

**DISTRICT DISABILITY COMMITTEE OF THE  
BOARD OF DISCIPLINARY APPEALS  
APPOINTED BY THE SUPREME COURT OF TEXAS  
HOUSTON, TEXAS**

**IN THE MATTER OF  
MIKE G. HERNANDEZ  
STATE BAR CARD NO. 09519300**

§  
§     **CAUSE NO. 27214**  
§

**JUDGMENT OF INDEFINITE DISABILITY SUSPENSION**

On January 16, 2004, came on to be heard before a District Disability Committee appointed by the Board of Disciplinary Appeals whether the Respondent, **MIKE G. HERNANDEZ**, suffers from a disability as defined in the TEXAS RULES OF DISCIPLINARY PROCEDURE. As set forth in the attached Finding, which is incorporated herein by reference as if set out in full, the District Disability Committee found that Respondent does suffer from a disability.

IT IS, THEREFORE, **ORDERED, ADJUDGED, AND DECREED**, pursuant to TEXAS RULES OF DISCIPLINARY PROCEDURE Part XII, that Respondent, **MIKE G. HERNANDEZ**, State Bar Card No. 09519300, is hereby **SUSPENDED** from the practice of law in the State of Texas immediately as of the date of this judgment and continuing thereafter until reinstated by this Board or by a court of competent jurisdiction.

It is further **ORDERED, ADJUDGED** and **DECREED** that Respondent, **MIKE G. HERNANDEZ**, is hereby prohibited during said suspension 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 before the date of this judgment, 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 Respondent, **MIKE G. HERNANDEZ**, shall, within thirty (30) days from the date of this judgment, notify in writing each and every justice of the peace, judge, magistrate, and chief justice of each and every court in which Respondent 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 Office of the Chief Disciplinary Counsel of the State Bar of Texas.

It is further **ORDERED** that Respondent shall immediately notify each of his current clients, 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 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 of the State Bar of Texas.

It is further **ORDERED** that Respondent immediately surrender his Texas law license and permanent State Bar Card to the Office of the Chief Disciplinary Counsel, State Bar of Texas, for transmittal to the Clerk of the Supreme Court of Texas.

Signed this 21<sup>st</sup> day of July 2004.

  
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**CHAIRMAN PRESIDING**

**DISTRICT DISABILITY COMMITTEE OF THE  
BOARD OF DISCIPLINARY APPEALS  
APPOINTED BY THE SUPREME COURT OF TEXAS  
HOUSTON, TEXAS**

**IN THE MATTER OF  
MIKE G. HERNANDEZ  
STATE BAR CARD NO. 09519300**

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**CAUSE NO. 27214**

**FINDING OF DISABILITY**

On the 16<sup>th</sup> day of January 2004, the above-styled and numbered disability matter was called for hearing before the District Disability Committee of the Board of Disciplinary Appeals. Petitioner, the Commission for Lawyer Discipline of the State Bar of Texas, through its attorney the Chief Disciplinary Counsel, appeared and announced ready. Respondent, Mike G. Hernandez, appeared in person and announced ready. The District Disability Committee, in a de novo proceeding, received evidence in accordance with Rule 8.03 of the INTERNAL PROCEDURAL RULES OF THE BOARD OF DISCIPLINARY APPEALS and Rule 12.03 of the TEXAS RULES OF DISCIPLINARY PROCEDURE to determine whether the Respondent, Mike G. Hernandez was suffering from a Disability as defined in Rule 1.06(I) of the TEXAS RULES OF DISCIPLINARY PROCEDURE.

At the conclusion of the hearing by agreement of the parties, the matter was continued conditioned upon strict compliance with terms and conditions contained in an Order Continuing Hearing with Agreed Terms and Conditions signed by Respondent and signed by this committee on February 24, 2004. A copy of the Order is attached hereto and made a part hereof for all purposes. The Respondent agreed that, should he fail to comply with the terms of the Order, the DDC would issue a finding that he was Disabled as defined in TRDP 1.06(I) without further hearing.

On June 22, 2004, the Chief Disciplinary Counsel filed a sworn Motion for Finding of Disability Pursuant to Order Continuing Hearing with Agreed Terms and Conditions stating that Respondent had failed to comply with the terms and conditions of the agreed Order. A copy of the motion is attached hereto and made a part hereof for all purposes. On June 18, 2004, Respondent was mailed a copy of the motion in compliance with TEXAS RULES OF CIVIL PROCEDURE 21a by certified mail and by first class mail to his last known address at 4602 Center Street, Houston, Texas 77007. As of the date of this Finding, neither the certified mail nor the first class mail has been returned as undeliverable or unclaimed. As of the date of this Finding, Respondent has not responded to the motion.

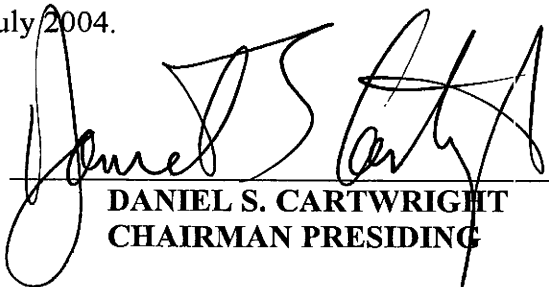
The DDC hereby finds that the Respondent failed to comply with the following terms of the agreed Order as alleged in the Motion for Finding of Disability Pursuant to Order Continuing Hearing with Agreed Terms and Conditions:

- (1) Since February 2004 Respondent failed to have the Veteran's Affairs Alcohol Treatment Program submit monthly progress reports to the State Bar of Texas and to the Board of Disciplinary Appeals; and
- (2) Since March 1, 2004 Respondent failed to have results of weekly random drug and alcohol tests submitted to the State Bar of Texas and to the Board of Disciplinary Appeals.

THEREFORE, the District Disability Committee of the Board of Disciplinary Appeals FINDS and hereby CERTIFIES to the Board of Disciplinary Appeals as follows:

That Respondent, Mike G. Hernandez, State Bar Card Number 09519300, suffers from a Disability as defined in Rule 1.06(I) of the TEXAS RULES OF DISCIPLINARY PROCEDURE.

SIGNED this 19<sup>TH</sup> day of July 2004.

  
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DANIEL S. CARTWRIGHT  
CHAIRMAN PRESIDING