

**BEFORE THE BOARD OF DISCIPLINARY APPEALS  
APPOINTED BY  
THE SUPREME COURT OF TEXAS**

**IN THE MATTER OF  
MAZEN Y. ABDALLAH  
STATE BAR CARD NO. 24054175**

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§

**CAUSE NO. 45332**

**JUDGMENT OF DISBARMENT**

On the 8th day of April 2011, the Board of Disciplinary Appeals considered the Motion for Entry of Judgment of Disbarment filed in the above case by Petitioner, Commission for Lawyer Discipline of the State Bar of Texas, against Respondent, Mazen Y. Abdallah. Petitioner appeared by disciplinary counsel from the Office of the Chief Disciplinary Counsel of the State Bar of Texas. Respondent, although duly notified of the hearing date, failed to respond to the motion or appear.

The Board finds that:

- (1) It has continuing jurisdiction of this matter pursuant to Texas Rules of Disciplinary Procedure 8.05 ("TRDP").
- (2) The United States Court of Appeals for the Fifth Circuit affirmed Respondent Mazen Abdallah's criminal conviction and issued its Mandate indicating that the decision was final on or about July 9, 2010.
- (3) Petitioner filed its Motion for Entry of Judgment of Disbarment on or about December 7, 2010.
- (4) Petitioner personally served Respondent with the Motion for Entry of Judgment of Disbarment by certified private process server on December 22, 2010, and the affidavit of service was filed with this Board on January 4, 2011.
- (5) Respondent was notified of the April 8, 2011 hearing date on the Motion for Entry of Judgment of Disbarment by this Board by order and letter dated February 2, 2011.

- (6) Respondent's conviction for the commission of an Intentional Crime as defined by TRDP 1.06(T), for which he was sentenced in the United States District Court for the Southern District of Texas, Houston Division, has become final.
- (7) Petitioner's Motion for Entry of Judgment of Disbarment should be granted.

### **Interlocutory Suspension**

Following a hearing on the 9th day of April 2010, at which Petitioner Commission for Lawyer Discipline of the State Bar of Texas appeared by attorney and announced ready and Respondent, Mazen Y. Abdallah, although having filed an answer and having been duly notified of the hearing, failed to appear and made default, the Board of Disciplinary Appeals entered an Interlocutory Order of Suspension on or about April 13, 2010, which included the following findings of fact and conclusions of law:

- (1) Respondent, Mazen Y. Abdallah, Bar Card Number 24054175, is licensed but not currently authorized to practice law in the State of Texas by the Supreme Court of Texas, having claimed a non-practicing exemption from Minimum Continuing Legal Education requirement.
- (2) On or about April 23, 2007, Respondent was charged by Indictment with crimes involving Conspiracy in violation of Title 18 U.S.C. § 371, Healthcare Fraud – Dialysis Transport in violation of Title 18 U.S.C. § 1347 and 2, Anti-Kickback Statute of Title 42 U.S.C. § 1320a-7b(b)(2)(A) and Conspiracy to Launder Funds in violation of Title 18 U.S.C. § 1956(h) in Criminal No. 07-155, styled *United States of America v. Ayad Fallah, Murad Almasri, Raed Elmasri, Mazen Abdallah and Wesam Abdallah*, in the United States District Court for the Southern District of Texas, Houston Division.
- (3) On or about October 15, 2007, Respondent was charged by Superseding Indictment with crimes involving Conspiracy in violation of Title 18 U.S.C. § 371, Healthcare Fraud – Dialysis Transport in violation of Title 18 U.S.C. §§ 1347 and 2, Anti-Kickback Statute of Title 42 U.S.C. § 1320a-7b(b)(2)(A) and Engaging in Monetary Transactions in Property Derived from Specific Unlawful Activity in violation of 18 U.S.C. §§ 1957 and 2 in Criminal No. H 07-155S, styled *United States of America v. Ayad Fallah, Murad Almasri, Raed Elmasri, Mazen Abdallah and Wesam Abdallah*, in the United States District Court for the Southern District of Texas, Houston Division.

- (4) On or about May 20, 2009, a Judgment in a Criminal Case was entered in Case No. 4:07CR00155-004, styled *United States of America v. Mazen Abdallah*, in the United States District Court for the Southern District of Texas, Houston Division, wherein Respondent was found guilty of violating Title 18 U.S.C. § 371, Conspiracy to Defraud and Falsely Bill Medicare and Medicaid, as charged in Count 1S of the Superseding Indictment. The Court ordered that Respondent be committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of thirty (30) months and ordered upon release from imprisonment to be on supervised release for three (3) years and further ordered to pay an assessment of \$100 and restitution of \$637,425.79.
- (5) Respondent, Mazen Y. Abdallah, is the same person as the Mazen Abdallah who is the subject of the Abdallah criminal case described above.
- (6) Respondent's criminal sentence requires incarceration and therefore is not fully probated.
- (7) Respondent is currently incarcerated.
- (8) Respondent has appealed the criminal conviction.
- (9) Respondent was notified by this Board's order signed February 11, 2010 that the hearing on the merits of the Petition for Compulsory Discipline was reset to April 9, 2010.
- (10) The Board has jurisdiction to hear and determine this matter. Texas Rules of Disciplinary Procedure ("TRDP") 7.08(G).
- (11) Respondent, Mazen Y. Abdallah, having been convicted of Conspiracy to Defraud and Falsely Bill Medicare and Medicaid, has been convicted of Intentional Crimes as defined by TRDP 1.06(T).
- (12) Respondent has also been convicted of Serious Crimes as defined by TRDP 1.06(Z).
- (13) Having been found guilty and convicted of Intentional and Serious Crimes and having appealed such conviction, Respondent's license to practice law in Texas should be suspended during the appeal of his conviction. TRDP 8.04.
- (14) The Board retains jurisdiction to enter a final judgment in this matter when the criminal appeal is final.

## **Disbarment**

Pursuant to TRDP 8.05, the Board has determined that Respondent should be disbarred. It is, therefore, accordingly, ORDERED, ADJUDGED, AND DECREED that Respondent, Mazen Y. Abdallah, State Bar No. 24054175, be, and he is hereby, DISBARRED from the practice of law in the State of Texas, and his license to practice law in this state be and is hereby revoked.

It is further ORDERED, ADJUDGED and DECREED that Respondent, Mazen Y. Abdallah, is hereafter prohibited, effective immediately, from practicing law in Texas, holding himself out as an attorney at law, performing any legal service for others, accepting any fee directly or indirectly for legal services, appearing as counsel in any proceeding in any Texas court or before any Texas administrative body, or holding himself out to others or using his name, in any manner, in conjunction with the words "attorney," "counselor," or "lawyer."

It is further ORDERED that Respondent, Mazen Y. Abdallah, not later than thirty (30) days from the date of the entry of this judgment, shall notify in writing each and every justice of the peace, judge, magistrate, and chief justice of each and every court, if any, in which Respondent has any legal matter pending, if any, of his disbarment, of the style and cause number of the pending matter(s), and of the name, address, and telephone number of the client(s) Respondent is representing in that court. Respondent is also ORDERED to mail copies of all such notifications to the Office of the Chief Disciplinary Counsel, Statewide Compliance Monitor, State Bar of Texas, P.O. Box 12487, Austin, Texas 78711.

It is further ORDERED that Respondent, Mazen Y. Abdallah, shall immediately notify each of his current clients, if any, in writing, of his disbarment. In addition to such notification, Respondent is ORDERED to return all files, papers, unearned fees paid in advance, and all other monies and properties which are in his possession but which belong to current or former clients, if any, to those respective clients or former clients within thirty (30) days after the date on which this Judgment is signed by the Board. Respondent is further ORDERED to file with the Office of the Chief Disciplinary Counsel, Statewide Compliance Monitor, State Bar of Texas, P.O. Box 12487, Austin, Texas 78711, within the same thirty (30) days, an affidavit stating that all current clients have been notified of his disbarment and that all files, papers, unearned fees paid in advance, and all other monies and properties belonging to clients and former clients have been returned as ordered herein. If Respondent should be unable to return any file, papers, money or other property to any client or former client, Respondent's affidavit shall state with particularity the efforts made by Respondent with respect to each particular client and the cause of his inability to return to said client any file, paper, money or other property. Respondent is also ORDERED to mail copies of all notification letters to clients to the Office of the Chief Disciplinary Counsel, Statewide Compliance Monitor, State Bar of Texas, P.O. Box 12487, Austin, Texas 78711.

It is further ORDERED that Respondent, Mazen Y. Abdallah, if he has not already done so, immediately surrender his Texas law license and permanent State Bar Card to the Office of the Chief Disciplinary Counsel, Statewide Compliance Monitor, State Bar of Texas, P. O. Box 12487, Austin, Texas 78711, for transmittal to the Clerk of the Supreme Court of Texas.

Signed this 11<sup>th</sup> day of April 2011.

  
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**CHAIR PRESIDING**