

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

**IN THE MATTER OF
JULIET CAROL GILBERT
STATE BAR CARD NO. 17224050**

§
§
§

CAUSE NO. 54242

AGREED JUDGMENT OF FULLY PROBATED SUSPENSION

On the 14th day of May 2014, 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 pro se 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. 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, Juliet Carol Gilbert, is an attorney who is licensed but not currently authorized to practice law in the State of Texas, and whose Bar Card No. is 17224050;
- (2) On November 29, 2012, a Complaint was filed in the Office of the Presiding Disciplinary Judge of the Supreme Court of Colorado in Case Number 12 PDJ 085, styled Complainant: *The People of the State of Colorado*, Respondent: *Juliet Carol Gilbert*.
- (3) On February 4, 2013, an Answer was filed in the Office of the Presiding Disciplinary Judge of the Supreme Court of Colorado in Case Number 12PDJ085, styled Complainant: *The People of the State of Colorado*, Respondent: *Juliet Carol Gilbert*.

- (4) On July 17, 2013, an Opinion and Decision Imposing Sanctions was filed in the Office of the Presiding Disciplinary Judge of the Supreme Court of Colorado in Case Number 12PDJ085, styled *Complainant: The People of the State of Colorado, Respondent: Juliet Carol Gilbert*, that states in pertinent part as follows:

... Respondent admits to two of the People's claims: violation of Colo. RPC 1.15(a) and 1.15(c). Colo. RPC 1.15(a) requires a lawyer to hold client property in a trust account, separate from the lawyer's own property. Respondent failed to keep Peters and Henderson's unearned fees in a trust account and negligently converted their funds in contravention of Colo. RPC 1.15(a). Similarly, Colo. RPC 1.15(c) mandates that a lawyer keep property in which two or more persons claim an interest separate from the lawyer's own property until there is an accounting and severance of the interests. Respondent placed Peters and Henderson's funds in her own business account without providing any accounting to them. She thereby violated Colo. RPC 1.15(c).

Respondent did not directly admit at the disciplinary hearing that she violated Colo. RPC 1.5(f), but we find she did so. Colo. RPC 1.5(f) states that a lawyer does not earn fees "until the lawyer confers a benefit on the client or performs a legal service for the client"; it also notes that advances of unearned fees belong to the client and must be deposited in the lawyer's trust account until earned. Respondent admitted that she immediately placed Peters and Henderson's fees into her business account, not her trust account. The evidence also makes clear that she had not earned all of the fees upon receipt, when she deposited them in her business account and began using them for her own purposes. As such, the Hearing Board concludes that Respondent violated Colo. RPC 1.5(f).

The Hearing Board therefore Orders: 1. Juliet Carol Gilbert, attorney registration number 25640, is suspended for three months, ALL STAYED upon the successful completion of a six-month period of probation...

- (5) On October 18, 2013, an Order and Notice of Probation was filed in the Office of the Presiding Disciplinary Judge of the Supreme Court of Colorado in Case Number 12PDJ085, styled *Complainant: The People of the State of Colorado, Respondent: Juliet Carol Gilbert*, that states in pertinent part as follows:

... Juliet Carol Gilbert, Attorney Registration Number 25640, is placed on probation for a period of six months, effective October 18, 2013....

- (6) Respondent, Juliet Carol Gilbert, is the same person as the Juliet Carol Gilbert, who is the subject of the Order and Notice of Probation entered by the Presiding Disciplinary Judge of the Supreme Court of the Colorado;

and

- (7) The Order and Notice of Probation from the Presiding Disciplinary Judge of the Supreme Court of the Colorado 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);
- (2) Reciprocal discipline identical to that imposed by the Supreme Court of the State of Colorado is warranted in this case.

It is, accordingly, ORDERED, ADJUDGED, AND DECREED that Respondent, Juliet Carol Gilbert, State Bar Card No. 17224050, is hereby suspended from the practice of law in Texas for a period of three months with the imposition of such suspension being suspended and Respondent being placed on probation for a period of six months beginning May 14, 2014, and ending November 13, 2014, under the following terms and conditions:

1. Respondent shall not violate any of the provisions of the Texas Disciplinary Rules of Professional Conduct nor any provision of the State Bar Rules.
2. That Respondent 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. That Respondent 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.

Probation Revocation

Upon determination that Respondent has violated any 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 the Board of

Disciplinary Appeals ("BODA") and serve a copy of the motion on Respondent pursuant to Tex.R.Civ.P. 21a.

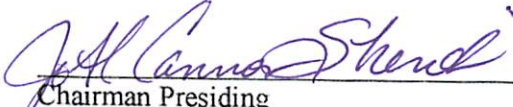
BODA shall conduct an evidentiary hearing. At the hearing, BODA shall determine by a preponderance of the evidence whether Respondent has violated any term of this Judgment. If BODA finds grounds for revocation, BODA shall enter an order revoking probation and placing Respondent on active suspension 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.

It is further ORDERED that a certified copy of the 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.

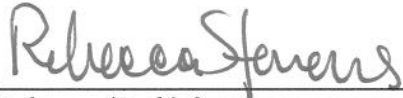
IT IS FURTHER ORDERED that his Judgment of Fully Probated Suspension shall be made a matter of public record and be published in the Texas Bar Journal.

Signed this 14th day of May 2014.

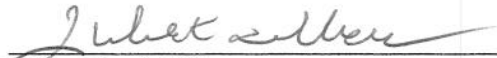


Chairman Presiding
Board of Disciplinary Appeals
Appointed by the Supreme Court of Texas

APPROVED AS TO FORM AND CONTENT:



Rebecca (Beth) Stevens
Assistant Disciplinary Counsel
State Bar Card No. 24065381
Attorney for Petitioner



Juliet Carol Gilbert
State Bar Car No. 17224050
Respondent