

**BEFORE THE DISTRICT 8 GRIEVANCE COMMITTEE
EVIDENTIARY PANEL 8-3
STATE BAR OF TEXAS**

**COMMISSION FOR LAWYER
DISCIPLINE,
Petitioner**

V.

**CYNTHIA GAIL BROWN,
Respondent**

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**201606062
201606146
201606356**

JUDGMENT OF DISBARMENT

Parties and Appearance

On September 14, 2020, came to be heard the above styled and numbered cause. Petitioner, Commission for Lawyer Discipline, appeared by and through its attorney of record and announced ready. Respondent, Cynthia Gail Brown, Texas Bar Number 24026968, although duly served with the Evidentiary Petition and notice of this hearing, failed to appear.

Jurisdiction and Venue

The Evidentiary Panel 8-3, having been duly appointed to hear this complaint by the chair of the Grievance Committee for State Bar of Texas District 8, finds that it has jurisdiction over the parties and the subject matter of this action and that venue is proper.

Default

The Evidentiary Panel finds Respondent was properly served with the Evidentiary Petition and that Respondent failed to timely file a responsive pleading to the Evidentiary Petition as required by Rule 2.17(B) of the Texas Rules of Disciplinary Procedure. Accordingly, the Evidentiary Panel finds Respondent in default and further finds that all

facts alleged in the Evidentiary Petition are deemed true pursuant to Rule 2.17(C) of the Texas Rules of Disciplinary Procedure.

Professional Misconduct

The Evidentiary Panel, having deemed all facts as alleged in the Evidentiary Petition true, finds Respondent has committed Professional Misconduct as defined by Rule 1.06(W) of the Texas Rules of Disciplinary Procedure.

Findings of Fact

The Evidentiary Panel, having considered the allegations as deemed true, the pleadings, evidence and argument of counsel, makes the following findings of fact and conclusions of law:

1. Respondent is an attorney licensed to practice law in Texas and is a member of the State Bar of Texas.
2. Respondent neither resides in nor maintains her principal place of practice in Texas.
3. **201606062 Merritt Complaint** On or about June 28, 2016, Complainant, Nga Merritt, hired Respondent, Cynthia Gail Brown, to represent her for a modification of child custody orders. Complainant paid Respondent an advanced fee of \$1,600 for the representation. Respondent was administratively suspended from the practice of law on September 19, 2016. Between June and September, Respondent filed no pleadings on Complainant's behalf to initiate the modification. Further, Respondent did not notify Complainant of her suspension and ceased all communication with Complainant after a couple of months. When Complainant discovered that Respondent was suspended and that Respondent had abandoned her office, she requested a refund. Complainant did not respond to the request and did not refund any unearned fees.
4. **201606146 Benge Complaint** In January of 2016, Complainant, Tana Benge, hired Respondent, Cynthia Gail Brown, to represent her in a stepparent adoption. Complainant paid Respondent an advanced fee of \$3,900 for legal fees, filing fees and a home study. Although Respondent obtained the biological mother's written relinquishment of parental rights and moved the case from McLennan to Bell County, she did not complete or file any other pleadings on Complainant's behalf. Respondent was administratively suspended from the practice of law on September 19, 2016. However, Respondent did not file a motion to withdraw in the pending case. Further, when Complainant contacted Respondent to determine the status of the matter,

Respondent informed Complainant that they were “just waiting on a court date,” and did not inform Complainant of her suspension. In September of 2016, Respondent abandoned her law practice without notice to Complainant and did not return Complainant’s file or refund any unearned fees.

5. **201606356 Bass Complaint** On August 2, 2016, Complainant, Ryan Bass, paid Respondent, Cynthia Gail Brown, \$1200 to represent him in a suit affecting the parent child relationship. On September 19, 2016, Respondent was suspended from the practice of law for failing to pay student loans. After her suspension, Respondent continued the representation and corresponded with Complainant regarding responses to discovery requests and the possibility of filing a motion to dismiss. Respondent failed to notify Complainant of her suspension, failed to return his file and failed to return any unearned portion of the advance fee Complainant paid. Complainant learned of Respondent’s suspension in October of 2016, and attempted to negotiate a return of unearned fees but Respondent failed to respond to Complainant’s texts and emails.
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 \$3,700.30.
7. Respondent owes restitution in the amount of \$1,598 payable to Nga Thi Merritt.
8. Respondent owes restitution in the amount of \$3,900 payable to Tana Benge.

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:

201606062 Merritt Complaint

1.01(b)(1), 1.03(a), 1.15(d)

201606146 Benge Complaint

1.01(b)(1), 1.03(a), 1.15(d), 8.04(a)(3), 8.04(a)(11)

201606356 Bass Complaint

1.15(d), 8.04(a)(11)

Sanction

The Evidentiary Panel, having found Respondent has committed Professional Misconduct, heard and considered additional evidence regarding the appropriate

sanction to be imposed against Respondent. After hearing all sanction evidence and argument, and after having considered the factors in Rule 2.18 of the Texas Rules of Disciplinary Procedure, the Evidentiary Panel finds that the proper discipline of the Respondent for each act of Professional Misconduct is DISBARMENT.

Disbarment

It is therefore ORDERED, ADJUDGED and DECREED that effective September 14, 2020, Respondent, Cynthia Gail Brown, State Bar Number 24026968, is hereby DISBARRED from the practice of law in the State of Texas.

It is further ORDERED Respondent is prohibited from practicing law in Texas, holding herself 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 court or before any administrative body or holding herself out to others or using her name, in any manner, in conjunction with the words "attorney at law," "attorney," "counselor at law," or "lawyer."

Notification

It is further ORDERED Respondent shall immediately notify each of her current clients in writing of this disbarment. In addition to such notification, Respondent is ORDERED to return any files, papers, unearned monies and other property belonging to clients and former clients in the Respondent's possession to the respective clients or former clients or to another attorney at the client's or former client's request.

Respondent is further ORDERED to 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) within thirty (30) days of the signing of this judgment by the Panel

Chair, an affidavit stating that all current clients have been notified of Respondent's disbarment and that all files, papers, monies and other property belonging to all clients and former clients have been returned as ordered herein. If it is Respondent's assertion that at the time of disbarment he possessed no current clients and/or Respondent was not in possession of any files, papers, monies or other property belonging to clients, Respondent shall submit an affidavit attesting that, at the time of disbarment, Respondent had no current clients and did not possess any files, papers monies and other property belonging to clients.

It is further ORDERED Respondent shall, on or before thirty (30) days from the signing of this judgment by the Panel Chair, 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.

Respondent is further ORDERED to 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) within thirty (30) days of the signing of this judgment by the Panel Chair, an affidavit stating that each and every justice of the peace, judge, magistrate, administrative judge or officer and chief justice has received written notice of the terms of this judgment. If it is Respondent's assertion that at the time of disbarment he was not currently listed as counsel or co-counsel in any matter pending before any justice of the peace, judge, magistrate, administrative judge or officer, or chief justice of any court or tribunal, Respondent shall submit an affidavit attesting to the absence of any such

pending matter before any justice of the peace, judge, magistrate, administrative judge or officer, or chief justice.

Surrender of License

It is further ORDERED Respondent shall, within thirty (30) days of the signing of this judgment by the Panel Chair, surrender her 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 the State of Texas.

Restitution, Attorney's Fees and Expenses

It is further ORDERED Respondent shall pay restitution on or before October 14, 2020, to Nga Thi Merritt in the amount of \$1,598. Respondent shall pay the restitution by certified or cashier's check or money order made payable to Nga Thi Merritt 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 restitution on or before October 14, 2020, to Tana Benge in the amount of \$3,900. Respondent shall pay the restitution by certified or cashier's check or money order made payable to Tana Benge 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 \$3,700.30. The payment shall be due and payable on or before October 14, 2020, 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 and 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

It is further ORDERED this disbarment shall be made a matter of record and appropriately published in accordance with the Texas Rules of Disciplinary Procedure.

Conditions Precedent to Reinstatement

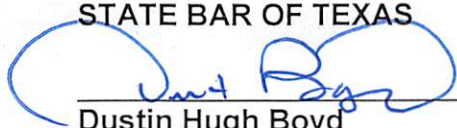
It is further ORDERED payment of the foregoing restitution and attorney's fees and expenses shall be a condition precedent to any consideration of reinstatement from disbarment as provided by Rules 2.19, 2.20 and 11.02(D) of the Texas Rules of Disciplinary Procedure.

Other Relief

All requested relief not expressly granted herein is expressly DENIED.

SIGNED this 15th day of September, 2020.

EVIDENTIARY PANEL
DISTRICT NO. 8
STATE BAR OF TEXAS



Dustin Hugh Boyd
District 8-3 Presiding Member