



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

IN THE MATTER OF	§	
MPATANISHI SYANALOLI	§	CAUSE NO. 56589
TAYARI GARRETT,	§	
STATE BAR CARD NO. 24073090	§	

JUDGMENT OF SUSPENSION

On the 29th day of January 2016, the above-styled and numbered reciprocal disciplinary action was called for hearing before the Board of Disciplinary Appeals. Petitioner Commission for Lawyer Discipline of the State Bar of Texas appeared by attorney and announced ready. Respondent appeared in person and announced ready. All questions of fact as well as all issues of law were submitted to the Board of Disciplinary Appeals for determination. Having considered the pleadings on file, having received evidence, and having heard the argument of counsel, the Board of Disciplinary Appeals 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, Mpatanishi Syanaloli Tayari Garrett, is an attorney who is licensed and authorized to practice law in the State of Texas, and whose Bar Card No. is 24073090.
- (2) On or about November 5, 2014, Findings of Fact and Conclusions of Law and Recommendation for Discipline was filed in the Supreme Court of the State of Minnesota in a matter styled, *In Re Petition for Disciplinary Action against Mpatanishi Syanaloli Tayari Garrett, A Minnesota Attorney, Registration No. 342075*, File No. A14-0995.

- (3) On or about July 1, 2015, the Supreme Court of the State of Minnesota disciplined Respondent in a matter styled, A14-0995, *In re Petition for Disciplinary Action against Mpatanishi Syanaloli Tayari-Garrett, A Minnesota Attorney, Registration No. 342075*, 866 N.W.2d 513, . The Court indefinitely suspended Respondent from the practice of law and ordered that she was ineligible to petition for reinstatement for a minimum of 120 days from the effective date of the suspension. The Court conditioned eligibility to apply for reinstatement on the completion of certain requirements.
- (4) The Supreme Court of Minnesota found evidence to support the findings of misconduct by the referee in the disciplinary matter that Tayari-Garrett violated Minn. R. Prof. Responsibility 3.4(c) and 8.4(b)-(d), by, among other things, willfully disobeying a court mandate, making false or misleading statements to a tribunal, and being convicted of willfully disobeying a court mandate. The Court held that the referee did not err by concluding that Tayari-Garrett violated Minn. R. Prof. Responsibility 3.4(c) - A lawyer shall not knowingly disobey an obligation under the rules of a tribunal except for an open refusal based on an assertion that no valid obligation exists; 8.4(b) - It is professional misconduct for a lawyer to commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects; 8.4(c) - It is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit, or misrepresentation; and 8.4(d) - It is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice.
- (5) The Minnesota Supreme Court based Tayari-Garrett's discipline in part on her criminal conviction for contempt for her failure to appear for trial in violation of Minn. Stat. § 588.20, subd. 2(4). *In re Petition for Disciplinary Action against Mpatanishi Syanaloli Tayari-Garrett, A Minnesota Attorney, Registration No. 342075*, 866 N.W.2d at 516-517. The court found that the conviction conclusively established that Tayari-Garrett willfully violated a court mandate. *Id.* at 516. *State v. Tayari-Garrett*, 841 S.W.2d 644, 653 (Minn. App. 2014), *rev. denied* (Minn. Mar. 26, 2014), *cert. denied* ____ U.S. ____ (2014).
- (6) Respondent, Mpatanishi Syanaloli Tayari Garrett, is the same person as the Mpatanishi Syanaloli Tayari-Garrett, who is the subject of the Opinion entered by the Supreme Court of the State of Minnesota and the defendant in the criminal case.
- (7) The suspension and Opinion from the Supreme Court of the State of Minnesota is final.

- (8) Respondent has not applied for reinstatement in Minnesota and is still suspended from practice in that state.
- (9) Minn. R. Prof. Responsibility 8.4(d) requires conduct prejudicial to the administration of justice, while the Texas counterpart, Tex. Disciplinary Rules Prof'l Conduct R. 8.04(a)(4), requires conduct constituting obstruction of justice.
- (10) The Commission for Lawyer Discipline asked that Respondent be actively suspended from the practice of law for 120 days.

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. Rules Disciplinary P. R. 7.08(H) ("TRDP").
- (2) Respondent's misconduct violating Minn. R. Prof. Responsibility 3.4(c) and 8.4(b)-(c) constitutes misconduct in Texas.
- (3) Respondent's criminal conviction for contempt in Minnesota for willfully violating a court mandate constitutes obstruction of the court in the performance of its duties. *See, In re Reece*, 341 S.W.3d 360, 367 (Tex. 2011 (orig. proceeding)); *Ex parte Murphy*, 669 S.W.2d 320 (Tex. Crim. App. 1984) (orig. proceeding).
- (4) Respondent's conviction for criminal contempt in Minnesota for willfully violating a court mandate constitutes misconduct in Texas as a violation of Tex. Disciplinary Rules Prof'l Conduct R. 8.04(a)(4).
- (5) Respondent failed to prove her defenses pursuant to Tex. Rules Disciplinary P. R. 9.04B, 9.04C, 9.04D, or 9.04E by clear and convincing evidence.
- (6) Reciprocal discipline identical to the extent practicable to that imposed by the Supreme Court of the State of Minnesota is warranted in this case.

It is, accordingly, ORDERED, ADJUDGED, AND DECREED that Respondent, Mpatanishi Syanaloli Tayari Garrett, State Bar Card No. 24073090, is hereby SUSPENDED from the practice of law in Texas for a period of 120 days beginning February 8, 2016, and ending June 7, 2016.

It is further ORDERED that during the term of active suspension ordered herein, Respondent shall be prohibited from practicing law in Texas, holding herself 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 herself out to others or using her name, in any manner, in conjunction with the words "attorney," "counselor," or "lawyer."

It is further ORDERED that Respondent, Mpatanishi Syanaloli Tayari Garrett, shall notify in writing, no later than thirty (30) days from the date of this Order, each and every justice of the peace, judge, magistrate, and chief justice of each and every court in which Respondent, Mpatanishi Syanaloli Tayari Garrett, has any legal matter pending, if any, of her suspension, 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 Statewide Compliance Monitor, Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711.

It is further ORDERED that Respondent, Mpatanishi Syanaloli Tayari Garrett, shall immediately notify each of her current clients and opposing counsel, if any, in writing, of her suspension. 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 her 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 the Statewide Compliance Monitor, Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas

78711, within the same thirty (30) days, an affidavit stating that all current clients and opposing counsel have been notified of her suspension 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 her 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 Statewide Compliance Monitor, Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711.

It is further ORDERED that Respondent, Mpatanishi Syanaloli Tayari Garrett, immediately surrender her Texas law license and permanent State Bar Card to the Statewide Compliance Monitor, Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Austin, Texas 78711, for transmittal to the Clerk of the Supreme Court of Texas.

It is further ORDERED that a certified copy of the First Amended Petition for Reciprocal Discipline on file herein, along with a copy of this Judgment, be sent to the Chief Disciplinary Counsel of the State Bar of Texas, P.O. Box 12487, Austin, Texas 78711.

Signed this 2 day of February 2016.



CHAIR PRESIDING