

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

IN THE MATTER OF	§	
NOEL A. GAGE	§	CAUSE NO. 48192
STATE BAR CARD NO. 07566400	§	

JUDGMENT OF SUSPENSION

On the 8th day of April 2011, the above-styled and numbered disciplinary action was called for hearing before the Board of Disciplinary Appeals. Petitioner Commission for Lawyer Discipline of the State Bar of Texas appeared by disciplinary counsel from the Office of the Chief Disciplinary Counsel of the State Bar of Texas and announced ready. Respondent, Noel A. Gage, appeared by attorney and announced ready. All questions of fact as well as all issues 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, Noel A. Gage, State Bar Card Number 07566400, is licensed but not currently authorized to practice law in the State of Texas by the Supreme Court of Texas having claimed an MCLE non-practicing exemption.
- (2) On or about December 8, 2009, Noel A. Gage was charged by Third Superseding Criminal Indictment with Conspiracy, Mail Fraud/Honest Services Fraud, and Obstruction of Justice, in Case No. 2:07-cr-039-JLQ-LRL, styled *United States of America, Plaintiff, vs. Noel Gage and Howard Awand, Defendants*, in the United States District Court for the District of Nevada.

- (3) On or about June 3, 2010, a Judgment in a Criminal Case was entered in Case No. 2:07-CR-0039-JLQ-LRL, styled *United States of America v. Noel Gage*, in the United States District Court for the District of Nevada, stating that Gage pled guilty to count 3 of the Third Superseding Criminal Indictment which charged him with Obstruction of Justice, in violation of 18 U.S.C. § 1512(c). Gage was sentenced to probation for a term of three (3) years, and as a special condition of supervision was confined to home confinement without electronic monitoring for a period of three (3) months, ordered to pay a \$100.00 assessment, and a \$25,000.00 fine.
- (4) The parties have stipulated by a Rule 11 Agreement dated March 31, 2011 that Respondent pled guilty to count 7 of the Third Superseding Indictment and that the crime for which Respondent received a three year probation was Obstruction of Justice in violation of 18 USC 1512(c).
- (5) Respondent, Noel A. Gage, is the same person as Noel Gage who is the subject of the indictment, plea agreement, and criminal judgment described above.
- (6) Respondent's criminal sentence is fully probated.
- (7) To date Respondent has successfully completed the terms and conditions of probation.

Conclusions of Law. Based upon the foregoing findings of fact the Board of Disciplinary

Appeals makes the following conclusions of law:

- (1) This Board has jurisdiction to hear and determine this matter. Texas Rules of Disciplinary Procedure 7.08(G) ("TRDP").
- (2) Respondent, Noel A. Gage, having pled guilty to and been placed on probation for Obstruction of Justice has been convicted of an Intentional Crime as defined by TRDP 10.6T for purposes of compulsory discipline and TRDP 8.04.
- (3) Respondent has also been convicted of a Serious Crime as defined by TRDP 1.06(Z).
- (4) Respondent, Noel A. Gage, should be suspended for the term of his criminal probation as originally assessed until June 2, 2013.

- (5) The Board retains jurisdiction for the full term of Respondent's suspension pursuant to TRDP 8.06 to disbar Respondent in the event that the above-described criminal probation is revoked.

It is, accordingly, ORDERED, ADJUDGED, AND DECREED that Respondent, Noel A. Gage, State Bar Card No. 07566400, be and he is hereby SUSPENDED from the practice of law in the State of Texas and his license to practice law in the State of Texas for a period beginning effective the date of this judgment and ending June 2, 2013.

It is further ORDERED, ADJUDGED and DECREED that Respondent, Noel A. Gage, during said suspension is prohibited 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 prior to the date of this judgment, 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, Noel A. Gage, not later than thirty (30) days 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, Noel A. Gage, 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, Noel A. Gage, 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 on which this Judgment is signed by the Board. Respondent is further ORDERED to file with 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 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. 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 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, Noel A. Gage, immediately surrender his Texas law license and permanent State Bar Card to the Statewide Compliance Monitor, Office of the Chief Disciplinary Counsel, 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, in the event that the above-described criminal probation of Respondent, Noel A. Gage, is revoked, the Chief Disciplinary Counsel shall file a motion to disbar Respondent supported by certified copies of court documents showing that such criminal probation has been revoked.

Signed this 11th day of April 2011.



CHAIR PRESIDING