

FILE NO. 201806844

IN THE MATTER OF:	§	INVESTIGATORY PANEL 9-2
	§	
SHANE MICHAEL BOASBERG,	§	DISTRICT 9
BAR NO. 24038249	§	
	§	GRIEVANCE COMMITTEE

AGREED JUDGMENT OF PROBATED SUSPENSION

Parties and Appearance

Chief Disciplinary Counsel and Respondent, Shane Michael Boasberg, Texas Bar Number 24038249, announce that an agreement has been reached on all matters including the imposition of a Probated Suspension.

Jurisdiction and Venue

The Investigatory Panel 9-2, having conducted an Investigatory Hearing on June 13, 2019, on the Complaint filed by April Martin, 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 Travis County, Texas.

3. April Martin hired Shane Boasberg to represent her in a personal injury suit stemming from a motor vehicle collision in July of 2016. Over the course of the next 15 months, Ms. Martin attempted to obtain status updates on her case from Mr. Boasberg, with little to no information provided from Mr. Boasberg. In October 2017, Mr. Boasberg informed Ms. Martin that he had filed a lawsuit against the responsible third party. Over the course of the next year, Ms. Martin received no update on the status of her case.
4. In October 2018, Ms. Martin again contacted Mr. Boasberg for an update and Mr. Boasberg responded that he would have a settlement by the end of the week. Subsequently, Mr. Boasberg presented Ms. Martin with a settlement document indicating that a settlement offer had been made to settle her case for \$3,000, and Mr. Boasberg's contingency fee would be taken out of the \$3,000 settlement. As the settlement offer did not contain any indication that Geico, the third-party insurer, would be making the payment, Ms. Martin became suspicious of the veracity of the document, prompting Ms. Martin to seek out information directly from Geico.
5. Upon contacting Geico, Ms. Martin discovered that, despite information that Mr. Boasberg filed the lawsuit in her case in October 2017, Mr. Boasberg did not file the lawsuit until January of 2018; only a day before the Statute of Limitations ran. Additionally, when Mr. Boasberg originally filed the lawsuit, he named the wrong Defendant, and, while the Court gave him 15 days to fix the error, Mr. Boasberg missed the deadline and the court ultimately dismissed Ms. Martin's lawsuit. When Ms. Martin confronted Mr. Boasberg with this information, he admitted that he fabricated the information regarding a potential settlement and further admitted that he created the settlement agreement and planned to pay the settlement out of his own pocket.

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:

1.01(b)(1), 1.02(a)(2), 1.03(a) and 8.04(a)(3).

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 four (4) months, with the suspension being fully probated pursuant to the terms stated below. The period of probated suspension shall begin on August 1, 2019 and shall end on November 30, 2019.

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 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.

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.

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 29th day of July, 2019.

INVESTIGATORY PANEL 9-2
DISTRICT 9



Susan Burton
PRESIDING MEMBER


AGREED AS TO FORM AND SUBSTANCE:

Shane Boasberg

Shane Michael Boasberg
State Bar No. 24038249
RESPONDENT



Steven L. Lee
State Bar No. 12137400
COUNSEL FOR RESPONDENT



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State Bar No. 24075987
ASSISTANT CHIEF DISCIPLINARY COUNSEL