



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

IN THE MATTER OF §
JOSE MARCOS PERALES PINA § **CAUSE NO. 62036**
STATE BAR CARD NO. 24091472 §

JUDGMENT OF PARTIALLY PROBATED SUSPENSION

On the 26th day of July 2019 the above-styled and numbered reciprocal disciplinary action pursuant to Part IX of the Texas Rules of Disciplinary Procedure 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, Jose Marcos Perales Pina, appeared 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, Jose Marcos Perales Pina, Bar Card No. is 24091472, is an attorney who is licensed and currently authorized to practice law in the State of Texas.
- (2) On or about March 8, 2019, an Order was entered in the Supreme Court of the State of New Mexico, in a case styled: No. S-1-SC-37402, *In the Matter of J. Marcos Perales Pina, an Attorney Suspended from the Practice Law Before the Courts of the State of New Mexico*, that states in pertinent part as follows:

NOW, THEREFORE, IT IS ORDERED that the disciplinary panel's findings of fact, being supported by substantial evidence, and conclusions

of law are ADOPTED.

IT IS FURTHER ORDERED that the disciplinary panel's recommendation for discipline is ADOPTED AS MODIFIED by this order;

IT IS FURTHER ORDERED that respondent, J. MARCOS PERALES PINA, shall receive a DEFINITE SUSPENSION from the practice of law under Rule 17-206(A)(2) NMRA for a period of one (1) year effective, March 15, 2019

IT IS FURTHER ORDERED that upon respondent's reinstatement, respondent shall be on supervised probation for a period of six (6) months in accordance with Rule 17-206(B)(1) NMRA

- (3) The Findings of Fact and Conclusions of Law issued by the hearing committee established that Respondent violated the following New Mexico Rules of Professional Conduct: Rule 16-101 - failing to provide competent representation to a client; Rule 16-801 - knowingly making false statements of material fact in connection with a disciplinary matter; and Rule 16-804(D) - engaging in conduct prejudicial to the administration of justice.
- (4) The Disciplinary Board of the Supreme Court of the State of New Mexico additionally found that Respondent violated Rule 16-804(C) – engaging in conduct involving dishonesty, deceit, or misrepresentation. Disciplinary Panel's Decision and Recommendations signed November 28, 2018.
- (5) Respondent, Jose Marcos Perales Pina, is the same person as the J. Marcos Perales Pina, who is the subject of the Order entered in the Supreme Court of the State of New Mexico; and
- (6) The Order entered in the Supreme Court of the State of New Mexico is final.

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. Texas Rules of Disciplinary Procedure Rule 7.08(H) ("TRDP").
- (2) Respondent failed to prove a defense pursuant to TRDP Rule 9.04.
- (3) Reciprocal discipline identical, to the extent practicable, to that imposed by the Supreme Court of the State of the State of New Mexico is

warranted in this case. TRDP 9.03.

- (4) Respondent should be suspended from the practice of law for a period of eighteen months consisting of twelve months active suspension followed by six months of probation.
- (5) This Board retains jurisdiction during the full term of probation imposed by this judgment to hear a motion to revoke probation.

It is, accordingly, **ORDERED, ADJUDGED, and DECREED** that Respondent, Jose Marcos Perales Pina, State Bar Card No. 24091472, is hereby suspended from the practice of law for a period of twelve (12) months beginning July 29, 2019, and ending July 28, 2020. The six (6) month period of probated suspension shall begin on July 29, 2020, and shall end on January 28, 2021 under the following terms and conditions:

Terms of Active Suspension

It is further **ORDERED** that during the term of active suspension ordered herein, or that may be imposed upon Respondent by the Board of Disciplinary Appeals as a result of a probation revocation proceeding, Respondent shall be 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; appearing as counsel or in any representative capacity in any proceeding in any Texas or Federal 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** that, within thirty (30) days of the signing of this judgment, Respondent shall notify each of Respondent's current clients and opposing counsel in writing of this suspension. In addition to such notification, it is further **ORDERED** Respondent shall, within thirty (30) days of the signing of this judgment, return any files, papers, unearned monies

and other property belonging to current clients in Respondent's possession to the respective clients or to another attorney at the client's request.

It is further **ORDERED** Respondent shall 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, an affidavit stating all current clients and opposing counsel have been notified of Respondent's suspension and that all files, papers, monies and other property belonging to all current clients have been returned as ordered herein. 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.

It is further **ORDERED** Respondent shall, within thirty (30) days of the signing of this judgment, 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.

It is further **ORDERED** Respondent shall file with the Statewide Compliance Monitor of the 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, an affidavit stating Respondent has notified in writing each and every justice of the peace, judge, magistrate, and chief justice of each and every court 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 in Court.

It is further **ORDERED** that, within thirty (30) days of the signing of this judgment, Respondent shall surrender his law license and permanent State Bar Card to the Statewide Compliance Monitor of the State Bar of Texas, Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701), to be forwarded to the Supreme Court of Texas.

Terms of Probation

It is further **ORDERED** that during all periods of suspension, Respondent shall be under the following terms and conditions:

1. Respondent shall not violate any term of this judgment.
2. Respondent shall not engage in Professional Misconduct as defined by Rule 1.06(CC) of the Texas Rules of Disciplinary Procedure.
3. Respondent shall not violate any state or federal criminal statutes.
4. Respondent shall keep State Bar of Texas membership department notified of current mailing, residence and business addresses and telephone numbers.
5. Respondent shall comply with Minimum Continuing Legal Education requirements.
6. Respondent shall comply with Interest on Lawyers Trust Account (IOLTA) requirements.
7. Respondent shall promptly respond to any request for information from the Chief Disciplinary Counsel in connection with any investigation of any allegations of professional misconduct.

Probation Revocation

Upon determination that Respondent has violated any term or condition of this judgment, the Chief Disciplinary Counsel may, in addition to all other remedies available, file a motion to revoke probation pursuant to TRDP 2.22 with this Board and serve a copy of the motion on Respondent pursuant to Tex.R.Civ.P. 21a.

If the Board finds, after notice and hearing, grounds for revocation, it will enter an order revoking probation and placing Respondent an active suspension from the date of such revocation order without credit for any term of probation served prior to revocation.

It is further **ORDERED** that any conduct on the part of Respondent which serves as the basis for a motion to revoke probation may also be brought as independent grounds for discipline as allowed under the Texas Disciplinary Rules of Professional Conduct and Texas Rules of Disciplinary Procedure.

Signed this 29th day of July 2019.



CHAIR PRESIDING