

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

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| IN THE MATTER OF | § | |
| ROXANE E. MARTINEZ | § | CAUSE NO. 33736 |
| STATE BAR CARD NO. 13144210 | § | |

FINAL JUDGMENT OF SUSPENSION

Interlocutory Order of Suspension

On the 1st day of April 2005, the above-styled and numbered compulsory 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, Roxane E. Martinez, appeared in person and through counsel. The Board of Disciplinary Appeals, having considered the pleadings on file, having received evidence, and having heard the argument of counsel, on or about April 14, 2005, entered an Interlocutory Order of Suspension, a copy of which is attached hereto as Exhibit A and is incorporated herein by reference for all purposes as if set out in full, which provided in pertinent part the following findings and conclusions:

The Board of Disciplinary Appeals found in pertinent part that:

- (1) Respondent, Roxane E. Martinez, State Bar Card Number 13144210, is currently suspended from the practice of law in Texas by order of this Board signed February 9, 2005;
- (2) On or about February 18, 2004, Respondent, Roxane E. Martinez, was found guilty of Class B misdemeanor theft in Cause No. 1194496 styled, *The State of Texas v. Roxane E. Martinez*, in the County Criminal Court at Law No. 12, Harris County, Texas, (hereinafter called the "Martinez" criminal case). On or about February 18, 2004, Respondent was sentenced to 90 days confinement fully probated for

one (1) year of community supervision. Respondent was also ordered to pay a fine in the amount of \$2,000.00;

- (3) Respondent, Roxane E. Martinez, is the same person as the Roxane E. Martinez, who is the subject of the Judgment described above.
- (4) Respondent has appealed the criminal conviction.
- (5) Respondent's criminal sentence is fully probated.

Based upon the foregoing findings of facts the Board of Disciplinary Appeals made the following conclusions of law:

- (1) This Board has jurisdiction to hear and determine this matter. Rule 7.08(G), Texas Rules of Disciplinary Procedure.
- (2) The crime for which Respondent has been convicted is an Intentional Crime as defined by TRDP 1.06(T).
- (3) Having been found guilty and convicted of an Intentional Crime and such conviction currently being on appeal, Respondent, Roxane E. Martinez, should be suspended from the practice of law in Texas during the appeal of her conviction. TRDP 8.04.
- (4) In the event Respondent's conviction is affirmed and becomes final, Respondent Roxane E. Martinez should be suspended for the term of her criminal probation. TRDP 8.06.

As a result of the foregoing Findings of Fact and Conclusions of Law, the Board of Disciplinary Appeals entered an Interlocutory Order of Suspension on or about April 14, 2005, which provided in pertinent part that in the event Respondent's criminal conviction is affirmed and becomes final, she shall be suspended for the term of her criminal sentence.

Motion for Entry of Final Judgment and Objection

On the 9th day of June 2006, came on to be heard Petitioner's Motion for Entry of Judgment of Suspension and Respondent's Objection to Entry of Judgment of Suspension. The Board, having considered the Motion and having heard argument of counsel, finds:

- (1) Respondent's criminal conviction was affirmed by mandate issued by the Fourteenth Court of Appeals on or about October 13, 2005, Cause No. 14-04-00191-CR.
- (2) Respondent began voluntary service of certain conditions of release while her criminal appeal was pending pursuant to an order signed March 18, 2005, in the County Criminal Court at Law No. 12, Harris County, Texas in Cause No. 1194496.
- (3) A violation by Respondent of the conditions of release imposed by the March 18, 2005, order would not result in the suspension of Respondent's criminal sentence of 90 days incarceration being revoked.
- (4) Respondent's community supervision was terminated and the cause dismissed by Order signed April 6, 2006 in the County Criminal Court at Law No. 12, Harris County, Texas in Cause No. 1194496.

Based upon the foregoing findings of facts the Board of Disciplinary Appeals makes the following conclusions of law:

- (1) TRDP Part VIII Compulsory Discipline includes criminal proceedings resulting in an order or judgment for community supervision under Texas Code of Criminal Procedure art. 42.12, and this Board has jurisdiction to hear and determine this matter. TRDP 7.08(G), 8.01, and 8.05.
- (2) Respondent's voluntary compliance with certain conditions of release on bond while her conviction was on appeal did not constitute service of her criminal sentence.
- (3) The term of Respondent's criminal sentence began when the mandate issued from the court of appeals affirming the conviction on October 13, 2005.

- (4) The termination of Respondent's community supervision on April 6, 2006 was a reduction of or an early termination of her original criminal sentence which began on October 12, 2005.
- (5) Respondent's early termination of community supervision has no effect on the original order of this Board requiring that, if the conviction were affirmed, she be suspended from the practice of law during the term of her criminal sanction of one year. TRDP 8.07.
- (6) The discharge or termination of a criminal sentence pursuant to Texas Code of Criminal Procedure art. 42.12 sec. 20 does not vacate or otherwise affect a valid disciplinary judgment of the Board of Disciplinary Appeals or deprive it of jurisdiction to enter a final judgment. *See, In re. LeJune*, BODA Case No. 31671 (July 29, 2004), *aff'd*, Supreme Court of Texas No. 04-0748 (August 20, 2004).
- (7) The Texas Rules of Disciplinary Procedure require that Respondent be suspended for the term of her criminal conviction as originally assessed beginning October 13, 2005 and ending October 12, 2006.

It is, accordingly, **ORDERED, ADJUDGED, and DECREED** that Respondent, Roxane E. Martinez, State Bar Card No. 13144210, be and she is hereby **SUSPENDED** from the practice of law in the State of Texas for a period beginning effective the date of signing of this judgment and ending October 12, 2006.

It is further **ORDERED, ADJUDGED and DECREED** that Respondent, Roxane E. Martinez, 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 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."

Respondent is further **ORDERED** to notify in writing, not later than thirty (30) days from the date of this judgment, each and every justice of the peace, judge, magistrate, and chief justice of each and every court, if any, in which Respondent, Roxane E. Martinez, 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. Respondent is also **ORDERED** to mail copies of all such notifications to the Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Austin, Texas 78711.

Respondent is further **ORDERED** to notify immediately each of her current clients, 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 her 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 her 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 her 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, State Bar of Texas, P.O. Box 12487, Austin, Texas 78711.

Respondent is further **ORDERED** to surrender immediately her 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.

It is further **ORDERED** that, in the event that the above-described community supervision of Respondent, Roxane E. Martinez, is revoked resulting in her being incarcerated according to the

terms of the original judgment, Respondent, Roxane E. Martinez, shall be **DISBARRED** upon the filing by the Chief Disciplinary Counsel of an appropriate motion supported by certified copies of court documents showing that such community supervision has been revoked.

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

Signed this 15 day of June 2006.



CHAIRMAN

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

| | | |
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| IN THE MATTER OF | § | |
| ROXANE E. MARTINEZ | § | CAUSE NO. 33736 |
| STATE BAR CARD NO. 13144210 | § | |

INTERLOCUTORY ORDER OF SUSPENSION

On the 1st day of April 2005, 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 Assistant Disciplinary Counsel, Michael E. McClendon, and announced ready. Respondent, Roxane E. Martinez, appeared in person and through counsel. All issues of fact and all questions 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 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, Roxane E. Martinez, State Bar Card Number 13144210, is currently suspended from the practice of law in Texas by order of this Board signed February 9, 2005.
- (2) On or about February 18, 2004, Respondent, Roxane E. Martinez, was found guilty of Class B misdemeanor theft in Cause No. 1194496 styled *The State of Texas v. Roxane E. Martinez* in the County Criminal Court at Law No. 12 in Harris County, Texas. On or about February 18, 2004, Respondent was sentenced to 90 days confinement probated for one (1) year. Respondent was also ordered to pay a fine in the amount of \$2,000.
- (3) Respondent, Roxane E. Martinez, is same person as the Roxane E. Martinez who is the subject of the Judgment described above.

- (4) Respondent has appealed the criminal conviction.
- (5) Respondent's criminal sentence is fully probated.

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(G), TEXAS RULES OF DISCIPLINARY PROCEDURE ("TRDP").
- (2) The crime for which Respondent has been convicted is an Intentional Crime as defined by TRDP 1.06(T).
- (3) Having been found guilty and convicted of an Intentional Crime and such conviction currently being on appeal, Respondent, Roxane E. Martinez, should be suspended from the practice of law in Texas during the appeal of her conviction. TRDP 8.04.
- (4) In the event Respondent's conviction is affirmed and becomes final, Respondent Roxane E. Martinez should be suspended for the term of her criminal probation. TRDP 8.06.

It is, accordingly, **ORDERED, ADJUDGED, and DECREED** that Respondent, Roxane E. Martinez, State Bar Card No.13144210, is hereby **SUSPENDED** from the practice of law in the State of Texas effective immediately upon entry of this order and continuing hereafter until further order of this Board.

It is further **ORDERED** that, in the event that Respondent's criminal conviction is affirmed and becomes final, she shall be suspended for the term of the criminal probation.

It is further **ORDERED** that Respondent shall report the disposition of the appeal of her criminal conviction to the State Bar of Texas Chief Disciplinary Counsel's office within ten (10) days of being notified by the court of the disposition or otherwise learning of the disposition, whichever comes first.

It is further **ORDERED, ADJUDGED** and **DECREEED** that Respondent, Roxane E. Martinez, during said suspension is hereby prohibited, effective immediately, 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 not previously rendered, appearing as counsel 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, Roxane E. Martinez, not later than thirty (30) days from the date of this Order, shall notify in writing each and every justice of the peace, judge, magistrate, and chief justice of each and every court in which Respondent, Roxane E. Martinez, 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. Respondent is also **ORDERED** to mail copies of all such notifications to the Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711.

It is further **ORDERED** that Respondent, Roxane E. Martinez, shall, within thirty (30) days from the date of this Order, notify each of her current clients, 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 her 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 Order is signed by the Board. Respondent is further **ORDERED** to file with this Board, within the same thirty (30) days, an affidavit stating either (a) that all current clients have been notified of her 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 or (b) that Respondent has no current clients, files, or papers, and that any unearned fees paid in advance or other monies or properties belonging to clients have previously been returned to the appropriate client. 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 her 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, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711.

It is further **ORDERED** that Respondent, Roxane E. Martinez, immediately surrender her Texas law license and permanent State Bar Card to the Office of the Chief Disciplinary, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711, for transmittal to the Clerk of the Supreme Court of Texas, if she had not already done so.

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

It is further **ORDERED** that this Order is interlocutory pending the further orders of this Board upon the conclusion of Respondent's appeal of her criminal conviction. In the event that the conviction of Respondent, Roxane E. Martinez, is reversed, this Board, upon the filing by Respondent or her attorney of a motion supported by affidavits or certified copies of court documents showing that the conviction has been reversed, shall terminate the suspension

pursuant to TRDP 8.04. In the event Respondent's conviction is affirmed and becomes final, this Board, upon the filing by the Commission for Lawyer Discipline of a motion supported by affidavits or certified copies of court documents showing that the conviction has become final pursuant to TRDP 8.05, shall enter a final judgment of suspension for the term of the criminal probation.

Signed this 14th day of April 2005.

A handwritten signature in cursive script, appearing to read "Robert C. ...", is written over a horizontal line. Below the line, the text "CHAIRMAN PRESIDING" is printed in a bold, sans-serif font.

CHAIRMAN PRESIDING