

ORIGINAL

CAUSE NO. DC-17-10257

**COMMISSION FOR
LAWYER DISCIPLINE**

v.

**ANGEL OTTONIEL CRUZ
File No. 201600165**

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IN THE DISTRICT COURT OF

DALLAS COUNTY, TEXAS

95th JUDICIAL DISTRICT

JUDGMENT OF PARTIALLY PROBATED SUSPENSION

Parties and Appearance

On the 7th day of June 2018, came to be heard the above-styled and numbered cause. Petitioner, **THE COMMISSION FOR LAWYER DISCIPLINE** (Petitioner), appeared through counsel of record, Jackie K Wheelington, and announced ready. Respondent, **ANGEL OTTONIEL CRUZ** (Respondent), Texas Bar Number **24048412**, although duly and properly notified, did not appear and wholly made default.

Jurisdiction and Venue

On July 28, 2017, pursuant to Rule 3.02 of the TEXAS RULES OF DISCIPLINARY PROCEDURE, the SUPREME COURT OF TEXAS appointed the Honorable Hazel B. Jones to preside over this disciplinary action. The Court finds that it has jurisdiction over the parties and the subject matter of this action, and that venue is proper in the District Court of Dallas County, Texas.

Professional Misconduct

The Court having considered the pleadings, evidence, stipulations, and argument of counsel, finds that Respondent has committed Professional Misconduct as defined by Rule

1.06(W) of the Texas Rules of Disciplinary Procedure by violating Texas Disciplinary Rules of Professional Conduct and constitute a violation of Rules: 1.01(b)(1), 1.03(a), 1.15(d) and 8.04(a)(8). The allegations of professional misconduct were brought to the attention of the State Bar of Texas by a complaint filed by Douglas Cortez.

Sanction

As to such acts of misconduct, the Court finds that the appropriate discipline is a suspension from the practice of law in the State of Texas for a period of thirty-six (36) months, twelve (12) months to be an active suspension, and twenty-four (24) months of said suspension to be probated, upon the terms and conditions to be hereafter set forth.

IT IS ACCORDINGLY ORDERED, ADJUDGED, AND DECREED, that Respondent, Angel Ottoniel Cruz, State Bar Card No. 24048412, be suspended from the practice of law in Texas for a period of thirty-six (36) months, twelve (12) months to be an active suspension, and twenty-four (24) months of said suspension to be probated, under the terms and conditions more fully set forth below. Respondent's active suspension shall begin on June 15, 2018 and continue through and include June 14, 2019. Respondent's probated suspension shall begin on June 15, 2019 and continue through and include June 14, 2021.

If Respondent complies with all of the following terms and conditions timely, the twenty-four (24) months period of probated suspension shall begin on June 15, 2019 and continue through and include June 14, 2021:

1. Respondent shall pay all reasonable and necessary attorney's fees and direct expenses to the State Bar of Texas in the amount of One Thousand Seven Hundred Seventy-Four Dollars and 97/100 (\$1,774.97). The payment shall be due and payable on or before June 14, 2019, and shall be made by

certified or cashier's check or money order. Respondent shall forward the funds, made payable to the State Bar of Texas, Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701).

2. Respondent shall pay restitution on or before, June 14, 2019 to Douglas Cortez in the amount of One Thousand Dollars and 00/100 (\$1,000.00). Respondent shall pay the restitution by certified or cashier's check or money order made payable to Douglas Cortez and delivered to the State Bar of Texas, Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701).
3. Respondent shall make contact with the Chief Disciplinary Counsel's Offices' Compliance Monitor at 877-953-5535, ext. 1334 and Special Programs Coordinator at 877-953-5535, ext. 1323, not later than seven (7) days after receipt of a copy of this judgment to coordinate Respondent's compliance.

Should Respondent fail to comply with all of the above terms and conditions timely, Respondent shall remain actively suspended until the date of compliance or until June 14, 2021, whichever occurs first.

Terms of Active Suspension

It is further **ORDERED** that during the term of active suspension ordered herein, or that may be imposed upon Respondent by the Board of Disciplinary Appeals as a result of a probation revocation proceeding, Respondent shall be prohibited from practicing law in Texas; holding himself out as an attorney at law; performing any legal services for others; accepting any fee directly or indirectly for legal services; appearing as counsel or in any representative capacity in any proceeding in any Texas or Federal court or before any administrative body; or holding himself out to others or using his name, in any manner, in conjunction with the words "attorney at law," "attorney," "counselor at law," or "lawyer."

It is further **ORDERED** that, on or before July 1, 2018, Respondent shall notify each

of Respondent's current clients and opposing counsel in writing of this suspension.

In addition to such notification, it is further **ORDERED** Respondent shall return any files, papers, unearned monies and other property belonging to current clients in Respondent's possession to the respective clients or to another attorney at the client's request.

It is further **ORDERED** Respondent shall file with the State Bar of Texas, Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701) on or before July 1, 2018, an affidavit stating all current clients and opposing counsel have been notified of Respondent's suspension and that all files, papers, monies and other property belonging to all current clients have been returned as ordered herein.

It is further **ORDERED** Respondent shall, on or before July 1, 2018, notify in writing each and every justice of the peace, judge, magistrate, administrative judge or officer and chief justice of each and every court or tribunal in which Respondent has any matter pending of the terms of this judgment, the style and cause number of the pending matter(s), and the name, address and telephone number of the client(s) Respondent is representing.

It is further **ORDERED** Respondent shall file with the State Bar of Texas, Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701) on or before July 1, 2018, an affidavit stating Respondent has notified in writing each and every justice of the peace, judge, magistrate, and chief justice of each and every court in which Respondent has any matter pending of the terms of this judgment, the

style and cause number of the pending matter(s), and the name, address and telephone number of the client(s) Respondent is representing in Court.

It is further **ORDERED** that, on or before July 1, 2018, Respondent shall surrender his law license and permanent State Bar Card to the State Bar of Texas, Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701), to be forwarded to the Supreme Court of Texas.

Terms of Probation

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED, that during Respondent's probated suspension from June 15, 2019 and continue through and include June 14, 2021, Respondent, Angel Ottoniel Cruz, shall be under the following terms and conditions:

4. Respondent shall not violate any term of this judgment.
5. Respondent shall not engage in professional misconduct as defined by Rule 1.06(W) of the Texas Rules of Disciplinary Procedure.
6. Respondent shall not violate any state or federal criminal statutes.
7. Respondent shall keep State Bar of Texas membership department notified of current mailing, residence and business addresses and telephone numbers.
8. Respondent shall comply with Minimum Continuing Legal Education requirements.
9. Respondent shall comply with Interest on Lawyers Trust Account (IOLTA) requirements.
10. Respondent shall promptly respond to any request for information from the Chief Disciplinary Counsel in connection with any investigation of any allegations of professional misconduct.

Probation Revocation

Upon information that Respondent has violated a term of this judgment, the Chief Disciplinary Counsel may, in addition to all other remedies available, file a motion to revoke probation pursuant to Rule 2.23 of the Texas Rules of Disciplinary Procedure with the Board of Disciplinary Appeals ("BODA") and serve a copy of the motion on Respondent pursuant to Tex.R.Civ.P. 21a.

BODA shall conduct an evidentiary hearing. At the hearing, BODA shall determine by a preponderance of the evidence whether Respondent has violated any term of this Judgment. If BODA finds grounds for revocation, BODA shall enter an order revoking probation and placing Respondent on active suspension from the date of such revocation order. Respondent shall not be given credit for any term of probation served prior to revocation.

It is further **ORDERED** that any conduct on the part of Respondent which serves as the basis for a motion to revoke probation may also be brought as independent grounds for discipline as allowed under the Texas Disciplinary Rules of Professional Conduct and Texas Rules of Disciplinary Procedure.

Restitution, Attorney's Fees and Expenses

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, Respondent shall pay restitution on or before June 14, 2019, to Douglas Cortez in the amount of One Thousand Dollars and 00/100 (\$1,000.00). Respondent shall pay the restitution by certified or cashier's check or money order made payable to [name] and delivered to the State Bar of Texas, Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701).

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that the Respondent shall One Thousand Seven Hundred Seventy-Four Dollars and 97/100 (\$1,774.97) in attorney's fees and costs to the State Bar of Texas. The payment shall be due and payable on or before June 14, 2019, and shall be made by certified or cashier's check or money order. Respondent shall forward the funds, made payable to the State Bar of Texas, to the Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701).

It is further **ORDERED** that all amounts ordered herein are due to the misconduct of Respondent, are assessed as a part of the sanction in accordance with Rule 1.06(Z) of the Texas Rules of Disciplinary Procedure. Any amount not paid shall accrue interest at the maximum legal rate per annum until paid, and the State Bar of Texas shall have all writs and other post-judgment remedies against Respondent in order to collect all unpaid amounts.

It is further **ORDERED** that Respondent shall remain actively suspended from the practice of law as set out above until such time as Respondent has completely paid attorney fees and direct expenses in the amount of One Thousand Seven Hundred Seventy-Four Dollars and 97/100 (\$1,774.97) to the State Bar of Texas and restitution in the amount of One Thousand Dollars and 00/100 (\$1,000.00) to Douglas Cortez.

Publication

This suspension shall be made a matter of record and appropriately published in accordance with the Texas Rules of Disciplinary Procedure.

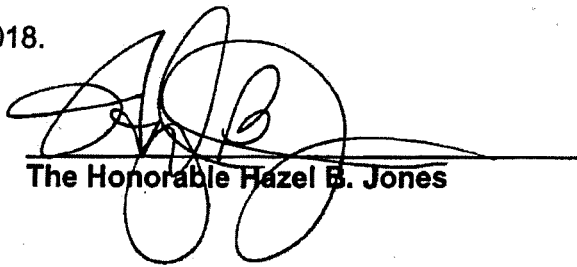
IT IS FURTHER ORDERED that the Clerk of this court shall forward a certified copy

of Petitioner's Disciplinary Petition on file herein, along with a copy of this Judgment, to the Clerk of the Supreme Court of Texas, Supreme Court Building, Post Office Box 12248, Austin, Texas 78711, and to the Office of the Chief Disciplinary Counsel, State Bar of Texas, The Princeton, 14651 Dallas Parkway, Suite 925, Dallas, Texas 75254.

Other Relief

All requested relief not expressly granted herein is expressly DENIED.

SIGNED this 7th day of June, 2018.



The Honorable Hazel B. Jones

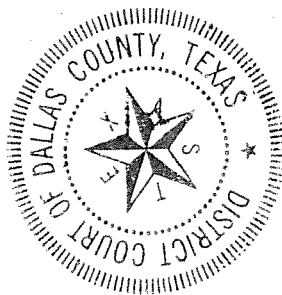
STATE OF TEXAS }
COUNTY OF DALLAS }

I, FELICIA PITRE, Clerk of the District Courts of Dallas County, Texas do hereby certify that I have compared this instrument to be a true and correct copy of the original as appears of record in my office.

GIVEN UNDER MY HAND AND SEAL of said Court, at office in Dallas, Texas, this 15th day of August, A.D. 2018.

FELICIA PITRE, DISTRICT CLERK
DALLAS COUNTY, TEXAS

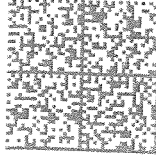
By Ros. DiLinda Deputy





FELICIA PITRE
DISTRICT CLERK
 George L. Allen, Sr. Courts Building
 600 Commerce Street, Ste. 101
 Dallas, Texas 75202-4606

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 FIRST CLASS



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 STATE BAR OF TEXAS
 THE PRINCETON
 14651 DALLAS PARKWAY SUITE 925
 DALLAS, TEXAS 75254

Received

AUG 20 2018

State Bar of Texas
 Dallas Revenue Office

039 GID-AMP 75254

