

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 his principal place of practice in Van Zandt County, Texas.
3. On August 8, 2016, Complainant Mary Margaret Flynn (Flynn) retained Respondent for a potential civil lawsuit.
4. In representing Flynn, Respondent neglected the legal matter entrusted to him by failing to perform any legal services.
5. The Chief Disciplinary Counsel of the State Bar of Texas has incurred reasonable attorney's fees associated with this Disciplinary Proceeding in the amount of Two Thousand Four Hundred and no/100 Dollars (\$2,400.00).
6. The Chief Disciplinary Counsel of the State Bar of Texas has incurred direct expenses associated with this Disciplinary Proceeding in the amount of Five Hundred Forty-Two and 50/100 Dollars (\$542.50).

Conclusions of Law

The Evidentiary Panel concludes that, based on foregoing findings of fact, the following Texas Disciplinary Rule of Professional Conduct has been violated: Rule 1.01(b)(1).

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 a Probated Suspension.

Accordingly, it is **ORDERED, ADJUDGED** and **DECREED** that Respondent be suspended from the practice of law for a period of two (2) years, with the suspension being

fully probated pursuant to the terms stated below. The period of probated suspension shall begin on February 1, 2019, and shall end on January 31, 2021.

Terms of Probation

It is further **ORDERED** that during all periods of suspension, Respondent shall be under the following terms and conditions:

1. Respondent shall not violate any term of this judgment.
2. Respondent shall not engage in professional misconduct as defined by Rule 1.06(W) of the Texas Rules of Disciplinary Procedure.
3. Respondent shall not violate any state or federal criminal statutes.
4. Respondent shall keep State Bar of Texas membership department notified of current mailing, residence and business addresses and telephone numbers.
5. Respondent shall comply with Interest on Lawyers Trust Account (IOLTA) requirements.
6. 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.
7. In addition to complying with the Minimum Continuing Legal Education (MCLE) requirements of the State Bar of Texas, Respondent shall complete fifteen (15) hours of additional continuing legal education in the area of Law Practice Management. Half of these additional hours of CLE (7.5 hours) are to be completed between February 1, 2019, and January 31, 2020. The remaining half of these additional hours of CLE (7.5 hours) are to be completed between February 1, 2020, and January 31, 2021. Within ten (10) days of the completion of these additional CLE hours, Respondent shall verify completion of the course to the State Bar of Texas, Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Suite 200, Austin, TX 78701).
8. Respondent shall pay to the State Bar of Texas all reasonable and necessary attorney's fees in the amount of Two Thousand Four Hundred and no/100 Dollars (\$2,400.00) and direct expenses in the amount of Five Hundred Forty-Two and 50/100 Dollars (\$542.50). The payment of attorney's fees and expenses shall be made in twenty-four (24) monthly installments with the first twenty-three (23) payments each in the amount of

One Hundred Twenty-Five and no/100 Dollars (\$125.00), and the twenty-fourth (24th) and final payment in the amount of Sixty-Seven and 50/100 Dollars (\$67.50). Each payment is due on or before the fifth (5th) day of each month, beginning February 5, 2019, and ending January 5, 2021. Each payment of attorney's fees and direct expenses shall be made by certified or cashier's check or money order and made payable to the State Bar of Texas, 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).

9. Respondent shall submit to monitoring of his law practice for the duration of this judgment by an attorney monitor acceptable to the State Bar of Texas. The practice monitor shall have no personal or professional relationship with the Respondent that would interfere with the monitor's ability to exercise independent judgment regarding Respondent's compliance with the terms of this judgment. The monitor shall report the status of Respondent's compliance on a monthly basis on the form provided by the State Bar of Texas, with the initial report due by the 5th day of the month following the initial meeting. Subsequent reports shall be due by the 5th day of each month for the duration of the monitoring period and shall be sent 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).
10. Respondent shall meet with the attorney monitor a minimum of once per month. The initial meeting shall be held not later than ninety (90) days after Respondent receives written notification from the State Bar of Texas of the name and phone number of Respondent's assigned monitor. Such meetings shall be in person at a place and time as determined by the monitor. Exceptions must be approved in advance by the monitor and noted on the monthly report.
11. 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.

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** Respondent shall pay to the State Bar of Texas all reasonable and necessary attorney's fees in the amount of Two Thousand Four Hundred and no/100 Dollars (\$2,400.00) and direct expenses in the amount of Five Hundred Forty-Two and 50/100 Dollars (\$542.50). The payment of attorney's fees and expenses shall be made in twenty-four (24) monthly installments with the first twenty-three (23) payments each in the amount of One Hundred Twenty-Five and no/100 Dollars (\$125.00), and the twenty-fourth (24th) and final payment in the amount of Sixty-Seven and 50/100 Dollars (\$67.50). Each payment is due on or before the fifth (5th) day of each month, beginning February 5, 2019, and ending January 5, 2021. Each payment of attorney's fees and direct expenses shall be made by certified or cashier's check or money order and made

payable to the State Bar of Texas, 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** 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 7 day of February, 2017.

**EVIDENTIARY PANEL 1-4
DISTRICT NO. 1
STATE BAR OF TEXAS**



**Richard L. Berry, Jr.
District 1, Panel 1-4 Presiding Member**