

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

IN THE MATTER OF	§	
MANUEL J. BARRAZA	§	CAUSE NO. 47270
STATE BAR CARD NO. 01805270	§	

INTERLOCUTORY ORDER OF SUSPENSION

On the 19th day of October 2010, the above-styled and numbered compulsory discipline action pursuant to Part VIII, Texas Rules of Disciplinary Procedure ("TRDP"), was called for hearing before the Board of Disciplinary Appeals. Petitioner Commission for Lawyer Discipline of the State Bar of Texas appeared by attorney and announced ready. Respondent, Manuel J. Barraza, although duly cited to appear and having notice of the hearing, failed to answer or appear and wholly made default. All issues of fact as well as all questions of law were submitted to the Board of Disciplinary Appeals for determination. Having considered the pleadings on file, having received evidence, and having heard the argument of counsel, the Board of Disciplinary Appeals is of the opinion that Petitioner is entitled to entry of the following findings and orders:

Findings of Fact. The Board of Disciplinary Appeals finds that:

- (1) Respondent, Manuel J. Barraza, whose State Bar Card number is 01805270, is licensed by the Supreme Court of Texas to practice law but is not currently authorized to practice law in the State of Texas due to administrative suspension for failure to pay State Bar dues.
- (2) On or about April 1, 2009, Respondent was charged by Indictment with crimes involving Wire Fraud and Deprivation of Honest Services, Mail Fraud and Deprivation of Honest Services and False Statement in Case No. EP09CR0978, styled *United States of America v. Manuel Joseph Barraza*,

also known as (a.k.a.): Manuel Saavedra, in the United States District Court for the Western District of Texas, El Paso Division.

- (3) On or about August 12, 2009, Respondent was charged by Superseding Indictment with crimes involving Wire Fraud and Deprivation of Honest Services, Mail Fraud and Deprivation of Honest Services and False Statement, in Case No. EP-09-CR-978-FM, styled *United States of America v. Manuel Joseph Barraza, also known as (a.k.a.): Manny Barraza*, in the United States District Court for the Western District of Texas, El Paso Division.
- (4) On or about May 17, 2010, the court signed a Judgment in a Criminal Case in Case Number EP-09-CR-978-FM, styled *United States of America v. Manuel Joseph Barraza, aka Manny Barraza*, in the United States District Court for the Western District of Texas, El Paso Division, wherein Respondent was found guilty of Count 1 – Wire Fraud and Deprivation of Honest Services in violation of Title 18 U.S.C. § 1343 & 1346; Count 2 – Wire Fraud and Deprivation of Honest Services in violation of Title 18 U.S.C. § 1343 & 1346; and Count 4 – Making a Material False Statement as to a matter within the Jurisdiction of the United States Department of Justice, Federal Bureau of Investigation, an Agency of the United States in violation of Title 18 U.S.C. § 1001, 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 sixty (60) months and ordered upon release from imprisonment to be on supervised release for three (3) years, ordered to pay an assessment of \$300.00, and further ordered to forfeit \$15,000.00.
- (5) On or about June 1, 2010, the court signed an Amended Judgment in a Criminal Case in Case Number EP-09-CR-978-FM, styled *United States of America v. Manuel Joseph Barraza, aka Manny Barraza*, in the United States District Court for the Western District of Texas, El Paso Division, wherein Respondent was found guilty of Count 1 – Wire Fraud and Deprivation of Honest Services in violation of Title 18 U.S.C. § 1343 & 1346; Count 2 – Wire Fraud and Deprivation of Honest Services in violation of Title 18 U.S.C. § 1343 & 1346; and Count 4 – Making a Material False Statement as to a matter within the Jurisdiction of the United States Department of Justice, Federal Bureau of Investigation, an Agency of the United States, in violation of Title 18 U.S.C. § 1001, 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 sixty (60) months and ordered upon release from imprisonment to be on supervised release for three (3)

years, ordered to pay an assessment of \$200.00, and further ordered to forfeit \$5,100.00.

- (6) Respondent, Manuel J. Barraza, is the same person as the Manuel Joseph Barraza who is named in the Amended Judgment in a Criminal Case described above.
- (7) Respondent's appeal of the criminal conviction is currently pending.
- (8) Respondent was personally served by a duly authorized process server with the Petition for Compulsory Discipline on September 16, 2010, and the affidavit of service was filed with the Board on October 3, 2010.

Conclusions of Law. Based upon the foregoing findings of facts the Board of Disciplinary Appeals makes the following conclusions of law:

- (1) This Board has jurisdiction to hear and determine this matter. TRDP 7.08(G);
- (2) Respondent, Manuel J. Barraza, having been convicted of Wire Fraud and Deprivation of Honest Services and Making a Material False Statement as to a matter within the Jurisdiction of the United States Department of Justice, Federal Bureau of Investigation, an Agency of the United States, has been convicted of Intentional Crimes as defined by TRDP 1.06(T).
- (3) Respondent has also been convicted of Serious Crimes as defined by TRDP 1.06(Z).
- (4) Having been found guilty and convicted of Intentional and Serious Crimes and having appealed such conviction, Respondent, Manuel J. Barraza, should have his license to practice law in Texas suspended during the appeal of his criminal conviction. TRDP 8.04.
- (5) The Board retains jurisdiction to enter a final judgment in this matter when the appeal of the criminal conviction is final.

It is, accordingly, ORDERED, ADJUDGED, and DECREED that Respondent, Manuel J. Barraza, State Bar Card No. 01805270, is hereby SUSPENDED from the practice of law in the State

of Texas effective immediately upon entry of this order and continuing hereafter until further order of this Board.

It is further ORDERED, ADJUDGED and DECREED that Respondent, Manuel J. Barraza, during said suspension is hereby 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 not completed before the date of this order, 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, Manuel J. Barraza, shall notify in writing, no later than thirty (30) days from the date of this Order, each and every justice of the peace, judge, magistrate, and chief justice of each and every court in which Respondent, Manuel J. Barraza, has any legal matter pending, if any, of his suspension, 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 Statewide Compliance Monitor, Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711.

It is further ORDERED that Respondent, Manuel J. Barraza, shall immediately notify each of his current clients, if any, in writing, of his suspension. 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 of this Order. Respondent is further ORDERED to file with the Statewide Compliance Monitor, Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711, within the same thirty (30) days, an affidavit stating either (a) that all current clients have been notified of his suspension 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 or (b) that Respondent has no current clients, files, or papers, and that any unearned fees paid in advance or other monies or properties belonging to clients have previously been returned to the appropriate client. If Respondent is 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 a copy of all notification letters to the Statewide Compliance Monitor, Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711.

It is further ORDERED that Respondent, Manuel J. Barraza, immediately surrender his Texas law license and permanent State Bar Card to the Statewide Compliance Monitor, Office of the Chief Disciplinary, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711, for transmittal to the Clerk of the Supreme Court of Texas.

It is further ORDERED that this Order is interlocutory and that the Board retains jurisdiction to enter a final judgment when the appeal of the criminal conviction is final. *In the Matter of Mercier*, 242 SW 3d 46 (Tex. 2007).

It is further ORDERED that Respondent shall promptly notify the Board and the State Bar of Texas Chief Disciplinary Counsel when the appeal of the criminal conviction is final.

It is further ORDERED that the Chief Disciplinary Counsel of the State Bar of Texas shall monitor the status of the appeal of the criminal conviction on at least a quarterly basis and promptly file an appropriate motion for entry of final judgment with the Board when the appeal of the criminal conviction is final.

Signed this 22nd day of October 2010.



CHAIR PRESIDING