

FILE NO. 201900591

IN THE MATTER OF:	§	INVESTIGATORY PANEL 6-4
	§	
RICHARD JOSEPH DEAGUERO,	§	DISTRICT 6
	§	
BAR NO. 05623500	§	GRIEVANCE COMMITTEE

AGREED JUDGMENT OF FULLY PROBATED SUSPENSION

Parties and Appearance

Chief Disciplinary Counsel and Respondent, RICHARD JOSEPH DEAGUERO, Texas Bar Number 05623500, announce that an agreement has been reached on all matters including the imposition of a Fully Probated Suspension.

Jurisdiction and Venue

The Investigatory Panel 6-4, having conducted an Investigatory Hearing on November 21, 2019, on the Complaint filed by Naval Patel ("Patel"), finds that it has jurisdiction over the parties and the subject matter of this action, and that venue is proper.

Professional Misconduct

The Investigatory Panel, having considered the admissions, stipulations and agreements of the parties, finds Respondent has committed Professional Misconduct as defined by Rule 1.06(CC) of the Texas Rules of Disciplinary Procedure.

Findings of Fact

Petitioner and Respondent agree to the following findings of fact. Accordingly, the Investigatory 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's Professional Misconduct occurred, in whole or in part, in Dallas County, Texas.

3. On November 28, 2018, a Judgment of Partially Probated Suspension was entered which suspended Respondent from the practice of law from December 1, 2018, through February 28, 2019, and required Respondent to notify all clients, opposing counsel, and courts of said suspension.
4. Respondent violated the disciplinary judgment by failing to notify the required parties of his suspension.
5. The Chief Disciplinary Counsel of the State Bar of Texas has incurred reasonable attorney's fees and direct expenses associated with this Disciplinary Proceeding in the amount of Seven Hundred Dollars and No Cents (\$700.00).

Conclusions of Law

Based on the agreed foregoing findings of fact, the Investigatory Panel finds that the following Texas Disciplinary Rule of Professional Conduct has been violated: Rule 8.04(a)(7).

Sanction

It is AGREED and ORDERED that the sanction of a Probated Suspension shall be imposed against Respondent and is in accordance with Part XV of 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 fifteen (15) months with the suspension being fully probated pursuant to the terms stated below. The period of probated suspension shall begin on February 1, 2020, and shall end on April 30, 2021.

Terms of Probation

It is further AGREED and 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(CC) 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, email 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 Seven Hundred Dollars and No Cents (\$700.00). The payment of attorney's fees and expenses shall be made in fourteen (14) monthly installments, each in the amount of Fifty Dollars and No Cents (\$50.00). Each payment is due on or before the 5th day of each month, beginning March 5, 2020, and ending with the final payment on April 5, 2021. Each payment shall be made by certified or cashier's check or money order, 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 make contact with the Chief Disciplinary Counsel's Office's 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.

Additional Terms

Within sixty (60) days of the signing of this judgment by the Panel Chair, Respondent shall schedule a full psychological assessment to be conducted by a mental health professional licensed in Texas as a psychiatrist, a psychologist, a master's level social worker (LCSW), or a licensed professional counselor (LPC). The full psychological

assessment shall not be conducted by the VA and is not a VA reassessment. Respondent shall complete the assessment at the earliest practicable date, but in no event later than sixty (60) days after the signing of this judgment by the Panel Chair. Although the details of information disclosed during the assessment shall remain confidential, the conclusions, diagnosis and treatment plan recommendations of the mental health professional shall be reported to the State Bar of Texas within ten (10) days of the completion of the assessment. Respondent shall take all necessary action, including the execution of a valid release of information, to allow and direct the mental health professional to report such results and recommendations.

If recommended as part of the above assessment, Respondent shall remain under the care of one or more mental health professionals at the frequency recommended by the treatment plan for the duration of the supervision period or until released in writing by the treatment provider. Each treating mental health professional shall provide written quarterly reports to the State Bar of Texas verifying Respondent's attendance at the sessions and good faith participation in the treatment plan. The initial report(s) shall be due ninety (90) days after completion of the assessment, with subsequent reports due quarterly thereafter. Respondent shall take all necessary action, including the execution of a valid release of information, to permit any treating mental health professional to provide written or oral reports for the duration of the supervision period.

Respondent shall be responsible for all costs and expenses incurred, directly or indirectly, by compliance with these terms and shall pay all such costs and expenses as required by the provider, but in no event later than the final day of the supervision period.

Any and all reports and evaluations required by the terms of this judgment 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., Suite 200, Austin, TX 78701).

Attorney's Fees and Expenses

It is further **AGREED** and **ORDERED** Respondent shall pay all reasonable and necessary attorney's fees and direct expenses to the State Bar of Texas in the amount of Seven Hundred and No Cents (\$700.00). The payment of attorney's fees and expenses shall be made in fourteen (14) monthly installments, each in the amount of Fifty Dollars and No Cents (\$50.00). Each payment is due on or before the 5th day of each month, beginning March 5, 2020, and ending with the final payment on April 5, 2021. Each payment shall be made by certified or cashier's check or money order, 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 **AGREED** and **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(FF) 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 public 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.

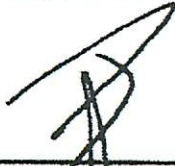
SIGNED this 17th day of January, 2020.

INVESTIGATORY PANEL 6-4
DISTRICT 8



ROBERT M. KISSELBURGH
PRESIDING MEMBER

AGREED AS TO FORM AND SUBSTANCE:



Richard Joseph Deaguero
State Bar No. 05623500
RESPONDENT



Luvenia E. Sanchez
State Bar No. 24079266
ASSISTANT DISCIPLINARY COUNSEL