant to Rule 15(a)(1), this preliminary determination will become final 30 days from your receipt of this letter, unless you request, in writing, a hearing before the Board. The matters listed above will be at issue at such hearing, along with any other matters that may come to our attention before or during that hearing.

Your failure to timely respond to any request from the Board or its staff may result in the delay of your hearing.

The following curative measures may assist you to become qualified for admission to the State Bar of Texas:

1. Provide evidence concerning the matters listed above, including any evidence of personal rehabilitation.
2. Provide the Louisiana Attorney Disciplinary Board with a copy of the DC Formal Agreement and provide us with proof that you have done so, and any response you receive from them.
3. Avoid future acts indicative of a lack of candor, a failure to maintain personal integrity, violations of your professional duties, or the appearance of those traits.
4. Meet such other requirements and conditions as the Board may impose on you after notice and a hearing before the Board, if any.

You are invited to submit evidence that you have satisfied any of the curative measures listed above. Board staff may withdraw from consideration any matter that have been cured or may withdraw its adverse preliminary determination entirely and certify your present good moral character and fitness. Generally, evidence of your personal rehabilitation must be presented to the Board during a hearing.

If you decide to submit evidence to the staff, you must still request a hearing within 30 days from the receipt of this letter to preserve your right to a hearing before the Board, pursuant to Rule 15(a)(1).

You will not be eligible for admission to the practice of law in Texas, until such time that you have met all requirements for admission, including those described in the *Rules Governing Admission to the Bar of Texas*.

Please contact me or Eric Hsu, Staff Attorney, through the message portal on your ATLAS user account, if you have any questions. Your written request for a hearing should be uploaded to your ATLAS account. Do not contact individual Board members with any questions prior to a hearing, to avoid improper ex parte contacts. The Board staff is similarly precluded from ex parte contact with Board members about your case.

Cordially,

Allison Drish

Allison Drish
Director, Character and Fitness