

**FILE NO. 202001210**

<b>IN THE MATTER OF:</b>	§	<b>INVESTIGATORY PANEL 10-4</b>
	§	
<b>JESSE HERNANDEZ,</b>	§	<b>DISTRICT 10</b>
	§	
<b>TEXAS BAR NO. 24050752</b>	§	<b>GRIEVANCE COMMITTEE</b>

**AGREED JUDGMENT OF PROBATED SUSPENSION**

**Parties and Appearance**

The Chief Disciplinary Counsel and Respondent, Jesse Hernandez, Texas Bar Number 24050752, announce that an agreement has been reached on all matters including the imposition of a Probated Suspension.

**Jurisdiction and Venue**

The Investigatory Panel 10-4, having conducted an Investigatory Hearing on January 19, 2021 on the Complaint filed by Ruben Jimenez, 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 Bexar County, Texas.

3. Ruben Jimenez was injured in a car accident on August 29, 2017 and hired Respondent on September 5, 2017 regarding his personal injury claims. A settlement was reached on August 28, 2019.
4. Respondent failed to diligently pursue his client's claims and neglected the legal matter entrusted to him.
5. Respondent failed to promptly respond to Mr. Jimenez's reasonable requests for information regarding his claim.
6. Respondent failed to hold the client funds owed to Mr. Jimenez in a trust account and separate from his own property. Respondent failed to promptly deliver the settlement funds owed to Mr. Jimenez and to his medical providers.
7. 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 One Thousand and 00/100 Dollars (\$1,000.00)
8. Respondent owes restitution to Medicare/CMS for the medical bills paid on behalf of Ruben Jimenez related to the car accident on August 29, 2017.

### **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), 1.03(a), 1.14(a), 1.14(b).

### **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 two years, with the suspension being fully probated pursuant to the terms stated below. The period of probated suspension shall begin on March 1, 2021 and shall end on February 28, 2023.

### **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. On or before April 1, 2021, Respondent shall pay all reasonable and necessary attorney's fees and direct expenses to the State Bar of Texas in the amount of One Thousand and 00/100 Dollars (\$1,000.00). The payment shall be 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. Within 30 days of the date of this judgment, Respondent reimburse Medicare/CMS for the medical bills that were paid on behalf of Ruben Jimenez related to the car accident on August 29, 2017. The payment to Medicare/CMS shall be considered restitution pursuant to TRDP 1.06(FF)(a). Respondent shall deliver proof of his payment to Medicare/CMS to the Compliance Monitor at the State Bar of Texas, Heather White, by e-mail to [Heather.White@Texasbar.com](mailto:Heather.White@Texasbar.com) or by FAX to: 512-427-4167.
10. On or before April 1, 2021, Respondent shall provide proof of a zero balance on the patient accounts for Ruben Jimenez with Seguin Texas Emergency Physicians, Raul Santascoy, MD and Ronald Stogryn, MD for treatment related to the accident on August 29, 2017. Proof of the payments shall be provided to the Compliance Monitor at the State Bar of Texas, Heather White, by e-mail to [Heather.White@Texasbar.com](mailto:Heather.White@Texasbar.com) or by FAX to: 512-427-4167.

11. 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 in the area of Subrogation & Liens / Personal Injury. These additional hours of CLE are to be completed between February 1, 2021 and January 31, 2022. 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, Office of the Chief Disciplinary Counsel, P.O. Box 12487, Austin, TX 78711-2487 or to 1414 Colorado St., Suite 200, Austin, TX 78701 if a street address is necessary for delivery.
12. Not later than sixty (60) days after entry of this judgment, Respondent shall engage the services of an independent Certified Public Accountant (the CPA), approved by the State Bar of Texas, to assist Respondent in implementing an accounting method to properly maintain trust account records, and to properly balance any and all of Respondent's trust accounts. Respondent shall ensure that written confirmation of the implementation of such accounting method is provided directly by the CPA to the State Bar of Texas not later than ninety (90) days after entry of the judgment. Respondent shall take all necessary action, including the execution of a valid release of information, to allow and direct the CPA to provide such confirmation.
13. Additionally, not later than sixty (60) days after entry of this judgment, Respondent shall have a review of any and all of Respondent's trust accounts completed by the CPA. Not later than 30 days after completion of the review, Respondent shall ensure that a report summarizing the results of the review, and specifically noting any irregularities in Respondent's handling of trust account funds, is provided by the CPA directly to the State Bar of Texas. Thereafter, reviews shall be completed every six (6) months, with reports provided by the CPA directly to the State Bar of Texas within thirty (30) days of the completion of each review. Respondent shall take all necessary action, including the execution of a valid release of information, to allow and direct the CPA to provide such reports.
14. Respondent shall be responsible for all costs and expenses incurred in completing these terms and shall pay all reasonable costs and expenses to the CPA in the manner determined by the CPA.
15. All reports and verifications of compliance with the above shall be sent to the State Bar of Texas via USPS to: Compliance Monitor, Office of the CDC, State Bar of Texas, P.O. Box 12487, Austin, TX 78711-2487 (or to 1414 Colorado St., Suite 200, Austin, TX 78701 if a street address is necessary for delivery) or via FAX to: 512-427-4167.
16. 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.

### **Restitution, Attorney’s Fees and Expenses**

IT IS FURTHER ORDERED that within 30 days of the date of this judgment, Respondent reimburse Medicare/CMS for the medical bills that were paid on behalf of Ruben Jimenez related to the car accident on August 29, 2017. The payment to Medicare/CMS shall be considered restitution pursuant to TRDP 1.06(FF)(a). Respondent shall deliver proof of his payment to Medicare/CMS to the Compliance Monitor at the State Bar of Texas, Heather White, by e-mail to [Heather.White@Texasbar.com](mailto:Heather.White@Texasbar.com) or by FAX to: 512-427-4167.

IT IS FURTHER ORDERED that Respondent shall pay all reasonable and necessary attorney's fees and direct expenses, on or before April 1, 2021, to the State Bar of Texas in the amount of One Thousand and 00/100 Dollars (\$1,000.00). The 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 (or 1414 Colorado St., Austin, TX 78701 if a street address is necessary for delivery).

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(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 2 day of March, 2021.

INVESTIGATORY PANEL 10-4  
DISTRICT 10

  
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JUSTIN HILL, Chair

**AGREED AS TO FORM AND SUBSTANCE:**



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Jesse Hernandez  
State Bar No. 24050752  
**RESPONDENT**



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Stephanie Stolle  
State Bar No. 00785069  
**ASSISTANT DISCIPLINARY COUNSEL**