

BEFORE THE DISTRICT 10 GRIEVANCE COMMITTEE  
EVIDENTIARY PANEL 10-3  
STATE BAR OF TEXAS

COMMISSION FOR LAWYER  
DISCIPLINE,  
*Petitioner*

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FILE NO. 201801031

V.

MONICA GARZA ARRIAGA,  
*Respondent*

**AGREED JUDGMENT OF PROBATED SUSPENSION**

**Parties and Appearance**

On this day, came to be heard the above styled and numbered cause. Petitioner and Respondent, Monica Arriaga, Texas Bar Number 24069315, announce that an agreement has been reached on all matters including the imposition of a Probated Suspension.

**Jurisdiction and Venue**

The Evidentiary Panel 10-3 having been duly appointed to hear this complaint by the chair of the Grievance Committee for State Bar of Texas District 10, 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 her principal place of practice in Bexar County, Texas.
3. In representing Mary Santos, Respondent neglected the legal matter entrusted to her.
4. Respondent failed to promptly comply with reasonable requests for information from Mary Santos about her legal matter.
5. Respondent failed to explain the status of the legal matter to the extent reasonably necessary to permit Mary Santos to make informed decisions regarding the representation.
6. 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 \$1,000.00.

### **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: 1.01(b)(1); 1.03(a); 1.03(b).

### **Sanction**

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

Accordingly, it is ORDERED, ADJUDGED and DECREED that Respondent be suspended from the practice of law for a period of two years, with the suspension being fully probated pursuant to the terms stated below. The period of probated suspension shall begin on June 28, 2019 and shall end on June 27, 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 Minimum Continuing Legal Education requirements.
6. Respondent shall comply with Interest on Lawyers Trust Account (IOLTA) requirements.
7. 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.
8. Respondent shall pay all reasonable and necessary attorney's fees and direct expenses to the State Bar of Texas in the amount of \$1,000.00. The payment shall be made installments of \$300.00 by the end of each month starting on June 29, 2019. All payments 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, Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701).
9. 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.

**Attorney's Fees and Expenses**

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 \$1,000.00. The payment shall be made installments of \$300.00 by the end of each month starting on June 29, 2019. All payments 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.

**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 6<sup>th</sup> day of June, 2019.

EVIDENTIARY PANEL 10-3  
DISTRICT NO. 10  
STATE BAR OF TEXAS

  
Cathleen Lockhart  
District 10-3 Presiding Member

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

  
\_\_\_\_\_  
Monica Arriaga  
State Bar No. 24069315  
Respondent

  
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George Smith  
State Bar No. 24041940  
Counsel for Petitioner