

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

IN THE MATTER OF
BYRON L. LANDAU
STATE BAR CARD NO. 00789970

§
§
§

CAUSE NO. 57697

AGREED JUDGMENT OF SUSPENSION

On the 19th day of July 2016, the above-styled and numbered compulsory 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. 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, Byron L. Landau, State Bar Card Number 00789970, is licensed but not currently authorized to practice law in the State of Texas by the Supreme Court of Texas.
- (2) On or about November 19, 2015, an Order was entered by the Supreme Court of Illinois in a matter styled: *In re: Byron Lee Landau*, which states in pertinent part as follows:

...Byron Lee Landau is suspended from the practice of law for three (3) years and until further order of the Court.
- (3) On or about September 21, 2015, a Petition to Impose Discipline on Consent Pursuant to Supreme Court Rule 762(b), was filed, which states in pertinent part:

WHEREFORE, the Administrator, with the consent of Respondent, Byron Lee Landau, and the approval of a panel of the Hearing Board, respectfully requests that the Court enter an order suspending Respondent for three (3) years and until further order of the Court.

- (4) The Petition to Impose Discipline on Consent Pursuant to Supreme Court Rule 762(b) established that Respondent violated the following Illinois Rules of Professional Conduct: Failing to consult with the client as to the means by which the objectives of representation are to be pursued, in violation of Rule 1.2(a) of the Illinois Rules of Professional Conduct (2010) (IRPC); failing to act with reasonable diligence and promptness in representing a client, in violation of Rule 1.3 of IRPC; failing to promptly inform the client of any decision or circumstance with respect to which the client's informed consent is required, in violation of Rule 1.4(a)(1) of IRPC; failing to reasonably consult with the client about the means by which the client's objectives are to be accomplished, in violation of Rule 1.4(a)(2) of IRPC; failing to keep a client reasonably informed about the status of a matter, in violation of Rule 1.4(a)(3) of IRPC; failing to promptly comply with reasonable requests for information from a client, in violation of Rule 1.4(a)(4) of IRPC; failing to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation, in violation of Rule 1.4(b) of IRPC; failing to prepare and maintain complete records of a client trust account, in violation of Rules 1.5(a)(1) through 1.5(a)(8) of IRPC; failing to take steps to the extent reasonably practicable to protect a client's interests, in violation of Rule 1.16(d) of IRPC; failing to promptly refund any part of a fee paid in advance that has not been earned, in violation of Rule 1.16(d) of IRPC; failing to make reasonable efforts to ensure that Credence had in effect measures giving reasonable assurance that the conduct of Credence's non-lawyer employees was compatible with Respondent's professional obligations, in violation of Rule 5.3(a) IRPC; and assisting another in practicing law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, in violation of Rule 5.5(a) of IRPC.
- (5) Respondent, Byron L. Landau, is the same person as the Byron Lee Landau who is the subject of the Order of Suspension and Restitution (By Consent) entered by State of Michigan Attorney Discipline Board.
- (6) The Order entered by the Supreme Court of Illinois suspending Respondent is final.

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. Tex. R. Disciplinary P. 7.08(H);
- (2) Reciprocal discipline identical to that imposed by the Supreme Court of Illinois is warranted in this case.

It is, accordingly, ORDERED, ADJUDGED, AND DECREED that Respondent, Byron L. Landau, State Bar Card No. 00789970, be and he is hereby SUSPENDED from the practice of law in the State of Texas for a period of three years beginning July 19, 2016 and ending July 18, 2019.

It is further ORDERED, ADJUDGED and DECREED that Respondent, Byron L. Landau, 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, Byron L. Landau, within thirty (30) days of the date 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, Byron L. Landau, 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.

It is further ORDERED Respondent shall file with the State Bar of Texas, Statewide Compliance Monitor, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701), within forty-five (45) days of the date of this judgment, an affidavit stating Respondent has notified in writing each and every justice of the peace, judge, magistrate, and chief justice of

each and every court in which Respondent has any matter pending of the terms of this judgment, the style and cause number of the pending matter(s), and the name, address and telephone number of the client(s) Respondent is representing in Court.

It is further ORDERED that Respondent, Byron L. Landau, within thirty (30) days of the date of this judgment, shall notify each of his current clients and opposing counsel, 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 of the date of this judgment.

It is further ORDERED Respondent shall file with the State Bar of Texas, Statewide Compliance Monitor, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701), within forty-five (45) days of the date of this judgment, an affidavit stating all current clients and opposing counsel have been notified of Respondent's suspension and that all files, papers, monies and other property belonging to all current 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.

It is further ORDERED that Respondent, Byron L. Landau, within thirty (30) days of the date of this judgment, 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 a certified copy of the Petition for Reciprocal 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.

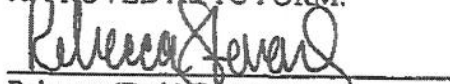
IT IS FURTHER ORDERED that this Judgment of Suspension shall be made a matter of public record and be published in the Texas Bar Journal.

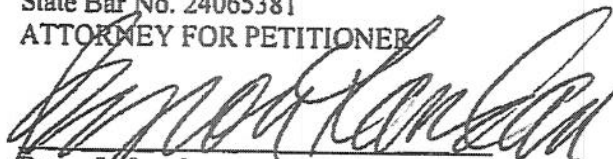
Signed this 19th day of July 2016.



VICE Chair Presiding
BOARD OF DISCIPLINARY APPEALS

APPROVED AS TO FORM:



Rebecca (Beth) Stevens
Assistant Disciplinary Counsel
State Bar No. 24065381
ATTORNEY FOR PETITIONER

Byron L. Landau
State Bar No. 00789970
RESPONDENT