

BEFORE THE BOARD OF DISCIPLINARY APPEALS

**Appointed By
THE SUPREME COURT OF TEXAS**

**JOSEPH ONWUTEAKA
State Bar Card No. 15291300**

V.

**COMMISSION FOR
LAWYER DISCIPLINE OF THE
STATE BAR OF TEXAS**

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CAUSE NO. 40039

**JUDGMENT AFFIRMING JUDGMENT IN PART AND REVERSING
JUDGMENT IN PART AND REVERSING SANCTION
AND REMANDING FOR NEW HEARING ON SANCTIONS**

On April 4, 2008 the Board of Disciplinary Appeals considered the appeal by Respondent below **JOSEPH ONWUTEAKA**, State Bar Card No. **15291300**, from the Judgment of Partially Probated Suspension signed May 4, 2007, by the Evidentiary Panel of the State Bar of Texas District 4D8 grievance committee in Cause Nos. H0090520614 (Soto) and H0090521059 (Held). Having considered the record, briefs, and argument of counsel, the Board finds that:

1. There is no evidence to support the findings that Appellant violated Texas Disciplinary Rules of Professional Conduct ("TDRPC") 1.01(b)(1), 3.03(a)(1), 8.01(b) and 8.04(a)(8);
2. There is substantial evidence to support the findings that Appellant violated TDRPC 3.03(a)(5) and 8.04(a)(3); and,
3. Appellant's Points of Error numbered 14, 15 and 16 concerning the segregation of the complaints and the recusal of the panel members are overruled.

It is therefore **ORDERED, ADJUDGED, and DECREED** that the Judgment of Partially Probated Suspension signed May 4, 2007 in Cause Nos. H0090520614 (Soto) and H0090521059 (Held) is **REVERSED IN PART** and **AFFIRMED IN PART** as follows:

1. The sanction is, in all respects, **REVERSED**, including the sanctions of restitution and attorney's fees and expenses payable to the State Bar of Texas.
2. The findings of misconduct as to violations of TDRPC 1.01(b)(1), 3.03(a)(1),

8.01(b) 8.04(a)(3) (in the Soto complaint only) and 8.04(a)(8) are **REVERSED and RENDERED** in favor of Respondent; that being all three of the findings of misconduct in the Soto complaint and two of the four findings of misconduct in the Held complaint.

3. The findings of misconduct as to violations of TDRPC 3.03(a)(5), 8.04(a)(3) (in the Held complaint only) are **AFFIRMED**; that being two of the four findings of misconduct in the Held case.

It is further **ORDERED** that the writ of mandamus filed by the Appellant is **DISMISSED** and the stay of sanction in effect pending this appeal is **DISSOLVED**.

It is further **ORDERED** that the cause is remanded to the District 4D8 Evidentiary Panel to conduct a new sanctions hearing consistent with this Judgment.

SIGNED this 9th day of April 2008.



CHAIR PRESIDING