

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

FILED

July 19, 2016



Board of Disciplinary Appeals

IN THE MATTER OF §
ALFRED L. ISASSI § CAUSE NO. 57699
STATE BAR CARD NO. 24010124 §

**PETITIONER'S RESPONSE TO RESPONDENT'S
MOTION FOR CONTINUANCE**

TO THE BOARD OF DISCIPLINARY APPEALS:

COMES NOW, the Commission for Lawyer Discipline, Petitioner, and files its response to Respondent's Motion for Continuance.

Introduction

Petitioner is the Commission for Lawyer Discipline, a committee of the State Bar of Texas. Respondent is Alfred L. Isassi, State Bar No. 24010124. Petitioner filed its Petition for Compulsory Discipline on May 26, 2016, asking this Board to disbar Respondent based on his conviction for Tampering with a Governmental Record. On June 6, 2016, Respondent was personally served with the petition. A hearing on Petitioner's Petition for Compulsory Discipline is currently scheduled for July 29, 2016. Respondent filed his Motion for Continuance on July 18, 2016.

Arguments & Authorities

I. Personal service was perfected on June 6, 2016.

Kelli Owens, a process server, personally served Respondent with the petition on June 6, 2016, at 213 W. Sage Road, Kingsville, Texas. Ms. Owens swore to this fact on June 10, 2016,

before a notary public.¹ In his motion for continuance, Respondent objects to the service, alleging he did not receive the petition until July 10, 2016. Respondent provides no sworn statement or any other evidence to support his contention. The affidavit provided by his counsel only addresses paragraphs 1-4 of his motion, thus specifically leaving out paragraph 5 which includes the statements about personal service. Since there is no evidence provided by Respondent to the contrary, the Board should accept the sworn statement of Ms. Owens demonstrating that Respondent was timely personally served.

II. Respondent's request for continuance should be denied, or in the alternative, Respondent should be suspended pending the outcome of the hearing in this case.

Petitioner has asked the Board to disbar Respondent based on his criminal conviction for Tampering with a Governmental Record. Respondent is currently under criminal censure in the form of two years criminal probation. Respondent will likely argue at hearing that he should be suspended for the duration of his criminal probation rather than be disbarred. Therefore, Respondent's request for continuance effectively requests he be allowed to skip three months of his would-be suspension (the next hearing date for the Board is likely in October of 2016). This means Respondent would be able to continue to practice law during the next three months, despite being on criminal probation for a crime that directly relates to his practice of law. Since that outcome would be unreasonable, the Board should deny Respondent's motion for continuance.

In the alternative, if the Board is inclined to grant Respondent's request for continuance, he should be ordered suspended during the intervening time between now and the new hearing date set, pending the Board's decision about whether to disbar Respondent or to suspend him for

¹ See Affidavit filed with the Board on June 30, 2016.
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the duration of his criminal probation. This outcome would protect both the public and the legal profession, as well as allow Respondent's counsel the additional time he has requested.

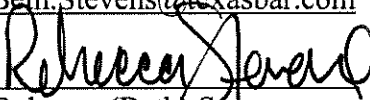
PRAYER

For these reasons Petitioner asks the Board to deny Respondent's motion for continuance. In the alternative, if the Board grants Respondent's motion, Petitioner requests that the Board suspend Respondent from the practice of law pending the final decision by the Board regarding the proper discipline in this matter.

Respectfully submitted,

Linda A. Acevedo
Chief Disciplinary Counsel

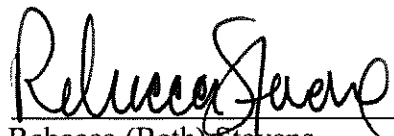
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ATTORNEYS FOR PETITIONER

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument has been served upon Alfred L. Isassi c/o Gaines West via email at gaines.west@westwebblaw.com on this 19th day of July 2016.


Rebecca (Beth) Stevens
Assistant Disciplinary Counsel