

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

IN THE MATTER OF	§	
MARY SCHORLEMER ROBERTS	§	CAUSE NO. 41806
STATE BAR CARD NO. 00788294	§	

FINAL JUDGMENT OF DISBARMENT

On the 1st day of July 2011, the Board of Disciplinary Appeals considered the Motion for Entry of Judgment filed in the above case by Petitioner, Commission for Lawyer Discipline of the State Bar of Texas, against Respondent, Mary Schorlemer Roberts. Petitioner appeared by counsel from the Office of Chief Disciplinary Counsel and announced ready. Respondent Mary Schorlemer Roberts appeared pro se. After considering the evidence and argument of counsel, the Board finds that:

- (1) It has continuing jurisdiction of this matter pursuant to Texas Rules of Disciplinary Procedure 8.05 (“TRDP”);
- (2) The Court of Appeals for the Fourth District of Texas affirmed Respondent’s criminal conviction and issued its Mandate indicating that the decision was final on or about January 11, 2011;
- (3) Petitioner filed its Motion for Entry of Judgment of Disbarment on or about June 16, 2011 and served same on Respondent in accordance with TRDP 8.05;
- (4) Respondent’s conviction for the commission of an Intentional Crime as defined by TRDP 1.06(T), for which she was sentenced in the 226th District Court of Bexar County, Texas has become final and is not subject to further direct appeal;
- (5) Respondent’s criminal sentence was fully probated;
- (6) In committing the criminal conduct, Respondent solicited, encouraged, directed, aided, or attempted to aid another person to commit theft by

deception or coercion.

- (7) Respondent's criminal conduct involved the use of her law practice operating account.
- (8) Respondent's criminal conduct involved the criminal use of legal process.
- (9) Respondent's criminal conviction being final, Petitioner's Motion for Entry of Judgment should be granted.
- (10) Respondent should be disbarred.

Interlocutory Suspension

Following a hearing on the 20th day of June 2008, at which Petitioner, Commission for Lawyer Discipline of the State Bar of Texas, appeared by attorney and announced ready and Respondent appeared pro se, the Board of Disciplinary Appeals entered an Interlocutory Order of Suspension on or about June 25, 2008, which included the following findings of fact and conclusions of law:

- (1) Respondent, Mary S. Roberts, State Bar Card Number 00788294, although currently licensed to practice law in the State of Texas, had her license suspended indefinitely by the Unopposed Order of Interim Suspension signed February 29, 2008, in Cause No. 2008-CI-03309 of the 224th District Court, Bexar County, Texas, styled *Commission for Lawyer Discipline vs. Mary S. Roberts*.
- (2) On February 26, 2008, a Judgment of Conviction by Jury was signed convicting Mary S. Roberts of five counts of Theft under Texas Penal Code §31.03 in Cause No. 2006CR6404A, by the Presiding Judge of the 226th District Court of Bexar County, Texas, styled *The State of Texas vs. Mary S. Roberts*.
- (3) Pursuant to said Judgment of Conviction by Jury, Respondent Mary S. Roberts was sentenced to ten (10) years incarceration in the Institutional Division of the Texas Department of Criminal Justice on each of Counts I-III and to two (2) years incarceration on each of Counts IV-V, said sentences all to run concurrently.

- (4) The criminal sentence imposed in Cause No. 2006CR6404A against Respondent Mary Roberts was fully probated.
- (5) Respondent Mary S. Roberts is the same person as the defendant Mary S. Roberts convicted in the criminal case 2006CR6404A as set forth above.
- (6) Respondent has appealed her criminal conviction.
- (7) This Board has jurisdiction to hear and determine this matter. Texas Rules of Disciplinary Procedure ("TRDP") 7.08(G).
- (8) Respondent has been convicted of Theft which is an Intentional Crime as defined in TRDP 1.06T for purposes of compulsory discipline as well as a Serious Crime as defined by TRDP 1.06Z.
- (9) The criminal conviction is not final.
- (10) Respondent's license to practice law should be suspended during the appeal of her criminal conviction. TRDP 8.04.

Disbarment

Having been convicted of an Intentional Crime and having failed to present persuasive evidence to support mitigation of sanction, Respondent should be disbarred pursuant to TRDP 8.05. It is, therefore, accordingly, ORDERED, ADJUDGED, AND DECREED that Respondent, Mary Schorlemer Roberts, State Bar No. 00788294, be, and she is hereby DISBARRED from the practice of law in the State of Texas, and her license to practice law in this state be, and is hereby revoked.

It is further ORDERED, ADJUDGED and DECREED that Respondent, Mary Schorlemer Roberts, is hereafter permanently prohibited, effective immediately, from practicing law in Texas, holding herself out as an attorney at law, performing any legal service for others, accepting any fee directly or indirectly for legal services, appearing as counsel in any proceeding in any Texas court or before any Texas administrative body, or holding herself out to others or using his name, in any manner, in conjunction with the words "attorney," "counselor," or "lawyer."

It is further ORDERED that Respondent, Mary Schorlemer Roberts, not later than thirty (30) days from the date of the entry of this judgment, 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 has any legal matter pending, if any, of her disbarment, of the style and cause 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 Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Austin, Texas 78711.

It is further ORDERED that Respondent, Mary Schorlemer Roberts, shall immediately notify each of her current clients, if any, in writing, of her disbarment. 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 her possession but which belong to current or former clients, if any, to those respective clients or former clients within thirty (30) days after the date on which this Judgment is signed by the Board. Respondent is further ORDERED to file with the Statewide Compliance Monitor, within the same thirty (30) days, an affidavit stating that all current clients have been notified of her disbarment and that all files, papers, unearned fees paid in advance, and all other monies and properties 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 her inability to return to said client any file, paper, money or other property. Respondent is also ORDERED to mail a copy of said affidavit and copies of all notification letters to clients, to the Office of the Chief Disciplinary

Counsel, Statewide Compliance Monitor, State Bar of Texas, P.O. Box 12487, Austin, Texas 78711.

It is further ORDERED that Respondent, Mary Schorlemer Roberts, if she has not already done so, immediately surrender her Texas law license and permanent State Bar Card to the Office of the Chief Disciplinary Counsel, Statewide Compliance Monitor, State Bar of Texas, P. O. Box 12487, Austin, Texas 78711, for transmittal to the Clerk of the Supreme Court of Texas.

Signed this 6th day of July 2011.



CHAIR PRESIDING