

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

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

v.

**GENE R. ROSAS**  
**(State Bar Card No. 17244250)**

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**CAUSE NO. 41752**

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

On June 2, 2008, a properly constituted panel of the Board of Disciplinary Appeals heard the Petition to Revoke Probation filed by the Commission for Lawyer Discipline of the State Bar of Texas against Respondent Gene R. Rosas, State Bar Card No. 17244250. The Commission appeared by and through Assistant Disciplinary Counsel for the State Bar of Texas, and Respondent Rosas appeared in person and by and through his attorney. 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 that the following facts are undisputed by the parties:

1. On November 7, 2007, the evidentiary panel appointed from the State Bar District 10B grievance committee signed a Judgment of Partially Probated Suspension in Cause No. S0040616783, S0060617068, and S0030616683 suspending Rosas from the practice of

- law for a period of five years with the first six months an active suspension beginning November 1, 2007, and with the suspension for the remaining 54 months beginning May 1, 2008 probated on certain terms and conditions.
2. The evidentiary panel assigned to hear the Rosas disciplinary proceeding was comprised of four attorneys and two public members.
  3. Four members of the six originally assigned to the evidentiary panel, two attorneys and two public members, heard the Rosas disciplinary proceeding.
  4. Rosas was aware of the Judgment of Partially Probated Suspension, that it prohibited him from practicing law during the term of active suspension, and of the judgment's additional terms and conditions.
  5. Respondent filed his notice of appeal from the Judgment of Partially Probated Suspension with the Board of Disciplinary Appeals on January 9, 2008.
  6. Respondent moved to dismiss his appeal on February 4, 2008, and an Order Withdrawing Appeal was signed that day.
  7. Rosas did not obtain an order or judgment staying the effective date of the judgment.
  8. Rosas knowingly practiced law during the period when the Judgment of Partially Probated Suspension decreed that his license was actively suspended, both before and after November 7, 2007, (the date that the judgment was signed) and at a time when Rosas had full knowledge of the terms of the judgment.
  9. Respondent did not notify his clients or the courts of the suspension as required by the judgment.
  10. Respondent continued to take on new matters during the period of active suspension.
  11. Respondent did not comply with the terms of the judgment requiring payment of

attorney's fees to the State Bar of Texas.

12. Rosas has not, as of the date of the hearing on the Petition to Revoke Probation (June 2, 2008), complied with any of the terms of the Judgment of Partially Probated Suspension.

Based on these undisputed facts, the Board concludes that:

1. The evidentiary panel designated to hear the Rosas disciplinary proceeding, four attorney members and two public members, was properly constituted with a ratio of two attorney members for every public member assigned. TRDP 2.02, TRDP 2.07, and TRDP 2.17.
2. The four panel members who sat to hear the Rosas disciplinary proceeding, two attorneys and two public members, included at least one public member for every two attorney members present and therefore constituted a proper quorum. TEX. GOV'T CODE § 81.072(j); TRDP 2.07.
3. Rosas committed professional misconduct by practicing law while his license was suspended.
4. Rosas materially violated the terms and conditions of the Judgment of Partially Probated Suspension.
5. Rosas should be actively suspended from practicing law for the full term of the suspension as originally imposed by the Judgment of Partially Probated Suspension dated November 7, 2007, without credit for any probationary time served. TRDP 2.23.

It is therefore, **ORDERED, ADJUDGED AND DECREED** that Respondent Gene R. Rosas, State Bar Card No. 17244250, be, and hereby is, actively **SUSPENDED** from the practice of law in the State of Texas for a period of five (5) years effective immediately on the date this judgment is signed.

It is further **ORDERED** that Respondent, Gene R. Rosas, 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 this Board 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.

It is further **ORDERED** that Respondent, Gene R. Rosas, shall **SURRENDER** his Texas law license and permanent State Bar card to the office 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.

It is further **ORDERED**, that the Clerk of this Board shall forward a certified copy of the Petition to Revoke Probation on file herein, along with a copy of this Judgment to the Clerk of the Supreme Court of Texas, Supreme Court Building, Austin, Texas, 78711, and to the Chief Disciplinary Counsel of the State Bar of Texas, P.O. Box 12487, Austin, Texas, 78711

All relief not expressly granted herein is **DENIED**.

**SIGNED** this 4<sup>th</sup> day of June, 2008.



**PANEL CHAIR PRESIDING**