



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

**IN THE MATTER OF  
JESSE JOE PONCE III  
TEXAS BAR NO. 24014329**

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**BODA 63523**

**ORDER REVOKING PROBATION AND  
ACTIVELY SUSPENDING ATTORNEY FROM THE PRACTICE OF LAW**

On December 17, 2019, the Board of Disciplinary Appeals heard the Motion to Revoke Probation filed by the Commission for Lawyer Discipline (CLD) of the State Bar of Texas against Respondent Jesse Joe Ponce III. Movant CLD appeared through the Office of the Chief Disciplinary Counsel. Respondent appeared in person and by attorney. Each side announced ready.

**FINDINGS**

After hearing the evidence and argument of counsel, the Board finds as follows:

- (1) Respondent, Joe Jesse Ponce III, whose State Bar Card number is 24014329, is currently licensed but not authorized by the Supreme Court of Texas to practice law.
- (2) On May 15, 2019, in a case styled, *Commission for Lawyer Discipline, Petitioner, v. Joe Jesse Ponce III*, Case No. 201705565, an Evidentiary Panel of the State Bar of Texas District 10-3 Grievance Committee found that Respondent had committed violations of Texas Disciplinary Rules of Professional Conduct 1.05(b)(1)(ii) and 1.14(b).
- (3) The Grievance Committee suspended Respondent from the practice of law for a period of three years beginning June 1, 2019 and ending May 31, 2022, with the first four months an active suspension and the remaining thirty-two months probated subject to certain terms and conditions set out in the judgment.

- (4) Respondent was ordered not to violate any term of the judgment.
- (5) Respondent admitted that he was aware of the period of suspension and the terms and conditions of the Judgment of Partially Probated Suspension signed May 15, 2019.
- (6) Respondent was actively suspended from practicing law beginning June 1, 2019 and ending September 30, 2019.
- (7) Respondent admitted that he did not comply with the terms and conditions of the judgment.
- (8) Respondent failed to notify in writing each opposing counsel of his disciplinary suspension.
- (9) Respondent failed to notify in writing each judge of each court where he had a pending matter of his disciplinary suspension.
- (10) Respondent failed to notify in writing each current client of his disciplinary suspension.
- (11) Respondent failed to file timely an affidavit with the Office of the Chief Disciplinary Counsel stating that he had complied with the terms of active suspension;
- (12) Respondent filed an affidavit with the Office of the Chief Disciplinary Counsel that did not meet the requirements set out in the judgment.
- (13) Respondent admitted that statements in his sworn affidavit filed with the Office of the Chief Disciplinary Counsel that he had notified all opposing counsel and clients in writing of his disciplinary suspension were false.
- (14) Respondent practiced law while actively suspended by participating in a telephone conference with the court and opposing counsel on September 17, 2019 in the County Court at Law in Medina County, Texas, Cause No. 11-09-5721-CL, *In the Matter of the Marriage of Cecilia Serratos and Randy Martinez*, during which Respondent requested a continuance of the trial setting.

### **CONCLUSIONS**

- (1) 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 the State Bar of Texas grievance committee during the full term of suspension, including any probationary period. TRDP 2.22; *In re State Bar of Texas*, 113 S.W.3d 730,733 (Tex. 2003).
- (2) Respondent has materially violated the terms and conditions of the Judgment of

Partially Probated Suspension signed May 15, 2019, in Cause No. 201705565.

- (3) Respondent should be actively suspended from practicing law for the full term of the probation as originally imposed by the Judgment of Partially Probated Suspension without credit for any probationary time served. TRDP 2.23.

### **SUSPENSION**

It is therefore, **ORDERED**, **ADJUDGED**, and **DECREED** that the Motion to Revoke Probation is hereby **GRANTED**.

It is further **ORDERED** that Respondent, Joe Jesse Ponce III, State Bar No. 24014329, be, and hereby is, actively **SUSPENDED** from the practice of law in the State of Texas for a period of thirty-two months effective immediately on the date this judgment is signed and ending on August 18, 2022.

It is further **ORDERED** that Respondent, Joe Jesse Ponce III, 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 Respondent, Joe Jesse Ponce III, not later than thirty (30) days 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, Joe Jesse Ponce III, has any legal matter pending, if any, of his 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 Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711.

It is further **ORDERED** that Respondent, Joe Jesse Ponce III, shall immediately notify **IN WRITING** each of his current clients and opposing counsel, if any, 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 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, Office of 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 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 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 files, papers, 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 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, Joe Jesse Ponce III, immediately surrender his Texas law license and permanent State Bar Card to the Office of Chief Disciplinary Counsel, State Bar of Texas, for transmittal to the Clerk of the Supreme Court of Texas.

It is further **ORDERED** that a certified copy of the Petition for Revocation of Probation on file herein, along with a copy of this Judgment, be sent to the Office of Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, 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*.

#### **REFERRAL**

The Board further directs the Office of the Chief Disciplinary Counsel (1) to investigate Respondent's false statements in his sworn affidavit signed August 12, 2019, his false or misleading statements to the Medina County Court at Law and other courts, his failures to comply with the requirements of the May 15, 2019 judgment, his failures to comply with Rule 13.01 of the Texas Rules of Disciplinary Procedure, and his practicing law while suspended for potential violations of the Texas Disciplinary Rules of Professional Conduct, including Rules 3.03(a)(1), 3.03(b), 8.01(a), 8.04(a)(3), 8.04(a)(7), and 8.04(a)(10); (2) to determine whether further disciplinary proceedings are warranted to redress such violations; and (3) to make referrals to the appropriate criminal district attorneys' offices as warranted.

SIGNED this 18<sup>TH</sup> day of December 2019.

  
KATHERINE A. KISER  
CHAIR PRESIDING