



**BEFORE THE BOARD OF DISCIPLINARY APPEALS
Appointed By
THE SUPREME COURT OF TEXAS**

**MUSTAFA E. DERKUNT
State Bar Card No. 00785818**

v.

**COMMISSION FOR
LAWYER DISCIPLINE
OF THE STATE BAR OF TEXAS**

§
§
§
§
§
§
§

CAUSE NO. 45773

**JUDGMENT NUNC PRO TUNC
PARTIALLY AFFIRMING AND PARTIALLY REVERSING
JUDGMENT OF ACTIVE SUSPENSION
AND REMANDING FOR NEW SANCTIONS HEARING**

On July 23, 2010, the Board of Disciplinary Appeals heard argument and considered the appeal of Mustafa E. Derkunt from the Judgment of Active Suspension signed November 26, 2009 by the 09-2 Evidentiary Panel of the State Bar of Texas District 09 grievance committee in Cause No. A0050811711.

Having heard the argument of counsel and having considered the record and briefs, the Board finds that the Evidentiary Panel's conclusion that Respondent violated Texas Disciplinary Rule of Professional Conduct 7.03(d) is erroneous as a matter of law. The Board further concludes that the sanction of active suspension for three years as well as the ancillary sanction of an award of attorney's fees and direct expenses to the State Bar of Texas should be reversed and the matter remanded for a new sanctions hearing.

The Board affirms the remainder of the judgment.

IT IS THEREFORE ORDERED that the Judgment of Active Suspension signed November 26, 2009 by the 09-2 Evidentiary Panel of the State Bar of Texas District 09 grievance committee in Cause No. A0050811711 is hereby **REVERSED** as to the conclusion that Appellant violated TDRPC 7.03(d).

It is further **ORDERED** that the sanction of three years active suspension is **REVERSED**.

It is further **ORDERED** that the award of attorney's fees and direct expenses is **REVERSED**.

It is further **ORDERED** that the Judgment of Active Suspension is **AFFIRMED** as to the conclusions that Appellant violated TDRPC 1.01(b)(1), 3.01, 5.04(a), 7.03(e), and 8.04(a)(1).

It is further **ORDERED** that the cause is **REMANDED** to the District 09 grievance committee for a new hearing to determine the disciplinary sanction.

The prior BODA order referred to TDRPC 5.04(1), it should have referred to TDRPC 5.04(a), which is hereby corrected.

SIGNED this 5th day of August 2010.



CHAIR PRESIDING