

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

IN THE MATTER OF	§	
JAMES MATTHEW MONSEBROTEN	§	CAUSE NO. 59815
STATE BAR CARD NO. 24044180	§	

AGREED JUDGMENT OF PUBLIC REPRIMAND

On the 18th day of January 2018, 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. 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, James Matthew Monsebroten, whose State Bar Card number is 24044180, 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 August 1, 2017, an Order Approving Stipulation for Discipline (with Stipulation for Discipline attached) was entered in the Supreme Court of the State of Oregon in a matter styled, *In re: Complaint as to the Conduct of James M. Monsebroten, Accused*, Case No. 17-10, that states in pertinent part as follows:

...IT IS HEREBY ORDERED that the stipulation between the parties is approved and James M. Monsebroten is publicly reprimanded for violation of RPC 1.4(a); RPC 1.4(b); RPC 1.5(c)(3); RPC 1.15-1(a) and RPC 1.15-1(c)...

- (3) In the Stipulation for Discipline Monsebroten admits that, by failing to consult with his clients, before assenting to the entry of a stipulated order, he violated RPC 1.4(a) [duty to keep client reasonably informed] and RPC 1.4(b) [duty explain matters sufficiently to permit the client to make informed decisions]. Monsebroten further admits that, by failing to include the language required by RPC 1.5(c)(3) [requirement of a written fee agreement for earned-upon-receipt fees] in his written agreement before accepting a flat fee from his client, he violated that rule. Because Monsebroten's Flat-Fee Agreement did not comply with RPC 1.5(c)(3), the \$1,200 should have been deposited in trust. Monsebroten's failure to do so violated RPC 1.15-1(a) [duty to hold client's property separate from the lawyer's] and RPC 1.15-1(c) [duty to deposit unearned fees in trust].
- (4) Respondent, James Matthew Monsebroten, is the same person as the James M. Monsebroten, who is the subject of the Order Approving Stipulation for Discipline entered by the Supreme Court of the State of Oregon; and
- (6) The Order Approving Stipulation for Discipline entered by the Supreme Court of the State of Oregon 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 Supreme Court of the State of Oregon is warranted in this case.

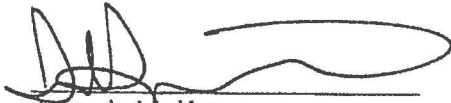
It is, accordingly, ORDERED, ADJUDGED, AND DECREED that Respondent, James Matthew Monsebroten, State Bar Card No. 24044180, is hereby PUBLICLY REPRIMANDED as an attorney at law in the State of Texas.

Signed this 18 day of January 2018.



CHAIRMAN PRESIDING
BOARD OF DISCIPLINARY APPEALS

APPROVED AS TO FORM:



Amanda M. Kates
State Bar No. 24075987
Attorney for Petitioner



James Matthew Monsebroten
State Bar No. 24044180
Respondent