



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

IN THE MATTER OF

MANUEL J. BARRAZA

STATE BAR CARD NO. 01805270

§
§
§
§
§

CAUSE NO. 47270

JUDGMENT OF DISBARMENT

On the 20th day of April 2012, the Board of Disciplinary Appeals considered the First Amended Motion for Entry of Judgment of Disbarment filed in the above case by Petitioner, Commission for Lawyer Discipline of the State Bar of Texas, against Respondent, Manuel J. Barraza. Petitioner appeared by counsel and announced ready. Respondent, although having been duly served with the motion and having notice of the hearing, failed to answer or appeal and wholly made default.

The Board finds that:

- (1) It has continuing jurisdiction of this matter pursuant to Texas Rule of Disciplinary Procedure 8.05 ("TRDP");
- (2) The United State Court of Appeals for the Fifth Circuit affirmed Respondent Manuel J. Barraza's criminal conviction and issued its Mandate indicating that the decision was final on or about September 30, 2011;
- (3) Petitioner filed its First Amended Motion for Entry of Judgment of Disbarment on or about March 7, 2012,
- (4) Respondent was personally served by a duly authorized process server with the First Amended Motion for Entry of Judgment on March 14, 2012 and the affidavit of service has been on file with the Board since March 26, 2012;

- (5) Respondent's conviction for the commission of Intentional Crimes as defined by TRDP 1.06(T), for which he was sentenced in the United States District Court for the Western District of Texas, El Paso Division, has become final and is not subject to further direct appeal;
- (6) Respondent's criminal sentence included imprisonment for a total term of 60 months;
- (7) Petitioner's Motion for Entry of Judgment of Disbarment should be granted.

INTERLOCUTORY SUSPENSION

Following a hearing on the 19th day of October 2010, at which Petitioner Commission for Lawyer Discipline of the State Bar of Texas appeared by attorney and announced ready and Respondent, Manuel J. Barraza, although duly cited to appear and having been given notice of the hearing, failed to answer or appear and wholly made default, the Board of Disciplinary Appeals entered an Interlocutory Order of Suspension on or about October 22, 2010, which included the following findings of fact and conclusions of law:

- (1) Respondent, Manuel J. Barraza, whose State Bar Card number is 01805270, is licensed by the Supreme Court of Texas to practice law but is not currently authorized to practice law in the State of Texas due to administrative suspension for failure to pay State Bar dues.
- (2) On or about April 1, 2009, Respondent was charged by Indictment with crimes involving Wire Fraud and Deprivation of Honest Services, Mail Fraud and Deprivation of Honest Services and False Statement in Case No. EP09CR0978, styled *United States of America v. Manuel Joseph Barraza, also known as (a. k. a.): Manuel Saavedra*, in the United States District Court for the Western District of Texas, El Paso Division.
- (3) On or about August 12, 2009, Respondent was charged by Superseding Indictment with crimes involving Wire Fraud and Deprivation of Honest Services, Mail Fraud and Deprivation of Honest Services and False Statement, in Case No. EP-09-CR-97S-FM, styled *United States of America v. Manuel Joseph Barraza, also known as (a.k.a.): Manny Barraza*, in the United States District Court for the Western District of Texas, El Paso Division.

- (4) On or about May 17, 2010, the court signed a Judgment in a Criminal Case in Case Number EP-09-CR-97S-FM, styled *United States of America v. Manuel Joseph Barraza, aka Manny Barraza*, in the United States District Court for the Western District of Texas, El Paso Division, wherein Respondent was found guilty of Count 1 - Wire Fraud and Deprivation of Honest Services in violation of Title 18 U.S.C. § 1343 & 1346; Count 2 - Wire Fraud and Deprivation of Honest Services in violation of Title 18 U.S.C. § 1343 & 1346; and Count 4 - Making a Material False Statement as to a matter within the Jurisdiction of the United States Department of Justice, Federal Bureau of Investigation, an Agency of the United States in violation of Title 18 U.S.C. § 1001, of the Superseding Indictment. The Court ordered that Respondent be committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of sixty (60) months and ordered upon release from imprisonment to be on supervised release for three (3) years, ordered to pay an assessment of \$300.00, and further ordered to forfeit \$15,000.00.
- (5) On or about June 1, 2010, the court signed an Amended Judgment in a Criminal Case in Case Number EP-09-CR-978-FM, styled *United States of America v. Manuel Joseph Barraza, aka Manny Barraza*, in the United States District Court for the Western District of Texas, El Paso Division, wherein Respondent was found guilty of Count 1 - Wire Fraud and Deprivation of Honest Services in violation of Title 18 U.S.C. § 1343 & 1346; Count 2 - Wire Fraud and Deprivation of Honest Services in violation of Title 18 U.S.C. § 1343 & 1346; and Count 4 - Making a Material False Statement as to a matter within the Jurisdiction of the United States Department of Justice, Federal Bureau of Investigation, an Agency of the United States, in violation of Title 18 U.S.C. § 1001, of the Superseding Indictment. The Court ordered that Respondent be committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of sixty (60) months and ordered upon release from imprisonment to be on supervised release for three (3) years, ordered to pay an assessment of \$200.00, and further ordered to forfeit \$5,100.00.
- (6) Respondent, Manuel J. Barraza, is the same person as the Manuel Joseph Barraza who is named in the Amended Judgment in a Criminal Case described above.
- (7) Respondent's appeal of the criminal conviction is currently pending.
- (8) Respondent was personally served by a duly authorized process server with the Petition for Compulsory Discipline on September 16, 2010, and the affidavit of service was filed with the Board on October 3, 2010.
- (9) This Board has jurisdiction to hear and determine this matter. TRDP 7.08(G).

- (10) Respondent, Manuel J. Barraza, having been convicted of Wire Fraud and Deprivation of Honest Services and Making a Material False Statement as to a matter within the Jurisdiction of the United States Department of Justice, Federal Bureau of Investigation, an Agency of the United States, has been convicted of Intentional Crimes as defined by TRDP 1.06(T).
- (11) Respondent has also been convicted of Serious Crimes as defined by TRDP 1.06(Z).
- (12) Having been found guilty and convicted of Intentional and Serious Crimes and having appealed such conviction, Respondent, Manuel J. Barraza, should have his license to practice law in Texas suspended during the appeal of his criminal conviction. TRDP 8.04.
- (13) The Board retains jurisdiction to enter a final judgment in this matter when the appeal of the criminal conviction is final.

DISBARMENT

Having determined that the motion should be granted, it is, therefore, accordingly, ORDERED, ADJUDGED, AND DECREED that Respondent, Manuel J. Barraza, State Bar No. 01805270, 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, Manuel J. Barraza, is hereafter permanently prohibited, effective immediately, from practicing law in Texas, holding himself out as an attorney at law, performing any legal service for others, accepting any fee directly or indirectly for legal services, appearing as counsel in any proceeding in any Texas court or before any Texas administrative body, or holding himself out to others or using his name, in any manner, in conjunction with the words "attorney," "counselor," or "lawyer."

It is further ORDERED that Respondent, Manuel J. Barraza, not later than thirty (30) days from the date of the entry of this judgment, shall notify in writing each and every justice of the peace, judge, magistrate, and chief justice of each and every court, if any, in which Respondent has any

legal matter pending, if any, of his disbarment, of the style and cause number of the pending matter(s), and of the name, address, and telephone number of the client(s) Respondent is representing in that court. Respondent is also ORDERED to mail copies of all such notifications to the Office of the Chief Disciplinary Counsel, Statewide Compliance Monitor, State Bar of Texas, P.O. Box 12487, Austin, Texas 78711.

It is further ORDERED that Respondent, Manuel J. Barraza, shall immediately notify each of his current clients and opposing counsel, if any, in writing, of his disbarment. In addition to such notification, Respondent is ORDERED to return all files, papers, unearned fees paid in advance, and all other monies and properties which are in his possession but which belong to current or former clients, if any, to those respective clients or former clients within thirty (30) days after the date on which this Judgment is signed by the Board. Respondent is further ORDERED to file with Office of the Chief Disciplinary Counsel, Statewide Compliance Monitor, State Bar of Texas, P.O. Box 12487, Austin, Texas 78711, within the same thirty (30) days, an affidavit stating that all current clients and opposing counsel have been notified of his disbarment and that all files, papers, unearned fees paid in advance, and all other monies and properties belonging to clients and former clients have been returned as ordered herein. If Respondent should be unable to return any file, papers, money or other property to any client or former client, 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. Respondent is also ORDERED to mail a copy of all notification letters to clients to the Office of the Chief Disciplinary Counsel, Statewide Compliance Monitor, State Bar of Texas, P.O. Box 12487, Austin, Texas 78711.

It is further ORDERED that Respondent, Manuel J. Barraza, if he has not already done so, immediately surrender his Texas law license and permanent State Bar Card to the Office of the Chief

Barraza 01805270

Judgment of Disbarment

Page 5 of 6

\\.

Disciplinary Counsel, Statewide Compliance Monitor, State Bar of Texas, P. O. Box 12487, Austin,
Texas 78711, for transmittal to the Clerk of the Supreme Court of Texas.

Signed this 23rd day of April 2012.



CHAIR PRESIDING