

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

<b>IN THE MATTER OF</b>	§	
<b>JAMES L. GUINAN</b>	§	<b>CAUSE NO. <u>44900</u></b>
<b>STATE BAR CARD NO. 08597800</b>	§	

**ORDER REVOKING PROBATIONARY TERM OF SUSPENSION**

On the 14th day of August 2009, the above-styled and numbered Petition for Revocation of Probation was called for hearing before the Board of Disciplinary Appeals. Petitioner Commission for Lawyer Discipline of the State Bar of Texas appeared by attorney and announced ready. Respondent, James L. Guinan, appeared in person and by attorney and, although having filed a motion for continuance, withdrew the motion and announced ready. After receiving evidence and hearing the argument of counsel, the Board finds that

- (1) Respondent, James L. Guinan, State Bar Card number 08597800, is subject to a Judgment of Partially Probated Suspension signed February 12, 2009 by the District 6A grievance Committee of the State Bar of Texas in cause numbers D0110733528 and D0120733815.
- (2) The Judgment of Partially Probated Suspension ordered Respondent to begin serving an active suspension from the practice of law on March 16, 2009, lasting until December 15, 2009.
- (3) The Judgment of Partially Probated Suspension ordered Respondent to begin serving a probated suspension from the practice of law on December 16, 2009 lasting until September 15, 2010.
- (4) Under the terms of active suspension made a part of said judgment, Respondent was ordered to cease practicing law as of March 16, 2009, and to notify clients and courts of his suspension by March 31, 2009

- (5) Under the terms of active suspension made a part of said judgment, Respondent was ordered to file affidavits of notice to clients and notice to courts of his suspension with the State Bar of Texas Chief Disciplinary Counsel's office on or before March 31, 2009.
- (6) Under the terms of probation made a part of said judgment, Respondent was ordered to pay attorney's fees to the State Bar of Texas in the amount of \$1,500 on or before April 1, 2009.
- (7) Respondent admitted that he continued to practice law after the inception of the active suspension of his law license on March 16, 2009.
- (8) Respondent failed to notify all clients and all courts of his suspension by March 31, 2009 as required by the judgment.
- (9) Respondent failed to file an affidavit of notice to clients by March 31, 2009 as required by the judgment.
- (10) Respondent failed to file an affidavit of notice to courts by March 31, 2009 as required by the judgment.
- (11) Respondent failed to pay any portion of the attorney's fees owed to the State Bar of Texas by April 1, 2009 as required by the judgment.
- (12) Respondent was notified by the State Bar of Texas Office of the Chief Disciplinary Counsel beginning April 14, 2009, of his failure to comply with the terms of active suspension and terms of probation and given an opportunity to cure the failure to comply.
- (13) The State Bar of Texas Office of the Chief Disciplinary Counsel made demand on Respondent twice to cure the failures to comply with the terms of suspension and terms of probation.
- (14) Respondent made no attempt to cure the failures and comply with the terms of the judgment until the day of the hearing, when Respondent tendered payment of \$1,500 attorney's fees and affidavits of notice to clients and courts to the State Bar of Texas.
- (15) The Judgment of Partially Probated Suspension provides that, if BODA finds grounds for revocation, Respondent shall be suspended without credit for any probation served.
- (16) Respondent has not yet served any probationary period under the terms of the

Judgment of Partially Probated Suspension.

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 for the full term of suspension, including but not limited to, any probationary period, to hear an action to revoke probation and, therefore, has jurisdiction to hear this matter. Texas Rules of Disciplinary Procedure 2.23 (“TRDP”).
- (2) Respondent, James L. Guinan, has materially violated the injunctive decree in the judgment prohibiting him from practicing law after March 16, 2009.
- (3) Respondent has materially violated the judgment’s terms of active suspension.
- (4) Respondent has materially violated the judgment’s terms of probation.
- (5) Only the probationary period of the judgment can be revoked, and said revocation is without credit for any probationary time served. TRDP 2.23.
- (6) Respondent’s probation of nine (9) months which would have begun December 16, 2009, should be revoked.
- (7) Respondent shall continue to be actively suspended from the practice of law until September 16, 2010.

It is therefore, **ORDERED, ADJUDGED** and **DECREED** that the probation that was to have begun on December 16, 2009 as provided in the Judgment of Partially Probated Suspension signed February 12, 2009, be, and hereby is, **REVOKED**, and Respondent James L. Guinan, State Bar Card No. 08597800, shall continue to be actively **SUSPENDED** from the practice of law in the State of Texas until September 16, 2010.

It is further **ORDERED, ADJUDGED** and **DECREED** that Respondent, James L. Guinan, during said suspension is hereby 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 not completed prior to the date of this Order, appearing as counsel 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 all other terms and conditions contained in the Judgment of Partially Probated Suspension dated February 12, 2009 remain in full force and effect.

Signed this 18<sup>th</sup> day of August 2009

  
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**CHAIRMAN PRESIDING**