

**BEFORE THE DISTRICT 12 GRIEVANCE COMMITTEE
EVIDENTIARY PANEL 12-3
STATE BAR OF TEXAS**

**COMMISSION FOR LAWYER
DISCIPLINE,
*Petitioner***

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§
§

vs.

FILE NO. 201804175

**EVERTO A. VILLARREAL,
*Respondent***

AGREED JUDGMENT OF PROBATED SUSPENSION

Parties and Appearance

On this date, came to be heard the above styled and numbered cause. Petitioner and Respondent, EVERTO A. VILLARREAL, Texas Bar Number 20582200, announce that an agreement has been reached on all matters including the imposition of a Probated Suspension.

Jurisdiction and Venue

The Evidentiary Panel 12-3, 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 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 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's Professional Misconduct occurred, in whole or in part, in Hidalgo County, Texas.
3. Richard Cortez sought legal representation from Respondent regarding two potential medical malpractice claims. Respondent agreed to look into the claims and accepted medical records and other documents to review regarding the claims. Respondent failed to file suit on the claims and also failed to clearly notify Mr. Cortez prior to the time the applicable statute of limitations expired that Respondent would not file suit or take any action on the claims.
4. Respondent failed to keep Richard Cortez reasonably informed about the status of the medical malpractice claims he brought to Respondent and failed to respond to Mr. Cortez's requests for information about the status of those legal matters.
5. Respondent failed to return the client file to Richard Cortez when it was requested.
6. Respondent failed to submit a written response to the grievance complaint filed by Richard Cortez, as required by the Texas Rules of Disciplinary Procedure.

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 Rules of Professional Conduct 1.01(b)(1), 1.03(a), 1.15(d) and 8.04(a)(8).

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 eighteen months, with the suspension being fully probated pursuant to the terms stated below. The period of probated suspension shall begin on February 14, 2020 and shall end on August 13, 2021.

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 J.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 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 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 2.22 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.

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.

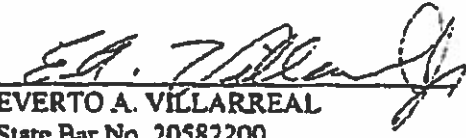
SIGNED this 6th day of FEBRUARY, 2020

EVIDENTIARY PANEL 12-3
DISTRICT NO. 12
STATE BAR OF TEXAS

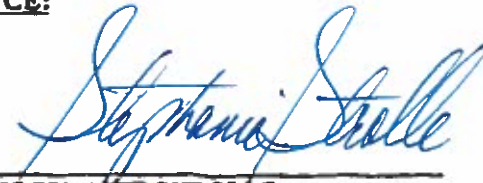


ROBERT L. GUERRA, JR., Chair

AGREED AS TO BOTH FORM AND SUBSTANCE:



EVERTO A. VILLARREAL
State Bar No. 20582200
Respondent



STEPHANIE STROLLE
State Bar No. 00785069
Counsel for Petitioner