

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 Tarrant County, Texas.
3. On June 6, 2018, Respondent was hired to represent Complainant Sheila A. Lewis' (Mrs. Lewis) son (Lewis) on a criminal matter. Mrs. Lewis paid an advanced legal fee of \$3,750.00. Respondent failed to keep the funds in a separate trust account.
4. Respondent associated with outside counsel to handle Lewis' criminal representation. Respondent agreed to split the fee paid by Mrs. Lewis with the outside counsel. However, neither Mrs. Lewis nor Lewis agreed to the fee splitting arrangement.
5. Respondent failed to explain the criminal matter to Lewis to the extent reasonably necessary to permit Lewis to make informed decisions regarding the representation.
6. Upon request by Mrs. Lewis, Respondent failed to refund advance payments of the fee that had not been earned.
7. Respondent owes restitution in the amount of Two Thousand and no/100 Dollars (\$2,000.00) payable to Sheila A. Lewis.
8. 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 Five Hundred and no/100 Dollars (\$500.00).

Conclusions of Law

The Evidentiary Panel concludes that, based on foregoing findings of fact, the following Texas Disciplinary Rules of Professional Conduct have been violated: Rules 1.03(b), 1.04(f)(2), 1.14(a) and 1.15(d).

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 three (3) months, with the suspension being fully probated pursuant to the terms stated below. The period of probated suspension shall begin on February 15, 2020, and shall end on May 14, 2020.

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 restitution on or before 5:00 p.m. on February 6, 2020, to Sheila A. Lewis, in the amount of Two Thousand and no/100 Dollars (\$2,000.00). Respondent shall pay the restitution by certified or cashier's check or money order made payable to Sheila A. Lewis, and

delivered to the State Bar of Texas, Chief Disciplinary Counsel's Office, 14651 Dallas Parkway, Suite 925, Dallas, Texas 75254.

9. Respondent shall pay all reasonable and necessary attorney's fees and direct expenses to the State Bar of Texas in the amount of Five Hundred and no/100 Dollars (\$500.00). The payment shall be due and payable on or before 5:00 p.m. on February 6, 2020, and shall be made by certified or cashier's check or money order. Respondent shall deliver the funds, made payable to the State Bar of Texas, to the Chief Disciplinary Counsel's Office, 14651 Dallas Parkway, Suite 925, Dallas, Texas 75254.
10. In addition to complying with the Minimum Continuing Legal Education (MCLE) requirements of the State Bar of Texas, Respondent shall complete six (6) additional hours of continuing legal education courses, as follows: 1) three hours of Ethics; and 2) three hours of law practice management. These additional hours of CLE are to be completed no later than May 14, 2020. 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., Austin, TX 78701).
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 restitution on or before 5:00 p.m. on February 6, 2020, to Sheila A. Lewis, in amount of Two Thousand and no/100 Dollars (\$2,000.00). Respondent shall pay the restitution by certified or cashier's check or money order made payable to Sheila A. Lewis, and delivered to the State Bar of Texas, Chief Disciplinary Counsel's Office, 14651 Dallas Parkway, Suite 925, Dallas, Texas 75254.

It is further **ORDERED** Respondent shall pay all reasonable and necessary attorney's fees and direct expenses to the State Bar of Texas the amount of Five Hundred and no/100 Dollars (\$500.00). The payment shall be due and payable on or before 5:00 p.m. on February 6, 2020, and shall be made by certified or cashier's check or money order. Respondent shall deliver the funds, made payable to the State Bar of Texas, to the Chief Disciplinary Counsel's Office, 14651 Dallas Parkway, Suite 925, Dallas, Texas 75254.

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 _____ day of February, 2020.

**EVIDENTIARY PANEL 7-1
DISTRICT NO. 7
STATE BAR OF TEXAS**



**Barbara D. Nunneley
District 7, Panel 7-1 Presiding Member**

2-12-2020