

**BEFORE THE DISTRICT 12 GRIEVANCE COMMITTEE  
EVIDENTIARY PANEL 12-2  
STATE BAR OF TEXAS**

**COMMISSION FOR LAWYER  
DISCIPLINE,**

*Petitioner*

vs.

**DAVID SAENZ,**

*Respondent*

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**FILE NO. 201801821**

**AGREED JUDGMENT OF PROBATED SUSPENSION**

**Parties and Appearance**

On this date, came to be heard the above styled and numbered cause. Petitioner and Respondent, DAVID SAENZ, Texas Bar Number 17514700, announce that an agreement has been reached on all matters including the imposition of a Probated Suspension.

**Jurisdiction and Venue**

The Evidentiary Panel 12-2, having been duly appointed to hear this complaint by the chair of the Grievance Committee for State Bar of Texas District 12, finds that it has jurisdiction over the parties and the subject matter of this action, and that venue is proper.

**Professional Misconduct**

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

### **Findings of Fact**

Petitioner and Respondent agree to the following findings of fact. Accordingly, the Evidentiary 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 resides in and maintains his principal place of practice in Hidalgo County, Texas.
3. Sylvia Anna Garcia was involved in a car accident in McAllen, Texas on November 21, 2017. Following the accident, Ms. Garcia was contacted by phone about hiring Respondent on her injury claims. Later, Santiago James Tanguma, Jr. came to Ms. Garcia's home and had her sign a contingency fee contract with Respondent. Respondent failed to properly supervise Santiago James Tanguma, Jr., a non-lawyer associated with Respondent.
4. The Chief Disciplinary Counsel of the State Bar of Texas has incurred reasonable attorneys' fees and direct expenses associated with this Disciplinary Proceeding in the amount of Two Thousand One Hundred Twenty and 00/100 Dollars (\$2,120.00).

### **Conclusions of Law**

Petitioner and Respondent agree that, based on the foregoing findings of fact, the following Texas Disciplinary Rules of Professional Conduct have been violated. Accordingly, the Evidentiary Panel concludes that Respondent has violated Texas Disciplinary Rule of Professional Conduct 5.03(a).

### **Sanction**

IT IS AGREED and ORDERED that the sanction of a Probated Suspension shall be imposed against Respondent in accordance with 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 six months, with the suspension being fully probated pursuant to the terms stated below. The period of probated suspension shall begin on March 1, 2020 and shall end on August 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(W) 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 address 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 to the State Bar of Texas in the amount of Two Thousand One Hundred Twenty and 00/100 Dollars (\$2,120.00). The payment shall be due and payable on or before [due date], and shall be made by certified or cashier's check or money order. Respondent shall 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).
9. 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 Rule 2.23 of 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.

**Attorney's Fees and Expenses**

IT IS FURTHER ORDERED that Respondent shall pay all reasonable and necessary attorney's fees and direct expenses to the State Bar of Texas in the amount of Two Thousand Once Hundred Twenty and 00/100 Dollars (\$2,120.00). The payment shall be due and payable on or before February 28, 2020, and shall be made by certified or cashier's check or money order. Respondent shall forward the funds, made payable to the State Bar of Texas, to the 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(Z) 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 record and appropriately published in accordance with the Texas Rules of Disciplinary Procedure.

**Other Relief**

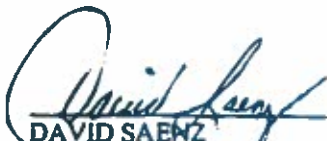
All requested relief not expressly granted herein is expressly DENIED.

SIGNED this 4th day of February, 20 20.

**EVIDENTIARY PANEL 12-2  
DISTRICT NO. 12  
STATE BAR OF TEXAS**

  
AIZAR J. KARAM, JR., Chair

**AGREED AS TO BOTH FORM AND SUBSTANCE:**

  
DAVID SAENZ  
State Bar No. 17514700  
Respondent

  
STEPHANIE STROLLE  
State Bar No. 00785069  
Counsel for Petitioner

**APPROVED AS TO FORM ONLY:**

  
KELLY MCKINNIS  
State Bar No. 13725200  
Counsel for Respondent