



**BEFORE THE BOARD OF DISCIPLINARY APPEALS  
APPOINTED BY  
THE SUPREME COURT OF TEXAS**

<b>IN THE MATTER OF</b>	§	
<b>PHOEBE LESLIE DEAK</b>	§	<b>CAUSE NO. 60163</b>
<b>STATE BAR CARD NO. 24051808</b>	§	

**DEFAULT JUDGMENT OF DISBARMENT**

On the 9th day of October 2017, the above-styled and numbered disciplinary action was called for hearing before the Board of Disciplinary Appeals. Petitioner Commission for Lawyer Discipline of the State Bar of Texas appeared by attorney and announced ready. Respondent, although duly cited and having notice of the hearing, failed to answer or appear and wholly made default. All issues of fact as well as all questions of law were submitted to the Board of Disciplinary Appeals for determination. Having considered the pleadings on file, having received evidence, and having heard the argument of counsel, the Board of Disciplinary Appeals is of the opinion that Petitioner is entitled to entry of the following findings and orders:

**Findings of Fact.** The Board of Disciplinary Appeals finds that:

- (1) Respondent, Phoebe Leslie Deak, State Bar Card Number 24051808, is licensed but not currently authorized to practice law in the State of Texas by the Supreme Court of Texas due to being administratively suspended.
- (2) On or about June 20, 2016, Specifications of Charges were filed with the District of Columbia Court of Appeals Board of Professional Responsibility in a matter styled, *In the Matter of Phoebe Leslie Deak, Esquire, Respondent*, A Member of the Bar of the District of Columbia Court of Appeals, Bar Number: 454829, Date of Admission: March 9, 2001, Bar Docket No. 2010-D504.

- (3) On or about April 4, 2017, a Report and Recommendation was filed with the District of Columbia Court of Appeals Board of Professional Responsibility Ad Hoc Hearing Committee in a matter styled, *In the Matter of Phoebe Leslie Deak, Respondent*, A Member of the Bar of the District of Columbia Court of Appeals, (Bar Registration Number: 454829) Bar Docket No. 2010-D504, Board Docket No. 16-BD-043.
- (4) On or about May 19, 2017, a Report and Recommendation of the Board on Professional Responsibility was filed with the District of Columbia Court of Appeals Board of Professional Responsibility in a matter styled, *In the Matter of Phoebe Leslie Deak, Respondent*, A Member of the Bar of the District of Columbia Court of Appeals, (Bar Registration Number: 454829) Bar Docket No. 2010-D504, Board Docket No. 16-BD-043.
- (5) On or about December 14, 2017, an Order was entered by the District of Columbia Court of Appeals Board of Professional Responsibility in a matter styled, No. 17-BG-369, *In the Matter of Phoebe Leslie Deak, Respondent*, A Member of the Bar of the District of Columbia Court of Appeals, (Bar Registration Number: 454829) that states in pertinent part as follows:

[A]ccordingly, it is ORDERED that Phoebe Leslie Deak is hereby disbarred from the practice of law in the District of Columbia. . . .
- (6) In this case, an Ad Hoc Hearing Committee found by clear and convincing evidence that respondent Phoebe Leslie Deak engaged in misappropriation of funds while representing a client in Virginia. Specifically, the committee found that Ms. Deak obtained funds from her client to secure the services of an expert witness but instead deposited the funds into her overdrawn operating account, with the result that the check given to the expert as payment for services was rejected due to insufficient funds. Further, the Committee found that Ms. Deak paid for personal expenses with these entrusted funds. The Committee determined that Ms. Deak had violated Rules 1.15 (a)( 1 ) and 1.15 (b)(5) of the Virginia Rules of Professional Conduct, which were applicable pursuant to the choice of law provision in Rule 8.5 (b) of the District of Columbia Rules of Professional Conduct, and that her conduct at a minimum amounted to reckless behavior. In the absence of any mitigating evidence, the Hearing Committee recommended that Ms. Deak be disbarred.
- (7) Respondent, Phoebe Leslie Deak, is the same person as Phoebe Leslie Deak who is the subject of the Order described above.

- (8) Respondent was personally served with the Order to Show Cause with hearing notice and the Second Amended Petition for Reciprocal Discipline by a Travis County Deputy Constable on August 27, 2018, and the affidavit of service was filed with this Board on September 12, 2018.

**Conclusions of Law.** Based upon the foregoing findings of fact the Board of Disciplinary Appeals makes the following conclusions of law:

- (1) This Board has jurisdiction to hear and determine this matter. Tex. Rules Disciplinary P. R. 7.08(H). ("TRDP")
- (2) Reciprocal discipline identical to that imposed by District of Columbia Court of Appeals Board of Professional Responsibility is warranted in this case.

It is, accordingly, **ORDERED, ADJUDGED, and DECREED** that Respondent, Phoebe Leslie Deak, State Bar Card No. 24051808, be and she is hereby **DISBARRED** from the practice of law in the State of Texas and her license to practice law in this state be and is hereby revoked.

It is further **ORDERED, ADJUDGED and DECREED** that Respondent, Phoebe Leslie Deak, is 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 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** Respondent shall immediately notify each of her current clients in writing of this disbarment. In addition to such notification, Respondent is **ORDERED** to return any files, papers, unearned monies and other property belonging to clients and former clients in the Respondent's possession to the respective clients or former clients or to another attorney at the client's or former client's request. Respondent is further **ORDERED** to file with

the Statewide Compliance Monitor, State Bar of Texas, Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701) within thirty (30) days of the signing of this judgment by the Board, an affidavit stating that all current clients have been notified of Respondent's disbarment and that all files, papers, monies and other property belonging to all clients and former clients have been returned as ordered herein.

It is further **ORDERED** that Respondent shall, on or before thirty (30) days from the signing of this judgment by the Board, 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. Respondent is further **ORDERED** to file with the Statewide Compliance Monitor, State Bar of Texas, Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701) within thirty (30) days of the signing of this judgment by the Board, an affidavit stating that each and every justice of the peace, judge, magistrate, administrative judge or officer and chief justice has received written notice of the terms of this judgment.

It is further **ORDERED** that Respondent, Phoebe Leslie Deak, immediately surrender her Texas law license and permanent State Bar Card to the Statewide Compliance Monitor, Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711, for transmittal to the Clerk of the Supreme Court of Texas.

It is further **ORDERED** that a certified copy of the Second Amended Petition for Reciprocal Discipline on file herein, along with a copy of this Judgment, be sent to the Chief Disciplinary Counsel of the State Bar of Texas, P.O. Box 12487, Austin, Texas 78711.

Signed this 10<sup>th</sup> day of October 2018.

*Robert A. Byland*

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CHAIR PRESIDING