

ORDER OF THE SUPREME COURT OF TEXAS

MISC. DOCKET No. 02-9086

IN THE MATTER OF PATRICK VAUGHAN DUNNE

The Court has reviewed the *Motion for Acceptance of Resignation as Attorney and Counselor at Law in Lieu of Disciplinary Action of Patrick Vaughan Dunne* and the *Response of the Chief Disciplinary Counsel for the Commission for Lawyer Discipline*. The Court concludes each meets the requirements of Part X of the TEXAS RULES OF DISCIPLINARY PROCEDURE. In the absence of a request by Patrick Vaughan Dunne to withdraw his *Motion for Acceptance of Resignation as Attorney and Counselor at Law in Lieu of Disciplinary Action*, the Court deems the professional misconduct detailed in the *Response of the Chief Disciplinary Counsel for the Commission for Lawyer Discipline* conclusively established for all purposes. The Court further concludes that acceptance of Patrick Vaughan Dunne's resignation is in the best interest of the public and the profession.

Therefore, the law license of Patrick Vaughan Dunne of Harris County, Texas, State Bar Number 00789269, is canceled. Patrick Vaughan Dunne must immediately surrender his State Bar Card and law license to the SUPREME COURT OF TEXAS or file an affidavit stating why he cannot.

Patrick Vaughan Dunne is prohibited from practicing law in the State of Texas. This includes holding himself out as attorney at law, performing 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 himself out to others or using his name in any manner in conjunction with the "Attorney at Law," "Counselor at Law," or "Lawyer."

STATE BAR OF TEXAS

Office of the Chief Disciplinary Counsel

John Adams, Clerk

SUPREME COURT OF TEXAS

April 30, 2002

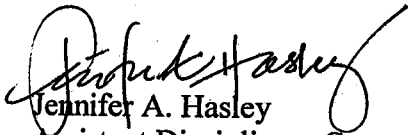
RE: RESIGNATION OF PATRICK VAUGHAN DUNNE

Page 2

- (5) *Response of the Chief Disciplinary Counsel to Motion for Acceptance of Resignation as Attorney and Counselor at Law in Lieu of Disciplinary Action of Patrick Vaughan Dunne, a copy of which was transmitted to Patrick Vaughan Dunne at least ten (10) days prior to today's date; and*
- (6) Original and one (1) copy of a proposed *Order* for review and entry by the Court accepting the resignation of Patrick Vaughan Dunne.

If approved and entered by the Court, please transmit a copy of the *Order* to the undersigned. We will promptly give notice to all parties of the Court's decision.

Sincerely yours,


Jennifer A. Hasley
Assistant Disciplinary Counsel

JAH/sml

Enclosures

cc: Patrick Vaughan Dunne, Respondent
12707 Bellaire Blvd., #702
Houston, Texas 77072
***Via Certified Mail No. 7001 2510 0001 6231 4797,
Return Receipt Requested***

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

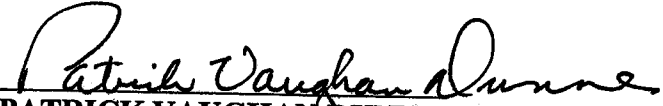
OF

PATRICK VAUGHAN DUNNE

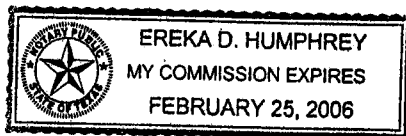
NOW COMES your Applicant, PATRICK VAUGHAN DUNNE, and hereby submits to the Court his resignation as an Attorney and Counselor at Law in the State of Texas and prays that the Court accept said resignation.

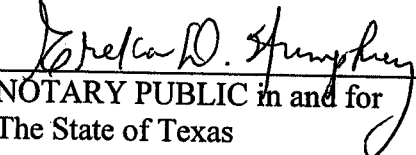
Attached hereto and surrendered by the Applicant are the permanent State Bar card and license issued by this Court on May 6, 1994. In lieu thereof, attached hereto is an affidavit attesting to the inability to surrender the State Bar card and/or license issued by this Court to the Applicant.

Your applicant is voluntarily resigning and withdrawing from the practice of law; Applicant does so in lieu of discipline for professional misconduct for all disciplinary matters currently pending and or filed with the STATE BAR OF TEXAS on or before the date of this Motion; Applicant prays that his name be dropped and deleted from the list of persons licensed to practice law in the State of Texas; and Applicant prays that his resignation be accepted.


PATRICK VAUGHAN DUNNE
State Bar No. 00789269

SUBSCRIBED AND SWORN to, before me by the said PATRICK VAUGHAN DUNNE this the 11th day of April, 2002.




NOTARY PUBLIC in and for
The State of Texas

Patrick Vaughan Dunne
12707 Bellaire Blvd., #702
Houston, Texas 77072
CF6-17.PRI

AFFIDAVIT OF PATRICK VAUGHAN DUNNE

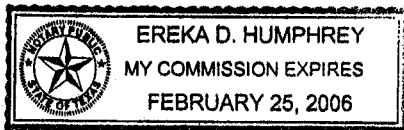
On this 11th day of April, 2002, personally appeared before me, the undersigned **PATRICK VAUGHAN DUNNE**, who, after being duly sworn, did state upon his oath:

“My name is **PATRICK VAUGHAN DUNNE**, and I am over the age of eighteen (18) years, am competent to make this affidavit in all respects, and am personally acquainted with the facts in this affidavit.”

“I am an attorney licensed in the State of Texas. I hereby acknowledge that the license to practice law and the permanent State Bar card issued to me by the Supreme Court of Texas are the property of the Supreme Court of Texas. The license and/or State Bar card issued to me were lost. If the license and/or State Bar card issued to me are found or recovered, they will be promptly returned to the Supreme Court of Texas.”

Patrick Vaughan Dunne
PATRICK VAUGHAN DUNNE

SWORN TO AND SUBSCRIBED BEFORE ME on this the 11th day of April, 2002.



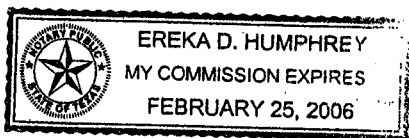
Erika D. Humphrey
Notary Public in and for the State of Texas

CONSENT AND AUTHORIZATION FORM

I, **PATRICK VAUGHAN DUNNE**, hereby give permission to the Office of the Chief Disciplinary Counsel of the STATE BAR OF TEXAS, its employees and/or authorized agents to inquire about my personal belongings and law license which are believed to be in the possession of the law offices of Charles Portz. If my law license is retrieved, it may be forwarded directly to the SUPREME COURT OF TEXAS. If any other personal belongings are retrieved, I request that they be returned directly to me.

Patrick Vaughan Dunne
PATRICK VAUGHAN DUNNE

SUBSCRIBED AND SWORN to before me by the said **PATRICK VAUGHAN DUNNE** this the 11th day of April, 2002.



Erika D. Humphrey
NOTARY PUBLIC in and for
The State of Texas

IN THE SUPREME COURT OF TEXAS
RESPONSE OF THE CHIEF DISCIPLINARY COUNSEL OF
THE STATE BAR OF TEXAS TO
MOTION FOR ACCEPTANCE OF RESIGNATION
AS ATTORNEY AND COUNSELOR AT LAW
IN LIEU OF DISCIPLINARY ACTION
OF
PATRICK VAUGHAN DUNNE

TO THE HONORABLE SUPREME COURT OF TEXAS:

COMES NOW, Dawn Miller, Chief Disciplinary Counsel of the STATE BAR OF TEXAS, and Jennifer A. Hasley, Assistant Disciplinary Counsel, as counsel for the COMMISSION FOR LAWYER DISCIPLINE, and in accordance with Part X of the TEXAS RULES OF DISCIPLINARY PROCEDURE would respectfully show unto the Court as follows:

I. RESIGNATION OF PATRICK VAUGHAN DUNNE

Patrick Vaughan Dunne (hereinafter referred to as "Dunne"), State Bar No. 00789269, has filed his *Motion for Acceptance of Resignation as Attorney and Counselor at Law in Lieu of Disciplinary Action* (hereinafter referred to as "*Motion for Acceptance of Resignation*") dated April 11, 2002.

II. ACCEPTANCE OF RESIGNATION IS IN THE
BEST INTERESTS OF THE
PUBLIC AND THE PROFESSION

The *Motion for Acceptance of Resignation* submitted by Dunne is in lieu of discipline for professional misconduct. The acceptance of the *Motion for Acceptance of Resignation* is in the best interests of the public and the profession.

III. DISCIPLINARY CHARGES

The COMMISSION FOR LAWYER DISCIPLINE has information regarding the following Professional Misconduct:

Chuka Complaint

On or about May 16, 2000, Christopher Chuka (hereinafter referred to as "Chuka") consulted Dunne regarding representation in an immigration matter. Thereafter, Dunne took Chuka's file with the understanding that Dunne would copy and return the file. Dunne failed to return the file to Chuka.

On or about January 11, 2001, Dunne received notice from the STATE BAR OF TEXAS of Chuka's complaint. Said notice required that Dunne file a written response to the allegations of professional misconduct within thirty (30) days of receipt. Dunne failed to respond.

On or about September 6, 2001, Dunne was served with notice of the investigatory hearing along with a subpoena commanding him to appear with certain documents. Dunne failed to appear at the scheduled hearing and failed to produce the requested documents.

Dunne's conduct as set forth in Chuka's complaint violated Rules 1.15(d), 8.01(b), 8.04(a)(1), and 8.04(a)(8) of the TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT.

Ogbueze Complaint

On or about November 9, 2000, Dunne received notice from the STATE BAR OF TEXAS of the complaint filed against him by Christopher Ogbueze (hereinafter referred to as "Ogbueze"). The green card was signed by attorney Martha Garza (hereinafter referred to as "Garza"). On or about November 13, 2000, Garza hand delivered the notice to Dunne. Said notice required Dunne to file a written response to the allegations of professional misconduct within thirty (30) days of his receipt of same. Dunne wholly failed to provide a written response.

Dunne's conduct as set forth in Ogbueze's complaint violated Rules 8.01(b) and 8.04(a)(8) of the TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT.

Horsfall Complaint

On or about August 20, 1999, David D. Horsfall (hereinafter referred to as "Horsfall") hired Dunne for representation with regard to an appeal of an immigration matter. Dunne missed the September 20, 1999 deadline for filing the appeal. Nevertheless, Dunne informed Horsfall that the appeal had been timely filed. When Horsfall received a letter of deportation from the IMMIGRATION AND NATURALIZATION SERVICE, he confronted Dunne and learned that the appeal was denied without the benefit of a hearing. Despite Dunne's receipt of additional funds and promise to file a stay of deportation, Dunne failed to take any further action on Horsfall's behalf, failed to return any of Horsfall's telephone calls, and failed to return Horsfall's file and passport.

On or about October 30, 2000, Dunne received notice from the STATE BAR OF TEXAS of Horsfall's complaint. Said notice required that Dunne file a written response to the allegations of professional misconduct within thirty (30) days of receipt. Dunne failed to respond.

On or about September 6, 2001, Dunne was served with notice of the investigatory hearing along with a subpoena commanding him to appear with certain documents. Dunne failed to appear at the scheduled hearing and failed to produce the requested documents.

Dunne's conduct as set forth in Horsfall's complaint violated Rules 1.01(b)(1), 1.03(a), 1.15(d), 8.01(b), 8.04(a)(1), 8.04(a)(3), and 8.04(a)(8) of the TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT.

Abdalla Complaint

In or about 1997, Selih Omar Abdalla (hereinafter referred to as "Abdalla") transferred his case to Dunne after his first attorney, Nada Makdissi, passed away. Abdalla had been ordered by the IMMIGRATION AND NATURALIZATION SERVICE to produce documents from his client file that were necessary to pursue his case. Abdalla made several unsuccessful attempts to contact Dunne. Abdalla then went to Dunne's office and, upon arrival, was informed that Dunne no longer was practicing at that location and was provided with a possible contact number. After again attempting to reach Dunne by telephone (at the new number provided), Abdalla was informed that Dunne did not work at that office and only accepted messages. Because Dunne was unavailable, Abdalla was not able to acquire his file and produce the documents requested by the IMMIGRATION AND NATURALIZATION SERVICE.

On or about January 22, 2000, Dunne received notice from the STATE BAR OF TEXAS of Abdalla's complaint. Said notice required Dunne to provide a written response to the allegations of professional misconduct within thirty (30) days of same. Dunne failed to respond.

On or about May 3, 2001, Dunne was personally served with a subpoena which commanded him to appear, testify, and produce documents before the Grievance Committee at the hearing scheduled for June 14, 2001. Dunne failed to comply.

Dunne's conduct as set forth in Abdalla's complaint violated Rules 1.03(a), 1.15(d), 8.01(b), 8.04(a)(1), and 8.04(a)(8) of the TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT.

Yniguez Complaint

On or about August 7, 1998, Hismael T. Yniguez (hereinafter referred to as "Yniguez") hired Dunne for representation in an immigration matter. After being unsuccessful at the initial hearing, Dunne filed an appeal on Yniguez' behalf. Thereafter, Dunne failed to keep a Yniguez reasonably informed about the appeal and promptly comply with reasonable requests for information. Specifically, Dunne failed to notify Yniguez that the appeal had been dismissed and/or failed to explain the circumstances surrounding the dismissal. Upon termination of representation, Dunne failed to return Yniguez' client file, thereby hindering him from pursuing the case.

On or about January 11, 2001, Dunne received notice from the STATE BAR OF TEXAS of Yniguez' complaint. Said notice required Dunne to provide a written response to the allegations of professional misconduct within thirty (30) days of same. Dunne failed to respond.

On or about May 3, 2001, Dunne was personally served with a subpoena which commanded him to appear, testify, and produce documents before the Grievance Committee at the hearing scheduled for June 14, 2001. Dunne failed to comply.

Dunne's conduct as set forth in Yniguez' complaint violated Rules 1.03(a), 1.15(d), 8.01(b), 8.04(a)(1), and 8.04(a)(8) of the TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT.

Asif Complaint

On or about October 16, 1998, Mohammed M. Asif (hereinafter referred to as "Asif") hired Dunne for representation in an immigration matter. Asif paid Dunne one thousand and no/100 dollars (\$1,000.00) for said representation. Dunne appeared at two (2) preliminary hearings on Asif's behalf. Thereafter, Dunne moved and failed to provide Asif with any contact information

(e.g., forwarding phone number and address). Attempts by Asif to communicate with Dunne were unsuccessful (e.g., mail returned as undeliverable). Dunne failed to keep Asif reasonably informed about the status of his case and failed to promptly comply with reasonable requests for information. As a result, Asif has no knowledge as to the status of his case and has not been able to retrieve his client file.

On or about January 22, 2000, Dunne received notice from the STATE BAR OF TEXAS of Asif's complaint. Said notice required Dunne to provide a written response to the allegations of professional misconduct within thirty (30) days of same. Dunne failed to respond.

On or about May 3, 2001, Dunne was personally served with a subpoena which commanded him to appear, testify, and produce documents before the Grievance Committee at the hearing scheduled for June 14, 2001. Dunne failed to comply.

Dunne's conduct as set forth in Asif's complaint violated Rules 1.03(a), 1.15(d), 8.01(b), 8.04(a)(1), and 8.04(a)(8) of the TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT.

Girma Complaint

On or about April 5, 2000, Sossina Girma (hereinafter referred to as "Girma") hired Dunne: (1) to appeal a deportation decision of the BOARD OF IMMIGRATION APPEALS entered on or about March 21, 2000 (Girma and her minor daughter); and (2) to renew Girma's work permit. Girma paid Dunne a total of seven hundred fifty-five and no/100 dollars (\$755.00) for the representation.

On or about June 29, 2000, Girma received a *Notice of Decision* (06/09/00) that her *Application for Employment Authorization* was denied. Upon receipt of said letter, Girma called Dunne's office and complied with a request for a fax copy. On or about June 30, 2000, Girma called

Dunne and he advised her that he would be in contact about her pending appeal and the work permit. Thereafter, Dunne refused to accept Girma's calls. Several weeks later, Dunne moved and failed to provide Girma with any contact information (e.g., forwarding phone number and address). Dunne also failed to comply with Girma's requests for her client file. On or about October 6, 2000, Girma received notice from the IMMIGRATION AND NATURALIZATION SERVICE that her daughter would be deported.

On or about January 22, 2000, Dunne received notice from the STATE BAR OF TEXAS of Girma's complaint. Said notice required Dunne to provide a written response to the allegations of professional misconduct within thirty (30) days of same. Dunne failed to respond.

On or about May 3, 2001, Dunne was served with a subpoena which commanded him to appear, testify, and produce documents before the Grievance Committee at the hearing scheduled for June 14, 2001. Dunne failed to comply.

Dunne's conduct as set forth in Girma's complaint violated Rules 1.01(b)(1), 1.03(a), 1.15(d), 8.01(b), 8.04(a)(1), and 8.04(a)(8) of the TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT.

Pruneda Complaint

In or about May of 1999, Mireya Pruneda (hereinafter referred to as "Pruneda") hired Dunne to represent her husband in an immigration matter. Pruneda paid Dunne one thousand-sixty and no/100 dollars (\$1,060.00) of the agreed two thousand and no/100 dollar (\$2,000.00) fee to file a petition with the IMMIGRATION AND NATURALIZATION SERVICE.

Dunne moved and failed to provide Pruneda with any contact information (e.g., forwarding

phone number and address). Dunne failed to keep Pruneda reasonably informed about the status of her case. As a result, Pruneda has no knowledge as to whether or not the petition was actually filed.

On or about February 27, 2001, Dunne received notice from the STATE BAR OF TEXAS of Pruneda's complaint. Said notice required Dunne to provide a written response to the allegations of professional misconduct within thirty (30) days of same. Dunne was also served with a subpoena requesting that he produce documents. Dunne failed to respond.

Dunne's conduct as set forth in Pruneda's complaint violated Rules 1.01(b)(1), 1.03(a), 8.01(b), 8.04(a)(1), and 8.04(a)(8) of the TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT.

Mousa Complaint

In 1998, Fathy Mousa (hereinafter referred to as "Mousa") hired Dunne for representation of him and his family in appealing an immigration matter after Mousa's first attorney passed away. Mousa paid Dunne approximately nine hundred fifty and no/100 dollars (\$950.00) for the representation.

On or about September 21, 1999, the BOARD OF IMMIGRATION APPEALS dismissed Mousa's appeal. Dunne assured Mousa that all of the necessary paperwork had been timely filed to re-open the case; however, Dunne failed to file anything on behalf of Mousa and/or his family. Additionally, Dunne failed to respond to Mousa's requests for information regarding the status of the case and Dunne further failed to return Mousa's client file so that Mousa could seek other legal representation.

On or about September 6, 2001, Dunne received notice from the STATE BAR OF TEXAS of Mousa's complaint. Said notice required that Dunne file a written response to the allegations of professional misconduct within thirty (30) days of receipt. Dunne failed to respond.

Dunne's conduct as set forth in Mousa's complaint violated Rules 1.01(b)(1), 1.03(a), 1.03(b), 1.15(d), 8.01(b), 8.04(a)(1), 8.04(a)(3), and 8.04(a)(8) of the TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT.

Juarez Complaint

In or around October 1999, Armando Juarez (hereinafter referred to as "Juarez") hired Dunne for representation in an immigration matter. Thereafter, Dunne misrepresented to Juarez that the necessary paperwork had been filed.

On or about October 26, 2000, Dunne received notice from the STATE BAR OF TEXAS of the Juarez complaint. Said notice required that Dunne file a written response to the allegations of professional misconduct within thirty (30) days of receipt. Dunne failed to respond.

Dunne's conduct as set forth in Juarez' complaint violated Rules 1.01(b)(1), 8.01(b), 8.04(a)(1), 8.04(a)(3), and 8.04(a)(8) of the TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT.

IV. CONDITIONS FOR REINSTATEMENT

In the event that Dunne applies for reinstatement, the following conditions should be satisfied prior to consideration of any such application.

1. Dunne should be ordered to pay restitution to **Sossina Girma** in the amount of **Seven Hundred Fifty-Five and No/100 Dollars (\$755.00)** as a condition precedent to reinstatement.
2. Dunne should be ordered to pay restitution to **Mohammed M. Asif** in the amount of **One Thousand and No/100 Dollars (\$1,000.00)** as a condition precedent to reinstatement.
3. Dunne should be ordered to pay restitution to **Mireya Pruneda** in the amount of **One Thousand Sixty and No/100 Dollars (\$1,060.00)** as a condition precedent to reinstatement.

4. Dunne should be ordered to pay restitution to Fathy Mousa in the amount of One Thousand Five Hundred and No/100 Dollars (\$1,500.00) as a condition precedent to reinstatement.

In the event that the STATE BAR OF TEXAS CLIENT SECURITY FUND shall have made any payments to Girma, Asif, Pruneda and/or Mousa, then Dunne should be ordered to pay to the STATE BAR OF TEXAS the amount paid. If the amount paid by the CLIENT SECURITY FUND is less than the full amount of restitution owed, then any amount remaining should be paid to Girma, Asif, Pruneda and Mousa, as set forth above. All payments should be made by certified or cashier's check and delivered to the STATE BAR OF TEXAS, Office of the Chief Disciplinary Counsel, P.O. Box 12487, Austin, Texas 78711-2487.

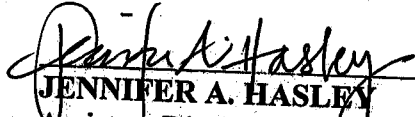
V.

WHEREFORE, the Chief Disciplinary Counsel of the STATE BAR OF TEXAS, acting on behalf of the COMMISSION FOR LAWYER DISCIPLINE, moves the Court to accept the *Motion for Acceptance of Resignation as Attorney and Counselor at Law in Lieu of Disciplinary Action of Patrick Vaughan Dunne*.

Respectfully submitted,

STATE BAR OF TEXAS
Office of the Chief Disciplinary Counsel

DAWN MILLER
Chief Disciplinary Counsel


JENNIFER A. HASLEY

Assistant Disciplinary Counsel
State Bar No. 00792818
1111 Fannin, Suite 1370
Houston, Texas 77002
Phone: (713) 759-6931
Fax: (713) 752-2158

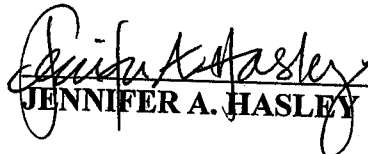
**ATTORNEYS FOR PETITIONER,
COMMISSION FOR LAWYER DISCIPLINE**

CERTIFICATE OF SERVICE

I hereby certify that on April 17th 2002, a true and correct copy of the *Response of the Chief Disciplinary Counsel of the State Bar of Texas to Motion for Acceptance of Resignation as Attorney and Counselor at Law in Lieu of Disciplinary Action of Patrick Vaughan Dunne* was delivered to the following:

*Via Certified Mail No. 7001 2510 0001 6231 4865,
Return Receipt Requested*

Patrick Vaughan Dunne
12707 Bellaire Blvd., #702
Houston, Texas 77072


JENNIFER A. HASLEY