



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

IN THE MATTER OF §
GARY L. LASSEN § **CAUSE NO. 57323**
STATE BAR CARD NO. 11969500 §

DEFAULT JUDGMENT OF DISBARMENT

On the 29th day of April 2016, the above-styled and numbered disciplinary action 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, although duly served with the Board's Order to Show Cause and hearing notice and the Petition for Reciprocal Discipline, failed to answer or appear and wholly made default. All questions of fact as well as all issues of law were submitted to the Board of Disciplinary Appeals for determination. Having considered the pleadings on file, having received evidence, and having heard the argument of counsel, the Board of Disciplinary Appeals makes the following findings and orders:

Findings of Fact. The Board of Disciplinary Appeals finds that:

- (1) Respondent, Gary L. Lassen, Texas State Bar Card Number 11969500, is licensed but not currently authorized to practice law in the State of Texas by the Supreme Court of Texas, having taken inactive status and currently serving an active suspension in a separate disciplinary action.
- (2) On or about March 24, 2014, a Complaint was filed Before the Presiding Disciplinary Judge of the Supreme Court of Arizona in a matter styled, *In the Matter of a Member of the State Bar of Arizona, Gary L. Lassen, Bar No. 005259, Respondent*, PDJ-2014-9026, State Bar No. 11-3805, 13-

0301, 13-1205, 13-2214, 13-3323.

- (3) On or about August 28, 2014, a Report and Order Imposing Sanctions was filed in the Supreme Court of the State of Arizona Before the Office of the Presiding Disciplinary Judge in a matter styled, *In the Matter of a Suspended Member of the State Bar of Arizona, Gary L. Lassen, Bar No. 005259, Respondent*, PDJ-2014-9026, State Bar Nos. 11-3805, 13-0301, 13-1205, 13-2214, 13-3323, that states in pertinent part as follows:

“IT IS ORDERED:

Mr. Lassen is disbarred from the practice of law effective immediately....”

- (4) Respondent appealed the hearing panel's findings and imposition of a disbarment and on or about March 20, 2015, a Decision Order was entered in the Supreme Court of Arizona in a matter styled, *In the Matter of a Suspended Member of the State Bar of Arizona, Gary L. Lassen, Bar No. 5259, Respondent*, Arizona Supreme Court No. SB-14-0048-AP, Office of the Presiding Disciplinary Judge No. PDJ20149026, that states in pertinent part as follows:

“With respect to the sanction, the Court affirms the imposition of disbarment, restitution, and costs and expenses of the discipline proceeding.

IT IS ORDERED affirming the decision and sanction of the hearing panel as set forth in this order....”

- (5) In the Decision Order, the Court accepted, with respect to **Count One**, the panel's determination that Respondent violated ERs **1.1** (competence), **3.1** (meritorious claims and contentions), and **8.4(d)** (conduct prejudicial to the administration of justice). In the Decision Order, the Court accepted, with respect to **Count Two**, the panel's determination that Respondent violated ERs **1.2** (scope of representation), **1.4(a)** (communication), **1.5(a)** (fees), **1.16** (terminating representation), **5.5** (unauthorized practice of law), and **8.4(c)** (conduct involving dishonesty, fraud, deceit or misrepresentation.) In the Decision Order, the Court accepted, with respect to **Count Three**, the panel's determination that Respondent violated ERs **1.1** (competence), **1.2** (scope of representation), **1.3** (diligence), **1.4** (communication), **3.2** (expediting litigation), and **8.4(d)** (conduct prejudicial to the administration of justice). In the Decision Order, the Court accepted, with respect to **Count Four**, the panel's determination that Respondent violated ERs **1.3** (diligence), **3.1** (meritorious claims and contentions), **3.3** (candor towards the tribunal), **3.4** (fairness to opposing party and counsel), and **8.4(d)** (conduct prejudicial to the administration of justice). In the Decision Order, the Court accepted, with respect to **Count**

Five, the panel's determination that Respondent violated ERs **1.1** (competence), **1.3** (diligence), **3.2** (expediting litigation), **8.1** (knowingly failure to respond to lawful demand for information from a disciplinary authority), **8.4(d)** (conduct prejudicial to the administration of justice) and **Rule 54(d)(2)** (failure to promptly respond to request by the disciplinary authority).

- (6) On or about September 22, 2014, a Complaint was filed Before the Presiding Disciplinary Judge of the Supreme Court of Arizona in a matter styled, *In the Matter of a Disbarred Member of the State Bar of Arizona, Gary L. Lassen, Bar No. 005259, Respondent*, PDJ-2014-9082, State Bar Nos. 14-0401 and 14-0784.
- (7) On or about December 24, 2014, a Motion to Amend Initial Complaint with Proposed First Amended Complaint attached was filed Before the Presiding Disciplinary Judge of the Supreme Court of Arizona in a matter styled, *In the Matter of a Disbarred Member of the State Bar of Arizona, Gary L. Lassen, Bar No. 005259, Respondent*, PDJ-2014-9082, State Bar Nos. 14-0401 and 14-0784.
- (8) On or about January 5, 2015, an Order Granting Motion to Amend Complaint and Continuing Hearing Date was filed in the Supreme Court of the State of Arizona Before the Presiding Disciplinary Judge of the Supreme Court of Arizona in a matter styled, *In the Matter of a Disbarred Member of the State Bar of Arizona, Gary L. Lassen, Bar No. 005259, Respondent*, PDJ-2014-9082, State Bar No. 14-0401 and 14-0784.
- (9) On or about May 18, 2015, a Decision and Order Imposing Sanctions was filed Before the Presiding Disciplinary Judge in a matter styled, *In the Matter of a Disbarred Member of the State Bar of Arizona, Gary L. Lassen, Bar No. 005259, Respondent*, PDJ-2014-9082, State Bar Nos. 14-0401, 14-0784, 14-2071, and 14-2297, that states in pertinent part as follows:

“IT IS ORDERED Mr. Lassen is disbarred from the practice of law effective the date of this Decision and Order...”

- (10) Respondent appealed the hearing panel's findings and imposition of a disbarment and on or about December 14, 2015, a Decision Order was entered in the Supreme Court of Arizona in a matter styled, *In the Matter of a Disbarred Member of the State Bar of Arizona, Gary L. Lassen, Bar No. 5259, Respondent*, Arizona Supreme Court No. SB-15-0035-AP, Office of the Presiding Disciplinary Judge No. PDJ20149082, that states in pertinent part as follows:

“The Court accepts the panel’s determinations as to the charged ethical

violations with one exception. The Court rejects the panel's determination in Count Four that Lassen violated ER 1.4.

With respect to the sanction, the Court affirms the imposition of disbarment and the assessment of costs and expenses of the discipline proceeding.

IT IS ORDERED affirming the decision and sanction of the hearing panel as set forth in this order....”

- (11) In the Decision and Order Imposing Sanctions, the Panel found clear and convincing evidence that Respondent violated ERs **1.2** (failure to abide to client's decisions), **1.3** (diligence), **1.4** (communication), **1.5** (unreasonable fees), **1.15** (failure to return unreasonable fees), **1.16(d)** (failure to properly withdraw representation), **3.2** (failure to make reasonable efforts to expedite litigation), **8.1** (failure to respond to lawful demand for information from the disciplinary authority), **8.4(c)** (conduct involving dishonesty, fraud, deceit, or misrepresentations), **8.4(d)** (conduct prejudicial to the administration of justice), **Rule 54(d)** (refusal to cooperate with bar counsel), and **Rule 72** (failure to notify opposing counsel and court of suspension).
- (12) Respondent, Gary L. Lassen, is the same person as the Gary L. Lassen who is the subject of the Orders of the Supreme Court of Arizona described above.
- (13) Respondent was personally served with the Order to Show Cause with hearing notice and Petition for Reciprocal Discipline by a duly authorized private process server on March 19, 2016, and the affidavit of service was filed with this Board on April 7, 2016.

Conclusions of Law. Based upon the foregoing findings of fact the Board of Disciplinary Appeals makes the following conclusions of law:

- (1) This Board has jurisdiction to hear and determine this matter. Texas Rule Disciplinary Procedure Rule 7.08(H).
- (2) Reciprocal discipline identical to that imposed by Supreme Court of Arizona is warranted in this case. TRDP 9.03.

It is, accordingly, **ORDERED, ADJUDGED, and DECREED** that Respondent, Gary L. Lassen, State Bar Card No. 11969500, be and he is hereby **DISBARRED** from the practice of law in the State of Texas and his license to practice law in this state be and is hereby revoked.

It is further **ORDERED, ADJUDGED** and **DECREED** that Respondent, Gary L. Lassen, 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 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."

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, TX 78711-2487 (1414 Colorado St., Austin, TX 78701) within thirty (30) days of the signing of this judgment by the Board, 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 Board, 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, TX 78711-2487 (1414

Colorado St., Austin, TX 78701) within thirty (30) days of the signing of this judgment by the Board, 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.

It is further **ORDERED** that Respondent, Gary L. Lassen, immediately surrender his 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.

Signed this 2 day of May 2016.



CHAIR PRESIDING