

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

IN THE MATTER OF
PATRICIA ANNE HORAL
STATE BAR CARD NO. 24067667

§
§
§

CAUSE NO. 60096

AGREED JUDGMENT OF SUSPENSION

On the 28 day of February 2018, 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, Patricia Anne Horal, whose Bar Card No. is 24067667, is an attorney licensed by the Supreme Court of Texas, but not currently authorized to practice law in the State of Texas.
- (2) On or about March 7, 2017, a Complaint was filed in the Supreme Court of Florida, in a matter styled, The Florida Bar, Complainant v. Patricia Anne Horal, Respondent, The Florida Bar File No. 2015-10,619 (13F).
- (3) On or about October 23, 2017, a Conditional Guilty Plea for Consent Judgment was filed in the Supreme Court of Florida, in a matter styled, The Florida Bar, Complainant v. Patricia Anne Horal, Respondent, Supreme Court Case No. SC17-399, The Florida Bar File No. 2015-10,619 (13F).
- (4) On or about October 23, 2017, the Report of Referee Accepting Consent Judgment was filed in the Supreme Court of Florida, in a matter styled, The Florida Bar, Complainant v. Patricia Anne Horal, Respondent, Supreme Court Case No. SC17-399, The Florida Bar File No. 2015-10,619 (13F).

- (5) On or about November 9, 2017, an Order was entered in the Supreme Court of Florida, in a matter styled, *The Florida Bar, Complainant v. Patricia Anne Horal, Respondent*, Case No. SC17-399, Lower Tribunal No. 2015-10,619 (13F), that states in pertinent part as follows:

...The uncontested report of the referee is approved and respondent is suspended from the practice of law for ninety days...

- (6) In the Conditional Guilty Plea for Consent Judgment Respondent admitted the following:

In or about April 2014, while Respondent worked as an independent contractor for another attorney in Hillsborough County, she met Joseph V. Cannistra, a non-lawyer investigator and paralegal. On June 27, 2014, Respondent formed Cadillac Law Group (CLG) with Cannistra, with both Respondent and Cannistra listed as officers of CLG. Cannistra's role was to handle investigative and paralegal functions.

Cannistra began to solicit clients for CLG, directly communicate with prosecutors in criminal cases to attempt to negotiate resolutions, and accept funds from new clients, all without Respondent's knowledge or consent. A few months into the partnership, Respondent discovered Cannistra had engaged in the unlicensed practice of law and warned him to refrain from engaging in similar conduct in the future.

In August 2014, the professional association between Respondent and Cannistra began to deteriorate. However, in late August 2014, Cannistra brought a new client to Respondent, Lyndon Andrews, who hired Respondent to assist in his transition from hospice into an apartment and to unseal a past felony case for a limited purpose. The Representation and Fee Agreement is between Andrews and Respondent, not CLG. Andrews also signed a notarized letter and rescindment of power of attorney form granting CLG the authority to handle all affairs pertaining to his Pinellas Park home and to act as his sole agent. Through discovery in this matter, the Bar learned that Respondent had, in fact, filed a motion to unseal the past felony case, which was unsealed and subsequently resealed after the stated purpose for unsealing had been handled. Respondent completed the representation of Andrews on or about September 18, 2014.

Throughout September 2014, Respondent uncovered that Cannistra was still engaging in inappropriate conduct and she threatened to leave. Respondent physically left CLG in late September 2014, and was locked out of CLG by Cannistra with no access to the office or email. The formal relationship between Respondent and Cannistra was severed on October 13, 2014. Respondent took no other affirmative steps to end her partnership, or

the appearance of a partnership, with Cannistra. On October 27, 2014, Cannistra filed Articles of Amendment with the Florida Department of Corporations to remove Respondent as an officer, added the new attorney and Dawes as officers of CLG. Cannistra removed Respondent as an authorized user on the corporate bank accounts on October 31, 2014.

After Respondent formally left the firm, Cannistra accepted several cashier's checks from Andrews. On October 14, 2014, Cannistra accepted a cashier's check for \$61,000, purportedly from Andrews, payable to CLG and negotiated the check without Respondent's knowledge; on October 31, 2014, Cannistra accepted a cashier's check for \$599.45, purportedly from Andrews, payable to Cannistra without Respondent's knowledge; and on November 24, 2014, Cannistra accepted a cashier's check for \$1,500, purportedly from Andrews, and negotiated without Respondent's knowledge. All funds were deposited in an account opened solely by Cannistra on October 14, 2014. Respondent had no knowledge of these transactions and is not liable for them. Respondent entered into an improper business partnership with Cannistra, and permitted a situation to exist whereby Cannistra was able to improperly solicit clients and engage in professional activities that constituted the unlicensed practice of law.

Respondent admits that as a result of her conduct described above she is guilty of violation the following Rules Regulating The Florida Bar: Rule 4-5.3 (Responsibilities Regarding Non-Lawyers Assistants); Rule 4-5.4 (Professional Independence of a Lawyer); Rule 4-5.5 (Unlicensed Practice of Law); and, Rule 4-7.18 (Direct Contact with Prospective Clients).

- (7) Respondent, Patricia Anne Horal, is the same person as the Patricia Anne Horal, who is the subject of the Order entered in the Supreme Court of Florida; and
- (8) The Order entered in the Supreme Court of Florida 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 Florida is warranted in this case.

It is further ORDERED that Respondent, Patricia Anne Horal, within thirty (30) days of the date of this judgment, shall notify each of her current clients and opposing counsel, if any, in writing, of her 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 of the date of this judgment.

It is further ORDERED Respondent shall file with the State Bar of Texas, Statewide Compliance Monitor, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701), within thirty (30) days of the date of this judgment, 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. 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.

It is further ORDERED that Respondent, Patricia Anne Horal, within thirty (30) days of the date of this judgment, surrender her Texas law license and permanent State Bar Card to the Statewide Compliance Monitor, Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711, for transmittal to the Clerk of the Supreme Court of Texas.

It is further ORDERED that a certified copy of the Petition for Reciprocal Discipline on file herein, along with a copy of this Judgment, be sent to the Office of the Chief Disciplinary Counsel of the State Bar of Texas, P.O. Box 12487, Austin, Texas 78711.

It is, accordingly, ORDERED, ADJUDGED, AND DECREED that Respondent, Patricia Anne Horal, State Bar Card No. 24067667, is hereby SUSPENDED from the practice of law in Texas for a period of ninety (90) days beginning March 1, 2018 and ending May 29, 2018.

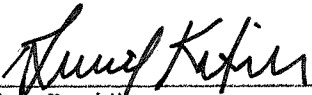
It is further ORDERED, ADJUDGED and DECREED that Respondent, Patricia Anne Horal, during said suspension is prohibited from practicing law in Texas, holding herself out as an attorney at law, performing any legal service for others, accepting any fee directly or indirectly for legal services, appearing as counsel or in any representative capacity in any proceeding in any Texas court or before any Texas administrative body, or holding herself out to others or using her name, in any manner, in conjunction with the words "attorney," "counselor," or "lawyer."

It is further ORDERED that Respondent, Patricia Anne Horal, within thirty (30) days of the date of this judgment, shall notify in writing each and every justice of the peace, judge, magistrate, and chief justice of each and every court, if any, in which Respondent, Patricia Anne Horal, has any legal matter pending, if any, of her 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.

It is further ORDERED Respondent shall file with the State Bar of Texas, Statewide Compliance Monitor, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701), within thirty (30) days of the date of this judgment, 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.

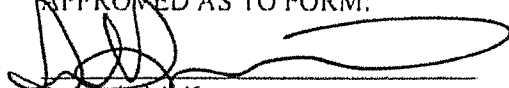
IT IS FURTHER ORDERED that this Agreed Judgment of Suspension shall be made a matter of public record and be published in the Texas Bar Journal.

Signed this 28 day of Feb 2018.

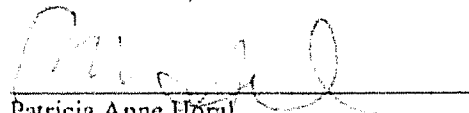


Chair Presiding
BOARD OF DISCIPLINARY APPEALS

APPROVED AS TO FORM:



Amanda M. Kates
Assistant Disciplinary Counsel
State Bar No. 24075987
ATTORNEY FOR PETITIONER



Patricia Anne Horst
State Bar No. 24067667
RESPONDENT