

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



F I L E D

Jul 27 2026

THE BOARD of DISCIPLINARY APPEALS
Appointed by the Supreme Court of Texas

In the Matter of

RICHARD ANTHONY PATTI

State Bar Card No. 14667390

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Cause No. 73114

**RESPONDENT RICHARD A. PATTI'S ORIGINAL ANSWER
AND SUPPORTING COUNTER-AFFIDAVIT**

TO THE BOARD OF DISCIPLINARY APPEALS:

RICHARD A. PATTI, Respondent, in accordance with Board of Disciplinary Appeals (“BODA”) Internal Procedural Rule 1.08, respectfully submits this Original Answer to the Petition for Compulsory Discipline filed by the Commission for Lawyer Discipline (the “Commission”) in this cause, including his Counter-Affidavit controverting the putative Affidavit of Amanda M. Kates that is attached as Exhibit 4 to the Petition.

In support hereof, Respondent presents the following:

I.

**DIFFERENT FIRST NAME, DIFFERENT LAST NAME, DIFFERENT DOB
DOES NOT EQUAL “SAME PERSON”**

1. The cited first name, alternative last name, and date and year of birth of the defendant identified in the court papers attached as Exhibits 1-3 and proffered in alleged support of the Petition do not match the first name, last name, and date and year of birth of Respondent, the attorney whose license is at issue in this proceeding.

2. Said court documents identify a defendant with the first name of Ricardo, an “also known as” last name of Munisteri, who was born in the year 1960.

3. The full legal name of Respondent and the attorney who holds the law license at issue in this proceeding is Richard Anthony Patti, born in the year 1966. *See Exh. A; see also Exhs. B & C.*

4. The identification of the defendant in said court documents on which the Petition is based does not match and is materially different from the correct and legal identification of Respondent and the attorney who holds the law license at issue in this proceeding. In support of their Petition, the Commission might as well have proffered court documents that identify the defendant as **Brad Pitt** with a date and year of birth in 1963.

5. Thus, the Commission has proffered insufficient evidence in and with the Petition to support action on the law license of Respondent, who is not the same person as the defendant identified in said court documents.

6. TRDP 8.02 provides that a record of conviction or order of deferred adjudication is conclusive evidence of guilt. Tex. R. Disciplinary P. 8.02. However in this instance, the record offered in purported support of the Petition reflects a criminal charge leveled against a defendant identified with a first name, last name, and date of birth that do not match and are materially different from the first name, last name, and date of birth of Respondent; therefore, the “evidence” proffered with the Petition cannot be conclusive of any guilt of Respondent ... any more than would a record that identifies the defendant as **Brad Pitt** born in 1963 be conclusive evidence of guilt of Respondent.

II.
PUTATIVE AFFIDAVIT SOLELY BASED UPON INFORMATION AND BELIEF
IS INCOMPETENT AND CONSTITUTES “NO EVIDENCE” UNDER TEXAS LAW

7. The putative affidavit attached as Exhibit 4 and proffered in alleged support for the Petition is fatally deficient under Texas law and thus renders the Petition insufficient to sustain its plea, which therefore must be denied.

8. Rule 1.03 of the BODA Internal Procedural Rules provides that to the extent applicable, the Texas Rules of Civil Procedure (“TRCP”) and Texas Rules of Evidence (“TRE”) apply to all disciplinary matters before BODA.

9. TRE 602 states:

A witness may testify to a matter only if evidence is introduced sufficient to support a finding that the witness has personal knowledge of the matter. Evidence to prove personal knowledge may consist of the witness’s own testimony.

Tex. R. Evid. 602. For an affidavit submitted in the summary judgment context, it must be made on personal knowledge and show that the affiant is competent to testify to the matters stated. Tex. R. Civ. P. 166a.(j)(4).

10. An affidavit is insufficient if based merely on “information and belief,” “to the best of my knowledge,” or “to the best of my knowledge and belief” because such language renders the affidavit equivocal, incompetent, and no evidence. *Gayne v. Dual-Air, Inc.*, 600 S.W.2d 373, 375 (Tex.Civ.App.—Houston [14th Dist.] 1980, no writ). The standard for the efficacy of an affidavit has been established, in that an affidavit sworn to “on knowledge and belief” is insufficient, as the insufficiency and inadequacy are based upon the reliance that the affiant is acting on his/her belief, even if that belief were entirely erroneous and not based on

knowledge or fact. *Williams v. Bagley*, 875 S.W.2d 808, 810 (Tex.App.—Beaumont 1994, no writ). Moreover, an affidavit based solely on belief is incompetent because the affiant cannot be held to the same standard for perjury as one who swears to facts based on personal knowledge. *See id.*

11. Supreme Court authority aligns with this holding that an affidavit is legally insufficient where it lacks testimony that the statements made therein are unequivocally based on personal knowledge. *Ryland Group, Inc., v. Hood*, 924 S.W.2d 120, 122 (Tex. 1996); *Humphreys vs. Caldwell*, 888 S.W.2d 469, 470 (Tex. 1994). Furthermore, an affidavit that is solely based on the affiant's “best knowledge and belief” is fatally deficient and constitutes no evidence. *See, e.g., Ryland*, 924 S.W.2d at 122; *Lee v. Lee*, 43 S.W.3d 636, 641 (Tex.App.—Fort Worth 2001, writ denied); *Hall v. Stephenson*, 919 S.W.2d 454, 466 (Tex.App.—Fort Worth 1996, writ denied); *Lightfoot v. Weissgarber*, 763 S.W.2d 624, 628 (Tex.App.—San Antonio 1989, writ denied); *see also Ardila v. Saavedra*, 808 S.W.2d 645, 647 (Tex.App.—Corpus Christi 1991, no writ).

12. Here, the putative affidavit signed by Ms. Kates and attached as Exhibit 4 to the Petition fails to meet the standards for sufficiency under Texas law and therefore constitutes no evidence. Nowhere in the document is any testimony that the affiant has personal knowledge of the facts addressed therein. *See* Pet. at Exh. 4. On top of that, in not one but two locations the statement by Ms. Kates expressly specifies that it is “based upon information and belief.” *Id.*

III.
THE COMMISSION'S PUTATIVE AFFIDAVIT IS CONTROVERTED

13. In addition, the putative affidavit of Ms. Kates that accompanies the Petition is controverted by the counter-affidavit of Mr. Patti that is provided in support of this Answer. *See Exh. A.*

14. TRDP 8.04 addresses affidavits that seek to establish that the respondent attorney in a compulsory disciplinary proceeding is the same person as the one identified in a record of conviction or grant of probation without an adjudication of guilt, and whether such an affidavit can constitute competent and sufficient evidence of those facts. Tex. R. Disciplinary P. 8.04. Rule 8.04 expressly provides that only those affidavits that are uncontroverted can constitute competent and sufficient evidence of whether an attorney is in fact one and the same person as the defendant identified in the record provided. *See id.*

15. In this instance, the putative affidavit proffered by the Commission on this point, which is attached to the Petition as Exhibit 4, is controverted by the counter-affidavit of Mr. Patti, which is attached here as Exhibit A. In and with his counter-affidavit, Mr. Patti provides evidence and establishes through his sworn testimony - which is expressly based on his personal knowledge of the facts stated therein - that the allegations in Exhibit 4 that the defendant identified in the record provided is one and the same person as Respondent, are false, for the reasons laid out above. *See Exh. A.* Therefore under TRDP 8.04, the declaration contained in Exhibit 4 is not competent and sufficient evidence of the claim that Respondent is one and the same person as the defendant identified with a different first name, different last name, and different date and year of birth in the record for the referenced order of deferred adjudication.

IV.
EXHIBITS

16. Attached hereto are true and correct copies of the following supporting documents:

Exh. A - Counter-Affidavit of Richard A. Patti in Support of Respondent's Original Answer and Controverting the Putative Affidavit of Amanda M. Kates that is Attached as Exhibit 4 to the Petition for Compulsory Discipline;

Exh. B - Copy of the Identification Page of the United States Passport of Richard Anthony Patti; and

Exh. C - Screenshot of Relevant Section of My Bar Page on the Website of the State Bar of Texas Reflecting its Record of Richard Anthony Patti - born June 13, 1966 - as the Attorney Holding License and Bar Card Number 14667390.

V.
CONCLUSION

ACCORDINGLY, Respondent Richard A. Patti respectfully prays that the Board of Disciplinary Appeals deny the plea of the Commission to impose compulsory discipline at this time, and to enter any additional orders and afford such other relief to the parties as the Board deems appropriate.

Respectfully submitted,

Dated: July 27, 2026



RICHARD A. PATTI
Respondent
State Bar of Texas Card No. 14667390
Email: riccardo.patti.esq@gmail.com
1134 Alta Loma, No. 206
West Hollywood, California 90069
Telephone: (562) 391-1140

CERTIFICATE OF SERVICE

I certify that on July 27, 2026, a true and correct copy of the foregoing RESPONDENT RICHARD A. PATTI'S ORIGINAL ANSWER was served through transmission to the Office of the Chief Disciplinary Counsel by and through their designated attorney of record - Ms. Amanda M. Kates, Assistant Disciplinary Counsel - via email to Amanda.Kates@TEXASBAR.COM, the email address at which I have regularly communicated with said counsel thus far in this matter and from which said counsel has sent me email correspondence, and that the electronic transmission was reported as complete.



RICHARD A. PATTI



FILED

Jul 27 2026

THE BOARD of DISCIPLINARY APPEALS
Appointed by the Supreme Court of Texas

EXHIBIT

A

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

In the Matter of

RICHARD ANTHONY PATTI

State Bar Card No. 14667390

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Cause No. 73114

**COUNTER-AFFIDAVIT OF RICHARD A. PATTI
IN SUPPORT OF RESPONDENT'S ORIGINAL ANSWER**

BEFORE ME, the undersigned authority, personally appeared Richard A. Patti, who
being duly sworn, deposed as follows:

"My name is Richard A. Patti. I am at least 18 years of age and of sound mind. I have personal knowledge of the facts stated herein, which are true and correct."

"I submit this affidavit as evidence in support of my Original Answer and to controvert the putative affidavit of Amanda M. Kates that is attached as Exhibit 4 to the Petition for Compulsory Discipline that the Commission for Lawyer Discipline has filed in this cause."

"My full legal name is Richard Anthony Patti. I was born at approximately 12:31pm US Central Time on Monday, June 13, in the year 1966, at Memorial Baptist Hospital in downtown Houston, Texas."

"My first name is not Ricardo, nor has it ever been."

"My last name is not Munisteri, nor was it at the time of the alleged conduct from November 2020 to June 2022 that is cited in the record papers attached as Exhibits 1-3 to the Petition for Compulsory Discipline that the Commission for Lawyer Discipline has filed in this cause."

"I was not born in the year 1960, nor have I ever been born in any year other than the year 1966."

"The identification information for the defendant named in the charge for the

record of order of deferred adjudication referenced in the Petition for Compulsory Discipline and attached as an exhibit thereto, which the Commission for Lawyer Discipline has filed in this cause, does not match my own identification information. Specifically, the identification information for the defendant named in the charge for the record of order of deferred adjudication on which the Petition for Compulsory Discipline is based, has a different first name than my own first name, a different last name for the 'also known as' reference than my own last name, and different date and year of birth than my own date and year of birth."

"I attach as Exhibit B to my Answer and this Affidavit a true and correct copy of the identification page from my United States Passport, which reflects my legal first name of Richard, my legal last name of Patti, and my date of birth as June 13, 1966. The identification information reflected on this document is in all respects correct and matches my own identification information. I am one and the same person as the individual who is identified in this document as the holder of the United States Passport."

"I attach as Exhibit C to my Answer and this Affidavit a true and correct copy of a screenshot of a section of My Bar Page on the website of the State Bar of Texas, which reflects my legal first name of Richard, my legal last name of Patti, and my date of birth as June 13, 1966, for the attorney holding law license and bar card number 14667390. The identification information reflected on this page of the website and in the records of the State Bar of Texas for the attorney holding law license and bar card number 14667390 is in all respects correct and matches my own identification information. I am one and the same person as the attorney who is identified in this document and in the records of the State Bar of Texas for the attorney holding law license and bar card number 14667390."

"I have never met Amanda M. Kates, the person who signed the putative affidavit attached as Exhibit 4 to the Petition for Compulsory Discipline filed by the Commission for Lawyer Discipline in this cause. The extent of my interaction with Ms. Kates has been a handful of email communications, mainly for service of documents filed in this cause, and a pair of brief phone calls, all occurring since April 2026."

"At no time during those limited interactions with Ms. Kates did we ever discuss, nor did I ever provide her with any information about my legal first name, my legal last name, or my date or year of birth. At no time during those limited interactions with Ms. Kates did we ever substantively discuss, nor did I ever provide her with any information about the record of order of deferred adjudication referenced in the Petition for Compulsory Discipline and attached as an exhibit thereto, and the defendant who is identified in those materials by the first name of Ricardo, the alternative last name of Munisteri, and with a date and year of birth in 1960."

"I have never provided Ms. Kates with information, nor am I aware of any way or source of information that is truthful and accurate, by which Ms. Kates could have acquired personal knowledge on which to base an assertion that I am one and the same person as the defendant identified in the criminal charge and record of order of deferred adjudication attached as Exhibits 1-3 to the Petition for Compulsory Discipline filed in this cause by the Commission for Lawyer Discipline, when my legal first name, my legal last name, and my date and year of birth do not match, are not the same, and are not those of the defendant identified in the criminal charge and record of order of deferred adjudication attached as Exhibits 1-3 to the Petition for Compulsory Discipline filed in this cause by the Commission for Lawyer Discipline."



RICHARD A. PATTI

SUBSCRIBED AND SWORN TO BEFORE ME on July __, 2026, by

_____.

Notary Public, State of California

CALIFORNIA JURAT

GOVERNMENT CODE § 8202

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

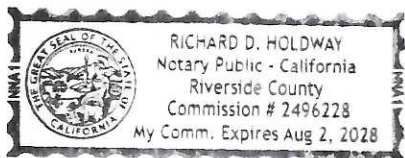
County of RIVERSIDE

Subscribed and sworn to (or affirmed) before me on
this 25 day of JULY, 2026, by
Date Month Year

(1) RICHARD ACHAM, PATTI

(and (2) _____),
Name(s) of Signer(s)

proved to me on the basis of satisfactory evidence to
be the person(s) who appeared before me.



Place Notary Seal and/or Stamp Above

Signature [Signature]
Signature of Notary Public

OPTIONAL

Completing this information can deter alteration of the document or
fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

EXHIBIT

B

R Patti

THE UNITED STATES OF AMERICA

A16894201

PATTI

RICHARD ANTHONY

UNITED STATES OF AMERICA

13 JUN 1966

M

TEXAS, U.S.A.

17 JUL 2023

16 JUL 2033

UNITED STATES DEPARTMENT OF STATE

P<USAPATTI<<RICHARD<ANTHONY<<<<<<<<<<<<<<<<<

A168942011USA6606138M3307168193773686<007274

EXHIBIT

C

LICENSE INFORMATION

To edit the information below, please call the Membership Department at 512-427-1383 or email memmail@texasbar.com.

Date of Birth:

06/13/1966

First Licensed:

11/01/1991

Texas Licensed:

11/01/1991

Law School:

University of Houston

NO

YES