

BEFORE THE BOARD OF DISCIPLINARY APPEALS
Appointed By
THE SUPREME COURT OF TEXAS

COMMISSION FOR LAWYER DISCIPLINE	§	
OF THE STATE BAR OF TEXAS	§	
	§	
v.	§	CAUSE NO. 42281
	§	
MICHAEL PAPANIA	§	
(State Bar Card No. 00795769)	§	

**JUDGMENT REVOKING PROBATION AND ACTIVELY
SUSPENDING RESPONDENT FROM THE PRACTICE OF LAW**

On June 20, 2008, the Board of Disciplinary Appeals heard the Petition for Revocation of Probation filed by the Commission for Lawyer Discipline of the State Bar of Texas against Respondent Michael Papania, State Bar Card No. 00795769. The Commission appeared by and through Assistant Disciplinary Counsel for the State Bar of Texas, and Respondent Papania, although duly cited to appear and having been notified of the hearing, failed to answer or appear and wholly made default. All issues of fact and questions of law were submitted to the Board. This Board has exclusive jurisdiction to hear a petition to revoke a probated suspension from the practice of law imposed by an evidentiary panel of a State Bar of Texas grievance committee during the full term of suspension, including any probationary period. Texas Rules of Disciplinary Procedure 2.23 (“TRDP”); *In re State Bar of Texas*, 113 S.W.3d 730, 733 (Tex. 2003).

Having considered the pleadings, and having heard the evidence and the argument of counsel, the Board finds as follows:

1. Respondent, Michael Papania, State Bar Card No. 00795769, is currently administratively suspended from practicing law in Texas for non-compliance with Minimum Continuing Legal Education requirements and for non-compliance with Supreme Court rules concerning repayment of Texas Guaranteed Student Loans, according to the membership records for the roll of

attorneys kept by the Supreme Court of Texas.

2. Respondent was personally served with the Petition for Revocation of Probation and hearing notice in this cause by a duly authorized process server on May 22, 2008 in accordance with Texas Rules of Disciplinary Procedure 2.23 (“TRDP”). The affidavit of service was filed with the Board on June 4, 2008.
3. On August 2, 2007, the evidentiary panel appointed from the State Bar District 3A01 grievance committee signed a Judgment of Partially Probated Suspension in Cause No. H0080622995 suspending Respondent Papania from the practice of law for a period of one (1) year with the first three (3) months an active suspension beginning October 1, 2007, and with the suspension for the remaining nine (9) months beginning January 1, 2008 probated on certain terms and conditions.
4. Papania was personally served with a copy of the Judgment of Partially Probated Suspension on October 9, 2007.
5. According to his sworn statement dated February 8, 2008, Papania did not read the Judgment of Partially Probated suspension despite being duly served with same.
6. According to his sworn statement dated February 8, 2008, Papania did not practice law from August 2, 2007 until the date of the statement.
7. According to his sworn statement dated February 8, 2008, Papania agreed to not practice law “until my status as an attorney is resolved.”
8. The Judgment of Partially Probated Suspension ordered Papania to surrender his bar card and license to the State Bar by October 1, 2007, and he failed to do so.
9. The Judgment of Partially Probated Suspension ordered Papania to notify courts and clients of his suspension by October 1, 2007, and he failed to do so.
10. The Judgment of Partially Probated Suspension ordered Papania to pay restitution to Sandra Collins in the amount of \$2,750.00 on or before October 1, 2007, and he failed to do so.
11. The Judgment of Partially Probated Suspension ordered Papania to pay attorneys’ fees to the State Bar of Texas in the amount of \$1,289.95 on or before October 1, 2007, and he failed to do so.
12. The Judgment of Partially Probated Suspension ordered Papania to submit to a psychosocial assessment on or before December 31, 2007 and report proof of compliance to the State Bar of Texas, and he failed to do so.

13. The Office of the Chief Disciplinary Counsel of the State Bar of Texas made multiple attempts to contact Papania by telephone and in writing between October 2007 and February 2008 to notify him that he had not complied with the Judgment of Partially Probated Suspension and demand performance to avoid the filing of a revocation proceeding.
14. Papania has not, as of the date of the hearing on the Petition to Revoke Probation (June 20, 2008), complied with any of the terms of the Judgment of Partially Probated Suspension.

Based on these undisputed facts, the Board concludes that:

1. Papania has materially violated the terms and conditions of the Judgment of Partially Probated Suspension signed August 2, 2007 in Cause No. H0080622995.
2. Papania should be actively suspended from practicing law for the full term of the suspension as originally imposed by the Judgment of Partially Probated Suspension without credit for any probationary time served. TRDP 2.23.

It is therefore, **ORDERED**, **ADJUDGED**, and **DECREEED** that Respondent Michael Papania, State Bar Card No. 00795769, be, and hereby is, actively **SUSPENDED** from the practice of law in the State of Texas for a period of one (1) year effective immediately on the date this judgment is signed.

It is further **ORDERED** that Respondent, Michael Papania, 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 Judgment, 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 the Statewide Compliance Monitor, Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711, 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.

Respondent is also **ORDERED** to mail a copy of all notification letters to the Statewide Compliance Monitor, 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, Michael Papania, shall surrender his Texas law license and permanent State Bar card to the Statewide Compliance Monitor 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.

SIGNED this 25th day of June 2008.

Paul A. Cho

CHAIR PRESIDING