

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

<b>IN THE MATTER OF</b>	§	
<b>C. TOM ZARATTI</b>	§	<b>CAUSE NO. 34105</b>
<b>STATE BAR CARD NO. 22247500</b>	§	

**JUDGMENT OF DISBARMENT**

On the 4<sup>th</sup> day of April 2008 the Board of Disciplinary Appeals considered the Motion for Entry of Judgment of Disbarment filed in the above case by Petitioner Commission for Lawyer Discipline of the State Bar of Texas against Respondent C. Tom Zaratti. 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 First District of Texas affirmed Respondent C. Tom Zaratti’s criminal conviction on August 31, 2006 and issued its Mandate indicating that the decision was final on or about May 23, 2007;
- (3) Petitioner filed its Motion for Entry of Judgment of Disbarment on or about February 19, 2008 and served same on Respondent in accordance with TRDP 8.05;
- (4) Petitioner filed its Amended Motion for Entry of Judgment of Disbarment on or about March 4, 2008 and served same on Respondent in accordance with TRDP 8.05;
- (5) Respondent C. Tom Zaratti objected to the Motion for Entry of Final Judgment contesting the finality of the conviction on February 27, 2008;
- (6) Respondent’s conviction for the commission of an Intentional Crime as defined by TRDP 1.06(T) for which he was sentenced in the 180<sup>th</sup> District Court of Harris County, Texas, has become final and is not subject to appeal;
- (7) Respondent’s sentence for the criminal conviction is not fully probated;
- (8) Petitioner’s Motion for Entry of Final Judgment should be granted.

**Interlocutory Suspension**

Following a hearing on April 1, 2005, at which Petitioner Commission for Lawyer Discipline of the State Bar of Texas appeared by attorney and announced ready and Respondent C. Tom Zaratti although duly served and notified of the hearing date, failed to answer and appear and wholly made default, the Board of Disciplinary Appeals entered an Interlocutory Order of Suspension on or about April 14, 2005, which included the following findings of fact and conclusions of law:

- (1) Respondent, C. Tom Zaratti, State Bar Card Number 22247500, is currently licensed to practice law in the State of Texas.
- (2) On or about September 16, 2004, Respondent, C. Tom Zaratti, was found guilty of Possession of Child Pornography, a Third Degree Felony, in Cause No. 952417 styled *The State of Texas v. C. Tom Zaratti* in the 180th District Court of Harris County, Texas. On or about September 16, 2004, the Court entered a Judgment on Plea Before Jury Court/Jury Assessing Punishment committing Respondent to the custody of the Institutional Division of the Texas Department of Criminal Justice to be imprisoned for a total term of ten (10) years, a fine of \$10,000.00, and costs of \$563.00.
- (3) Respondent, C. Tom Zaratti, is same person as the C. Tom Zaratti, who is the Defendant in the Judgment described above.
- (4) Respondent has appealed the criminal conviction.
- (5) Respondent's criminal sentence is not fully probated.
- (6) This Board has jurisdiction to hear and determine this matter. Rule 7.08(G), Texas Rules of Disciplinary Procedure ("TRDP").
- (7) The crime for which Respondent has been convicted is an Intentional Crime as defined by TRDP 1.06(T).
- (8) Having been found guilty and convicted of an Intentional Crime and such conviction currently being on appeal, Respondent, C. Tom Zaratti, should be suspended from the practice of law in Texas during the appeal of his conviction. TRDP Rule 8.04.

## **Disbarment**

Consistent with findings of the Board in connection with the hearing on April 4, 2008, the Board has determined that disbarment of the respondent is appropriate. Respondent's objections to the entry of final judgment are **OVERRULED**. It is, therefore, accordingly, **ORDERED, ADJUDGED, AND DECREED** that Respondent, C. Tom Zaratti, State Bar Card No. 22247500, be and he is hereby **DISBARRED** from the practice of law in the State of Texas, and his license to practice law in this state be and is hereby revoked.

It is further **ORDERED, ADJUDGED and DECREED** that Respondent, C. Tom Zaratti, is hereafter permanently prohibited, effective immediately, 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 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 Respondent, C. Tom Zaratti, 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 his 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 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, C. Tom Zaratti, shall immediately notify each of his current clients, if any, in writing, of his 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 his 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 this Board, within the same thirty (30) days, an affidavit stating that all current clients have been notified of his 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 his 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, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711.

It is further **ORDERED** that Respondent, C. Tom Zaratti, if he has not already done so, immediately surrender his Texas law license and permanent State Bar Card to the 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.

Signed this 9<sup>th</sup> day of April 2008.

  
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**CHAIR PRESIDING**