

**BEFORE THE EVIDENTIARY PANEL OF THE
STATE BAR DISTRICT NO. 5-2 GRIEVANCE COMMITTEE**

COMMISSION FOR LAWYER DISCIPLINE,	§	H0031234738 [POLLY REDDIN]
	§	
Petitioner,	§	
	§	
v.	§	GALVESTON COUNTY, TEXAS
	§	
ANTHONY P. GRIFFIN,	§	
	§	
Respondent.	§	

JUDGMENT OF PARTIALLY PROBATED SUSPENSION

Parties and Appearance

On October 14, 2013, came to be heard the above-styled and numbered cause. Petitioner, the **COMMISSION FOR LAWYER DISCIPLINE**, appeared by and through its attorney of record, Shannon Breaux Saucedo, Assistant Disciplinary Counsel, and announced ready. Respondent, **ANTHONY P. GRIFFIN** (hereinafter referred to as “Respondent”), Texas Bar Number 08455300, appeared in person and through his attorney of record, Norma Venso, and announced ready.

Jurisdiction and Venue

The Evidentiary Panel 5-2 (formerly 5B) having been duly appointed to hear this complaint by the chair of the Grievance Committee for STATE BAR OF TEXAS District 5, finds that it has jurisdiction over the parties and the subject matter of this action and that venue is proper.

Professional Misconduct

The Evidentiary Panel, having considered all of the pleadings, evidence, stipulations, and argument, finds Respondent has committed Professional Misconduct as defined by Rule 1.06(V) of the TEXAS RULES OF DISCIPLINARY PROCEDURE.

Findings of Fact

The Evidentiary Panel, having considered the pleadings, evidence and argument of counsel, makes the following findings of fact and conclusions of law:

1. Respondent is an attorney licensed to practice law in Texas and is a member of the STATE BAR OF TEXAS.
2. Respondent resides in and maintains his principal place of practice in Galveston County, Texas.
3. On or about October 4, 2011, Polly Reddin (hereinafter referred to as "Reddin") hired Respondent to file a civil suit related to the payment of a debt. Reddin paid Respondent Five Thousand and No/100 Dollars (\$5,000.00) for the representation with the understanding from Respondent that he would file suit on her behalf.
4. During the course of the representation, Reddin made numerous attempts to contact Respondent to ascertain the status of her case; however, Respondent failed to communicate with Reddin.
5. Throughout the representation, Reddin made several appointments to meet with Respondent, which were later canceled. When Reddin met with Respondent on February 27, 2012, Respondent presented Reddin with a petition that contained several errors. As a result, on March 6, 2012, Reddin sent Respondent an email whereby she terminated his representation and requested a refund of her retainer. Respondent failed to refund any unearned portion of the retainer until July 2013.
6. The Chief Disciplinary Counsel of the STATE BAR OF TEXAS has incurred reasonable attorneys' fees and direct expenses associated with this Disciplinary Proceeding in the amount of One Thousand Six Hundred and No/100 Dollars (\$1,610.00), Five Hundred and No/100 Dollars (\$500.00) of which has already been paid by Respondent.
7. Respondent owes restitution in the amount of Five Thousand and No/100 Dollars (5,000.00), to Polly Reddin. This amount has already been paid by Respondent.

Conclusions of Law

The Evidentiary Panel concludes that, based on foregoing findings of fact, the following TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT have been violated: **Rules 1.01(b)(1)** [in representing a client, a lawyer shall not neglect a legal matter entrusted to the lawyer]; **1.03(a)** [a

lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information]; and **1.15(d)** [upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled and refunding any advance payments of fee that has not been earned].

Sanction

The Evidentiary Panel, having found that Respondent has committed Professional Misconduct, heard and considered additional evidence regarding the appropriate sanction to be imposed against Respondent. After hearing all evidence and argument and after having considered the factors in Rule 2.18 of the TEXAS RULES OF DISCIPLINARY PROCEDURE, the Evidentiary Panel finds that the proper discipline of the Respondent for each act of Professional Misconduct is a Partially Probated Suspension.

Accordingly, it is **ORDERED, ADJUDGED** and **DECREED** that Respondent be suspended from the practice of law for a period of six (6) months, beginning October 15, 2013, and ending April 14, 2014. Provided Respondent complies with the following terms and conditions, Respondent shall be actively suspended from the practice of law for a period of three (3) months, beginning October 15, 2013, and ending January 14, 2014. If Respondent complies with all of the following terms and conditions timely, the three (3) month period of probated suspension shall begin on January 15, 2014, and shall end on April 14, 2014.

1. Respondent shall pay all reasonable and necessary attorneys' fees and direct expenses to the STATE BAR OF TEXAS in the amount of One Thousand Six Hundred Ten and No/100 Dollars (\$1,610.00). In July 2013, Respondent made a payment to the STATE BAR OF TEXAS in the amount of Five Hundred and No/100 Dollars (\$500.00). The remaining payment One Thousand One Hundred Ten and No/100 Dollars (\$1,110.00) shall be due and payable on or before January 14, 2014, and shall be made by certified or cashier's check or money order. Respondent shall forward the funds, made payable to the STATE

BAR OF TEXAS, to the STATE BAR OF TEXAS, Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, Texas 78711-2487 (1414 Colorado St., Austin, Texas 78701).

2. Respondent shall pay restitution to Polly Reddin in the amount of Five Thousand and No/100 Dollars (\$5,000.00). In July 2013, Respondent tendered payment to Polly Reddin in the amount of Five Thousand and No/100 Dollars (\$5,000.00), and has therefore satisfied this condition of the *Judgment*.
3. Respondent shall complete the Law Office Management Program by January 14, 2014, and provide proof of completion to the STATE BAR OF TEXAS, Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, Texas 78711-2487 (1414 Colorado St., Austin, Texas 78701), by January 14, 2014.
4. Respondent shall make contact with the Chief Disciplinary Counsel's Offices' Compliance Monitor at 877-953-5535, ext. 1334 and Special Programs Coordinator at 877-953-5535, ext. 1323, not later than seven (7) days after receipt of a copy of this *Judgment* to coordinate Respondent's compliance.

Should Respondent fail to comply with all of the above terms and conditions timely, Respondent shall remain actively suspended until the date of compliance or until April 14, 2014, whichever occurs first.

Terms of Active Suspension

Respondent shall pay all reasonable and necessary attorneys' fees and direct expenses to the STATE BAR OF TEXAS in the amount of One Thousand Six Hundred Ten and No/100 Dollars (\$1,610.00). In July 2013, Respondent made a payment to the STATE BAR OF TEXAS in the amount of Five Hundred and No/100 Dollars (\$500.00). The remaining payment One Thousand One Hundred Ten and No/100 Dollars (\$1,110.00) shall be due and payable on or before January 14, 2014, and shall be made by certified or cashier's check or money order. Respondent shall forward the funds, made payable to the STATE BAR OF TEXAS, to the STATE BAR OF TEXAS, Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, Texas 78711-2487 (1414 Colorado St., Austin, Texas 78701).

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Respondent shall complete the Law Office Management Program by January 14, 2014, and provide proof of completion to the STATE BAR OF TEXAS, Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, Texas 78711-2487 (1414 Colorado St., Austin, Texas 78701), by January 14, 2014.

It is further **ORDERED** that during the term of active suspension ordered herein, or that may be imposed upon Respondent by the BOARD OF DISCIPLINARY APPEALS (hereinafter referred to as "BODA") as a result of a probation revocation proceeding, Respondent shall be prohibited from practicing law in Texas; holding himself out as an attorney at law; performing any legal services 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 or Federal court or before any administrative body; or holding himself out to others or using his name, in any manner, in conjunction with the words "attorney at law," "attorney," "counselor at law," or "lawyer."

It is further **ORDERED** that Respondent shall immediately notify each of Respondent's current clients and opposing counsel in writing of this suspension.

In addition to such notification, it is further **ORDERED** that Respondent shall return any files, papers, unearned monies and other property belonging to current clients in Respondent's possession to the respective clients or to another attorney at the client's request.

It is further **ORDERED** that Respondent shall file with the STATE BAR OF TEXAS, Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, Texas 78711-2487 (1414 Colorado St.,

Austin, Texas 78701) on or before thirty (30) days after the date this *Judgment* is signed, an affidavit stating all current clients and opposing counsel have been notified of Respondent's suspension and that all files, papers, monies and other property belonging to all current clients have been returned as ordered herein.

It is further **ORDERED** that Respondent shall, immediately, notify in writing each and every justice of the peace, judge, magistrate, administrative judge or officer and chief justice of each and every court or tribunal in which Respondent has any matter pending of the terms of this *Judgment*, the style and cause number of the pending matter(s), and the name, address and telephone number of the client(s) Respondent is representing.

It is further **ORDERED** that Respondent shall file with the STATE BAR OF TEXAS, Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, Texas 78711-2487 (1414 Colorado St., Austin, Texas 78701) on or before thirty (30) days after the date this *Judgment* is signed, an affidavit stating Respondent has notified in writing each and every justice of the peace, judge, magistrate, and chief justice of each and every court in which Respondent has any matter pending of the terms of this judgment, the style and cause number of the pending matter(s), and the name, address and telephone number of the client(s) Respondent is representing in Court.

It is further **ORDERED** that Respondent shall immediately surrender his law license and permanent State Bar Card to the STATE BAR OF TEXAS, Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, Texas 78711-2487 (1414 Colorado St., Austin, Texas 78701), to be forwarded to the SUPREME COURT OF TEXAS.

Terms of Probation

It is further **ORDERED** that during all periods of suspension, Respondent shall be under the following terms and conditions:

1. Respondent shall not violate any term of this *Judgment*.
2. Respondent shall not engage in professional misconduct as defined by Rule 1.06(V) of the TEXAS RULES OF DISCIPLINARY PROCEDURE.
3. Respondent shall not violate any state or federal criminal statutes.
4. Respondent shall keep the STATE BAR OF TEXAS membership department notified of current mailing, residence and business addresses and telephone numbers.
5. Respondent shall comply with Minimum Continuing Legal Education requirements.
6. Respondent shall comply with Interest on Lawyers Trust Account (IOLTA) requirements.
7. Respondent shall promptly respond to any request for information from the Chief Disciplinary Counsel in connection with any investigation of any allegations of professional misconduct.

Probation Revocation

Upon information that Respondent has violated a 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 (hereinafter referred to as "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.

Restitution, Attorneys' Fees and Expenses

It is further **ORDERED** Respondent shall pay restitution to Polly Reddin in the amount of Five Thousand and No/100 Dollars (\$5,000.00). In July 2013, Respondent tendered payment to Polly Reddin in the amount of Five Thousand and No/100 Dollars (\$5,000.00), and has therefore satisfied this condition of the *Judgment*.

It is further **ORDERED** Respondent shall pay all reasonable and necessary attorneys' fees and direct expenses to the STATE BAR OF TEXAS in the amount of One Thousand Six Hundred Ten and No/100 Dollars (\$1,610.00). In July 2013, Respondent made a payment to the STATE BAR OF TEXAS in the amount of Five Hundred and No/100 Dollars (\$500.00). The remaining payment One Thousand One Hundred Ten and No/100 Dollars (\$1,110.00) shall be due and payable on or before January 14, 2014, and shall be made by certified or cashier's check or money order. Respondent shall forward the funds, made payable to the STATE BAR OF TEXAS, to the STATE BAR OF TEXAS, Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, Texas 78711-2487 (1414 Colorado St., Austin, Texas 78701).

It is further **ORDERED** that all amounts ordered herein are due to the misconduct of Respondent, are assessed as a part of the sanction in accordance with Rule 1.06(Y) of the TEXAS RULES OF DISCIPLINARY PROCEDURE. Any amount not paid shall accrue interest at the maximum legal rate per annum until paid and the STATE BAR OF TEXAS shall have all writs and other post-judgment remedies against Respondent in order to collect all unpaid amounts.

Publication

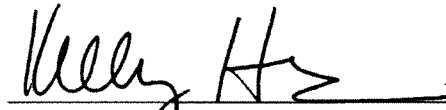
This suspension shall be made a matter of record and appropriately published in accordance with the TEXAS RULES OF DISCIPLINARY PROCEDURE.

Other Relief

All requested relief not expressly granted herein is expressly **DENIED**.

SIGNED this 22nd day of October, 2013.

**EVIDENTIARY PANEL
DISTRICT NO. 5-2
STATE BAR OF TEXAS**



KELLY HAAS
District 5-2 Presiding Member