



Nov. 17, 2017

Board of Disciplinary Appeals

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

IN THE MATTER OF	§	
RICHARD COLLINS DALTON	§	CAUSE NO. 59480
STATE BAR CARD NO. 24033539	§	

AGREED JUDGMENT OF FULLY PROBATED SUSPENSION

On this day, the above-styled and numbered reciprocal disciplinary action was called for hearing before the Board of Disciplinary Appeals. Petitioner appeared by attorney and Respondent appeared in person as indicated by their respective signatures below and announced that they agree to the findings of fact, conclusions of law and orders set forth below solely for the purposes of this proceeding which has not been fully adjudicated. The Board of Disciplinary Appeals, having reviewed the file and in consideration of the agreement of the parties, 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, Richard Collins Dalton, Bar Card No. is 24033539, is an attorney who is licensed and currently authorized to practice law in the State of Texas.
- (2) On or about June 16, 2017, an Order Per Curium was entered by the Supreme Court of the State of Louisiana in a matter styled: *In Re: Richard Collins Dalton*, Case No. 2017-B-0857, which states in pertinent part as follows:

IT IS ORDERED that the Petition for Consent Discipline be accepted and that Richard Collins Dalton, Louisiana Bar Roll number 23017, be suspended from the practice of law for a period of six months. This suspension shall be deferred in its entirety, subject to respondent's successful completion of a two-year period of probation governed by the conditions set forth in the petition for consent discipline.

- (3) A Joint Petition for Consent Discipline Pursuant to Supreme Court Rule XIX, §20 was filed which states in pertinent part:

All relevant facts pertaining to ODC 0033031 are set forth in the Joint Stipulation of Facts accompanying this petition and, by reference, incorporated herein. The heartland of Respondent's misconduct is that Respondent, on several occasions, made disbursements to himself via transfers that exceeded money due to him and/or disbursed fees before the associated deposit into his trust account was made. Respondent also did not transfer attorney fees as earned nor keep track of attorney fees he was due, therefore, overpaying himself and causing several shortages to his trust account. On multiple occasions, Respondent deposited personal funds in efforts to correct the shortage or funds held in the trust account.

- (4) A Joint Memorandum in Support of Joint Motion for Consent Discipline and Joint Stipulation of Facts were filed. In the Joint Stipulation of Facts Respondent conditionally admitted that the following conduct violated Rule 1.15:

On February 27, 2015, The Office of Disciplinary Counsel (ODC) received notice from Iberia Bank of an overdraft from Respondent's trust account. That notice stated that Respondent's account became overdrawn on February 17, 2015 and returned to a positive balance on February 18, 2015.

On March 5, 2015, the ODC sent Respondent correspondence, notifying Respondent of the overdraft as well as requesting a response and documentation. See Louisiana Supreme Court Rule XIX, § 8C. Respondent supplied the requested information on March 23, 2015.

Following ODC's review of Respondent's reply, an investigation was opened and the matter was assigned file number 00333031. An investigation and one preliminary audit was conducted, culminating in a final audit by ODC Staff Auditor, Angelina Marcellino. Based upon Ms. Marcellino's review of Respondent's trust accounts, it was found that Respondent, on several occasions, made disbursements to himself via transfers that exceeded money due to him and/or disbursed fees before the associated deposit was made. Respondent also did not transfer attorney fees as earned nor keep track of attorney fees he was due, therefore, overpaying himself and causing several shortages

to his trust account. On multiple occasions, Respondent deposited personal funds in efforts to correct the shortage of funds held in the trust account. At the end of the audit period, the trust account balance was not sufficient to honor all client and third party monies. The attached audit report details instances with approximately 20 clients' matters during the audit period (August 2014 to February 2015) wherein Respondent engaged the above explained conduct.

- (5) Respondent, Richard Collins Dalton, is the same person as the Richard Collins Dalton, who is the subject of the Order Per Curium filed before the Supreme Court of the State of Louisiana; and
- (6) The Order Per Curium filed before Supreme Court of the State of Louisiana 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. Tex. R. Disciplinary P. 7.08(H) ("TRDP"):
- (2) Reciprocal discipline identical, to the extent practicable, to that imposed by the Supreme Court of the State of Louisiana is warranted in this case. TRDP 9.03
- (3) Respondent should be suspended from the practice of law for a period of six months with the suspension being deferred in its entirety, subject to respondent's successful completion of a two-year period of probation on certain terms and conditions.
- (4) 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, Richard Collins Dalton, State Bar Card No. 24033539, is hereby suspended from the practice of law for a period of six months with the suspension being deferred in its entirety, subject to respondent's successful completion of a two-year period of probation beginning November 17, 2017, and ending November 16, 2019, under the following terms and conditions:

- (1) Respondent shall not violate any of the provisions of the Texas Disciplinary Rules of Professional Conduct or any provision of the State Bar Rules.
- (2) Respondent shall not be found guilty of, or plead no contest to, any felony involving moral turpitude or any misdemeanor involving theft, embezzlement, or fraudulent misappropriation of money or other property.
- (3) Respondent must notify both the Office of Chief Disciplinary Counsel and the Membership Department of the State Bar of Texas of any change in Respondent's address within thirty (30) days of the change of address.
- (4) Respondent shall not violate any of the terms or conditions of probation imposed by the Supreme Court of Louisiana on June 16, 2017, in a matter styled: *In Re: Richard Collins Dalton*, Case No. 2017-B-0857.
- (5) Respondent shall timely comply with all requirements of the Order Per Curium entered by the Supreme Court of Louisiana on June 16, 2017, in a matter styled: *In Re: Richard Collins Dalton*, Case No. 2017-B-0857.


Probation Revocation

Upon determination that Respondent has violated any term or condition of this judgment or of the disciplinary order or judgment entered in Louisiana, the Chief Disciplinary Counsel may, in addition to all other remedies available, file a motion to revoke probation pursuant to TRDP 2.23 with this Board and serve a copy of the motion on Respondent pursuant to Tex.R.Civ.P. 21a.

This Board will conduct an evidentiary hearing to determine by a preponderance of the evidence whether Respondent has materially violated any term or condition or requirement of any applicable disciplinary judgment. If this Board finds 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 17 day of November 2017.

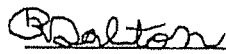


Chairman Presiding
Board of Disciplinary Appeals

APPROVED AS TO FORM AND CONTENT:



Amanda M. Kates
Assistant Disciplinary Counsel
State Bar Card No. 24075987
Attorney for Petitioner



Richard Collins Dalton
State Bar Card No. 24033539
Attorney for Respondent