

FILED

MAR 11 2019

Austin Office
Chief Disciplinary Counsel
State Bar of Texas

**BEFORE THE DISTRICT 9 GRIEVANCE COMMITTEE
EVIDENTIARY PANEL 9-2
STATE BAR OF TEXAS**

**COMMISSION FOR LAWYER
DISCIPLINE,
Petitioner**

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V.

A0091114006

**J. GAYLORD ARMSTRONG,
Respondent**

AGREED JUDGMENT OF ACTIVE SUSPENSION

Parties and Appearance

On this day came to be heard the above styled and numbered cause. Petitioner and Respondent, J. Gaylord Armstrong, Texas Bar Number 01320000, announce that an agreement has been reached on all matters including the imposition of an Active Suspension.

Jurisdiction and Venue

The Evidentiary Panel 9-2 having been duly appointed to hear this complaint by the chair of the Grievance Committee for State Bar of Texas District 9, 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 Travis County, Texas.
3. Respondent, J. Gaylord Armstrong, was formerly of counsel at an Austin law firm and was an authorized signatory on a Political Action Committee ("PAC") checking account of his firm's client. Respondent was authorized to write checks for political contributions to elected officials from the PAC account. Beginning in March 2011, Respondent misappropriated funds from the PAC account by writing checks to himself without the client's knowledge or authorization. Respondent spent the misappropriated funds on his own personal expenses. By his conduct, Respondent engaged in conduct constituting theft and misapplication of fiduciary property.

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: 8.04(a)(2), 8.04(a)(3) and 8.04(a)(1).

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 seventy-nine months beginning August 23, 2012 and ending March 22, 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 March 22, 2019, if Respondent has not already done so, Respondent shall notify each of Respondent's current clients and opposing counsel in writing of this suspension.

In addition to such notification, if Respondent has not already done so, 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, that if Respondent has not already done so, 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 March 22, 2019, 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, if Respondent has not already done so, Respondent shall, on or before March 22, 2019, 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, that if Respondent has not already done so, 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 March 22, 2019, 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, if Respondent has not already done so, on or before March 22, 2019, 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.

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.

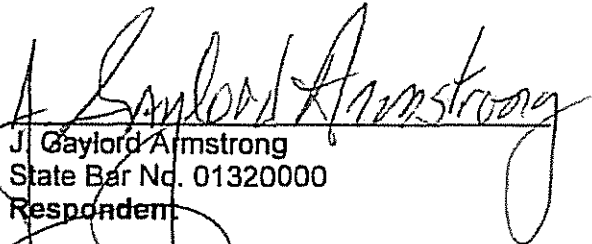
SIGNED this 11th day of March, 2019.

EVIDENTIARY PANEL 9-2
DISTRICT NO. 9
STATE BAR OF TEXAS

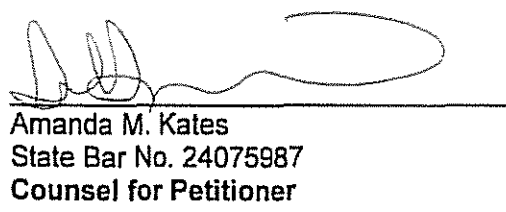


Ryan Andrew Botkin
District 9-2 Presiding Member

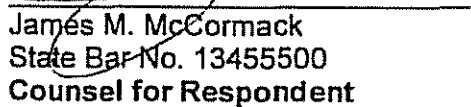
AGREED AS TO BOTH FORM AND SUBSTANCE:



J. Gaylord Armstrong
State Bar No. 01320000
Respondent



Amanda M. Kates
State Bar No. 24075987
Counsel for Petitioner



James M. McCormack
State Bar No. 13455500
Counsel for Respondent