

**BEFORE THE EVIDENTIARY PANEL OF THE
STATE BAR DISTRICT NO. 4-3 GRIEVANCE COMMITTEE**

COMMISSION FOR LAWYER DISCIPLINE, § 201604127 [ARE BRANCH]

Petitioner,

v.

HARRIS COUNTY, TEXAS

SHANNA M. HENNIGAN,

Respondent.

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JUDGMENT OF ACTIVE SUSPENSION

Parties and Appearance

On August 1, 2018, came to be heard the above-styled and numbered cause. Petitioner, the **COMMISSION FOR LAWYER DISCIPLINE**, appeared by and through its attorney of record, Shannon Breaux Saucedo, Assistant Disciplinary Counsel, and announced ready. Respondent, **SHANNA M. HENNIGAN** (hereinafter referred to as "Respondent"), Texas Bar Number 24036756, appeared in person and announced ready.

Jurisdiction and Venue

The Evidentiary Panel 4-3, having been duly appointed to hear this complaint by the chair of the Grievance Committee for STATE BAR OF TEXAS District 4, finds that it has jurisdiction over the parties and the subject matter of this action and that venue is proper.

Professional Misconduct

The Evidentiary Panel, having considered all of the pleadings, evidence, stipulations, and argument, finds Respondent has committed Professional Misconduct as defined by Rule 1.06(W) of the TEXAS RULES OF DISCIPLINARY PROCEDURE.

Findings of Fact

The Evidentiary Panel, having considered the pleadings, evidence and argument of counsel, makes the following findings of fact and conclusions of law:

1. Respondent is an attorney licensed to practice law in Texas and is a member of the STATE BAR OF TEXAS.
2. Respondent resides in and maintains her principal place of practice in Harris County, Texas.
3. In representing Are Branch, Respondent neglected the legal matter entrusted to her.
4. Respondent failed to keep Are Branch reasonably informed about the status of her case.
5. Respondent failed to promptly comply with reasonable requests for information from Are Branch about her case.
6. Upon termination of her representation of Are Branch, Respondent failed to refund advance payments of fee that had not been earned.
7. Respondent failed to timely furnish to the Chief Disciplinary Counsel's Office a response to the grievance filed by Are Branch or other information as required by the TEXAS RULES OF DISCIPLINARY PROCEDURE.
8. Respondent owes restitution in the amount of One Thousand Eight Hundred Fifty and No/100 Dollars (\$1,850.00) payable to Are Branch.
9. The Chief Disciplinary Counsel of the STATE BAR OF TEXAS has incurred reasonable attorneys' fees and direct expenses associated with this Disciplinary Proceeding in the total amount of Three Thousand Two Hundred Seventy-Five and No/100 Dollars (\$3,275.00).

Conclusions of Law

The Evidentiary Panel concludes that, based on foregoing findings of fact, the following TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT have been violated: **1.01(b)(1)** [in representing a client, a lawyer shall not neglect a legal matter entrusted to the lawyer]; **1.03(a)** [a lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information]; **1.15(d)** [upon termination of representation, a lawyer shall take

steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled and refunding any advance payments of fee that has not been earned]; and 8.04(a)(8) [a lawyer shall not fail to timely furnish to the Chief Disciplinary Counsel's office or a district grievance committee a response or other information as required by the TEXAS RULES OF DISCIPLINARY PROCEDURE, unless he or she in good faith timely asserts a privilege or other legal ground for failure to do so].

Sanction

The Evidentiary Panel, having found that Respondent has committed Professional Misconduct, heard and considered additional evidence regarding the appropriate sanction to be imposed against Respondent. After hearing all evidence and argument and after having considered the factors in Rule 2.18 of the TEXAS RULE OF DISCIPLINARY PROCEDURE, the Evidentiary Panel finds that the proper discipline of the Respondent for each act of Professional Misconduct is an ACTIVE SUSPENSION.

Accordingly, it is **ORDERED, ADJUDGED** and **DECREED** that Respondent shall be actively suspended from the practice of law for a period of three (3) years beginning September 1, 2018, and ending August 31, 2021.

Terms of Active Suspension

It is further **ORDERED** that during the term of active suspension ordered herein, Respondent shall be prohibited from practicing law in Texas; holding herself 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 herself out to others or using her 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 September 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, Texas 78711-2487 (1414 Colorado St., Austin, Texas 78701) on or before September 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 September 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, Texas 78711-2487 (1414 Colorado St., Austin, Texas 78701) on or before September 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 September 1, 2018, Respondent shall surrender her law license and permanent State Bar Card to the STATE BAR OF TEXAS, Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, Texas 78711-2487 (1414 Colorado St., Austin, Texas 78701) to be forwarded to the SUPREME COURT OF TEXAS.

It is further **ORDERED** that Respondent make contact with the Texas Lawyer's Assistance Program (TLAP) at its hotline number, 800-343-8527, no later than seven (7) days after receipt of a copy of this *Judgment* to inquire as to any new or continuing services and referrals offered by that program to aid in Respondent's rehabilitation and compliance. Within fifteen (15) days of such contact, Respondent shall send verification of contact with TLAP to the STATE BAR OF TEXAS, Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, Texas 78711-2487 (1414 Colorado St., Austin, Texas 78701).

It is further **ORDERED** that Respondent make contact with the Office of Chief Disciplinary Counsel's Compliance Monitor at 877-953-5535, ext. 1334, or 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.

Restitution, Attorneys' Fees and Expenses

It is further **ORDERED** Respondent shall pay restitution on or before September 1, 2018, to Are Branch in the amount of One Thousand Eight Hundred Fifty and No/100 Dollars (\$1,850.00). Respondent shall pay the restitution by certified or cashier's check or money order made payable to Are Branch and delivered to the STATE BAR OF TEXAS, Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, Texas 78711-2487 (1414 Colorado St., Austin, Texas 78701).

It is further **ORDERED** Respondent shall pay all reasonable and necessary attorneys' fees and direct expenses to the STATE BAR OF TEXAS in the total amount of Three Thousand Two

Hundred Seventy-Five and No/100 Dollars (\$3,275.00). The payment shall be due and payable on or before October 1, 2018, 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, Texas 78711-2487 (1414 Colorado St., Austin, Texas 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.

Publication

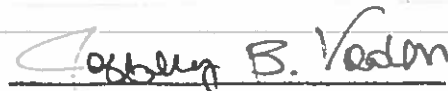
This suspension shall be made a matter of record and appropriately published in accordance with the TEXAS RULES OF DISCIPLINARY PROCEDURE.

Other Relief

All requested relief not expressly granted herein is expressly **DENIED**.

SIGNED this 3rd day of August, 2018.

**EVIDENTIARY PANEL
DISTRICT NO. 4-3
STATE BAR OF TEXAS**



**JEFFERY B. VADEN
District 4-3 Presiding Member**