

FILE NO. 202002247

IN THE MATTER OF:	§	INVESTIGATORY PANEL 8-2
	§	
PAPE MALICK INDISS DJIBA,	§	DISTRICT 8
BAR NO. 24087430	§	
	§	GRIEVANCE COMMITTEE

AGREED JUDGMENT OF PROBATED SUSPENSION

Parties and Appearance

Chief Disciplinary Counsel and Respondent, Pape Malick Indiss Djiba, Texas Bar Number 24087430, announce that an agreement has been reached on all matters including the imposition of a Probated Suspension.

Jurisdiction and Venue

The Investigatory Panel 8-2, having conducted an Investigatory Hearing on November 18, 2020, on the Complaint filed by Renee Jenkins, 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 McLennan, Texas.
3. On September 13, 2017, Complainant Renee Jenkins hired Respondent to

- represent her in a personal injury case arising from a vehicle car accident, in which Complainant was passenger in a car owned by Millie Boswell.
4. Respondent represented both Complainant and Ms. Boswell against a third-party motorist involved in the accident, and against Ms. Boswell's insurance company.
 5. On May 11, 2019, Respondent informed Complainant via text message that he was terminating his representation of Complainant. Respondent sent a more formal notice through an "Attorney Client Termination Letter" dated October 1, 2019. Respondent also gifted Complainant \$45.00 to seek new legal representation.
 6. On November 25, 2019, Complainant hired a new attorney, Kevin Kornegay, who attempted contact with Respondent, to no avail.
 7. During the course of representation, Respondent knowingly failed to respond to a No-Evidence Motion for Summary Judgment filed by the third-party driver in the underlying court case. Instead, Respondent filed a Motion for Leave the day before the Motion for Summary Judgment Hearing, which was set for December 5, 2019. Respondent also failed to notify Complainant or her new counsel about the upcoming court hearing.
 8. On December 5, 2019, Respondent settled Ms. Boswell's claim against the third-party motorist for \$2,900.00. Respondent also settled Complainant's claim for \$100.00, lacking Complainant's consent and having previously terminated their client-attorney relationship.
 9. On February 3, 2020, Respondent sent a demand letter on behalf of Complainant to Boswell's insurance company, regarding the same accident and lacking both Complainant's consent and a waiver of conflict of interest from Ms. Boswell.

Conclusions of Law

Based on the agreed foregoing findings of fact, the Investigatory Panel finds that the following Texas Disciplinary Rules of Professional Conduct have been violated: 1.01(b)(1), 1.02(a)(2), 1.03(a), 1.03(b), 1.06(b)(1), 1.06(b)(2), 1.06(e), and 1.08(d).

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 one (1) year, with the suspension being

fully probated pursuant to the terms stated below. The period of probated suspension shall begin on December 15, 2020, and shall end on December 14, 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(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. In addition to complying with the Minimum Continuing Legal Education (MCLE) requirements of the State Bar of Texas, Respondent shall complete an additional three (3) hours of a continuing legal education course in the area of Ethics. The additional hour(s) of CLE are to be completed by May 18, 2021. 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, via USPS: Office of the CDC, State Bar of Texas, P.O. Box 12487, Austin, TX 78711-2487; or via Delivery: Office of the CDC, State Bar of Texas, 1414 Colorado St., Suite 200, Austin, TX 78701.
9. Further, in addition to complying with the Minimum Continuing Legal Education (MCLE) requirements of the State Bar of Texas, Respondent shall complete an additional three (3) hours of a continuing legal education course in the area of Conflict of Interest. The additional hour(s) of CLE are to be completed by May 18, 2021. 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, via USPS: Office of the CDC, State Bar of Texas, P.O. Box 12487, Austin, TX 78711-2487; or via Delivery: Office of the CDC, State Bar of Texas, 1414 Colorado St., Suite 200, Austin, TX 78701.
10. 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 2.22 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.

Publication

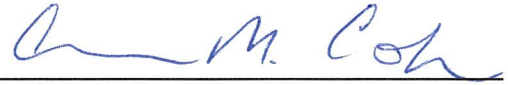
This suspension shall be made a matter of public record and appropriately published in accordance with the Texas Rules of Disciplinary Procedure.

Other Relief

All requested relief not expressly granted herein is expressly DENIED.

SIGNED this 11th day of December, 2020.

**INVESTIGATORY PANEL 8-2
DISTRICT 8**



**Anne M. Cofer
PRESIDING MEMBER**

AGREED AS TO FORM AND SUBSTANCE:

/s/ Malick Djiba

Pape Malick Indiss Djiba
State Bar No. 24087430
RESPONDENT



Luis J. Marin
State Bar No. 24108702
ASSISTANT CHIEF DISCIPLINARY COUNSEL