

**BEFORE THE EVIDENTIARY PANEL OF THE
STATE BAR DISTRICT NO. 4-5 GRIEVANCE COMMITTEE**

COMMISSION FOR LAWYER DISCIPLINE,	§	S0110922865
	§	S0061023869
Petitioner,	§	S0071024008
	§	
v.	§	HARRIS COUNTY, TEXAS
	§	
STEPHEN CARRIGAN,	§	
	§	
Respondent.	§	

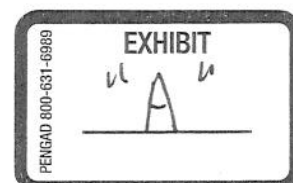
MODIFIED JUDGMENT OF PARTIALLY PROBATED SUSPENSION

Parties and Appearance

On April 12, 2013, came to be heard the above-styled and numbered cause. Petitioner, the **COMMISSION FOR LAWYER DISCIPLINE**, appeared by and through its attorney of record, Shannon Braux Saucedo, Assistant Disciplinary Counsel, and announced ready. Respondent, **STEPHEN CARRIGAN** (hereinafter referred to as "Respondent"), Texas Bar Number 03877000, appeared in person and through his attorney of record, Diane St. Yves, and announced ready. On June 14, 2013, *Respondent's Motion For New Hearing (New Trial) Or, Alternative Motion to Modify Judgment* [filed May 17, 2013], was heard by the Evidentiary Panel. In presenting his motion, Respondent appeared in person and through his attorney of record, Wayne Paris. Petitioner was represented by Shannon Braux Saucedo, Assistant Disciplinary Counsel. After due consideration of Respondent's *Motion* and argument of the Parties, the Evidentiary Panel enters this Modified Judgment of Partially Probated Suspension.

Jurisdiction and Venue

The Evidentiary Panel 4-5 (formerly 4E), having been duly appointed to hear this complaint by the chair of the Grievance Committee for STATE BAR OF TEXAS District 4, finds that it has



jurisdiction over the parties and the subject matter of this action and that venue is proper.

Professional Misconduct

The Evidentiary Panel, having considered all of the pleadings, evidence, stipulations, and argument, finds Respondent has committed Professional Misconduct as defined by Rule 1.06(V) of the TEXAS RULES OF DISCIPLINARY PROCEDURE.

Findings of Fact

The Evidentiary Panel, having considered the pleadings, evidence and argument of counsel, makes the following findings of fact and conclusions of law:

1. The parties stipulate that Respondent engaged in professional misconduct in violation of TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT 5.03(a) and 5.03(b)(1).
2. Respondent is an attorney licensed to practice law in Texas and is a member of the STATE BAR OF TEXAS.
3. At the time of the filing of this Disciplinary Proceeding, Respondent resided in and maintained his principal place of practice in Harris County, Texas.
4. On or about March 11, 2010, Roberto Chapa, Jr. (hereinafter referred to as "Chapa") and his family were involved in an automobile accident.
5. While still at the scene of the accident, Chapa was approached by the tow truck driver and solicited on behalf of Respondent. Specifically, the tow truck driver made a telephone call to Israel Zavala (hereinafter referred to as "Zavala"), an employee of Respondent, and then gave the phone to Chapa, who then proceeded to have a conversation with Zavala wherein they made an appointment at Respondent's office.
6. On or about March 13, 2010, Chapa went to Respondent's office and hired him for representation in his personal injury claim.
7. The Chief Disciplinary Counsel of the STATE BAR OF TEXAS has incurred reasonable attorneys' fees and direct expenses associated with this Disciplinary Proceeding in the amount of Four Thousand Three Hundred Fourteen and 20/100 Dollars (\$4,314.20), as stipulated to by the parties.

Conclusions of Law

The Evidentiary Panel concludes that, based on foregoing findings of fact, the following TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT have been violated: **5.03(a)** [with respect to a non-lawyer employed or retained by or associate with a lawyer, a lawyer having direct supervisory authority over the non-lawyer shall make reasonable efforts to ensure that the person's conduct is compatible with the professional obligations of the lawyer]; and **5.03(b)(1)** [with respect to a non-lawyer employed or retained by or associate with a lawyer, a lawyer shall be subject to discipline for the conduct of such a person that would be a violation of these rules if engaged in by a lawyer if the lawyer orders, encourages, or permits the conduct involved.

Sanction

The Evidentiary Panel, having found that Respondent has committed professional misconduct, heard and considered additional evidence regarding the appropriate sanction to be imposed against Respondent. After hearing all evidence and argument and after having considered the factors in Rule 2.18 of the TEXAS RULE OF DISCIPLINARY PROCEDURE, the Evidentiary Panel finds that the proper discipline of the Respondent for each act of Professional Misconduct is a Partially Probated Suspension.

Accordingly, it is **ORDERED, ADJUDGED and DECREED** that Respondent be suspended from the practice of law for a period of two (2) years, beginning July 1, 2013, and ending June 30, 2015. Respondent shall be actively suspended from the practice of law for a period of three (3) months beginning July 1, 2013, and ending September 30, 2013. The one (1) year, nine (9) month period of probated suspension shall begin on October 1, 2013, and shall end on June 30, 2015.

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 (hereinafter referred to as "BODA") 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, on or before July 1, 2013, 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 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 STATE BAR OF TEXAS, Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, Texas 78711-2487 (1414 Colorado St., Austin, Texas 78701) on or before July 1, 2013, 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.

It is further **ORDERED** Respondent shall, on or before July 1, 2013, 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 STATE BAR OF TEXAS, Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, Texas 78711-2487 (1414 Colorado St., Austin, Texas 78701) on or before July 1, 2013, 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, on or before July 1, 2013, Respondent shall surrender his law license and permanent State Bar Card to the STATE BAR OF TEXAS, Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, Texas 78711-2487 (1414 Colorado St., Austin, Texas 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(V) of the TEXAS RULES OF DISCIPLINARY PROCEDURE.
3. Respondent shall not violate any state or federal criminal statutes.
4. Respondent shall keep the 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.

8. Respondent shall pay all reasonable and necessary attorneys' fees and direct expenses, as stipulated to by the parties, to the STATE BAR OF TEXAS in the amount of Four Thousand Three Hundred Fourteen and 20/100 Dollars (\$4,314.20). The payment shall be due and payable on or before July 1, 2013, and shall be made by certified or cashier's check or money order. Respondent shall forward the funds, made payable to the STATE BAR OF TEXAS, to the Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, Texas 78711-2487 (1414 Colorado St., Austin, Texas 78701).
9. In addition to complying with the Minimum Continuing Legal Education (MCLE) requirements of the STATE BAR OF TEXAS, Respondent shall complete eight (8) additional hours of continuing legal education during each year of Respondent's probation. These additional hours of MCLE shall be in the field of Law Practice Management. However, if Respondent elects, he may complete up to one-half (1/2) of the additional hours of MCLE each year in Ethics. Within ten (10) days of the completion of these additional MCLE hours, Respondent shall verify completion of the course to the STATE BAR OF TEXAS, via **USPS: Office of the Chief Disciplinary Counsel, STATE BAR OF TEXAS, P.O. Box 12487, Austin, Texas 78711-2487; or via Delivery: Office of the Chief Disciplinary Counsel, STATE BAR OF TEXAS, 1414 Colorado St., Suite 200, Austin, Texas 78701.**

Respondent shall make contact with the Chief Disciplinary Counsel's Office's Compliance Monitor at 877-953-5535, ext. 1334 and Special Programs Coordinator at 877-953-5535, ext. 1323, not later than seven (7) days after receipt of a copy of this *Judgment* to coordinate Respondent's compliance.

Probation Revocation

Upon information that Respondent has violated a term of this *Judgment*, the Chief Disciplinary Counsel may, in addition to all other remedies available, file a motion to revoke probation pursuant to Rule 2.23 of the TEXAS RULES OF DISCIPLINARY PROCEDURE with BODA and serve a copy of the motion on Respondent pursuant to Tex.R.Civ.P. 21a.

BODA shall conduct an evidentiary hearing. At the hearing, BODA shall determine by a preponderance of the evidence whether Respondent has violated any term of this *Judgment*. If BODA finds grounds for revocation, BODA shall enter an order revoking probation and placing Respondent on active suspension from the date of such revocation order. Respondent shall not be

given 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.

Attorneys' Fees and Expenses

It is further **ORDERED** Respondent shall pay all reasonable and necessary attorneys' fees and direct expenses, as stipulated by the parties, to the STATE BAR OF TEXAS in the amount of Four Thousand Three Hundred Fourteen and 20/100 Dollars (\$4,314.20). The payment shall be due and payable on or before July 1, 2013, and shall be made by certified or cashier's check or money order. Respondent shall forward the funds, made payable to the STATE BAR OF TEXAS, to the Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, Texas 78711-2487 (1414 Colorado St., Austin, Texas 78701).

It is further **ORDERED** that all amounts ordered herein are due to the misconduct of Respondent, are assessed as a part of the sanction in accordance with Rule 1.06(Y) of the TEXAS RULES OF DISCIPLINARY PROCEDURE. Any amount not paid shall accrue interest at the maximum legal rate per annum until paid and the STATE BAR OF TEXAS shall have all writs and other post-judgment remedies against Respondent in order to collect all unpaid amounts.

Publication

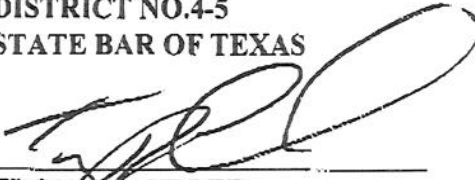
This suspension shall be made a matter of record and appropriately published in accordance with the TEXAS RULES OF DISCIPLINARY PROCEDURE.

Other Relief

All requested relief not expressly granted herein is expressly **DENIED**.

SIGNED this 11 day of June, 2013.

EVIDENTIARY PANEL
DISTRICT NO.4-5
STATE BAR OF TEXAS



TROY CHANDLER
District 4-5 Presiding Member