

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

IN THE MATTER OF  
RODRIGO MARTINEZ, JR.  
STATE BAR CARD NO. 13144200

§  
§  
§

CAUSE NO. 56590

AGREED INTERLOCUTORY ORDER OF SUSPENSION

On this 29 day of January 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 by attorney and announced ready. All matters of fact as well as all matters of law were submitted to the Board of Disciplinary Appeals for determination. Having considered the pleadings on file, having received evidence, and having heard the argument of counsel, the Board of Disciplinary Appeals 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, Rodrigo Martinez, Jr., whose State Bar Card number is 13144200, is licensed by the Supreme Court of Texas to practice law and is authorized to practice law in the State of Texas.
- (2) On or about June 6, 2012, Respondent was charged by Indictment with Theft over \$200,000, in Cause No. CR-2152-12-G, styled *State of Texas v. Rodrigo Martinez, Jr.*, in the 139th Judicial District Court of Hidalgo County, Texas.
- (3) On or about June 16, 2015, a Judgment of Conviction by Jury and Sentence to the Institutional Division of the Texas Department of Criminal Justice was entered in Case No. CR-2152-12-G, styled *The State of Texas v. Rodrigo Martinez, Jr., Defendant*, in the 370th Judicial District Court of Hidalgo County, Texas, wherein Respondent was found guilty of Theft of the value of \$200,000 or more, a First Degree Felony, and was sentenced to seven (7) years imprisonment in the Institutional Division of the Texas Department of Criminal Justice, ordered to pay court costs of \$228.00 and restitution in the amount of \$410,000.00.

- (4) Respondent, Rodrigo Martinez, Jr., is the same person as the Rodrigo Martinez, Jr., who is the subject of the criminal case described above.
- (5) Respondent has appealed the criminal conviction.

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. Tex. R. Disciplinary P. ("TRDP") 7.08(G);
- (2) Respondent, Rodrigo Martinez, Jr., having been convicted of Theft of the value of \$200,000 or more, has been convicted of an Intentional Crime as defined by TRDP 1.06(T).
- (3) Respondent has also been convicted of a Serious Crime as defined by TRDP 1.06(Z).
- (4) Having been found guilty and convicted of an Intentional and Serious Crime and having appealed such conviction, Respondent, Rodrigo Martinez, Jr., should have his license to practice law in Texas suspended during the appeal of his criminal convictions. TRDP 8.04.
- (5) The Board retains jurisdiction to enter a final judgment in this matter when the criminal appeal is final.

It is, accordingly, ORDERED, ADJUDGED, and DECREED that Respondent, Rodrigo Martinez, Jr., State Bar Card No. 13144200, is hereby SUSPENDED from the practice of law in the State of Texas effective immediately upon entry of this order and continuing hereafter until further order of this Board.

It is further ORDERED, ADJUDGED and DECREED that Respondent, Rodrigo Martinez, Jr., during said suspension is hereby 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 not completed before the date of this order, appearing as counsel 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, Rodrigo Martinez, Jr., shall notify in writing, no later than thirty (30) days from the date of this Order, each and every justice of the peace, judge, magistrate, and chief justice of each and every court in which Respondent, Rodrigo Martinez, Jr., 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. Respondent is further ORDERED to file with the Statewide Compliance Monitor, Office of the 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 wither (a) that each and every justice of the peace, judge, magistrate, and chief justice of each and every court in which Respondent, Rodrigo Martinez, Jr., has any legal matter pending, if any, of his suspension, has been notified or (b) that Respondent has no legal matters pending in any court.

It is further ORDERED that Respondent, Rodrigo Martinez, Jr., 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 with active cases pending, if any, to those respective clients or former clients with active cases pending within thirty (30) days after the date of this Order. Respondent is further ORDERED to file with the Statewide Compliance Monitor, Office of the 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 either (a) 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 with active cases pending have been returned as ordered herein or (b) that Respondent has no current clients, files, or papers, and that any unearned fees paid in advance or other monies or properties belonging to clients have previously been returned to the appropriate client. If Respondent is unable to return any file, papers, money or other property to any client or former client with active cases pending, 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 all notification letters 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, Rodrigo Martinez, Jr., immediately surrender his Texas law license and permanent State Bar Card to the Statewide Compliance Monitor, Office of the Chief Disciplinary, 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 First Amended Petition for Compulsory Discipline on file herein, along with a copy of this Order, be sent to the Chief Disciplinary Counsel of the State Bar of Texas, P.O. Box 12487, Austin, Texas 78711.

It is further ORDERED that this Order is interlocutory and that the Board retains jurisdiction to enter a final judgment when the appeal of the criminal conviction is final. *In the Matter of Mercier*, 242 SW 3d 46 (Tex. 2007).

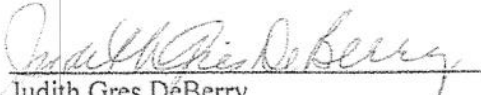
It is further ORDERED that Respondent shall promptly notify the Board and the State Bar of Texas Chief Disciplinary Counsel when the appeal of the criminal conviction is final.

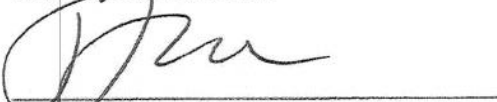
It is further ORDERED that the Chief Disciplinary Counsel of the State Bar of Texas shall monitor the status of the appeal of the criminal conviction on at least a quarterly basis and promptly file an appropriate motion for entry of final judgment with the Board when the appeal of the criminal conviction is final.

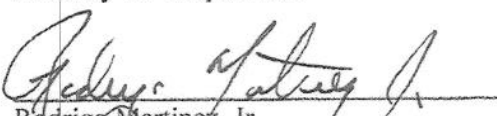
Signed this 29 day of January 2016.

  
Chairman Presiding  
Board of Disciplinary Appeals

APPROVED AS TO FORM AND CONTENT:

  
Judith Gres DeBerry  
Assistant Disciplinary Counsel  
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Attorney for Petitioner

  
Thomas G. Rayfield  
State Bar Card No. 16615825  
Attorney for Respondent

  
Rodrigo Martinez, Jr.  
State Bar Card No. 13144200  
Respondent