

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

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

INTERLOCUTORY ORDER OF SUSPENSION

On the 20th day of June 2008, the above-styled and numbered disciplinary action was called for hearing before the Board of Disciplinary Appeals. Petitioner Commission for Lawyer Discipline of the State Bar of Texas appeared by Assistant Disciplinary Counsel and announced ready. Respondent, Mary S. Roberts, appeared pro se. The Board incorporates its prior findings of fact from the hearing held April 4, 2008 and makes additional findings herein as follows:

Findings of Fact. The Board of Disciplinary Appeals finds that:

- (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.

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 and determine this matter. Texas Rules of Disciplinary Procedure (“TRDP”) 7.08(G).
- (2) 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.
- (3) The criminal conviction is not final.
- (4) Respondent’s license to practice law should be suspended during the appeal of her criminal conviction. TRDP 8.04.

It is, accordingly, **ORDERED, ADJUDGED, and DECREED** that Respondent, Mary S. Roberts, State Bar Card No.00788294, is hereby **SUSPENDED** from the practice of law in the State of Texas effective immediately upon entry of this order and continuing hereafter until further order of this Board. Respondent’s request to probate the suspension is **DENIED**.

It is further **ORDERED, ADJUDGED and DECREED** that Respondent, Mary S. Roberts, during said suspension is hereby 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 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 herself out to others or using her name, in any manner, in conjunction with the words “attorney,” “counselor,” or “lawyer.”

It is further **ORDERED** that Respondent, Mary S. Roberts, shall notify in writing, no later than thirty (30) days from the date of this Order, each and every justice of the peace, judge, magistrate, and chief justice of each and every court in which Respondent, Mary S. Roberts, has any legal matter pending, if any, of her suspension, 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, Capitol Station, Austin, Texas 78711.

It is further **ORDERED** that Respondent, Mary S. Roberts, shall immediately notify each of her current clients, if any, in writing, of her 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 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 of this Order. 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, within the same thirty (30) days, an affidavit stating either (a) that all current clients have been notified of her suspension 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 or (b) that Respondent has no current clients, files, or papers, and that any unearned fees paid in advance or other monies or properties belonging to clients have previously been returned to the appropriate client. If Respondent is 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 copies of all notification letters to clients 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, Mary S. Roberts, immediately surrender her Texas law license and permanent State Bar Card to the Statewide Compliance Monitor, Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711, for transmittal to the Clerk of the Supreme Court of Texas, if she has not already done so.

It is further **ORDERED** that this Order is interlocutory and that the Board retains jurisdiction to enter a final judgment when the appeal of the criminal conviction is final.

It is further **ORDERED** that Respondent shall promptly notify the Board and the Chief Disciplinary Counsel of the State Bar of Texas when the appeal of the criminal conviction is final.

It is further **ORDERED** that the Chief Disciplinary Counsel of the State Bar of Texas shall monitor the status of the appeal of the criminal conviction on at least a quarterly basis and promptly file an appropriate motion for entry of final judgment with the Board when the appeal of the criminal conviction is final.

Signed this 25th day of June 2008.



CHAIR PRESIDING