

**BEFORE THE EVIDENTIARY PANEL OF THE  
STATE BAR DISTRICT NO. 4-1 GRIEVANCE COMMITTEE**

<b>COMMISSION FOR LAWYER DISCIPLINE,</b>  <b>Petitioner,</b>  v.  <b>MARK L. HONSAKER,</b>  <b>Respondent.</b>	§ 201406373	<b>(JANIE PATTESON)</b>    <b>HARRIS COUNTY, TEXAS</b>
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**JUDGMENT OF DISBARMENT**

**Parties and Appearance**

On September 15, 2016, 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, **MARK L. HONSAKER** (hereinafter referred to as "Respondent"), Texas Bar Number 00795425, appeared in person and announced ready.

**Jurisdiction and Venue**

The Evidentiary Panel 4-1, having been duly appointed to hear this complaint by the chair of the Grievance Committee for STATE BAR OF TEXAS District 4, 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(W) 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. At the time of the institution of this suit, Respondent was a resident of Harris County, Texas.
3. Respondent failed to keep Janie Patterson's funds in a separate trust account.
4. Respondent failed to promptly deliver to Janie Patterson funds that she was entitled to receive.
5. Respondent owes restitution in the amount of Twelve Thousand and No/100 Dollars (\$12,000.00) payable to Janie Patterson.
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 Two Thousand Six Hundred Seventy-Five and No/100 Dollars (\$2,675.00).

### 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: 1.14(a) [a lawyer shall hold funds and other property belonging in whole or in part to clients or third persons that are in a lawyer's possession in connection with a representation separate from the lawyer's own property in a separate account, designated as a "trust" or "escrow" account, maintained in the state where the lawyer's office is situated, or elsewhere with the consent of the client or third person]; and 1.14(b) [upon receiving funds or other property in which a client or third person has an interest, a lawyer shall promptly deliver to the client or third person any funds or other property that the client or third person is entitled to receive].

### Sanction

The Evidentiary Panel, having found 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 RULE OF DISCIPLINARY PROCEDURE, the Evidentiary Panel finds that proper discipline of the Respondent for each act of Professional Misconduct is **DISBARMENT**.

### Disbarment

It is therefore **ORDERED, ADJUDGED and DECREED** that effective September 16, 2016, Respondent, **MARK L. HONSAKER**, State Bar Number 00795425, is hereby **DISBARRED** from the practice of law in the State of Texas.

It is further **ORDERED** Respondent is 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."

### Notification

It is further **ORDERED** Respondent shall immediately notify each of his current clients in writing of this disbarment. In addition to such notification, Respondent is **ORDERED** to return any files, papers, unearned monies and other property belonging to clients and former clients in the Respondent's possession to the respective clients or former clients or to another attorney at the client's or former client's request. Respondent is further **ORDERED** to 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) within thirty (30) days of the signing of this *Judgment* by the Panel Chair, an affidavit stating that all current clients have been notified of Respondent's disbarment and that all files, papers, monies and other property belonging to all clients and former clients have been returned as ordered herein.

It is further **ORDERED** Respondent shall, on or before thirty (30) days from the signing of this *Judgment* by the Panel Chair, 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. Respondent is further **ORDERED** to 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), within thirty (30) days of the signing of this *Judgment* by the Panel Chair, an affidavit stating that each and every justice of the peace, judge, magistrate, administrative judge or officer and chief justice has received written notice of the terms of this *Judgment*.

#### Surrender of License

It is further **ORDERED** Respondent shall, within thirty (30) days of the signing of this *Judgment* by the Panel Chair, 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.

#### Restitution, Attorneys' Fees and Expenses

It is further **ORDERED** Respondent shall pay restitution on or before thirty (30) days of the signing of this *Judgment*, to Janie Patterson in the amount of Twelve Thousand and No/100 Dollars (\$12,000.00). Respondent shall pay the restitution by certified or cashier's check or money order

made payable to Jonic Patteson and delivered 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** Respondent shall pay all reasonable and necessary attorneys' fees and direct expenses to the STATE BAR OF TEXAS in the amount of Two Thousand Six Hundred Seventy-Five and No/100 Dollars (\$2,675.00). The payment shall be due and payable on or before thirty (30) days of the signing of this *Judgment*, 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 and are assessed as a part of the sanction in accordance with Rule 1.06(Z) 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**

It is further **ORDERED** this disbarment shall be made a matter of record and appropriately published in accordance with the TEXAS RULES OF DISCIPLINARY PROCEDURE.

#### **Conditions Precedent to Reinstatement**

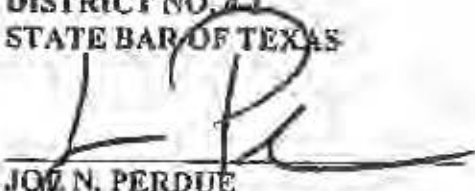
It is further **ORDERED** payment of the foregoing restitution and attorneys' fees and expenses amounts shall be a condition precedent to any consideration of reinstatement from disbarment as provided by Rules 2.19, 2.20 and 11.02(D) of the TEXAS RULES OF DISCIPLINARY PROCEDURE.

Other Relief

All requested relief not expressly granted herein is expressly DENIED.

SIGNED this 19<sup>th</sup> day of September, 2016.

EVIDENTIARY PANEL  
DISTRICT NO. 4-1  
STATE BAR OF TEXAS

  
JOE N. PERDUE  
District 4-1 Presiding Member