

IN THE
SUPREME COURT OF TEXAS
IN THE MATTER OF
BRENDA GLORIA CHRISTIAN

MISC. DOCKET NO. 94- 9072

ORDER

On this day, the Court considered the Motion for Acceptance of Resignation as Attorney and Counselor at Law of Brenda Gloria Christian together with the Response of Chief Disciplinary Counsel to Motion for Acceptance of Resignation as Attorney and Counselor at Law of Brenda Gloria Christian. The Court has reviewed said Motion and Response and finds that each meets the requirements of Part X of the Texas Rules of Disciplinary Procedure. In conformity with Part X, Section 10.02, of the Texas Rules of Disciplinary Procedure, the Court considers the detailed statement of professional misconduct contained within the Response of Chief Disciplinary Counsel to be deemed conclusively established for all purposes. The Court, being advised that the acceptance of the resignation is in the best interest of the public and the profession, hereby concludes that the following Order is appropriate.

IT IS ORDERED that the law license of Brenda Gloria Christian, State Bar Card Number 04226500, heretofore issued by the Court, be cancelled and her name be dropped and deleted from the list of persons licensed to practice law in Texas.

IT IS FURTHER ORDERED that Brenda Gloria Christian immediately surrender her State Bar Card and law license to the Clerk of the Supreme Court of Texas or file with the Court an affidavit stating the cause of her inability to do so.

IT IS FURTHER ORDERED that Brenda Gloria Christian be, and she is hereby, permanently enjoined and prohibited from practicing law in the State of Texas, holding herself out as an attorney at law, performing any legal services for others, giving legal advice to others, accepting any fee directly or indirectly for legal services, appearing as counsel or in any representative capacity in any proceeding in any Texas court or before any Texas administrative body (whether state, county, municipal, or other), or holding herself out to others or using his name in any manner in conjunction with the words "Attorney at Law", "Counselor at Law", or "Lawyer".

IT IS FURTHER ORDERED that Brenda Gloria Christian shall, within thirty (30) days after the date on which this Order is signed by the Court, notify in writing each and every justice of the peace, judge, magistrate, and chief justice of each and every Texas court, if any, in which Brenda Gloria Christian may have any client matter pending, advising each court of her resignation, of the style and cause number of any matter pending in that court, and of the name, address and telephone number of the client(s) she is representing in that court. Brenda Gloria Christian is ORDERED to send copies of all such notifications to the Office of the General Counsel, State Bar of Texas, P. O. Box 12487, Capitol Station, Austin, Texas 78711.

IT IS FURTHER ORDERED that Brenda Gloria Christian shall make restitution to Sheila Davis in the amount of Two Hundred Fifty and no/100 (\$250.00) Dollars by cashier's check or money order made payable to Tyrone Martin and delivered by certified mail, return receipt requested, care of the Office of General Counsel, State Bar of Texas, P. O. Box 12487, Austin, Texas 78711, as an absolute condition precedent to making application for reinstatement to admission to the State Bar of Texas.

IT IS FURTHER ORDERED that Brenda Gloria Christian shall make restitution to Felix Chike Ufom in the amount of Twenty-one Thousand and no/100 (\$21,000.00) Dollars by cashier's check(s) or money order(s) made payable to Felix Chike Ufom and delivered by certified mail, return receipt requested, care of the Office of General Counsel, State Bar of Texas, P. O. Box 12487, Austin, Texas 78711, as an absolute condition precedent to making application for reinstatement to admission to the State Bar of Texas.

IT IS FURTHER ORDERED that Brenda Gloria Christian shall make restitution to Timothy William Schneider in the amount of Two Hundred Fifty and no/100 (\$250.00) Dollars by cashier's check or money order made payable to Timothy William Schneider and delivered by certified mail, return receipt requested, care of the Office of General Counsel, State Bar of Texas, P. O. Box 12487, Austin, Texas 78711, as an absolute condition precedent to making application for reinstatement to admission to the State Bar of Texas.

IT IS FURTHER ORDERED that Brenda Gloria Christian shall make restitution to Debbie K. Rockett Bunnell in the amount of Two Hundred Fifty and no/100 (\$250.00) Dollars by cashier's check or money order made payable to Debbie K. Rockett Bunnell delivered by

certified mail, return receipt requested, care of the Office of General Counsel, State Bar of Texas, P. O. Box 12487, Austin, Texas 78711, as an absolute condition precedent to making application for reinstatement to admission to the State Bar of Texas.

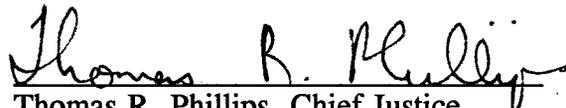
IT IS FURTHER ORDERED that Brenda Gloria Christian shall make restitution to Joseph Edward Grubbs in the amount of Five Hundred and no/100 (\$500.00) Dollars by cashier's check or money order made payable to Joseph Edward Grubbs and delivered by certified mail, return receipt requested, care of the Office of General Counsel, State Bar of Texas, P. O. Box 12487, Austin, Texas 78711, as an absolute condition precedent to making application for reinstatement to admission to the State Bar of Texas.

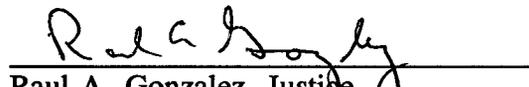
IT IS FURTHER ORDERED that Brenda Gloria Christian shall make restitution to Jennifer Middleton in the amount of Two Hundred Fifty and no/100 (\$250.00) Dollars by cashier's check or money order made payable to Jennifer Middleton and delivered by certified mail, return receipt requested, care of the Office of General Counsel, State Bar of Texas, P. O. Box 12487, Austin, Texas 78711, as an absolute condition precedent to making application for reinstatement to admission to the State Bar of Texas.

IT IS FURTHER ORDERED that Brenda Gloria Christian shall make restitution to Bernardino Ramos Salazar in the amount of Six Thousand Six Hundred and no/100 (\$6,600.00) Dollars by cashier's check or money order made payable to Bernardino Ramos Salazar and delivered by certified mail, return receipt requested, care of the Office of General Counsel, State

Bar of Texas, P. O. Box 12487, Austin, Texas 78711, as an absolute condition precedent to making application for reinstatement to admission to the State Bar of Texas.

By the Court, en banc, in chambers, on this the 13th-day of June, 1994.

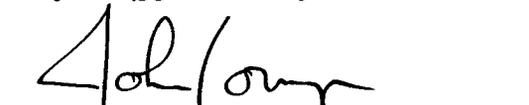

Thomas R. Phillips, Chief Justice


Raul A. Gonzalez, Justice

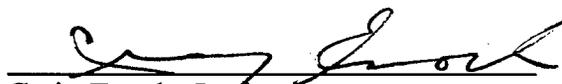

Jack Hightower, Justice


Nathan L. Hecht, Justice


Lloyd Doggett, Justice


John Cornyn, Justice


Bob Gammage, Justice


Craig Enoch, Justice


Rose Spector, Justice

STATE BAR OF TEXAS



Office of the General Counsel

May 11, 1994

INTERAGENCY MAIL

John Adams, Clerk
Supreme Court of Texas
Supreme Court Building
P. O. Box 12248
Austin, Texas 78711

Re: Resignation of Brenda Gloria Christian, Bar Card No. 04226500

Dear Mr. Adams:

Pursuant to Part X of the Texas Rules of Disciplinary Procedure, please find enclosed herewith the following:

- (1) Motion for Acceptance of Resignation as Attorney and Counselor at Law of Brenda Gloria Christian, dated April 19, 1994, which was received by the Chief Disciplinary Counsel on May 2, 1994;
- (2) Response of Chief Disciplinary Counsel of Motion for Acceptance of Resignation as Attorney and Counselor at Law of Brenda Gloria Christian; and,
- (3) Original and one (1) copy of proposed Order for review and entry by the Court accepting the resignation of Brenda Gloria Christian as Attorney and Counselor at Law.

If no motion to withdraw the Motion for Acceptance has been filed by Ms. Christian with the Court by May 23, 1994, please present the enclosed Order to the Court for review and entry.

Mr. John Adams
May 11, 1994
Page 2

Upon entry of the Order by the Court, please transmit a true and correct copy of same to the undersigned in order that this office may properly give notice to Ms. Christian, the District 6 Grievance Committee, and the Commission for Lawyer Discipline of the Court's disposition of such motion.

Sincerely,



Dawn Miller
Senior Assistant General Counsel

DM:dm
Enclosures

cc: Ms. Mickie S. Bragalone, Cowles and Thompson, 901 Main Street, Suite 4000,
Dallas, Texas 75202-3793
CERTIFIED MAIL NO. P 116 547 426 - RETURN RECEIPT REQUESTED

Ms. Brenda Gloria Christian, c/o Barbara Christian Winston, 1605 Matagorda,
Dallas, Texas 75232
CERTIFIED MAIL NO. P 116 547 427 - RETURN RECEIPT REQUESTED

IN THE SUPREME COURT OF TEXAS
MOTION FOR ACCEPTANCE OF RESIGNATION AS
ATTORNEY AND COUNSELOR AT LAW
OF
BRENDA GLORIA CHRISTIAN

TO THE HONORABLE SUPREME COURT OF TEXAS:

Movant, Brenda Gloria Christian, move the Court to accept her resignation as an Attorney and Counselor at Law, showing the Court:

I.

Movant hereby resigns as an Attorney and Counselor at Law in lieu of disciplinary action.

II.

Movant's License and permanent State Bar Card issued by the Court on November 1, 1976, have been lost or destroyed and are no longer in the possession of Movant.

III.

Movant's State Bar Card number is 04226500. Movant's current address is 1605 Matagorda, Dallas, Texas 75232 - % Barbara Christian Winston.

Movant prays that the Court accept her resignation as an Attorney and Counselor at Law and remove her name from the list of persons licensed to practice law in the State of Texas.

Respectfully submitted,

April 19, 1994
Date

Brenda Gloria Christian
Brenda Gloria Christian
State Bar Card No. 04226500

IN THE SUPREME COURT OF TEXAS
RESPONSE OF THE CHIEF DISCIPLINARY COUNSEL
OF THE
STATE BAR OF TEXAS
REGARDING
BRENDA GLORIA CHRISTIAN

TO THE HONORABLE SUPREME COURT OF TEXAS:

I, James M. McCormack, Chief Disciplinary Counsel of the State Bar of Texas, in accordance with Part X of the Texas Rules of Disciplinary Procedure, hereby file a response on behalf of the State Bar of Texas, acting by and through the Commission for Lawyer Discipline, to the Motion for Acceptance of Resignation as Attorney and Counselor at Law of Brenda Gloria Christian, dated on or about April 19, 1994, and received by the Chief Disciplinary Counsel on or about May 2, 1994. The acceptance of the resignation of Brenda Gloria Christian is in the best interests of the public and the profession. There is currently pending a disciplinary action against Brenda Gloria Christian numbered 90-09824-E and styled The State Bar of Texas v. Brenda Christian, In the District Court of Dallas County, Texas, 101st Judicial District (hereinafter called the "disciplinary suit").

The professional misconduct with which Brenda Gloria Christian (hereafter called "Christian"), is charged in the disciplinary suit is as follows:

On or about June 2, 1989, Tyrone Martin (hereinafter called "Martin") hired Christian to represent Martin in connection with a criminal matter, paying Christian Two Hundred Fifty and no/100 (\$250.00) Dollars as attorneys fees. Thereafter, Christian failed to appear in court on Martin's behalf at a time and place about which Christian had notified Martin. Martin made several unsuccessful attempts to contact Christian by telephone. Eventually, the telephone number was disconnected. Christian failed to notify Martin of any change in address or

telephone number or of any other place where Christian could be reached or found; failed to render an accounting to Martin for the monies paid by Martin to Christian; intentionally failed to seek the lawful objectives of her client through reasonably available means permitted by law and the Disciplinary Rules; intentionally failed to carry out a contract of employment entered into with Martin for professional services; and willfully or intentionally neglected a legal matter entrusted to her. Such acts and/or omissions on the part of Christian as are described in this paragraph constitute conduct violative of Disciplinary Rules 6-101(A)(3), 7-101(A)(1), and 7-101(A)(2) of the Code of Professional Responsibility.

During 1989, Felix Chike Ufom (hereinafter called "Ufom") hired Christian to represent him in connection with two criminal matters pending in Collin County, Texas, and one criminal matter pending in the United States District Court for the Northern District of Texas, Dallas Division. Ufom paid Christian Three Thousand and no/100 (\$3,000.00) Dollars for representation in the two Collin County matters and agreed to pay Christian an additional Three Thousand and no/100 (\$3,000.00) Dollars for representation in the federal court matter. In order to facilitate payment of the additional \$3,000.00, Ufom at Christian's request executed the documents necessary to secure a release of funds owned or claimed by Ufom which were being held by a federal court. As result of the execution by Ufom of the request for release of funds which was prepared by Christian and filed by Christian on May 17, 1989, Christian received Eighteen Thousand and no/100 (\$18,000.00) Dollars which belonged to Ufom. Christian had no authority to do anything other than deducting \$3,000.00 from the \$18,000.00 for attorney's fees and holding the remainder in escrow. Thereafter, with respect to the Collin County matters, Christian willfully or intentionally neglected such matters entrusted to her; intentionally

failed to seek the lawful objectives of her client through reasonably available means permitted by law and the Disciplinary Rules; intentionally failed to carry out a contract of employment entered into with her client, Ufom, for professional services; effectively abandoned representation of Ufom by moving and/or relocating without giving notice to Ufom of a telephone number or place where Christian could be reached or found; failed to account to Ufom for any of the funds totalling Twenty-one Thousand and no/100 (\$21,000.00) Dollars which came into Christian's possession; and failed to promptly pay or deliver to Ufom as requested by Ufom the funds in her possession which Ufom was entitled to receive. Such acts and/or omissions on the part of Christian as are described in this paragraph constitute conduct violative of Disciplinary Rules 1-102(A)(4), 2-110(A)(2), 6-101(A)(3), 7-101(A)(1), 7-101(A)(2), 7-101(A)(2), 9-102(B)(3), and 9-102(B)(4) of the Code of Professional Responsibility.

On or about August 29, 1989, Timothy William Schneider (hereinafter called "Schneider") retained Christian to represent him in connection with a criminal matter, paying Christian Two Hundred Fifty and no/100 (\$250.00) Dollars as attorney's fees. Thereafter, Christian failed to appear in court on Schneider's behalf at a time and place of which Christian had notified Schneider. Thereafter, Schneider was unable to locate Christian. Christian failed to notify Schneider of any change in address or telephone number or of any other place where Christian could be reached or found; intentionally failed to seek the lawful objectives of her client through reasonably available means permitted by law and the Disciplinary Rules; intentionally failed to carry out a contract of employment entered into with Schneider for professional services; and willfully or intentionally neglected a legal matter entrusted to her. Such acts and/or omissions on the part of Christian as are described in this paragraph constitute

conduct violative of Disciplinary Rules 6-101(A)(3), 7-101(A)(1), and 7-101(A)(2) of the Code of Professional Responsibility.

In or around 1989, Debbie K. Rockett Bunnell (hereinafter called "Bunnell") retained Christian to represent her in connection with a criminal matter, paying Christian Two Hundred Fifty and no/100 (\$250.00) Dollars as attorney's fees. Subsequently, Bunnell was charged with a second criminal offense, which Bunnell sought Christian to represent her in connection with. In or around June of 1989 a court date was scheduled for both criminal matters. Christian failed to appear in court on Bunnell's behalf and failed to give Bunnell prior notice that Christian would not appear. After Christian's failure to appear at a second court date scheduled for such criminal matters, the court appointed an attorney to represent Bunnell. Christian willfully or intentionally neglected the legal matters of Bunnell entrusted to her; intentionally failed to seek the lawful objectives of her client through reasonably available means permitted by law and the Disciplinary Rules; effectively abandoned representation of Bunnell by relocating and/or changing telephone numbers without notifying Bunnell of a place or telephone number where Christian could be found or reached; and intentionally failed to carry out a contract of employment entered into with Bunnell for professional services. Such acts and/or omissions on the part of Christian as are described in this paragraph constitute conduct violative of Disciplinary Rules 6-101(A)(3), 7-101(A)(1), and 7-101(A)(2) of the Code of Professional Responsibility.

In or around May of 1989, Joseph Edward Grubbs (hereinafter called "Grubbs") retained Christian to represent him in connection with Cause Number CR3-89-114-F, styled United States of America v. Joseph Edward Grubbs, United States District Court, Northern District of Texas,

Dallas Division, paying Christian Five Hundred and no/100 (\$500.00) Dollars toward a quoted fee of One Thousand and no/100 (\$1,000.00) Dollars. Thereafter, Christian failed to appear at a hearing on the matter without prior notice to Grubbs of her intention not to appear, thereby effectively abandoning representation of Grubbs without first properly filing a motion to withdraw. Christian willfully or intentionally neglected a legal matter entrusted to her; intentionally failed to seek the lawful objectives of her client, Grubbs, through reasonably available means permitted by law and the Disciplinary Rules; and intentionally failed to carry out a contract of employment entered into with Grubbs for professional services. Such acts and/or omissions on the part of Christian as are described in this paragraph constitute conduct violative of Disciplinary Rules 6-101(A)(3), 7-101(A)(1), and 7-101(A)(2) of the Code of Professional Responsibility.

In or around June of 1988, Patrick James Ross (hereinafter called "Ross") retained Christian to represent him in connection with a criminal matter. Thereafter Christian failed to appear in court on Ross' behalf on June 15, 1989, and June 21, 1989. As a result of Christian's failure to appear on June 21, 1989, Ross represented himself in entering a guilty plea to the charge. Christian willfully or intentionally neglected the legal matter of Ross entrusted to her; intentionally failed to seek the lawful objectives of her client, Ross, through reasonably available means permitted by law and the Disciplinary Rules; and intentionally failed to carry out a contract of employment entered into with Ross for professional services. Such acts and/or omissions on the part of Christian as are described in this paragraph constitute conduct violative of Disciplinary Rules 6-101(A)(3), 7-101(A)(1), and 7-101(A)(2) of the Code of Professional Responsibility.

On or about February 17, 1989, Jennifer Middleton (hereinafter called "Middleton") retained Christian to represent her in connection with the filing and obtaining of an expunction of a criminal matter, paying Christian Two Hundred Fifty and no/100 (\$250.00) Dollars in attorney's fees. Thereafter Respondent advised Middleton that a hearing on the expunction was scheduled for October 26, 1989. Middleton subsequently learned from the Court that no such October 26, 1989, hearing had been scheduled. On October 24, 1989, Middleton attempted to contact Christian and learned that Christian had disappeared and left no forwarding address. Christian willfully or intentionally neglected the legal matter of Middleton entrusted to her; intentionally failed to seek the lawful objectives of her client, Middleton, through reasonably available means permitted by law and the Disciplinary Rules; intentionally failed to carry out a contract of employment entered into with Middleton for professional services; effectively abandoned representation of Middleton by relocating and/or changing telephone numbers without giving Middleton notice of a place or telephone number where Christian could be found or reached; and failed to return any unearned attorneys fees. Such acts and/or omissions on the part of Christian as are described in this paragraph constitute conduct violative of Disciplinary Rules 2-110(A)(3), 6-101(A)(3), 7-101(A)(1), and 7-101(A)(2) of the Code of Professional Responsibility.

By separate letters dated March 19, 1990, and May 16, 1990, the Grievance Committee for State Bar District 6 urged Christian to provide information in response to a complaint presented against her by Frankie Jean Reed (hereinafter called "Reed") which complaint was brought to the attention of the General Counsel of the State Bar of Texas by the filing of the complaint with the State Bar of Texas on February 23, 1990. Christian neglected, failed and

refused to timely furnish the information requested by said Committee in each of said letters in connection with its investigation and processing of Reed's complaint, or to assert the grounds for failure to do so. Such conduct on the part of Christian as is described in this paragraph constitutes two (2) separate acts of professional misconduct in violation of the Code of Professional Responsibility in that Christian failed in each instance to furnish information requested by the Grievance Committee for State Bar District No. 6 or to assert grounds for failure to do so in violation of Article X, Section 7(4) of the State Bar Rules.

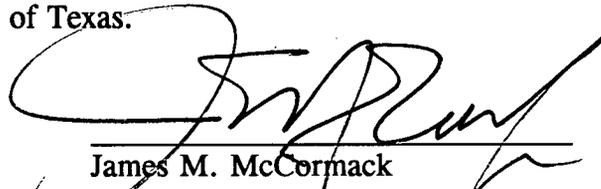
On or about May 19, 1989, Bernardino Ramos Salazar (hereinafter called "Salazar") hired Christian to represent him in a criminal matter, paying Christian a total of Six Thousand Six Hundred and no/100 (\$6,600.00) Dollars, Five Thousand Fifty and no/100 (\$5,050.00) Dollars of which was to be attorney's fees and One Thousand Five Hundred Fifty and no/100 (\$1,550.00) Dollars of which was to be for the payment of a fine. Thereafter, Christian moved or relocated without first or thereafter notifying Salazar of a location or telephone number where Christian could be found or reached; failed to appear in court on more than one occasion when Salazar's criminal matter was scheduled on the court's docket without first notifying Salazar that she would not so appear or making arrangements for someone to appear on her behalf; failed to account to Salazar for any of the monies paid Christian either directly or through Johnny Getum from Salazar; failed to refund to Salazar any unearned fees or any monies held in trust for the benefit of Salazar; effectively abandoned representation of Salazar without properly withdrawing from such representation; intentionally failed to seek the lawful objectives of her client through reasonably available means permitted by law and the Disciplinary Rules; intentionally failed to carry out a contract of employment entered into with Salazar for

professional services; and willfully or intentionally neglected a legal matter entrusted to her. Such acts and/or omissions on the part of Christian as are described in this paragraph constitute conduct violative of Disciplinary Rules 2-110(A)(2), 2-110(A)(3), 6-101(A)(3), 7-101(A)(1), 7-101(A)(2), and 9-102(B)(3) of the Code of Professional Responsibility.

By separate letters dated March 19, 1990, and April 19, 1990, the Grievance Committee for State Bar District 6 urged Christian to provide information in response to a complaint presented against her by Salazar which complaint was brought to the attention of the General Counsel of the State Bar of Texas by the filing of the complaint with the State Bar of Texas on February 22, 1990. Christian neglected, failed and refused to timely furnish the information requested by said Committee in each of said letters in connection with its investigation and processing of Salazar's complaint, or to assert the grounds for failure to do so. Such conduct on the part of Christian as is described in this paragraph constitutes two (2) separate acts of professional misconduct in violation of the Code of Professional Responsibility in that Christian failed in each instance to furnish information requested by the Grievance Committee for State Bar District No. 6 or to assert grounds for failure to do so in violation of Article X, Section 7(4) of the State Bar Rules.

In view of Brenda Gloria Christian's execution on or about April 19, 1994, of her resignation as an attorney and counselor at law, and in anticipation of the Court's acceptance of same, the Chief Disciplinary Counsel does not anticipate going forward with the pending disciplinary lawsuit and intends to obtain an Order of Non-Suit in said disciplinary lawsuit upon

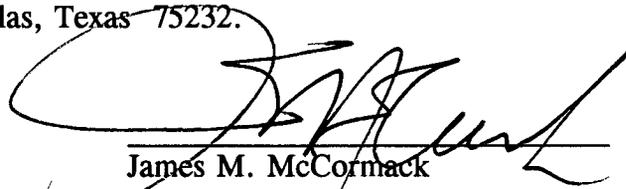
entry of Order by the Supreme Court of Texas deleting Brenda Gloria Christian from the list of persons licensed to practice law in the State of Texas.



James M. McCormack
Chief Disciplinary Counsel
State Bar of Texas

CERTIFICATE OF SERVICE

A true and correct copy of this Response of the Chief Disciplinary Counsel of the State Bar of Texas Regarding John M. Cely, III, has been served upon Brenda Gloria Christian on this 11 day of May, 1994, by delivery by certified mail, return receipt requested, to her attorney of record, Mickie S. Bragalone, 901 Main Street, Suite 400, Dallas, Texas 75202-3793, and to Brenda Gloria Christian at the address shown on the Motion for Acceptance of Resignation as Attorney and Counselor at Law of Brenda Gloria Christian, to-wit, c/o Barbara Christian Winston, 1605 Matagorda, Dallas, Texas 75232.



James M. McCormack