

CAUSE NO. 2020DCV-3510

COMMISSION FOR LAWYER  
DISCIPLINE,  
*Petitioner*

v.

DEREK ALFONSO QUINATA,  
*Respondent*

§  
§  
§  
§  
§  
§  
§  
§  
§  
§

IN THE COUNTY COURT

AT LAW SEVEN

EL PASO COUNTY, TEXAS

**AGREED JUDGMENT OF PARTIALLY PROBATED SUSPENSION**

On this date, came on to be heard the above styled and numbered cause. Petitioner, the Commission for Lawyer Discipline, appeared through counsel and announced ready. Respondent, DEREK ALFONSO QUINATA, appeared in person and through counsel and announced ready. The parties announced that an agreement has been reached on all matters including the imposition of a Partially Probated Suspension. The Court, having considered the pleadings, evidence and agreements of the parties, concludes that Petitioner is entitled to the following Judgment.

**Jurisdiction and Venue**

The Court finds that Respondent, DEREK ALFONSO QUINATA, State Bar No. 24072292, is an attorney licensed to practice law in Texas. The Court finds it has jurisdiction over the parties and subject matter of this action and that venue is proper in the assigned district court of El Paso County, Texas.

**Professional Misconduct**

The parties agree and Court finds and concludes that Respondent has engaged in professional misconduct in violation of Texas Disciplinary Rules of Professional Conduct 1.01(b)(1), 1.03(a), 1.14(a) 1.15(d) and 8.04(a)(8). The allegations of professional misconduct were brought to the attention of the State Bar of Texas by a complaint filed by Guadalupe Arroyo.

### Sanction

It is AGREED and ORDERED that the sanction of a Partially 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 one year, beginning August 31, 2021 and ending August 31, 2022, provided Respondent complies with the following terms and conditions. Respondent shall be actively suspended from the practice of law for a period of one month beginning August 31, 2021 and ending September 30, 2021. If Respondent complies with all of the following terms and conditions timely, the eleven-month period of probated suspension shall begin on September 30, 2021, and shall end on August 31, 2022:

1. Respondent shall pay all reasonable and necessary attorney's fees and direct expenses to the State Bar of Texas in the amount of \$2,700.00. The payment shall be due and payable on or before September 29, 2021, 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, Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701).
2. Respondent shall pay restitution on or before September 29, 2021, to Guadalupe Arroyo in the amount of \$750.00. Respondent shall pay the restitution by certified or cashier's check or money order made payable to Guadalupe Arroyo 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).
3. Respondent shall submit to monitoring of his law practice for a period of 11 months by an attorney monitor acceptable to the State Bar of Texas. The practice monitor shall have no personal or professional relationship with the Respondent that would interfere with the monitor's ability to exercise independent judgment regarding Respondent's compliance with the terms of this judgment. The monitor shall report the status of Respondent's compliance on a monthly basis on the form provided by the State Bar of Texas, with the initial report due by the 5<sup>th</sup> day of the month following the initial meeting. Subsequent reports shall be due by the 5<sup>th</sup> day of each month for the duration of the monitoring period and shall be sent to the State Bar of Texas, Office of Chief Disciplinary Counsel, P.O. Box 12487, Austin, TX 78711-2487, or via delivery to the State Bar of Texas, 1414 Colorado St., Austin, TX 78701.

The initial meeting shall be held not later than fifteen (15) days after Respondent

receives written notification from the State Bar of Texas that their monitor has been approved. Respondent shall meet with the attorney monitor a minimum of once per month. Such meetings shall be in person at a place and time as determined by the monitor. Exceptions must be approved in advance by the monitor and noted on the monthly report.

4. Respondent shall make contact with the Chief Disciplinary Counsel's Offices' Compliance Monitor at 512-427-1334 and Special Programs Coordinator at 512-427-1323, not later than seven (7) days after receipt of a copy of this judgment to coordinate Respondent's compliance.

Should Respondent fail to comply with all of the above terms and conditions timely, Respondent shall remain actively suspended until the date of compliance or until August 31, 2022, whichever occurs first.

#### **Terms of Active Suspension**

It is further ORDERED that during the term of active suspension, or any period of active suspension that may be imposed upon Respondent by the Board of Disciplinary Appeals as a result of a probation revocation proceeding, 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 August 31, 2021, Respondent shall notify each of Respondent's current clients and opposing counsel in writing of this suspension.

In addition to such notification, it is further ORDERED that, on or before August 31, 2021, 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 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 August 31, 2021, 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. If it is Respondent's assertion that at the time of suspension 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 suspension, Respondent had not 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 August 31, 2021, 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 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 August 31, 2021, 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. If it is Respondent's assertion that at the time of suspension 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.

It is further ORDERED that, on or before August 31, 2021, 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.

#### **Terms of Probation**

It is further AGREED AND ORDERED that during all periods of the probated suspension, Respondent shall be under the following terms and conditions:

5. Respondent shall not violate any term of this judgment.
6. Respondent shall not engage in professional misconduct as defined by Rule 1.06(CC) of the Texas Rules of Disciplinary Procedure.
7. Respondent shall not violate any state or federal criminal statutes.
8. Respondent shall keep State Bar of Texas membership department notified of current mailing, residence and business addresses and telephone numbers.
9. Respondent shall comply with Minimum Continuing Legal Education requirements.
10. Respondent shall comply with Interest on Lawyers Trust Account (IOLTA) requirements.
11. 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.
12. 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 determination that Respondent has violated any term of this judgment, the Chief

Disciplinary Counsel may, in addition to all other remedies available, file a motion to revoke probation in accordance with the provisions of Texas Rule of Disciplinary Procedure 3.12.

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 AGREED AND ORDERED that Respondent shall pay restitution to Guadalupe Arroyo in the amount of Seven Hundred Fifty Dollars (\$750.00) on or before September 29, 2021. Respondent shall pay the restitution by certified or cashier's check or money order made payable to Guadalupe Arroyo 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 Respondent shall pay reasonable and necessary attorney's fees and direct expenses to the State Bar of Texas in the amount of Two Thousand Seven Hundred Dollars (\$2,700.00) due and payable on or before September 29, 2021. Respondent shall pay the attorney's fees and expenses 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(Y) 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.

**Order to District Clerk**

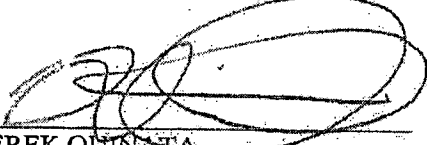
IT IS FURTHER ORDERED that the Clerk of this Court shall forward two (2) certified photocopies of the Petitioner's most recent Disciplinary Petition on file herein, along with two (2) certified photocopies of this Judgment of Suspension to the State Bar of Texas, Office of the Chief Disciplinary Counsel, San Antonio Regional Office, 711 Navarro, Suite 750, San Antonio, Texas 78205.

SIGNED this the 13<sup>th</sup> day of July, 2021.

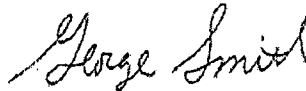


HON. MICHAEL SWANSON,  
SPECIALLY ASSIGNED PRESIDING JUDGE

**APPROVED AS TO FORM AND CONTENT:**



DEREK QUINATA  
State Bar No. 24072292  
Respondent



GEORGE W. SMITH IV  
State Bar No. 24041940  
Counsel for Petitioner

**APPROVED AS TO FORM ONLY:**



JOSHUA SPENCER  
State Bar No. 24067879  
Counsel for Respondent