



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

**IN THE MATTER OF**

**DEREK ALFONSO QUINATA**

**STATE BAR CARD NO. 24072292**

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§

**CAUSE NO. 66219**

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

On the 29th day of April, 2022, 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, Derek Alfonso Quinata, State Bar No. 24072292. Petitioner appeared by attorney and announced ready. Respondent, Derek Alfonso Quinata, although duly cited to appear, failed to appear.

All issues of fact and questions of law were submitted to the Board. This Board has exclusive jurisdiction to hear a motion to revoke a partially probated suspension from the practice of law during the full term of the suspension period. TEX. RULES DISCIPLINARY P. R. 2.22 (“TRDP”); *In re State Bar of Texas*, 113 S.W.3d 730, 733 (Tex. 2003).

**FINDINGS OF FACT**

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

- (1) Respondent, Derek Alfonso Quinata, whose State Bar Card number is 24072292, is currently licensed and authorized by the Supreme Court of Texas to practice law.
- (2) On April 14, 2022, in accordance with the TRDP 2.22, Respondent was served pursuant to Rule 21a of the Texas Rules of Civil Procedure with the First Amended Petition for Revocation of Probation and hearing notice in this cause by a duly authorized process server. On April 1, 2022, the Board authorized service on Respondent by leaving a copy of the petition with a person older than sixteen at Respondent's home address. The affidavit of service was filed with the Board on April 21, 2022.
- (3) On April 18, 2022, the Board served Respondent with notice of the April 29, 2022 hearing by email to the email address listed with the State Bar of Texas membership department. *See* TEXAS STATE BAR RULES art. III, § 3 (requiring each member of the State Bar of Texas to keep updated the member's preferred email address and registered mailing address). The Board also sent the notice by both US mail and certified mail to both Respondent's home and office addresses listed with the State Bar of Texas membership department. *See id.*; TEXAS STATE BAR RULES art. III, § 4 (providing that service of any notice to a Bar member by the State Bar is deemed effective if sent to the member's registered mailing address or preferred email address).
- (4) At 5:41 p.m. on April 28, 2022, the Board received an unverified motion for continuance from Respondent. That motion was received from the same email address on file with the State Bar membership department, to which the Board sent notice of the hearing setting.
- (5) At 8:07 p.m. on April 29, 2022, the Board received the Commission's response in opposition to Respondent's motion for continuance.
- (6) In its First Amended Petition for Revocation of Probation, the Commission alleged that Respondent violated terms of probation in the following four agreed judgments.
- (7) On June 18, 2019, in a case styled *In the Matter of Derek Quinata, Bar No. 24072292*, Case No. 201806042, an Investigatory Panel of the State Bar of Texas District 17 Grievance Committee found that Respondent had committed violations of Texas Disciplinary Rules of Professional Conduct 1.01(b)(1), 1.03(a), 1.15(d), and 8.04(a)(8). By Agreed Judgment of Probated Suspension, Respondent received a sanction of a three-year, fully probated suspension beginning June 15, 2019, and ending June 14, 2022.
  - (a) The above-referenced disciplinary judgment contains the following terms of probation:

- i. Respondent shall pay all reasonable and necessary attorney's fees and direct expenses, on or before September 15, 2019, to the State Bar of Texas in the amount of \$1,000.00. The payment shall be by certified or cashier's check or money order, made payable to the State Bar of Texas and delivered to the State Bar of Texas, Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701).
- ii. In addition to complying with the Minimum Continuing Legal Education (MCLE) requirements of the State Bar of Texas, Respondent shall complete six additional hours of continuing legal education in the area of Law Practice Management. These additional hours of CLE are to be completed between June 15, 2019 and October 15, 2019. Within ten (10) days of the completion of these additional CLE hours, Respondent shall verify completion of the course to the State Bar of Texas, via USPS: Office of the CDC, State Bar of Texas, P.O. Box 12487, Austin, TX 78711-2487; or via Delivery: Office of the CDC, State Bar of Texas, 1414 Colorado St., Suite 200, Austin, TX 78701. This CLE requirement is not additive and runs concurrent with the CLE requirement in 201805120.
- iii. Not later than sixty (60) days after entry of the Judgment, Respondent shall engage the services of an Independent Certified Public Accountant (the CPA), approved by the State Bar of Texas, to assist Respondent in implementing an accounting method to properly maintain trust account records, and to properly balance any and all of Respondent's trust accounts. Respondent shall insure that written confirmation of the Implementation of such accounting method is provided directly by the CPA to the State Bar of Texas not later than ninety (90) days after entry of the Judgment. Respondent shall take all necessary action, including the execution of a valid release of information, to allow and direct the CPA to provide such confirmation.
- iv. Additionally, not later than sixty (60) days after entry of the Judgment, Respondent shall have a review of any and all of Respondent's trust accounts completed by the CPA. Not later than 30 days after completion of the review, Respondent shall insure that a report summarizing the results of the review, and specifically noting any irregularities in Respondent's handling of trust account funds is provided by the CPA directly to the State Bar of Texas. Thereafter, reviews shall be completed every four (4) months, with reports provided by the CPA directly to the State Bar of Texas within thirty (30) days of the

completion of each review. Respondent shall take all necessary action, including the execution of a valid release of Information, to allow and direct the CPA to provide such reports.

(b) On September 18, 2019, the Compliance Monitor for the Office of the Chief Disciplinary Counsel agreed to extend certain compliance deadlines:

- i. Under a payment plan, Respondent would pay \$300 monthly in attorney's fees, beginning November 15, 2019 until all past-due attorney's fees were paid in full.
- ii. Respondent would complete past due CLE in law practice management by November 15, 2019.

(c) On May 26, 2021, the Compliance Monitor communicated to Respondent that he still owed \$1,083.33 in attorney's fees (including interest), still needed to complete the required six hours of CLE in law practice management, and still needed to engage the services of a CPA and complete a review of Respondent's trust accounts.

(d) At the hearing before the Board, the Compliance Monitor testified that Respondent currently owes a total of \$3,400 in attorney's fees under multiple disciplinary judgments.

(e) Respondent violated the terms of probation in the following manner:

- i. Respondent failed to pay the \$1,000.00 due in attorney's fees and direct expenses.
- ii. Respondent failed to comply with the MCLE requirement to complete six additional hours of continuing legal education in the area of Law Practice Management.
- iii. Respondent failed to engage the services of an independent CPA to assist Respondent in implementing an accounting method to maintain trust account records and in balancing trust accounts. Respondent failed to ensure that written confirmation of such was provided by the CPA to the State Bar of Texas.
- iv. Respondent failed to have a review of Respondent's trust accounts completed by the CPA and failed to ensure that a report summarizing the results of the review was provided by the CPA to the State Bar of Texas. Respondent also failed to ensure that reviews be completed every four months thereafter, with reports provided by the CPA directly to the State Bar of Texas.

(8) On June 18, 2019, in a case styled *In the Matter of Derek Quinata*, Bar No. 24072292, Case No. 201805120, an Investigatory Panel of the State Bar of Texas District 17 Grievance Committee found that Respondent had committee violations of Texas Disciplinary Rules of Professional Conduct 1.01(b)(1), 1.03(a), and 1.15(d). By Agreed Judgment of Probated Suspension, Respondent received a sanction of a three-year, fully probated suspension beginning June 15, 2019, and ending June 14, 2022.

(a) The above-referenced disciplinary judgment contained the following terms of probation:

- i. Respondent shall pay all reasonable and necessary attorney's fees and direct expenses, on or before September 15, 2019, to the State Bar of Texas in the amount of \$1,000.00. The payment shall be by certified or cashier's check or money order, made payable to the State Bar of Texas and delivered to the State Bar of Texas, Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701).
- ii. In addition to complying with the MCLE requirements of the State Bar of Texas, Respondent shall complete six additional hours of continuing legal education in the area of Law Practice Management. These additional hours of CLE are to be completed between June 15, 2019 and October 15, 2019. Within ten (10) days of the completion of these additional CLE hours, Respondent shall verify completion of the course to the State Bar of Texas, via USPS: Office of the CDC, State Bar of Texas, P.O. Box 12487, Austin, TX 78711-2487; or via Delivery: Office of the CDC, State Bar of Texas, 1414 Colorado St., Suite 200, Austin, TX 78701. This CLE requirement is not additive and runs concurrent with the CLE requirement in 201806042.
- iii. Not later than sixty (60) days after entry of the Judgment, Respondent shall engage the services of an Independent CPA, approved by the State Bar of Texas, to assist Respondent in implementing an accounting method to properly maintain trust account records, and to properly balance any and all of Respondent's trust accounts. Respondent shall insure that written confirmation of the implementation of such accounting method is provided directly by the CPA to the State Bar of Texas not later than ninety (90) days after entry of the Judgment. Respondent shall take all necessary action, including the execution of a valid release of information, to allow and direct the CPA to provide such confirmation.
- iv. Additionally, not later than sixty (60) days after entry of the Judgment, Respondent shall have a review of any and all of

Respondent's trust accounts completed by the CPA. Not later than 30 days after completion of the review, Respondent shall insure that a report summarizing the results of the review, and specifically noting any Irregularities in Respondent's handling of trust account funds is provided by the CPA directly to the State Bar of Texas. Thereafter, reviews shall be completed every four (4) months, with reports provided by the CPA directly to the State Bar of Texas within thirty (30) days of the completion of each review. Respondent shall take all necessary action, including the execution of a valid release of Information, to allow and direct the CPA to provide such reports.

(b) On September 18, 2019, the Compliance Monitor for the Office of the Chief Disciplinary Counsel agreed to extend certain compliance deadlines:

- i. Under a payment plan, Respondent would pay \$300 monthly in attorney's fees, beginning November 15, 2019 until all past-due attorney's fees were paid in full.
- ii. Respondent would complete past due CLE in law practice management by November 15, 2019.

(c) On May 26, 2021, the Compliance Monitor communicated to Respondent that he still owed \$1,083.33 in attorney's fees (including interest), still needed to complete the required six hours of CLE in law practice management, and still needed to engage the services of a CPA and complete a review of Respondent's trust accounts.

(d) At the hearing before the Board, the Compliance Monitor testified that Respondent currently owes a total of \$3,400 in attorney's fees under multiple disciplinary judgments.

(e) Respondent violated the terms of probation in the following manner:

- i. Respondent failed to pay the \$1,000.00 due in attorney's fees and direct expenses.
- ii. Respondent failed to comply with the MCLE requirement to complete six additional hours of continuing legal education in the area of Law Practice Management.
- iii. Respondent failed to engage the services of an independent CPA to assist Respondent in implementing an accounting method to maintain trust account records and in balancing trust accounts. Respondent failed to ensure that written confirmation of such was provided by the CPA to the State Bar of Texas.

- iv. Respondent failed to have a review of Respondent's trust accounts completed by the CPA and failed to ensure that a report summarizing the results of the review was provided by the CPA to the State Bar of Texas. Respondent also failed to ensure that reviews be completed every four months thereafter, with reports provided by the CPA directly to the State Bar of Texas.
- (9) On June 28, 2019, in a case styled *In the Matter of Derek Quinata*, Bar No. 24072292, Case No. 201806268, an Investigatory Panel of the State Bar of Texas District 17 Grievance Committee found that Respondent had committed violations of Texas Disciplinary Rules of Professional Conduct 1.01(b)(1) and 1.03(a). By Agreed Judgment of Probated Suspension, Respondent received a sanction of a three-year, fully probated suspension beginning June 15, 2019, and ending June 14, 2022.
- (a) The above-referenced disciplinary judgment contained the following terms of probation:
- i. In addition to complying with the MCLE requirements of the State Bar of Texas, Respondent shall complete six additional hours of continuing legal education in the area of Law Practice Management. These additional hours of CLE are to be completed between June 15, 2019 and October 15, 2019. Within ten (10) days of the completion of these additional CLE hours, Respondent shall verify completion of the course to the State Bar of Texas, via USPS: Office of the CDC, State Bar of Texas, P.O. Box 12487, Austin, TX 78711-2487; or via Delivery: Office of the CDC, State Bar of Texas, 1414 Colorado St., Suite 200, Austin, TX 78701. This CLE requirement is not additive and runs concurrent with the CLE requirement in 201805120 and 201806042.
  - ii. Not later than October 15, 2019, Respondent shall engage the services of an Independent CPA, approved by the State Bar of Texas, to assist Respondent in implementing an accounting method to properly maintain trust account records, and to properly balance any and all of Respondent's trust accounts. Respondent shall insure that written confirmation of the implementation of such accounting method is provided directly by the CPA to the State Bar of Texas not later than ninety (90) days after entry of the Judgment. Respondent shall take all necessary action, including the execution of a valid release of information, to allow and direct the CPA to provide such confirmation.
  - iii. Additionally, not later than October 15, 2019, Respondent shall have a review of any and all of Respondent's trust accounts completed by the CPA. Not later than 30 days after completion of the review,

Respondent shall insure that a report summarizing the results of the review, and specifically noting any irregularities in Respondent's handling of trust account funds is provided by the CPA directly to the State Bar of Texas. Thereafter, reviews shall be completed every four (4) months, with reports provided by the CPA directly to the State Bar of Texas within thirty (30) days of the completion of each review. Respondent shall take all necessary action, including the execution of a valid release of Information, to allow and direct the CPA to provide such reports.

- (b) On September 18, 2019, the Compliance Monitor for the Office of the Chief Disciplinary Counsel agreed to extend certain compliance deadlines, including:

Respondent would complete past due CLE in law practice management by November 15, 2019.

- (c) On May 26, 2021, the Compliance Monitor communicated to Respondent that he still needed to complete the required six hours of CLE in law practice management, and still needed to engage the services of a CPA and complete a review of Respondent's trust accounts.

- (d) Respondent violated the terms of probation in the following manner:

- i. Respondent failed to comply with the MCLE requirement to complete six additional hours of continuing legal education in the area of Law Practice Management.
- ii. Respondent failed to engage the services of an independent CPA to assist Respondent in implementing an accounting method to maintain trust account records and in balancing trust accounts. Respondent failed to ensure that written confirmation of such was provided by the CPA to the State Bar of Texas.
- iii. Respondent failed to have a review of Respondent's trust accounts completed by the CPA and failed to ensure that a report summarizing the results of the review was provided by the CPA to the State Bar of Texas. Respondent also failed to ensure that reviews be completed every four months thereafter, with reports provided by the CPA directly to the State Bar of Texas.

- (10) On October 17, 2019, in a case styled *In the Matter of Derek Alfonso Quinata*, Bar No. 24072292, Case No. 201902189, an Investigatory Panel of the State Bar of Texas District 17 Grievance Committee found that Respondent had committed violations of Texas Disciplinary Rules of Professional Conduct 8.04(a)(8). By Agreed Judgment of Probated



Suspension, Respondent received a sanction of a three-year, fully probated suspension beginning September 20, 2019, and ending September 19, 2022.

- (a) The above-referenced disciplinary judgment contained the following terms of probation:
  - i. Respondent shall pay all reasonable and necessary attorney's fees and direct expenses, to the State Bar of Texas in the amount of \$400.00 made payable in four monthly installments of \$100.00 starting December 1, 2019. The payment shall be by certified or cashier's check or money order, made payable to the State Bar of Texas and delivered to the State Bar of Texas, Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701).
  - ii. Respondent shall make contact with the Texas Lawyers' Assistance Program (TLAP) at its hotline number, 800-343-8527, not later than seven (7) days after receipt of a copy of this judgment to inquire as to services and referrals offered by that program to aid in Respondent's rehabilitation. Respondent shall additionally send verification of contact with TLAP to the State Bar of Texas within fifteen (15) days such contact.
  - iii. Respondent shall make contact with the Chief Disciplinary Counsel's Offices' Compliance Monitor at 877-953-5535, ext. 1334 and Special Programs Coordinator at 877-953-5535, ext. 1323, not later than seven (7) days after receipt of a copy of this judgment to coordinate Respondent's compliance.
- (b) On September 18, 2019, the Compliance Monitor for the Office of the Chief Disciplinary Counsel agreed to a payment plan, under which Respondent would pay \$300 monthly in attorney's fees, beginning November 15, 2019 and ending when all past-due attorney's fees were paid in full.
- (c) On May 26, 2021, the Compliance Monitor communicated to Respondent that he still owed \$441.67 in attorney's fees (including interest), and still needed to contact TLAP.
- (d) At the hearing before the Board, the Compliance Monitor testified that Respondent currently owes a total of \$3,400 in attorney's fees under multiple disciplinary judgments.
- (e) Respondent violated the terms of probation in the following manner:

- i. Respondent failed to pay the total sum of \$400.00 due in attorney's fees and direct expenses.
  - ii. Respondent failed to make contact with TLAP and failed to send verification of TLAP contact to the State Bar of Texas.
- (11) In each of the above agreed judgments, Respondent was ordered not to violate any term of the judgment.
- (12) Respondent, Derek Alfonso Quinata, is the same person as the Derek Quinata who is the subject of the four judgments described above.

### CONCLUSIONS OF LAW

Based on these undisputed facts, the Board concludes that:

- (1) As announced during the April 29, 2022 hearing, Respondent's motion for continuance is DENIED.
- (2) Respondent has materially violated the terms of probation in the Agreed Judgment of Probated Suspension signed on June 18, 2019, in Cause No. 201806042.
- (3) Respondent has materially violated the terms of probation in the Agreed Judgment of Probated Suspension signed on June 18, 2019, in Cause No. 201805120.
- (4) Respondent has materially violated the terms of probation in the Agreed Judgment of Probated Suspension signed on June 28, 2019, in Cause No. 201806268.
- (5) Respondent has materially violated the terms of probation in the Agreed Judgment of Probated Suspension signed on October 17, 2019, in Cause No. 201902189.
- (6) Respondent's probation should be revoked under each agreed judgment described above, and Respondent should be actively suspended from practicing law for the full term of the suspensions as originally imposed by the four Agreed Judgments of Probated Suspension without credit for any probationary time served. TEX. RULES DISCIPLINARY P. R. 2.22.

### SUSPENSION

It is therefore, **ORDERED**, **ADJUDGED**, and **DECREEED** that the probation for Respondent, Derek Alfonso Quinata, State Bar No. 24072292, imposed by each of the following

Agreed Judgment of Probated Suspension, be and hereby is **REVOKED**, and Respondent be and is actively **SUSPENDED** from the practice of law in the State of Texas under each judgment for a period of three years, effective June 1, 2022 and extending through May 31, 2025:

Agreed Judgment of Probated Suspension signed on June 18, 2019, in Cause No. 201806042

Agreed Judgment of Probated Suspension signed on June 18, 2019, in Cause No. 201805120

Agreed Judgment of Probated Suspension signed on June 28, 2019, in Cause No. 201806268

Agreed Judgment of Probated Suspension signed on October 17, 2019, in Cause No. 201902189

It is further **ORDERED, ADJUDGED, and DECREED** that Respondent, Derek Alfonso Quinata, during said suspension is prohibited from practicing law in Texas, holding himself out as an attorney at law, performing any legal service for others, accepting any fee directly or indirectly for legal services, appearing as counsel or in any representative capacity 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 manner, in conjunction with the words “attorney,” “counselor,” or “lawyer.”

It is further **ORDERED** that nothing in this Judgment Revoking Probation and Actively Suspending Respondent from the Practice of Law shall relieve Respondent, Derek Alfonso Quinata, of any outstanding requirements under the four Agreed Judgments listed above as to payment of attorney’s fees and direct expenses to the State Bar of Texas, MCLE, or contacting TLAP. Any failure to comply on the part of Respondent may be independent grounds for discipline as allowed under the Texas Disciplinary Rules of Professional Conduct and Texas Rules of Disciplinary Procedure.

It is further **ORDERED** that Respondent, Derek Alfonso Quinata, not later than thirty (30) days after the date this Judgment is signed, shall notify in writing each and every justice of the

peace, judge, magistrate, and chief justice of each and every court, if any, in which Respondent, Derek Alfonso Quinata, has any legal matter pending, if any, of his suspension, of the style and case 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 Statewide Compliance Monitor, Office of the Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711.

It is further **ORDERED** that Respondent, Derek Alfonso Quinata, not later than thirty (30) days after the date this Judgment is signed, shall notify each of his current clients and opposing counsel, if any, in writing, of his 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 his possession or control but which belong to current or former clients, if any, to those respective clients or former clients, or to another attorney designated by such client of former client, within thirty (30) days of the date of this Judgment if requested.

Respondent is further **ORDERED** to file with Statewide Compliance Monitor, Office of the Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701), within the same thirty (30) days, an affidavit stating that all current clients have been notified of his suspension and that all files, papers, unearned fees paid in advance, and all other monies, and other property 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 his inability to return to said client any file, paper, money or other property. Respondent is further **ORDERED** to mail a copy of all notification letters to clients, to the Statewide Compliance Monitor, Office of

Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711.

It is further **ORDERED** that Respondent, Derek Alfonso Quinata, not later than thirty (30) days after the date this Judgment is signed, shall surrender his Texas law license and permanent State Bar Card to the Statewide Compliance Monitor, Office of the Disciplinary Counsel, State Bar of Texas, for transmittal to the Clerk of the Supreme Court of Texas, or file an affidavit stating that he is no longer in possession of his Texas law license and cannot surrender it to the State Bar of Texas.

It is further **ORDERED** that a certified copy of the First Amended Petition for Revocation of Probation on file herein, along with a copy of this Judgment, be sent 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 this Judgment Revoking Probation and Actively Suspending Respondent from the Practice of Law shall be made a matter of public record and be published in the *Texas Bar Journal*.

Signed this 6<sup>th</sup> day of May 2022.

A handwritten signature in blue ink, appearing to read 'Kevin H.', is written over a horizontal line.

**CHAIR PRESIDING**

Board members Jason Boatright and Cindy Tisdale did not participate in this decision.