

No. 61384



FILED

May. 10, 2019

THE BOARD of DISCIPLINARY APPEALS
Appointed by the Supreme Court of Texas

**Before the Board of Disciplinary Appeals
Appointed by
The Supreme Court of Texas**

**RICHARD CLEMENT DUNN,
APPELLANT**

V.

**COMMISSION FOR LAWYER DISCIPLINE,
APPELLEE**

*On Appeal from the Evidentiary Panel
For the State Bar of Texas District 2-1
No. 201702600*

AGREED JUDGMENT OF PRIVATE REPRIMAND

Parties and Appearance

On this day came to be heard the above styled and numbered cause. Appellee and Appellant, Richard Clement Dunn, Texas Bar Number 06249300, filed a joint motion announcing that an agreement has been reached on all matters, including the imposition of a Private Reprimand. The parties urged the Board of Disciplinary Appeals to vacate the Judgment of Fully Probated Suspension rendered by Evidentiary Panel 2-1 and enter this Agreed Judgment of Private Reprimand. The parties have agreed to all terms set forth below.

Jurisdiction

This matter is before the Board of Disciplinary Appeals on appeal from Evidentiary Panel 2-1. The Board has jurisdiction over this matter

Professional Misconduct

The Board of Disciplinary Appeals, having considered the pleadings, admissions, stipulations and agreements of the parties, finds Appellant has committed Professional Misconduct as defined by Rule 1.06(W) of the Texas Rules of Disciplinary Procedure.

Findings of Fact

Appellant and Appellee agree to the following findings of fact. Accordingly, the Board finds:

1. Appellant is an attorney licensed to practice law in Texas and is a member of the State Bar of Texas.
2. Appellant resides in and maintains his principal place of practice in Gregg County, Texas.
3. On or about September 23, 2013, Complainant Jimmy Murrell Owen (Owen) hired Appellant to file a post-conviction writ of habeas corpus in a criminal matter.
4. In representing Owen, Appellant neglected the legal matter entrusted to him by failing to timely file the writ of habeas corpus on behalf of Owen.
5. Appellant's physical condition materially impaired Appellant's fitness to represent Owen and Appellant failed to withdraw from representation.

6. Upon termination of representation, Appellant failed to refund advance payments of the fee that had not been earned.
7. The Chief Disciplinary Counsel of the State Bar of Texas has incurred reasonable attorney's fees associated with this Disciplinary Proceeding in the amount of Two Thousand Five Hundred Fifty-Three and 75/100 Dollars (\$2,553.75).
8. The Chief Disciplinary Counsel of the State Bar of Texas has incurred direct expenses associated with this Disciplinary Proceeding in the amount of Six Hundred Sixty-Nine and 50/100 Dollars (\$669.50).

Conclusions of Law

Appellant and Appellee agree that, based on the foregoing findings of fact, the following Texas Disciplinary Rules of Professional Conduct have been violated. Accordingly, the Board concludes that the following Texas Disciplinary Rules of Professional Conduct have been violated: 1.01(b)(1), 1.15(a)(2) and 1.15(d).

Sanction

The Judgment of Fully Probated Suspension entered by Evidentiary Panel 2-1 is hereby VACATED. It is AGREED and ORDERED that a Private Reprimand shall be imposed against Appellant in accordance with the Texas Rules of Disciplinary Procedure.

Attorney's Fees and Expenses

It is further **ORDERED** Appellant shall pay all reasonable and necessary attorney's fees to the State Bar of Texas in the amount of Two Thousand Five Hundred Fifty-Three and 75/100 Dollars (\$2,553.75). It is further **ORDERED**

Appellant shall pay all direct expenses to the State Bar of Texas in the amount of Six Hundred Sixty-Nine and 50/100 Dollars (\$669.50). It is further **ORDERED** that all amounts ordered herein are due to the misconduct of Appellant, are assessed as a part of the sanction in accordance with Rule 1.06(Z) of the Texas Rules of Disciplinary Procedure. The parties agree that this portion of this order was satisfied on May 6, 2019 by Richard Clement Dunn by payment in full to the State Bar of Texas, to the Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701).

Publication

This reprimand shall remain confidential as to the identity of the reprimanded attorney except that, in accordance with the Texas Rules of Disciplinary Procedure, a photocopy of this judgment shall be forwarded to the Chief Disciplinary Counsel of the State Bar of Texas and may be used only as authorized by law.

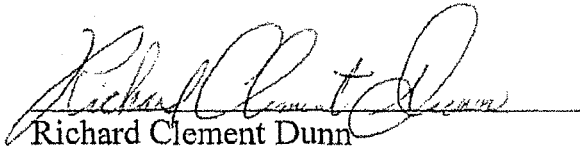
Other Relief

All requested relief not expressly granted herein is expressly DENIED.

SIGNED this 10th day of May, 2019.

Robert A. Hark
Chair Presiding

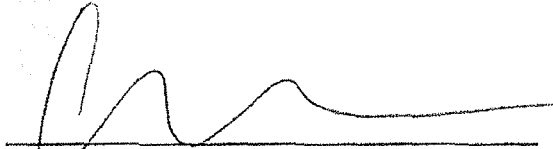
AGREED AS TO BOTH FORM AND SUBSTANCE:



Richard Clement Dunn

State Bar No. 06249300

Appellant



Carrie Johnson Phaneuf

Texas Bar No. 24003790

Cobb Martinez Woodward, PLLC

Attorney for Appellant



Matthew J. Greer

Texas Bar No. 24069825

Appellate Counsel

Office of the Chief Disciplinary Counsel

Attorney for Appellee