

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

IN THE MATTER OF §
DINA FAE DOMANGUE § **CAUSE NO. 65486**
STATE BAR CARD NO. 24049570 §

AGREED JUDGMENT OF PUBLIC REPRIMAND

On this day, the above-styled and numbered reciprocal disciplinary action was called for hearing before the Board of Disciplinary Appeals. Petitioner appeared by attorney and Respondent appeared in person 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 solely for the purposes of this proceeding which has not been fully adjudicated. 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, Dina Fae Domangue, whose State Bar Card number is 24049570, is licensed by the Supreme Court of Texas to practice law, but is not currently authorized to practice law in the State of Texas;
- (2) On or about December 28, 2017, formal charges were initiated by the State of Louisiana Office of Disciplinary Counsel in a matter styled: *In Re: Dina Fae Domangue, Louisiana Bar Roll Number 26266*, Case No. 17-DB-083, alleging that Domangue violated the following Rules of Professional Conduct: 1.3(lack of diligence); 1.4(a)(3) (communication – failure to keep client reasonably informed about the status of the matter); 1.4(a)(4) (communication – promptly comply with reasonable requests for information); 1.5(a) (reasonable fee); 1.16(d) (termination of representation; return of papers and property; return of unearned fee); 8.1(c) (failure to cooperate with ODC investigation); and 8.4(a) violate or attempt to violate the Rules of Professional Conduct).

- (3) The charges of the Office of Disciplinary Counsel state, in pertinent part:

After having filed his divorce petition pro se, Complainant spoke to Respondent on or about February 21, 2017, regarding representation for his divorce/domestic violence matter. Complainant delivered the \$1,500 retainer fee to Respondent prior to his April 5, 2017, scheduled hearing. Complainant appeared for the April 5, 2017, hearing and the charges were dropped due to insufficient evidence. Respondent failed to appear.

Complainant states that his next contact with Respondent occurred on May 30, 2017, via text message when she contacted him regarding scheduling a court date for his divorce matter. The matter was scheduled for June 15, 2017. Complainant states that Respondent requested that he meet her at court on June 13, 2017, for the sole purpose of providing a copy of his tax and financial documents to be submitted to opposing counsel. Complainant states that he arrived as scheduled, however, Respondent failed to appear for their meeting. Thereafter, at Respondent's request, Complainant deliver [sic] the requested documents to her home. Complainant did not meet with Respondent, he left the documents on the seat of her car as she requested. Complainant and opposing counsel appeared for court on June 15, 2017. Respondent failed to appear. The matter was rescheduled.

The next scheduled meeting was June 23, 2017, when Respondent and Complainant were to meet with opposing counsel at his office. Respondent suggested that she and Complainant meet for breakfast prior to meeting with opposing counsel in order to discuss his case. Respondent failed to appear; alleging that opposing counsel contacted her and canceled the meeting. Complainant states that he contacted opposing counsel to confirm Respondent's claim and was informed that it was Respondent who had cancelled the meeting. Thereafter, Complainant terminated Respondent and requested the return of his file and retainer fee.

At Complainant's request, on June 24, 2017, Respondent meet [sic] with Complainant's sister and brother-in-law to return his file and fee. Complainant states that Respondent presented some documents and requested a signature as acknowledgment that all of Complainant's documents were included. Complainant's brother-in-law refused to sign the receipt, arguing that he could not confirm that all of the documents were included because he had no knowledge of what documents should have been included. They did not execute the exchange.

Complainant has since retained new counsel. He states that his new counsel has requested Complainant's file, to no avail. Respondent has failed to return the file and as well as [sic] the retainer fee.

- (4) On or about November 14, 2018, a Report and Recommendation of Hearing Committee #3 was issued by the by the Louisiana Attorney Disciplinary Board, in a matter styled: *In Re: Dina Fae Domangue*, Docket No. 17-DB-083, which states in pertinent part as follows:

...After consultation with each other, the committee is of the unanimous opinion that this respondent does not need to be suspended from the practice of law but does need to be apprised of how her actions or inactions affect the public view of the legal community's professionalism or lack thereof. Accordingly, it is the recommendation of this committee that Respondent be given a one year suspension from the practice of law, with time fully deferred and with a public reprimand; further that during the year Respondent is on probation and attends a course on law office practice management and professionalism, that the check she tendered to Complainant clears the bank and that she pays all costs associated with Docket #17-DB-083.

- (5) On or about February 6, 2020, a Ruling was entered by the Louisiana Disciplinary Board in a matter styled: *In Re: Dina Fae Domangue Number 17-DB-083*, which states in pertinent part as follows:

... The Board concludes that ODC proved by clear and convincing evidence that Respondent violated Rules 1.3 (diligence) and 1.4(a) communication). Respondent never met in person with the Complainant and her only communications with Complainant were by phone or text message. There was no writing setting forth the amount of her fee or the scope of the services she would perform. Respondent asserts that Respondent chose a payment option of a flat fee of \$2,500.00 to be paid before Respondent would enroll as counsel and that the \$1,500.00 payment by Complainant was only a partial payment. There is no indication that Complainant believed he owed more than the \$1,500.00. Further, the confusion regarding the missed hearing and the canceled meeting and some of the text messages in Ex. ODC I evidence problems in communication and lack of diligence.

The Board further concludes that a violation of Rule 1.16(d) which requires the prompt return of the client's file and any unearned fee is supported by the evidence. While Respondent may have made unsuccessful attempt(s) to return the file and what she believed was an appropriate refund, she did not actually do so until the hearing, well over one year after termination, and she did not begin any effort to resolve the dispute over the remainder of the fee until just before the hearing. Additionally, the return of the file by mail was unsuccessful due to the inadvertent error in addressing the mailing by Respondent or her office.

Respondent has admitted to a violation of Rule 8.1(c) (failure to cooperate with the ODC investigation). While the failure to mail the response to the complaint again may have been due to a mishap in her office, the fact remains that she did not provide any response until after the formal charges were filed and she has admitted her responsibility for this failure.

Violations of Rules 1.3, 1.4(a), 1.16(d), and 8.1(c) establish the derivative violation of Rule 8.4(a) which provides that it is professional misconduct to violate or attempt to violate the Rules of Professional Conduct.

- (5) On February 6, 2020, the Board adopted the committee's factual findings and further concluded that Respondent violated Rules 1.3, 1.4(a), 1.16(d), 8.1(c), and 8.4(a), but did not violate Rule 1.5(a). The Board finds that a public reprimand is warranted and that required attendance at additional continuing legal education in the area of office management is also appropriate.
- (6) Respondent, Dina Fae Domangue, is the same person as the Dina Fae Domangue, who is the subject of the Ruling entered by the State of Louisiana Attorney Disciplinary Board; and
- (7) The Ruling of a Public Reprimand entered by the State of Louisiana Attorney Disciplinary Board is final.

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. Rule 7.08(H), Texas Rules of Disciplinary Procedure;
- (2) Reciprocal discipline identical to that imposed by the State of Louisiana Attorney Disciplinary Board is warranted in this case.

It is, accordingly, ORDERED, ADJUDGED, AND DECREED that Respondent, Dina Fae Domangue, State Bar Card No. 24049570, is hereby PUBLICLY REPRIMANDED as an attorney at law in the State of Texas.

Signed this 25th day of May _____ 2021.

Tom G'lez

CHAIR PRESIDING
BOARD OF DISCIPLINARY APPEALS

APPROVED AS TO FORM:



Dina Fae Domangue
State Bar No. 24049570
Respondent



Amanda M. Kates
Assistant Disciplinary Counsel
State Bar No. 24075987
Attorney for Petitioner