

BEFORE THE BOARD OF DISCIPLINARY APPEALS

APPOINTED BY THE
SUPREME COURT OF TEXAS



FILED

APR 06 2017

Board of Disciplinary
Appeals

IN THE MATTER OF)(
T. ANTHONY GUAJARDO)(
State Bar Of Texas Card No. 08561200)(
CAUSE NO. 58730

RESPONDENT T. ANTHONY GUAJARDO'S RESPONSE ON
PETITION FOR RECIPROCAL DISCIPLINE IN TEXAS

Pursuant to Texas Rule Of Disciplinary Procedure 9.04, Respondent hereby submits the following defenses :

- 1) There is an infirmity of proof establishing misconduct in the other jurisdiction due to such a degree that Board of Disciplinary Appeals (BODA) should not accept the decision as final. As clear and convincing evidence on this point, Respondent relies on an official business record from the State Bar Of Arizona (attached hereto as Exhibit No. 1 and which is hereby incorporated by reference for all purposes) which reads as follows:

"RE: State Bar's Settlement Offer(From Shauna Miller, Senior Bar Counsel):

Mr. Guajardo,

The State Bar has 12 open screening files against you, including one judicial referral and two trust account cases. These cases are in addition to the formal complaint now pending before Judge O'Neal. The State Bar is willing to settle ALL cases against you (the 12 in screening and the formal complaint) for your consent to disbarment. By consenting to disbarment, you do not need to admit any specific violations of the ethical rules, instead the form reads as follows:

'I acknowledge that twelve separate charges have been made against me and a formal complaint has also been filed against me. I have read the charges and the complaint made against me. I further acknowledge that I do not desire to contest or defend the charges, but wish to consent to disbarment.' "

There is no proof and/or any admissible evidence that Respondent committed Ethical Misconduct based upon the Consent To Disbarment (Case No. PDJ 2016-9126) and/or the

Judgment Of Disbarment (Case No PDJ 2016-9126). (See, Petitioner's Exhibits 1 thru 4, which are hereby incorporated by reference for all purposes).

Therefore, the BODA should not accept the decision in Arizona as final for purposes of the Reciprocal Discipline sought in Texas.

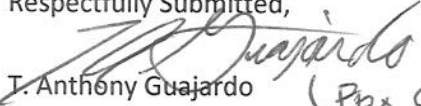
- 2) The imposition of identical discipline would result in a grave injustice because Respondent would be disbarred in Texas based upon mere allegations without proof and/or evidence. The consent to disbarment and the Judgment of Disbarment do not make findings of Fact and Conclusions of Law establishing that in fact Respondent committed ethical misconduct in Arizona.

Therefore, BODA should not disbar Respondent because disbarment would result in a grave injustice. There is no proof and/or admissible evidence that Respondent committed ethical misconduct in Arizona.

- 3) The misconduct (if any) in Arizona warrants substantially different discipline in Texas. The ABA standards (which are followed by BODA) essentially warrant that a Reprimand would be warranted in this case where there is an infirmity in the proof in the decision in Arizona.

Therefore, the BODA should find that disbarment in Texas is not warranted.

WHEREFORE, premises considered, the BODA should not disbar Respondent.

Respectfully Submitted,

T. Anthony Guajardo (Pro Se)
9605 W. Coolidge St.
Phoenix, AZ 85037
Email: tanthonyguajardo12@gmail.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above foregoing T. Anthony Guajardo's Response To Order To Show Cause On Petition For Reciprocal Discipline, Was served upon the Office Of Disciplinary Counsel, attn.: Judith Gres DeBerry, Assistant Disciplinary Counsel, P.O. Box 12487, Capitol Station, Austin, TX 78711, on this 31st day of March, 2017.

BY: 

(Via USPS)



anthony guajardo <tanthonyguajardo12@gmail.com>

State Bar's settlement offer

1 message

Shauna Miller <Shauna.Miller@staff.azbar.org>
To: anthony guajardo <tanthonyguajardo12@gmail.com>

Thu, Jan 26, 2017 at 11:36 AM

Mr. Guajardo,

The State Bar has 12 open screening files against you, including one judicial referral and two trust account cases. These cases are in addition to the formal complaint now pending before Judge O'Neil. The State Bar is willing to settle ALL cases against you (the 12 in screening and the formal complaint) for your consent to disbarment. By consenting to disbarment, you do not need to admit any specific violations of the ethical rules, instead the form reads as follows:

"I acknowledge that twelve separate charges have been made against me and a formal complaint has also been filed against me. I have read the charges and the complaint made against me. I further acknowledge that I do not desire to contest or defend the charges, but wish to consent to disbarment."

The formal complaint and copies of the charges would be attached as an exhibit to the consent, but the form itself is very short. I have attached a copy for your review.

If you do not accept this offer, the formal proceedings will continue, and I will continue to investigate the 12 open charges. It is very likely that I will be able to obtain probable cause orders on most, if not all, of the open charges. At that time I will file another formal complaint, and the process will begin all over again. The same offer of disbarment would most likely be made in those cases, also. The difference will be, that in both the formal complaint now pending, and the 12 pending files, there will be findings made against you, just like they were made in the prior case where you were suspended for a year.

Please let me know no later than January 28, 2017, before the close of business, whether you accept the State Bar's offer.

Shauna Miller, Senior Bar Counsel

T: 602.340.7278 F: 602.416.7446

 **Consent to Disbarment DRAFT 1-26-17.docx**