



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

IN THE MATTER OF §
MICHELLE RENE'E MLADEK § **CAUSE NO. 55906**
State Bar of Texas Card No. 24046455 §

JUDGMENT OF FULLY PROBATED SUSPENSION

On the 1st day of May 2015, the above-styled and numbered reciprocal 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 appeared and announced ready. 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 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, Michelle Rene'e Mladek, Bar Card No. is 24046455, is an attorney who is licensed and currently authorized to practice law in the State of Texas.
- (2) On or about November 26, 2013, a document entitled Specifications of Charges was filed Before the Disciplinary Board of the Supreme Court of New Mexico in a matter styled, *In the Matter of Michelle Mladek, Esq., An Attorney Licensed to Practice Law Before the Courts of New Mexico*, Disciplinary No. 11-2013-680.

- (3) On or about July 7, 2014, a Hearing Committee's Findings of Fact and Conclusions of Law was filed Before the Disciplinary Board of the Supreme Court of New Mexico in a matter styled, In the Matter of Michelle Mladek, Esq., An Attorney Licensed to Practice Law Before the Courts of New Mexico, Disciplinary No. 11-2013-680.
- (4) On or about September 25, 2014, an Order of Board Panel was filed before the Disciplinary Board of the Supreme Court of New Mexico in a matter styled, In the Matter of Michelle Mladek, Esq., An Attorney Licensed to Practice Law Before the Courts of New Mexico, Disciplinary No. 11-2013-680.
- (5) On or about February 18, 2015, an Order was filed in the Supreme Court of the State of New Mexico in a matter styled, No. 32,554, In the Matter of Michelle Renee Mladek, Esquire, An Attorney Licensed to Practice Law Before the Courts of New Mexico, that states in pertinent part as follows:

“...IT IS FURTHER ORDERED that respondent is INDEFINITELY SUSPENDED from the practice of law for no less than two (2) years pursuant to Rule 17-206(A)(3) NMRA, which shall be DEFERRED upon certain terms and conditions;

IT IS FURTHER ORDERED that respondent shall serve the period of deferred suspension on supervised probation in accordance with Rule 17-206(B)(1) under the following terms and conditions...

IT IS FURTHER ORDERED that respondent shall receive a public censure by this Court under Rule 17-206(A)(4), which shall be published in the Bar Bulletin and New Mexico Appellate Reports.”

- (6) The Hearing Committee's Findings of Fact and Conclusions of Law states that Respondent violated: Rule 16-101 by failing to provide competent representation to a client; Rule 16-103 by failing to act with reasonable diligence and promptness in representing a client; Rule 16-104(B) by failing to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation; and Rule 16-105(A) by charging an unreasonable fee.
- (7) Respondent, Michelle Renee Mladek, is the same person as the Michelle Renee Mladek, who is the subject of the Order filed in the Supreme Court of the State of New Mexico; and
- (8) The Order filed in the Supreme Court of the State of New Mexico 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. Tex. R. Disciplinary P. 7.08(H) ("TRDP");
- (2) Reciprocal discipline identical, to the extent practicable, to that imposed by the Supreme Court of the State of New Mexico is warranted in this case. TRDP 9.03
- (3) Respondent should be suspended for two years with the suspension probated on certain terms and conditions.
- (4) This Board retains jurisdiction during the full term of probation imposed by this judgment to hear a motion to revoke probation.

It is, accordingly, **ORDERED, ADJUDGED, and DECREED** that Respondent, Michelle Rene'e Mladek, State Bar Card No. 24046455, is hereby **SUSPENDED** from the practice of law in Texas for a period of two years with the suspension being deferred and Respondent being placed on probation for a period of two years beginning May 4, 2015, and ending May 3, 2017, under the following terms and conditions:

- (1) Respondent shall not violate any of the provisions of the Texas Disciplinary Rules of Professional Conduct or any provision of the State Bar Rules.
- (2) Respondent shall not be found guilty of, or plead no contest to, any felony involving moral turpitude or any misdemeanor involving theft, embezzlement, or fraudulent misappropriation of money or other property.
- (3) Respondent must notify both the Office of Chief Disciplinary Counsel and the Membership Department of the State Bar of Texas of any change in Respondent's address within thirty (30) days of the change of address.
- (4) Respondent shall not violate any of the terms or conditions of probation imposed by the Supreme Court of New Mexico disciplinary judgment signed February 18, 2015 or the Order of Board Panel signed in Disciplinary No. 11-2013-680.
- (5) Respondent shall timely comply with all requirements of the Supreme Court of New Mexico disciplinary judgment signed February 18, 2015 and

the Order of Board Panel signed in Disciplinary No. 11-2013-680

Probation Revocation

Upon determination that Respondent has violated any term or condition of this judgment or of the disciplinary orders or judgments entered in New Mexico, the Chief Disciplinary Counsel may, in addition to all other remedies available, file a motion to revoke probation pursuant to TRDP 2.23 with this Board and serve a copy of the motion on Respondent pursuant to Tex.R.Civ.P. 21a.

This Board will conduct an evidentiary hearing to determine by a preponderance of the evidence whether Respondent has materially violated any term or condition or requirement of any applicable disciplinary judgment. If this Board finds grounds for revocation, it will enter an order revoking probation and placing Respondent on active suspension from the date of such revocation order without credit for any term of probation served prior to revocation.

It is further **ORDERED** that any conduct on the part of Respondent which serves as the basis for a motion to revoke probation may also be brought as independent grounds for discipline as allowed under the Texas Disciplinary Rules of Professional Conduct and Texas Rules of Disciplinary Procedure.

Signed this 4 day of May 2015.



VICE CHAIR PRESIDING