

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

**IN THE MATTER OF
RICHARD LEE GARZA
STATE BAR CARD NO. 07737550**

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CAUSE NO. 35886

JUDGMENT OF DISBARMENT

On the 4th day of November 2005, the above-styled and numbered 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 Assistant Disciplinary Counsel and announced ready. Respondent, Richard Lee Garza, although duly cited to appear and having been notified of the hearing, failed to answer or appear and wholly made default. All issues of fact as well as all matters 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, Richard Lee Garza, whose State Bar Card number is 07737550, is currently licensed by the Supreme Court of Texas but is administratively suspended for failure to comply with MCLE requirements.
- (2) On or about March 30, 2005, Respondent pled No Contest to Indecency with a Child (Count Five of the Grand Jury Indictment dated June 20, 2004), a Second Degree Felony as set out in Texas Penal Code §21.11, in Cause No. 04-01-005-CRW, styled *The State of Texas v. Richard Lee Garza*, and was sentenced on April 15, 2005 to four (4) years in the Texas Department of Criminal Justice and was ordered to register as a sex offender.
- (3) Respondent, Richard Lee Garza, is the same person as Richard Lee Garza

who is the subject of the Garza criminal case described above.

- (4) Respondent was personally served with the First Amended Petition for Compulsory Discipline on September 30, 2005, and the affidavit of service has been on file with the Board since October 5, 2005.
- (5) Respondent's criminal sentence is not fully probated.
- (6) Respondent's criminal conviction is final.

Conclusions of Law. Based upon the foregoing findings of fact the Board of Disciplinary Appeals makes the following conclusions of law:

- (1) This Board has jurisdiction to hear and determine this matter. Rule 7.08(G) Texas Rules of Disciplinary Procedure ("TRDP").
- (2) Respondent, Richard Lee Garza, has been convicted of an Intentional Crime for purposes of TRDP 8.04.
- (3) Said crime is also a Serious Crime as defined by TRDP 1.06(Z).
- (4) Respondent, Richard Lee Garza, should be disbarred. TRDP 8.05.

It is, accordingly, **ORDERED, ADJUDGED, AND DECREED** that Respondent, Richard Lee Garza, State Bar Card No. 07737550, 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, Richard Lee Garza, 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, Richard Lee Garza, not later than thirty (30) days from the date 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, Richard Lee Garza, 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, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711.


It is further **ORDERED** that Respondent, Richard Lee Garza, shall notify each of his current clients, if any, in writing, of his disbarment within thirty (30) days of the date of this judgment. 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 of the date of this Judgment. Respondent is further **ORDERED** to file with this Board, within the same thirty (30) days, an affidavit stating that all current clients 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 said affidavit and copies of all notification letters to clients, to the 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, Richard Lee Garza, immediately surrender his Texas law license and permanent State Bar Card to 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 Petition for Compulsory 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 7 day of November 2005.



CHAIRMAN PRESIDING