



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

**IN THE MATTER OF** §  
**T. ANTHONY GUAJARDO,** § **CAUSE NO. 58730**  
**STATE BAR CARD NO. 08561200** §

**JUDGMENT OF DISBARMENT**

On the 4th day of August 2017, 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 attorney and announced ready. Respondent appeared in person 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 makes the following findings and orders:

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

- (1) Respondent, T. Anthony Guajardo, State Bar Card Number 08561200, is licensed and authorized to practice law in the State of Texas by the Supreme Court of Texas.
- (2) On or about December 13, 2016, a Complaint was filed Before the Presiding Disciplinary Judge of the Supreme Court of Arizona in a matter styled, *In the Matter of a Suspended Member of the State Bar of Arizona, T. Anthony Guajardo, Bar No. 021500, Respondent*, PDJ 2016-9126 [State Bar File Nos. 15-1320 and 15-1817].

- (3) On or about January 9, 2017, Respondent's Answer was filed Before the Presiding Disciplinary Judge of the Supreme Court of Arizona in a matter styled, *In the Matter of a Suspended Member of the State Bar of Arizona, T. Anthony Guajardo, Bar No. 021500, Respondent*, PDJ 2016-9126 (State Bar File Nos. 15-1320 and 15-1817).
- (4) On or about January 31, 2017, a Consent to Disbarment signed by Respondent was filed Before the Presiding Disciplinary Judge of the Supreme Court of Arizona in a matter styled, *In the Matter of a Suspended Member of the State Bar of Arizona, T. Anthony Guajardo, Bar No. 021500, Respondent*, PDJ 2016-9126 [State Bar File Nos. 15-1320, 15-1817, 15-3235, 16-0623, 16-0674, 16-1057, 16-2407, 16-2417, 16-3279, 16-3378, 16-3820, 16-3827, 16-3896, 16-4217].
- (5) On or about February 2, 2017, a Judgment of Disbarment was entered Before the Presiding Disciplinary Judge of the Supreme Court of Arizona in a matter styled, *In the Matter of a Suspended Member of the State Bar of Arizona, T. Anthony Guajardo, Bar No. 021500, Respondent*, PDJ 2016-9126 [State Bar File Nos. 15-1320, 15-1817, 15-3235, 16-0623, 16-0674, 16-1057, 16-2407, 16-2417, 16-3279, 16-3378, 16-3820, 16-3827, 16-3896, 16-4217]., that states in pertinent part as follows:

*IT IS ORDERED [sic] accepting the consent to disbarment. Respondent, T. Anthony Guajardo, Bar No. 021500, is disbarred from the State of Arizona and his name is hereby stricken from the roll of lawyers effective immediately.*

- (6) The Consent to Disbarment established that in Count One, Respondent violated: **ER 3.1** (Meritorious claims and contentions): A lawyer shall not bring or defend a proceeding, or assert or controvert an issue therein, unless there is a good faith basis in law and fact for doing so that is not frivolous, which may include a good faith and nonfrivolous argument for an extension, modification or reversal of existing law; **ER 3.3(a)** (Candor toward the tribunal): A lawyer shall not knowingly make a false statement of fact or law to a tribunal; **ER 3.4(c)** (Fairness to opposing party and counsel): A lawyer shall not: (c) knowingly disobey an obligation under the rules of a tribunal except for an open refusal based on an assertion that no valid obligation exists; **ER 8.4(c)** (Misconduct): It is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud; deceit or misrepresentation; and **ER 8.4(d)** (Misconduct): It is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice. It further established that in County Two, Respondent violated: **ER 1.2** (Scope of Representation): A lawyer shall abide by a client's decisions concerning the objectives of representation and shall consult with the client as to the means by which they are to be pursued; **ER 1.3(a)** (Diligence): A lawyer shall act with reasonable

diligence and promptness in representing a client; **ER 1.4** (Communication) : A lawyer shall consult with the client, keep the client reasonably informed about the status of the matter, promptly comply with reasonable requests for information, and explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation); **ER 1.5** (Fees): A lawyer's fees and cost must be reasonable; **ER 1.16.(d)** (Termination of Representation): Upon termination of representation, a lawyer shall take steps to protect a client's interests, such as surrendering documents and property to which the client is entitled and refunding any advance payment of a fee that has not been earned. Upon the client's request, the lawyer shall provide the client with all of the client's documents, and all documents reflecting work performed for the client; and **ER 8.4(d)** (Misconduct): It is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice.

- (7) On May 5, 2017, Respondent moved the State Bar of Arizona to extend time to file an appeal.
- (8) On June 7, 2017, an Order Striking Motion to Extend Time for Appeal and Notice of Appeal was entered Before the Presiding Disciplinary Judge of the Supreme Court of Arizona in a matter styled, *In the Matter of a Suspended Member of the State Bar of Arizona, T. Anthony Guajardo, Bar No. 021500, Respondent*, PDJ 2016-9126 [State Bar File Nos. 15-1320, 15-1817, 15-3235, 16-0623, 16-0674, 16-1057, 16-2407, 16-2417, 16-3279, 16-3378, 16-3820, 16-3827, 16-3896, 16-4217].
- (9) The Judgment of Disbarment filed February 2, 2017 in *In the Matter of a Suspended Member of the State Bar of Arizona, T. Anthony Guajardo, Bar No. 021500, Respondent*, PDJ 2016-9126 is final.
- (10) Respondent, T. Anthony Guajardo, is the same person as T. Anthony Guajardo who is the subject of the Judgment of Disbarment described above.

**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 Rule 7.08(H).
- (2) Respondent failed to prove any defense under TRDP 9.04 by clear and convincing evidence.
- (3) Reciprocal discipline identical to that imposed by Supreme Court of

Arizona is warranted in this case.

It is, accordingly, **ORDERED, ADJUDGED, and DECREED** that Respondent, T. Anthony Guajardo, State Bar Card No. 08561200, 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, T. Anthony Guajardo, is prohibited from practicing law in Texas, holding himself out as an attorney at law, performing any legal services for others, accepting any fee directly or indirectly for legal services not completed before the date of this judgment, appearing as counsel in any proceeding in any Texas court or before any administrative body or holding himself out to others or using his name, in any manner, in conjunction with the words "attorney at law," "attorney," "counselor at law," or "lawyer."

It is further **ORDERED** Respondent shall immediately notify each of his current clients in writing of this disbarment. In addition to such notification, Respondent is **ORDERED** to return any files, papers, unearned monies and other property belonging to clients and former clients in the Respondent's possession to the respective clients or former clients or to another attorney at the client's or former client's request. Respondent is further **ORDERED** to file with the Statewide Compliance Monitor, State Bar of Texas, Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701) within thirty (30) days of the signing of this judgment by the Board, an affidavit stating that all current clients have been notified of Respondent's disbarment and that all files, papers, monies and other property belonging to all clients and former clients have been returned as ordered herein.

It is further **ORDERED** Respondent shall, on or before thirty (30) days from the signing of this judgment by the Board, notify in writing each and every justice of the peace, judge,

magistrate, administrative judge or officer and chief justice of each and every court or tribunal in which Respondent has any matter pending of the terms of this judgment, the style and cause number of the pending matter(s), and the name, address and telephone number of the client(s) Respondent is representing. Respondent is further **ORDERED** to file with the Statewide Compliance Monitor, State Bar of Texas, Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701) within thirty (30) days of the signing of this judgment by the Board, an affidavit stating that each and every justice of the peace, judge, magistrate, administrative judge or officer and chief justice has received written notice of the terms of this judgment.

It is further **ORDERED** that Respondent, T. Anthony Guajardo, 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 a certified copy of the Petition for Reciprocal Discipline on file herein, along with a copy of this Judgment, be sent to the Chief Disciplinary Counsel of the State Bar of Texas, P.O. Box 12487, Austin, Texas 78711.

Signed this 7 day of August 2017.

  
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CHAIR PRESIDING