

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

IN THE MATTER OF

RONALD G. MOCK

STATE BAR CARD NO. 14242700

§
§
§
§
§

CAUSE NO. 33781

**ORDER GRANTING MOTION TO REVOKE PROBATION
AND SUSPENDING RESPONDENT FROM THE PRACTICE OF LAW**

On December 3, 2004, the Board of Disciplinary Appeals heard, on behalf of Petitioner, the Commission for Lawyer Discipline, Petitioner's Motion to Revoke Probation in the above-styled and numbered disciplinary action. Petitioner appeared through its attorney and announced ready. Respondent, Ronald G. Mock (hereinafter called "Respondent"), appeared pro se. All matters of fact, as well as all matters of law, were submitted to the Board of Disciplinary Appeals for determination. Having considered the pleadings on file, the evidence presented at the hearing, and the argument of counsel, the Board of Disciplinary Appeals finds that Respondent has materially violated the terms and conditions of his probationary suspension and that Petitioner's motion should therefore be granted.

Findings of Fact. The Board of Disciplinary Appeals makes the following findings of fact:

- (1) On or about February 10, 2004, Respondent signed an Agreed Judgment of Partially Probated Suspension signed by the State Bar of Texas District 04F grievance committee in Case No. H0020212551, a true and correct copy of which is attached hereto and incorporated herein for all purposes as Exhibit "A." Respondent agreed to the imposition of a partially probated suspension from the practice of law for a period of 36 months, with the last 35 months of the suspension being probated beginning April 1, 2004 and ending February 28, 2007.
- (2) The Agreed Judgment contains certain terms and conditions of probation, the violation of which subjects Respondent to having the probation revoked and to then serving an active suspension for the full term of the probation without credit for time already served. Among the terms and conditions of the probated suspension are requirements that Respondent pay restitution, that he pay attorney's fees, costs and

expenses, that he participate in the Professionalism Enhancement Committee and that he not violate any term or condition of the Agreed Judgment. Furthermore, the Agreed Judgment required Respondent to file with the State Bar of Texas an affidavit stating that all current clients had been notified in writing of the Respondent's suspension and that all files and unearned fees were returned to those clients. In addition, Respondent was required to file an affidavit that any justice of the peace, judge, magistrate and chief justice, in whose court Respondent had any matter pending, had been notified in writing of the Respondent's suspension.

- (3) Respondent failed to timely pay restitution in the amount of \$4,622.50 to Rose Mary Lowery as ordered in the Agreed Judgment and had failed to do so at the time of the hearing on December 3, 2004. The Agreed Judgment required said restitution to be paid to the Office of the Chief Disciplinary Counsel prior to March 1, 2004. No partial payment had been made as of the date of the hearing on December 3, 2004. Respondent did not attempt to obtain an extension of time for payment from the State Bar of Texas.
- (4) Respondent failed to timely pay attorney's fees in the amount of \$2,615.00 to the Chief Disciplinary Counsel of the State Bar of Texas as ordered in the Agreed Judgment and had failed to do so at the time of the hearing on December 3, 2004. The Agreed Judgment required said attorney's fees to be paid to the Office of the Chief Disciplinary Counsel prior to March 1, 2004. No partial payment had been made as of the date of the hearing on December 3, 2004. Respondent did not attempt to obtain an extension of time for payment from the State Bar of Texas.
- (5) Respondent failed to timely pay costs and expenses in the amount of \$320.47 to the Chief Disciplinary Counsel of the State Bar of Texas as ordered in the Judgment and had failed to do so at the time of the hearing on December 3, 2004. The Agreed Judgment required said costs and expenses to be paid to the Office of the Chief Disciplinary Counsel prior to March 1, 2004. No partial payment had been made as of the date of the hearing on December 3, 2004. Respondent did not attempt to obtain an extension of time for payment from the State Bar of Texas.
- (6) Respondent failed to timely file an affidavit with the State Bar of Texas stating that all of his clients have been notified in writing of his suspension and that all files and unearned fees had been returned. As of the date of the hearing on December 3, 2004, no such affidavit had been filed. Nor did Respondent offer into evidence at the hearing any exhibits indicating that such written notifications had been sent.
- (7) Respondent failed to timely file an affidavit with the State Bar of Texas stating that all courts in which Respondent had any matter pending were notified in writing of his suspension. As of the date of the hearing on December 3, 2004, no such affidavit had been filed. Nor did Respondent offer into evidence at the hearing any exhibits indicating that such written notifications had been sent.

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 this matter pursuant to TEXAS RULES OF DISCIPLINARY PROCEDURE 2.23.
- (2) Respondent, Ronald G. Mock, has materially violated the terms and conditions of probation set forth in the Agreed Judgment of Partially Probated Suspension signed by him on February 10, 2004.
- (3) Respondent's probation should be revoked and he should be actively suspended from the practice of law for a period of two (2) years and eleven (11) months beginning the date this Order is signed.

It is therefore **ORDERED, ADJUDGED and DECREED** that Respondent's probation set forth in the Agreed Judgment of Partially Probated Suspension signed February 10, 2004, be and the same is hereby **REVOKED**, and Respondent, Ronald G. Mock, is hereby **SUSPENDED** from the practice of law in the State of Texas for a period of two (2) years and eleven (11) months effective as of the date of this Order.

It is further **ORDERED** that Respondent, Ronald G. Mock, is hereby **PROHIBITED** from practicing law in Texas during the entire term of his suspension, holding himself out as an attorney, performing any legal services for others, accepting any fee directly or indirectly for legal services not completed before the date of this Order, appearing as counsel in any proceeding in any Texas Court or before any Texas administrative body, or holding himself out to others or using his name in any matter in conjunction with the words "attorney," "counselor at law," or "lawyer."

It is further **ORDERED** that, on or before the expiration of thirty (30) days from the date of this Order, the Respondent shall **NOTIFY** each of his current clients in writing of this suspension. In addition to such notification, Respondent is **ORDERED** to **RETURN** all files, papers, monies, including unearned fees, and other property belonging to clients and former clients in the Respondent's possession to the respective clients or former clients or another attorney at the client's

request. Respondent is further **ORDERED** to **FILE** with this Board on or before the expiration of thirty (30) days from the date of this Order, an affidavit stating that all current clients have been notified of the Respondent's suspension and that all files, papers, monies, including unearned fees, and other property belonging to clients and former clients have been returned as ordered herein together with a true and correct copy of any communication directed to such clients and former clients and a list setting forth the names and addresses of the intended recipients of such communications. In the event Respondent is unable to comply in any respect with this requirement, he shall state with particularity, under oath, what client or clients he was unable to contact and what efforts he made to comply with this Order.

It is further **ORDERED**, that on or before the expiration of thirty (30) days from the date of this Order, Respondent shall **NOTIFY** in writing each and every court in which the Respondent has any matter pending, of the terms of this Order, the style and cause number of the pending matters in which the Respondent appears as an attorney, together with the name, address and telephone number of the client the Respondent is representing in that Court.

It is further **ORDERED** that Respondent, Ronald G. Mock, **SURRENDER** his Texas law license and permanent State Bar card to the office of the Chief Disciplinary Counsel of the State Bar of Texas within ten (10) days of the date of this Order at P.O. Box 12487, Austin, Texas, 78711 for transmittal to the Clerk of the Supreme Court of Texas.

It is further **ORDERED**, that the Clerk of this Board shall forward a certified copy of the Petition to Revoke Probation on file herein, along with a copy of this Order to the Clerk of the

Supreme Court of Texas, Supreme Court Building, Austin, Texas, 78711, and to the Chief
Disciplinary Counsel of the State Bar of Texas, P.O. Box 12487, Austin, Texas, 78711.

All relief not expressly granted herein is **DENIED**.

SIGNED this 8th day of December 2004.



CHAIRMAN PRESIDING