

**BEFORE THE DISTRICT 11 GRIEVANCE COMMITTEE  
EVIDENTIARY PANEL 11-2  
STATE BAR OF TEXAS**

**COMMISSION FOR LAWYER  
DISCIPLINE,  
Petitioner**

**V.**

**REFUGIO R. PEREZ,  
Respondent**

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**201505535**

**AGREED JUDGMENT OF ACTIVE SUSPENSION**

**Parties and Appearance**

On this day, came to be heard the above styled and numbered cause. Petitioner and Respondent, REFUGIO R. PEREZ, Texas Bar Number 24051893, announce that an agreement has been reached on all matters including the imposition of an Active Suspension.

**Jurisdiction and Venue**

The Evidentiary Panel 11-2 having been duly appointed to hear this complaint by the chair of the Grievance Committee for State Bar of Texas District 11, 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 the pleadings, admissions, stipulations and agreements of the parties, finds Respondent has committed Professional Misconduct as defined by Rule 1.06(W) of the Texas Rules of Disciplinary Procedure.

**Findings of Fact**

Petitioner and Respondent agree to the following findings of fact. Accordingly, the

**Evidentiary Panel finds:**

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 Nueces County, Texas.
3. Refugio R. Perez was hired on or around July 23, 2015 to represent Susan and Ricardo Garcia in a bankruptcy matter, and later, fired on September 14, 2015 for his inaction in the matter.
4. Refugio R. Perez has failed to return any unearned portion of the retainer fee paid to him by Mr. and Mrs. Garcia, upon their request.
5. Refugio R. Perez engaged in the practice of law during a period of time when he was on inactive status due to his administrative suspension.
6. Refugio R. Perez failed to file a response as required by the Texas Rules of Disciplinary Procedure. 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 amount of \$800.00
7. Respondent owes restitution in the amount of \$2,000.00 payable to Susan R. Garcia.

**Conclusions of Law**

Petitioner and Respondent agree that, based on the foregoing findings of fact, the following Texas Disciplinary Rules of Professional Conduct have been violated. Accordingly, the Evidentiary Panel concludes that the following Texas Disciplinary Rules of Professional Conduct have been violated: 1.15(d), 8.04(a)(11) and 8.04(a)(8).

**Sanction**

It is AGREED and ORDERED that the sanction of an Active Suspension shall be imposed against Respondent in accordance with the Texas Rules of Disciplinary Procedure.

Accordingly, it is ORDERED, ADJUDGED and DECREED that Respondent shall be actively suspended from the practice of law for a period of 9 months beginning October 1, 2018 and ending June 30, 2019.

**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 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 October 15, 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.

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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 October 31, 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 October 15, 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 October 31, 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 October 15, 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.

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**Restitution, Attorney's Fees and Expenses**

It is further ORDERED Respondent shall pay restitution to Susan A. Garcia in the amount of \$2,000.00 to be paid in 4 equal payments of \$500.00 each with the first payment being due on or before March 1, 2019; the second payment being due on or before April 1, 2019; the third payment being due on or before May 30, 2019; and the final payment being due on or before June 30, 2019. Respondent shall pay the restitution by certified or cashier's checks or money orders made payable to Susan A. Garcia 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 Respondent shall pay all reasonable and necessary attorney's fees and direct expenses to the State Bar of Texas in the amount of \$800.00. The payment shall be due and payable on or before June 30, 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 \$800.00 to the State Bar of Texas and restitution in the amount of \$2,000.00 to Susan A. Garcia.

#### **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 28 day of February, 2019.

**EVIDENTIARY PANEL 11-2  
DISTRICT NO. 11  
STATE BAR OF TEXAS**

  
**KELLY KOCH  
District 11-2 Presiding Member**

**AGREED AS TO BOTH FORM AND SUBSTANCE:**

  
**REFUGIO R. PEREZ  
State Bar No. 24051893  
Respondent**

  
**TROY J. GARCIA  
State Bar No. 24055527  
Counsel for Petitioner**