

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



IN THE MATTER OF §
HOWARD AARON GROSS § CAUSE NO. 37812
STATE BAR CARD NO. 08532050 §

AGREED JUDGMENT OF PROBATED SUSPENSION

On the 30th day of August, 2006, 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, Howard Aaron Gross, is a attorney who is presently enrolled with the State Bar of Texas as an inactive member on inactive status, and not authorized to practice law in the State of Texas, and whose Bar Card No. is 08532050;
- (2) On March 7, 2006, in an Order entered *In the Matter of Howard A. Gross, An Attorney at Law, (Attorney No. 035181992)*, the Supreme Court of New Jersey, suspended the Respondent from the practice of law for a period of three months and further ordered that the term of suspension be suspended.
- (3) Respondent, Howard Aaron Gross, is the same person as the Howard A. Gross who is the subject of the Order by the Supreme Court of New Jersey; and
- (4) The probated suspension Order from the Supreme Court of New Jersey 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. Rule 7.08(H), Texas Rules of Disciplinary Procedure;
- (2) Reciprocal discipline identical to that imposed by the Supreme Court of New Jersey is warranted in this case.

It is, accordingly, ORDERED, ADJUDGED, AND DECREED that Respondent, Howard Aaron Gross, State Bar Card No. 08532050, is hereby SUSPENDED from the practice of law in Texas for a period of three (3) months with the imposition of such suspension being suspended and Respondent being placed on probation for a period of three (3) months beginning March 8, 2006, and ending June 7, 2006, 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.

IT IS FURTHER AGREED and ORDERED that upon determination by the Board of Disciplinary Appeals that Respondent has violated any of the terms or conditions of probation, the Board shall enter an order revoking the probation and imposing the active suspension of the Respondent from the practice of law for a period of three (3) months, commencing on or after the date of revocation, upon the following conditions:

1. Any grievance committee of the State Bar of Texas or the Chief Disciplinary Counsel of the State Bar of Texas may apply for revocation to

the Board of Disciplinary Appeals, by filing a written motion to revoke probation;

2. A copy of the Motion to Revoke Probation and Notice of Hearing on such Motion shall be delivered to Respondent by personal service or any method pursuant to Rule 21a, Texas Rules of Civil Procedure, at Respondent's last known address on the membership rolls for the Supreme Court of Texas; and
3. The Board shall hear the Motion to Revoke Probation within thirty (30) days of service upon Respondent, and shall determine whether Respondent has violated any of the terms or conditions of probation by a preponderance of the evidence.

It is further AGREED and ORDERED that during any term of active suspension that may be imposed upon Respondent by the Board of Disciplinary Appeals by reason of Respondent's failure to adhere to the terms of this Judgment, 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 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".

This Probated Suspension is to be made a matter of record and appropriately recorded in accordance with the Texas Rules of Disciplinary Procedure.

It is further ORDERED that the Clerk of this Court shall forward a certified copy of Petitioner's Petition for Reciprocal Discipline on file herein, along with a copy of this Judgment, to each the Clerk of the Supreme Court of Texas, Supreme Court Building, P.O. Box 12248, Austin, Texas 78711, and to the Office of Chief Disciplinary Counsel of the State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711.

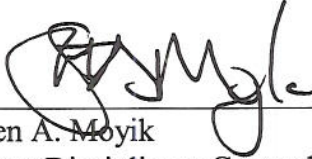
It is further ORDERED that this FULLY PROBATED SUSPENSION shall be made a matter of public record and be published in the Texas Bar Journal, as well as a newspaper of general circulation in the county of Respondent's residence or office.

Signed this 30 day of AUGUST 2006.



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

APPROVED AS TO FORM:



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