

IN THE MATTER OF:	§	INVESTIGATORY PANEL 8-2
	§	
BRITTANY LEA SCARAMUCCI,	§	DISTRICT 8
BAR NO. 24061388	§	
	§	GRIEVANCE COMMITTEE

**AGREED JUDGMENT OF PROBATED SUSPENSION**

**Parties and Appearance**

Chief Disciplinary Counsel and Respondent, Brittany Lea Scaramucci, Texas Bar Number 24061388, announce that an agreement has been reached on all matters including the imposition of a Probated Suspension.

**Jurisdiction and Venue**

The Investigatory Panel 8-2, having conducted an Investigatory Hearing on September 18, 2019, on the Complaint filed by Michael Scott Jones, finds that it has jurisdiction over the parties and the subject matter of this action, and that venue is proper.

**Professional Misconduct**

The Investigatory Panel, having considered the admissions, stipulations and agreements of the parties, finds Respondent has committed Professional Misconduct as defined by Rule 1.06(CC) of the Texas Rules of Disciplinary Procedure.

**Findings of Fact**

Petitioner and Respondent agree to the following findings of fact. Accordingly, the Investigatory Panel finds:

1. Respondent is an attorney licensed to practice law in Texas and is a member of the State Bar of Texas.
2. Respondent's Professional Misconduct occurred, in whole or in part, in Bosque County, Texas.

3. Complainant, Michael Scott Jones, hired Respondent, Brittany Lea Scaramucci, to represent him in a divorce. In preparing for trial, Complainant agreed to provide a journal his wife kept regarding her prior marriage to a potential witness. Respondent sent the witness a DropBox link to Complainant's entire file, rather than providing only the journal. Thus, Respondent provided the witness with confidential information including financial records, credit card numbers, bank account information, and social security numbers.
4. During the representation, Complainant gave Respondent a check in the amount of an Income Tax Refund. The funds were to be held in trust until the court determined how the refund was to be divided between the parties. However, prior to the final hearing on November 2, 2018, Respondent withdrew the funds from her trust account. Respondent applied the funds to the attorney fees she claimed Respondent owed without Complainant's affirmative consent. Complainant terminated the representation on December 4, 2018, and requested Respondent return the funds provided for the tax refund as his wife had already received her half. Respondent failed to return the funds to Complainant.
5. The Chief Disciplinary Counsel of the State Bar of Texas has incurred reasonable attorney's fees and direct expenses associated with this Disciplinary Proceeding in the amount of \$1,915.41.
6. Respondent owes restitution in the amount of \$1,693 payable to Michael Scott Jones.

### **Conclusions of Law**

Based on the agreed foregoing findings of fact, the Investigatory Panel finds that the following Texas Disciplinary Rules of Professional Conduct have been violated: 1.05(a), 1.14(b), and 1.14(c).

### **Sanction**

It is AGREED and ORDERED that the sanction of a Probated Suspension shall be imposed against Respondent and is in accordance with Part XV of the Texas Rules of Disciplinary Procedure.

Accordingly, it is ORDERED, ADJUDGED and DECREED that Respondent be suspended from the practice of law for a period of one (1) year, with the suspension being

fully probated pursuant to the terms stated below. The period of probated suspension shall begin on November 1, 2019, and shall end on October 31, 2020.

### **Terms of Probation**

It is further ORDERED that during all periods of suspension, Respondent shall be under the following terms and conditions:

1. Respondent shall not violate any term of this judgment.
2. Respondent shall not engage in Professional Misconduct as defined by Rule 1.06(CC) of the Texas Rules of Disciplinary Procedure.
3. Respondent shall not violate any state or federal criminal statutes.
4. Respondent shall keep State Bar of Texas membership department notified of current mailing, residence and business addresses, email addresses and telephone numbers.
5. Respondent shall comply with Minimum Continuing Legal Education requirements.
6. Respondent shall comply with Interest on Lawyers Trust Account (IOLTA) requirements.
7. Respondent shall promptly respond to any request for information from the Chief Disciplinary Counsel in connection with any investigation of any allegations of Professional Misconduct.
8. Respondent shall pay all reasonable and necessary attorney's fees and direct expenses, on or before the date this judgment is presented to the Investigatory Panel for execution, to the State Bar of Texas in the amount of \$1,915.41. The payment shall be by certified or cashier's check or money order, made payable to the State Bar of Texas 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).
9. Respondent shall pay restitution, on or before the date this judgment is presented to the Investigatory Panel for execution, to Michael Scott Jones in the amount of \$1,693. Respondent shall pay the restitution by certified or cashier's check or money order, made payable to Michael Scott Jones 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).
10. In addition to complying with the Minimum Continuing Legal Education (MCLE) requirements of the State Bar of Texas, Respondent shall complete a continuing legal education course in the area of trust account management. The additional hour(s) of CLE are to be completed within six (6) months of the date of this judgment. Within ten (10) days of the completion of these additional CLE hours, Respondent shall 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 St., Suite 200, Austin, TX 78701.

11. Respondent shall make contact with the Chief Disciplinary Counsel's Offices' Compliance Monitor at 877-953-5535, ext. 1334 and Special Programs Coordinator at 877-953-5535, ext. 1323, not later than seven (7) days after receipt of a copy of this judgment to coordinate Respondent's compliance.

### **Probation Revocation**

Upon information that Respondent has violated a term of this judgment, the Chief Disciplinary Counsel may, in addition to all other remedies available, file a motion to revoke probation pursuant to the Texas Rules of Disciplinary Procedure with the Board of Disciplinary Appeals ("BODA") and serve a copy of the motion on Respondent pursuant to Tex.R.Civ.P. 21a.

BODA shall conduct an evidentiary hearing. At the hearing, BODA shall determine by a preponderance of the evidence whether Respondent has violated any term of this Judgment. If BODA finds grounds for revocation, BODA shall enter an order revoking probation and placing Respondent on active suspension from the date of such revocation order. Respondent shall not be given credit for any term of probation served prior to revocation.

It is further ORDERED that any conduct on the part of Respondent which serves as the basis for a motion to revoke probation may also be brought as independent grounds for discipline as allowed under the Texas Disciplinary Rules of Professional Conduct and Texas Rules of Disciplinary Procedure.

### **Restitution, Attorney's Fees and Expenses**

It is further ORDERED Respondent shall pay restitution to Michael Scott Jones in amount of \$1,693. The payments shall be in monthly installments due the first day of each month as follows:

1. \$500 on or before the date the judgment is presented to the Investigatory Panel for execution, but in no case later than November 1, 2019;
2. \$500 on or before December 1, 2019;
3. \$500 on or before January 1, 2020; and
4. \$193 on or before February 1, 2020.

All payments shall be made by certified or cashier's check or money order made payable to Michael Scott Jones 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).

It is further ORDERED Respondent shall pay all reasonable and necessary attorney's fees and direct expenses to the State Bar of Texas in the amount of \$1,915.41. The payments shall be in monthly installments due the first day of each month as follows:

1. \$307 on or before February 1, 2020;
2. \$500 on or before March 1, 2020;
3. \$500 on or before April 1, 2020;
4. \$500 on or before May 1, 2020; and
5. \$108.41 on or before June 1, 2020.

Payments shall be made by certified or cashier's check or money order made payable to the State Bar of Texas 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).

It is further ORDERED that all amounts ordered herein are due to the misconduct of Respondent, are assessed as a part of the sanction in accordance with Rule 1.06(FF)

of the Texas Rules of Disciplinary Procedure. Any amount not paid shall accrue interest at the maximum legal rate per annum until paid and the State Bar of Texas shall have all writs and other post-judgment remedies against Respondent in order to collect all unpaid amounts.

**Publication**

This suspension shall be made a matter of public record and appropriately published in accordance with the Texas Rules of Disciplinary Procedure.

**Other Relief**

All requested relief not expressly granted herein is expressly DENIED.

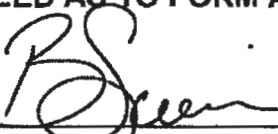
SIGNED this 28th day of October, 2019.

**INVESTIGATORY PANEL 8-2  
DISTRICT 8**

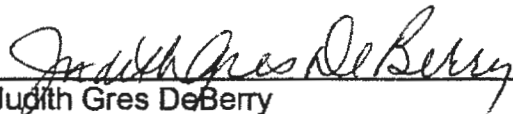


**Anne M. Cofer  
PRESIDING MEMBER**

**AGREED AS TO FORM AND SUBSTANCE:**



**Brittany Lea Scaramucci  
State Bar No. 24061388  
RESPONDENT**



**Judith Gres DeBerry  
State Bar No. 24040780  
ASSISTANT CHIEF DISCIPLINARY COUNSEL**