

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

IN THE MATTER OF	§	
BRIAN JOSE CHAVEZ	§	CAUSE NO. <u>48190</u>
STATE BAR CARD NO. 00796343	§	

AGREED JUDGMENT OF SUSPENSION

On this day, the above-styled and numbered disciplinary action was called for hearing before the Board of Disciplinary Appeals. Petitioner appeared by attorney and Respondent appeared by attorney as indicated by their respective signatures below and announced that they agree to the findings of fact, conclusions of law and orders set forth below. The Board of Disciplinary Appeals, having reviewed the file and in consideration of the agreement of the parties, is of the opinion that Petitioner is entitled to entry of the following findings and orders:

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

- (1) Respondent, Brian Jose Chavez, State Bar Card Number 00796343, is licensed and authorized to practice law in the State of Texas by the Supreme Court of Texas.
- (2) On or about April 19, 2010, Brian Chavez was charged by Indictment with Burglary of a Habitation, with intent to commit assault, in Case No. A-37,179, styled *The State of Texas v. Brian Chavez*, in the 161st Judicial District Court of Ector County, Texas.
- (3) On or about July 15, 2010, a Plea Bargain Agreement was entered in Case No. A-37,179, styled *The State of Texas v. Brian Chavez*, in the 161st Judicial District Court of Ector County, Texas.
- (4) On or about July 15, 2010, the Court's Written Admonishments to the Defendant and Defendant's Written Waiver of Rights and Stipulation of Evidence for Plea of Guilty or Nolo Contendere were entered in Case No. A-37,179, styled *The State of Texas v. Brian Chavez*, in the 161st Judicial District Court of Ector County, Texas.

- (5) On or about December 16, 2010, an Order of Deferred Adjudication was entered in Case No. A-37,179, styled *The State of Texas v. Brian Chavez*, in the 161st Judicial District Court of Ector County, Texas, wherein Chavez pled guilty to Burglary of a Habitation, with intent to commit assault, a Second Degree Felony, and was placed on Community Supervision for five (5) years and ordered to pay a \$10,000 fine.
- (6) On or about December 16, 2010, an Order of Deferred Adjudication; Placement on Community Supervision was entered in Case No. A-37,179, styled *The State of Texas v. Brian Chavez*, in the 161st Judicial District Court of Ector County, Texas, which set out the conditions of Community Supervision.
- (7) Respondent, Brian Jose Chavez, is the same person as the Brian Chavez, who is the subject of the Orders described above.

Conclusions of Law. Based upon the foregoing findings of fact the Board of Disciplinary

Appeals makes the following conclusions of law:

- (1) This Board has jurisdiction to hear and determine this matter. Rule 7.08(G), Texas Rules of Disciplinary Procedure.
- (2) Respondent, Brian Jose Chavez, having pled guilty and having been placed on probation for an Intentional Crime, has been convicted for purposes of Rule 8.04, Texas Rules of Disciplinary Procedure, of an intentional crime as defined by Rule 1.06(T), Texas Rules of Disciplinary Procedure. Such crime is as well a serious crime as defined by Rule 1.06(Z), Texas Rules of Disciplinary Procedure.
- (3) Respondent, Brian Jose Chavez, should be suspended for the term of his criminal probation as originally assessed and, in the event that the above-described criminal probation of Respondent, Brian Jose Chavez, is revoked, Respondent, Brian Jose Chavez, should be disbarred. Rule 8.06, Texas Rules of Disciplinary Procedure.

It is, accordingly, ORDERED, ADJUDGED, AND DECREED that Respondent, Brian Jose Chavez, State Bar Card No. 00796343, be and he is hereby SUSPENDED from the practice of law in the State of Texas and his license to practice law in the State of Texas is suspended for a period beginning thirty (30) days after the date of entry of this judgment and ending December 15, 2015.

It is further ORDERED, ADJUDGED and DECREED that Respondent, Brian Jose Chavez, 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, Brian Jose Chavez, not later than thirty (30) days after the date of 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, Brian Jose Chavez, 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 Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711.

It is further ORDERED that Respondent, Brian Jose Chavez, shall immediately notify each of his current clients, if any, in writing, 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 this Board, 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 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 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, Brian Jose Chavez, immediately surrender his 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.

It is further ORDERED that, in the event that the above-described criminal probation of Respondent, Brian Jose Chavez, is revoked, Respondent, Brian Jose Chavez, shall be DISBARRED upon the filing by the Chief Disciplinary Counsel of an appropriate motion supported by certified copies of court documents showing that such criminal probation has been revoked.

It is further ORDERED that a certified copy of the Petition for Compulsory Discipline on file herein, along with a copy of this Judgment, be sent to the Office of the Chief Disciplinary Counsel of the State Bar of Texas, P.O. Box 12487, Austin, Texas 78711.

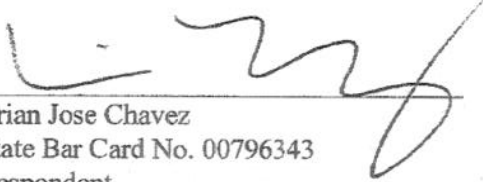
Signed this 8th day of April 2011.


Chair Presiding
BOARD OF DISCIPLINARY APPEALS

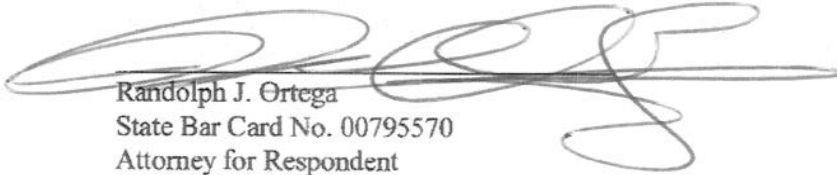
APPROVED AS TO FORM AND CONTENT:



Alex Veltman
Assistant Disciplinary Counsel
State Bar Card No. 00795698
Attorney for Petitioner



Brian Jose Chavez
State Bar Card No. 00796343
Respondent



Randolph J. Ortega
State Bar Card No. 00795570
Attorney for Respondent

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