

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

IN THE MATTER OF	§	
ABRAHAM M. FISCH	§	CAUSE NO. 57005
STATE BAR CARD NO. 07039900	§	

AGREED INTERLOCUTORY ORDER OF SUSPENSION

On this day, the above-styled and numbered compulsory disciplinary action was called for hearing before the Board of Disciplinary Appeals. Petitioner appeared by attorney and Respondent appeared by attorney as indicated by their respective signatures below and announced that they agree to the findings of fact, conclusions of law and orders set forth below. The Board of Disciplinary Appeals, having reviewed the file and in consideration of the agreement of the parties, 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, Abraham M. Fisch, whose State Bar Card number is 07039900, is licensed by the Supreme Court of Texas to practice law and is authorized to practice law in the State of Texas.
- (2) On or about October 19, 2011, Respondent was charged by Indictment with Count One - Conspiracy, in violation of 18 U.S.C. §371, Count Two - Obstruction of Justice, in violation of 18 U.S.C. §1503, Count Three - Obstruction of Justice, in violation of 18 U.S.C. §1503, Count Four - Obstruction of Justice, in violation of 18 U.S.C. §1503, Count Five - Obstruction of Justice, in violation of 18 U.S.C. §1503, Count Six - Money Laundering Conspiracy, in violation of 18 U.S.C. §1956(h), Counts Seven through Fifteen - Money Laundering, in violation of 18 U.S.C. §§ 1957 and 2, and Counts Sixteen through Twenty - Failure to File Tax Return, in violation of 26 U.S.C. §7203, in Cause No. H-11-722, styled *United States of America v. Abraham Moses Fisch aka Anthony Fisch (Counts 1-20), Lloyd Glen Williams (Counts 1-15, 21), Monica*

RBC

Bertman aka Marsha Zaluska Pavlovich aka Malkah Aliyah Bertman (Count 1, 2) in the United States District Court for the Southern District of Texas, Houston Division.

- (3) On or about April 3, 2013, Respondent was charged by Superseding Indictment with Count One - Conspiracy, in violation of 18 U.S.C. §371, Count Two - Obstruction of Justice, in violation of 18 U.S.C. §1503, Count Three - Obstruction of Justice, in violation of 18 U.S.C. §1503, Count Four - Obstruction of Justice, in violation of 18 U.S.C. §1503, Count Five - Obstruction of Justice, in violation of 18 U.S.C. §1503, Count Six - Obstruction of Justice, in violation of 18 U.S.C. §1503, Count Seven - Money Laundering Conspiracy, in violation of 18 U.S.C. §1956(h), Counts Eight through Sixteen - Money Laundering, in violation of 18 U.S.C. §§ 1957 and 2, Counts Seventeen through Twenty-One - Failure to Timely File Tax Return, in violation of 26 U.S.C. §7203, and Count Twenty-Two - Corrupt Endeavor to Impede the Due Administration of the Internal Revenue Code, in violation of 26 U.S.C. § 7212(a) in Cause No. H-11-722, styled *United States of America v. Abraham Moses Fisch aka Anthony Fisch (Counts 1-22), Monica Bertman aka Marsha Zaluska Pavlovich aka Malkah Aliyah Bertman (Count 1, 2)* in the United States District Court for the Southern District of Texas, Houston Division.
- (4) On or about November 10, 2015, a Judgment in a Criminal was entered in Case No. 4:11CR00722-001, styled *United States of America v. Abraham Moses Fisch, aka Anthony Fisch*, in the United States District Court for the Southern District of Texas, Holding Session in Houston, wherein Respondent was found guilty of Count One S - Conspiracy to Commit Obstruction of Justice, Count Two S - Obstruction of Justice, Aiding and Abetting, Count Three S - Obstruction of Justice, Aiding and Abetting, Count Five S - Obstruction of Justice, Aiding and Abetting, Count Six S - Obstruction of Justice, Aiding and Abetting, Count Seven S - Conspiracy to Commit Money Laundering, Counts Eight S through Thirteen S - Money Laundering, Aiding and Abetting, Count Sixteen S - Money Laundering, Aiding and Abetting, Counts Seventeen S through Twenty-One S - Failure to File Tax Return and was committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 180 months. This term consists of 53 months as to Count 1S; 120 months as to each of Counts 2S, 3S, 5S, 6S and 8S through 13S and 16S; 180 months as to Count 7S; and 12 months as each of Counts 17S through 21S; all terms to run concurrently for a total of 180 months. Respondent was ordered upon release from imprisonment to be on supervised release for 3 years on each of Counts 1S thorough 3S, 5S, 6S, 8S through 13S and 16S; 5 years as to Count 7S; and 1 year as to each of Counts 17S through 21S; all such terms to run concurrently for a total of 5 years, ordered to pay an assessment of \$1,425.00.

RBC

- (5) On or about November 25, 2015, an Amended Judgment in a Criminal Case was entered in Case No. 4:11CR00722-001, styled *United States of America v. Abraham Moses Fisch, aka Anthony Fisch*, in the United States District Court for the Southern District of Texas, Holding Session in Houston, wherein Respondent was found guilty of Count One S - Conspiracy to Commit Obstruction of Justice, Count Two S - Obstruction of Justice, Aiding and Abetting, Count Three S - Obstruction of Justice, Aiding and Abetting, Count Five S - Obstruction of Justice, Aiding and Abetting, Count Six S - Obstruction of Justice, Aiding and Abetting, Count Seven S - Conspiracy to Commit Money Laundering, Counts Eight S through Thirteen S - Money Laundering, Aiding and Abetting, Count Sixteen S - Money Laundering, Aiding and Abetting, Counts Seventeen S through Twenty-One S - Failure to File Tax Return and was committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 180 months. This term consists of 53 months as to Count 1S; 120 months as to each of Counts 2S, 3S, 5S, 6S and 8S through 13S and 16S; 180 months as to Count 7S; and 12 months as to each of Counts 17S through 21S; all terms to run concurrently for a total of 180 months. Respondent was ordered upon release from imprisonment to be on supervised release for 3 years as to each of Counts 1S through 3S, 5S, 6S, 8S through 13S and 16S; 5 years as to Count 7S; and 1 year as to each of Counts 17S through 21S; all such terms to run concurrently for a total of 5 years, ordered to pay an assessment of \$1,425.00.
- (6) Respondent, Abraham M. Fisch, is the same person as the Abraham Moses Fisch who is the subject of the criminal case described above.
- (7) Respondent has appealed the criminal convictions.

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. Tex. R. Disciplinary P. ("TRDP") 7.08(G);
- (2) Respondent, Abraham M. Fisch, having been convicted of Count One S - Conspiracy to Commit Obstruction of Justice, Count Two S - Obstruction of Justice, Aiding and Abetting, Count Three S - Obstruction of Justice, Aiding and Abetting, Count Five S - Obstruction of Justice, Aiding and Abetting, Count Six S - Obstruction of Justice, Aiding and Abetting, Count Seven S - Conspiracy to Commit Money Laundering, Counts Eight S through Thirteen S - Money Laundering, Aiding and Abetting, Count

RBC

Sixteen S - Money Laundering, Aiding and Abetting, 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, Abraham M. Fisch, should have his license to practice law in Texas suspended during the appeal of his criminal convictions. TRDP 8.04.
- (5) The Board retains jurisdiction to enter a final judgment in this matter when the criminal appeal is final.

It is, accordingly, ORDERED, ADJUDGED, and DECREED that Respondent, Abraham M. Fisch, State Bar Card No. 07039900, 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, Abraham M. Fisch, 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, Abraham M. Fisch, 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, Abraham M. Fisch, 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

RBC

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, Abraham M. Fisch, 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 with active cases pending, if any, to those respective clients or former clients with active cases pending 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 with active cases pending 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 with active cases pending, 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.

Rbc

It is further ORDERED that Respondent, Abraham M. Fisch, 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 a certified copy of the Petition for Compulsory Discipline on file herein, along with a copy of this Order, be sent to the Chief Disciplinary Counsel of the State Bar of Texas, P.O. Box 12487, Austin, Texas 78711.

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.

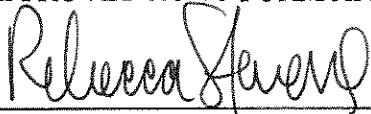
Signed this 12 day of July 2016.



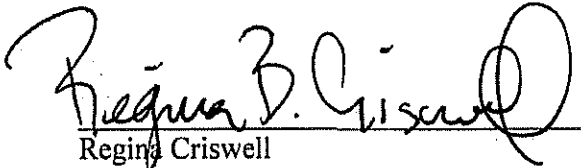
Chairman Presiding
Board of Disciplinary Appeals

(Rec)

APPROVED AS TO FORM AND CONTENT:



Rebecca (Beth) Stevens
Assistant Disciplinary Counsel
State Bar Card No. 24065381
Attorney for Petitioner



Regina Criswell
State Bar Card No. 01496580
Attorney for Respondent
(210) 775-1155 (off)
(210) 251-2071 (fax)

