



*Respondent*, Case No. SC11-1182, Lower Tribunal No(s): 2011-31,220(05A), disbarring Respondent. The Report of the Referee found that on August 12, 2011, a sanctions hearing was held pursuant to Respondent's unconditional guilty plea as to all rules and allegations in the Bar's Complaint. The Report further found, and Respondent admitted, that Respondent: 1) committed an act that is unlawful or contrary to honesty and justice whether the act is committed in the course of the attorney's relations as an attorney or otherwise, whether committed within or outside the state of Florida, and whether or not the act is a felony or misdemeanor in violation of Florida Rules of Professional Conduct ("FRPC") 3-4.3; 2) failed to comply with the Florida Bar Rules Regulating Trust Accounts in violation of FRPC 4-1.15; 3) committed a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects in violation of FRPC 4-8.4(b); 4) engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation in violation of FRPC 4-8.4(c); 5) failed to comply with trust accounting requirements in violation of FRPC 5-1.1; 6) failed to hold in trust, separate from the lawyer's own property, funds and property of clients or third persons that are in a lawyer's possession in connection with a representation in violation of FRPC 5-1.1(a)(1); and 7) failed to hold in trust and applying only to that purpose, money or other property entrusted to an attorney for a specific purpose, including advances for fees, costs, and expenses in violation of FRPC 5-1.1(b).

- (5) Respondent, Eric Paul Gifford, is the same person as the Eric P. Gifford who is the subject of the Order described above.

**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. TRDP Rule 7.08(H).
- (2) Reciprocal discipline identical to that imposed by the Supreme Court of Florida is warranted in this case.

It is, accordingly, ORDERED, ADJUDGED, AND DECREED that Respondent, Eric Paul Gifford, State Bar Card No. 00796628, 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, Eric Paul Gifford, 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 or in any representative capacity 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, Eric Paul Gifford, 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, Eric Paul Gifford, 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 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, Eric Paul Gifford, 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 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 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, Eric Paul Gifford, immediately surrender his 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, Capitol Station, Austin, Texas 78711, for transmittal to the Clerk of the Supreme Court of Texas.

Signed this <sup>17th</sup> day of October 2012.

  
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CHAIR PRESIDING