



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

<b>IN THE MATTER OF</b>	§	
	§	
<b>REFUGIO RAFAEL PEREZ</b>	§	<b>CAUSE NO. 59610</b>
	§	
<b>STATE BAR CARD NO. 24051893</b>	§	

**JUDGMENT REVOKING PROBATION AND ACTIVELY  
SUSPENDING RESPONDENT FROM THE PRACTICE OF LAW**

On October 17, 2017, the Board of Disciplinary Appeals heard the Petition for Revocation of Probation filed by the Commission for Lawyer Discipline of the State Bar of Texas against Respondent, Refugio Rafael Perez, State Bar No. 24051893. Petitioner appeared by attorney and announced ready. Respondent, Refugio Rafael Perez appeared in person and announced ready. All questions of fact and issues of law were submitted to the Board. This Board has exclusive jurisdiction to hear a petition to revoke a probated suspension from the practice of law imposed by an evidentiary panel of the State Bar of Texas grievance committee during the full term of suspension, including any probationary period. Texas Rules of Disciplinary Procedure Rule 2.23 ("TRDP"); *In re State Bar of Texas*, 113 S.W.3d 730,733 (Tex. 2003).

Having considered the pleadings, and having heard the evidence and the argument of counsel, the Board finds as follows:

- (1) Respondent, Refugio Rafael Perez, whose State Bar Card number is 24051893, is currently licensed and authorized by the Supreme Court of Texas to practice law.

- (2) Respondent was personally served with the Petition for Revocation of Probation and hearing notice in this cause by a duly authorized process server on September 30, 2017, in accordance with the TRDP Rule 2.23. The affidavit of service was filed with the Board on October 6, 2017.
- (3) On August 18, 2016, in a case styled, *Commission for Lawyer Discipline, Petitioner, v. Refugio Rafael Perez*, Case No. 201500311, an Evidentiary Panel of the State Bar of Texas District 11 Grievance Committee found that Respondent had committed violations of Texas Disciplinary Rules of Professional Conduct 1.03(a) and 8.04(a)(8). A true and correct copy of the Agreed Judgment of Probated Suspension in this matter is attached as Exhibit 1. Respondent received a sanction of an eighteen-month probated suspension beginning September 1, 2016, and ending February 28, 2018.
- (4) Respondent was Ordered not to violate any term or condition of the judgment.
- (5) Respondent was Ordered to comply with Minimum Continuing Legal Education requirements.
- (6) Respondent was Ordered to pay reasonable and necessary attorney's fees and direct expenses to the State Bar of Texas in the amount of One Thousand Five Hundred and 00/100 Dollars (\$1,500.00). Respondent was Ordered to pay Seven Hundred Fifty and 00/100 Dollars on or before September 1, 2016 and a second payment of Seven Hundred Fifty and 00/100 Dollars (\$750.00) on or before September 1, 2017. Respondent was Ordered to pay the attorney's fees and expenses by certified or cashier's check or money order. Respondent was Ordered to forward the funds, made payable to the State Bar of Texas, Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701).
- (7) Respondent was Ordered to pay restitution to Peggy Anderson in the amount of Six Thousand and 00/100 Dollars (\$6,000.00). Respondent was Ordered to pay the restitution by three (3) payments of Two Thousand and 00/100 Dollars (\$2,000.00) each with the payments due on or before November 1, 2016, March 1, 2017 and July 1, 2017. Respondent was Ordered to pay the restitution by certified or cashier's check or money order made payable to Peggy Anderson and delivered to the State Bar of Texas. Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701).
- (8) Respondent was Ordered, with the assistance of the Special Programs Coordinator, to complete and submit to the Special Programs Coordinator a legal self-audit of Respondent's law practice within 30 days of the date this judgment is signed, to be followed by a Law Practice Management

consultation with the Special Programs Coordinator.

- (9) In addition to complying with the Minimum Continuing Legal Education (MCLE) requirements of the State Bar of Texas, Respondent was Ordered to complete six (6) additional hours of continuing legal education in the area of Law Practice Management. These additional hours of CLE were Ordered to be completed between September 1, 2016 and March 31, 2017. Respondent was Ordered within ten (10) days of the completion of these additional CLE hours, to verify completion of the course to the State Bar of Texas, via USPS: Office of the CDC, State Bar of Texas, P.O. Box 12487, Austin, TX 78711-2487; or via Delivery: Office of the CDC, State Bar of Texas, 1414 Colorado SL, Suite 200, Austin, TX 78701.
- (10) If recommended as part of the ordered psychological assessment, Respondent was Ordered to remain under the care of one or more mental health professionals at the frequency recommended by the treatment plan for the duration of the supervision period or until released in writing by the treatment provider. Each treating mental health professional was required to provide written quarterly reports to the State Bar of Texas verifying Respondent's attendance at the sessions and good faith participation in the treatment plan. The initial report(s) was Ordered to be due ninety (90) days after completion of the assessment with subsequent reports due quarterly thereafter. Respondent was Ordered to take all necessary action, including the execution of a valid release of information, to permit any treating mental health professional to provide written or oral reports for the duration of the supervision period.
- (11) Respondent admitted that he violated the Agreed Judgment of Probated Suspension by failing to comply timely with MCLE requirements and by being suspended on March 3, 2017. Respondent was reinstated by MCLE on September 15, 2017.
- (12) Respondent admitted that he violated the Agreed Judgment of Probated Suspension by failing to timely pay the \$750.00 payment for attorneys' fees and expenses due on September 1, 2016. Respondent remitted one payment of \$750.00 fifteen days late on September 16, 2016. Respondent admitted that he further failed to remit the payment of \$750.00 that was due on September 1, 2017.
- (13) Respondent admitted that he violated the Agreed Judgment of Probated Suspension by failing to timely pay the \$2,000.00 payment for restitution due on November 1, 2016. Respondent remitted one payment of \$1500.00 toward the November 1<sup>st</sup> payment on December 12, 2016, and one payment of \$512.00 toward the November 11, 2016 payment on February 2, 2017. Respondent admitted that he further failed to remit the two \$2,000.00 payments due on March 1, 2017 and July 1, 2017.

- (14) Respondent admitted that he violated the Agreed Judgment of Probated Suspension by failing to complete timely a legal self-audit of his law practice within 30 days of the date the agreed judgment was signed. Respondent admitted that he further failed to complete timely a Law Practice Management consultation with the Special Programs Coordinator.
- (15) Respondent admitted that he violated the Agreed Judgment of Probated Suspension by failing to complete timely six (6) additional hours of continuing legal education in the area of Law Practice Management between September 1, 2016 and March 31, 2017.
- (16) Respondent admitted that he violated the Agreed Judgment of Probated Suspension by failing to provide written quarterly reports to the State Bar of Texas verifying his attendance at counseling sessions and good faith participation in the treatment plan.
- (17) Respondent, Refugio Rafael Perez is the same person as the Refugio Rafael Perez, who is the subject of the Evidentiary Judgment described above.

Based on these undisputed facts, the Board concludes that:

- (1) This Board has exclusive jurisdiction to hear a petition to revoke a probated suspension from the practice of law imposed by an evidentiary panel of the State Bar of Texas grievance committee during the full term of suspension, including and probationary period. TRDP 2.23; *In re State Bar of Texas*, 113 S.W.3d 730,733 (Tex.2003).
- (2) Respondent has materially violated the terms and conditions of the Agreed Judgment of Probated Suspension signed on August 18, 2016, in Cause No. 201500311.
- (3) Respondent should be actively suspended from practicing law for the full term of the suspension as originally imposed by the Agreed Judgment of Probated Suspension without credit for any probationary time served. TRDP 2.23.

It is therefore, **ORDERED**, **ADJUDGED**, and **DECREED** that Respondent, Refugio Rafael Perez, State Bar No. 24051893, be, and hereby is, actively **SUSPENDED** from the practice of law in the State of Texas for a period of eighteen months effective immediately on the date this judgment is signed and ending on April 17, 2019.

It is further **ORDERED, ADJUDGED** and **DECREED** that Respondent, Refugio Rafael Perez, 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 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, Refugio Rafael Perez, not later than thirty (30) days from 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, Refugio Rafael Perez, 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 Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711.

It is further **ORDERED** that Respondent, Refugio Rafael Perez, shall immediately 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 after the date on which this Judgment is signed by the Board.

Respondent is further **ORDERED** to file with the Statewide Compliance Monitor, Office of the Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas

78711, 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 copies of all notification letters to clients to the Statewide Compliance Monitor, Office of Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711.

It is further **ORDERED** that Respondent, Refugio Rafael Perez, immediately surrender his Texas law license and permanent State Bar Card to the Office of Chief Disciplinary Counsel, State Bar of Texas, for transmittal to the Clerk of the Supreme Court of Texas.

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

Signed this 18 day of October 2017.



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CHAIR PRESIDING