

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

**IN THE MATTER OF** §  
**ALAN EDWARD GOODING** § **CAUSE NO. 49549**  
**STATE BAR CARD NO. 24028488** §

**AGREED JUDGMENT OF SUSPENSION**

On the 27<sup>th</sup> day of July 2012, 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, Alan Edward Gooding, is an attorney who is licensed but not currently authorized to practice law in the State of Texas, and whose Bar Card No. is 24028488;
- (2) On or about April 14, 2011, an Agreement for Discipline by Consent was entered Before the Presiding Disciplinary Judge of the Supreme Court of Arizona in a matter styled: PDJ-2011-9001, State Bar Nos. 10-0421, 10-1585, 10-1900, 10-1954, *In the Matter of a Member of the State Bar of Arizona, Alan E. Gooding, Bar No. 023060, Respondent.*
- (3) On or about April 22, 2011, a Judgment and Order was entered Before the Presiding Disciplinary Judge of the Supreme Court of Arizona in a matter styled: PDJ-2011-9001, State Bar Nos. 10-0421, 10-1585, 10-1900, 10-1954, *In the Matter of a Member of the State Bar of Arizona, Alan E. Gooding, Bar*

*No. 023060, Respondent*, suspending Respondent from the practice of law for a period of six (6) months and one (1) day, effective thirty (30) days from the date of the Order, for conduct in violation of his duties and obligations as a lawyer, as disclosed in the agreement for discipline by consent. The Court found that in the Agreement for Discipline by Consent the parties stipulated that in Count One (File no. 10-0421) Respondent did not abide by the clients' decisions concerning the objectives of the representation; Respondent did not act with reasonable diligence and promptness in the matter; Respondent did not promptly comply with reasonable requests for information from the client; Respondent knowingly failed to respond to a lawful demand for information from a disciplinary authority; Respondent refused to cooperate with staff of the State Bar acting in the course of that person's duties; and Respondent failed to furnish information and/or to respond promptly to any inquiry or request from bar counsel for information relevant to matters under investigation. Respondent's conduct, as described in this count, violated Rule 42, Ariz. R. Sup. Ct., specifically, ERs 1.2(a), 1.3, 1.4(a)(4), 8.1(b), and Rules 53(d) and 53(f), Ariz. R. Sup. Ct. (2010). The Court also found that the parties further stipulated that in Count Two (File no. 10-1585) Respondent knowingly failed to respond to a lawful demand for information from a disciplinary authority; Respondent refused to cooperate with staff of the State Bar acting in the course of that person's duties; Respondent violated a condition of his diversion by failing to contact LOMAP; and Respondent failed to furnish information and/or to respond promptly to any inquiry or request from bar counsel for information relevant to matters under investigation. Respondent's conduct, as described in this count, violated Rule 42, Ariz. R. Sup. Ct., specifically, ER 8.1(b) and Rules 53(d), 53(e), and 53(f), Ariz. R. Sup. Ct. (2010). The Court further found that the parties stipulated that in Count Three (File no. 10-1900) Respondent did not abide by the clients' decisions concerning the objectives of the representation; Respondent did not act with reasonable diligence and promptness; Respondent did not keep the client reasonably informed about the status of the matter; Respondent did not promptly comply with reasonable requests for information from the client; Respondent did not make reasonable efforts to expedite litigation consistent with the interests of the client; Respondent knowingly failed to respond to a lawful demand for information from a disciplinary authority; Respondent engaged in conduct prejudicial to the administration of justice; Respondent refused to cooperate with staff of the State Bar acting in the course of that person's duties; and Respondent failed to furnish information and/or to respond promptly to any inquiry or request from bar counsel for information relevant to matters under investigation. Respondent's conduct, as described in this count, violated Rule 42, Ariz. R. Sup. Ct., specifically ERs 1.2(a), 1.3, 1.4(a)(3), 1.4(a)(4), 3.2, 8.1(b), 8.4(d), and Rules 53(d) and 53(f), Ariz. R. Sup. Ct. (2010). The Court went on to find that the parties further stipulated that in Count Four (File no. 10-1954) Respondent did not abide by the clients' decisions concerning the objectives

of the representation; Respondent did not act with reasonable diligence and promptness in representing a client; Respondent did not promptly comply with reasonable requests for information; Respondent did not make reasonable efforts to expedite litigation consistent with the interests of the client; Respondent knowingly failed to respond to a lawful demand for information from a disciplinary authority; Respondent refused to cooperate with staff of the State Bar acting in the course of that person's duties; and Respondent failed to furnish information and/or to respond promptly to any inquiry or request from bar counsel for information relevant to matters under investigation by failing to respond to the State Bar's investigatory letter. Respondent's conduct, as described in this count, violated Rule 42, Ariz. R. Sup. Ct., specifically ERs 1.2(a), 1.3, 1.4(a)(4), 3.2, 8.1(b), and Rules 53(d) and 53(f), Ariz. R. Sup. Ct. (2010).

- (4) Respondent, Alan Edward Gooding, is the same person as the Alan E. Gooding, who is the subject of the Judgment and Order entered by the Supreme Court of the State of Arizona; and
- (5) The Order from the Supreme Court of the State of Arizona 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 Arizona is warranted in this case.

It is, accordingly, ORDERED, ADJUDGED, AND DECREED that Respondent, Alan Edward Gooding, State Bar Card No. 240284881 is hereby SUSPENDED from the practice of law in Texas for a period of six months beginning July 27, 2012, and ending January 27, 2013.

It is further ORDERED that during the term of active suspension ordered herein, Respondent shall be prohibited 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, Alan Edward Gooding, 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, Alan Edward Gooding, has any legal matter pending, if any, of his 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, Alan Edward Gooding, shall immediately notify each of his current clients and opposing counsel, if any, in writing, of his 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 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 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 his supreme inability to return to said client any file, paper, money or other property. Respondent is also ORDERED to mail a copy of said affidavit

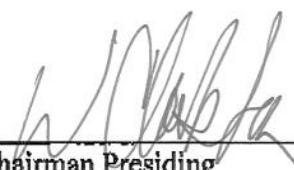
and copies of all notification letters to clients, to the Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711.

It is further ORDERED that Respondent, Alan Edward Gooding, 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.

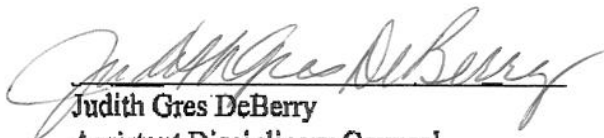
It is further ORDERED that a certified copy of the Petition for Reciprocal Discipline on file herein, along with a copy of this Judgment, be sent to the Chief Disciplinary Counsel of the State Bar of Texas, P.O. Box 12487, Austin, Texas 78711.

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

Signed this 27<sup>th</sup> day of July 2012.

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

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Judith Gres DeBerry  
Assistant Disciplinary Counsel  
ATTORNEY FOR PETITIONER

  
\_\_\_\_\_  
Alan Edward Gooding  
RESPONDENT