

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED

SEP 02 2011

Clerk of the Courts

IN RE: JIMMY VALLEJO DELGADO, BPR #022373
An Attorney Licensed to Practice Law in Tennessee
(San Antonio, TX)

No. M2011-01097-SC-BPR-BP
BOPR NO. 2011-2048-0-KH(17)

ORDER

This matter is before the Court upon the Board of Professional Responsibility's Petition for Reciprocal Discipline pursuant to Section 17 of Supreme Court Rule 9.

On May 18, 2011, the Supreme Court entered a Notice for the Respondent to show cause, if any, why the reciprocal discipline of a five (5) year suspension, with two (2) years served as active suspension and three (3) years served on probation with conditions, as imposed by a Grievance Committee of the State Bar of Texas in cause number S0080922433, should not be imposed in Tennessee. The Respondent failed to respond to this Notice.

Therefore, after consideration of the entire file, the Court is of the opinion that the Petition is well taken and the reciprocal discipline as requested by the Board of Professional Responsibility is approved.


It is, therefore, ORDERED, ADJUDGED and DECREED by the Court that:

1) The Respondent, Jimmy Vallejo Delgado, is hereby suspended from the practice of law for five (5) years, pursuant to Supreme Court Rule 9, Section 4.2. However, pursuant to Supreme Court Rule 9, Section 8.5, the imposition of a suspension is itself suspended after two (2) years of active suspension; and the Respondent is thereby placed on three (3) years of probated suspension subject to the same terms and conditions imposed by the State Bar of Texas in cause number S0080922433. A copy of the order of the Grievance Committee of the State Bar of Texas is attached to this order as Exhibit A.

2) Pursuant to Section 24.3 of Rule 9 of the Rules of the Supreme Court, the Respondent shall reimburse and pay to the Board of Professional Responsibility the costs and expenses of this proceeding in the amount of \$215.00; and, in addition, shall pay to the Clerk of this Court the costs incurred herein, within ninety (90) days of the entry of this Order, for all of which execution shall issue, if necessary.

3) The Board of Professional Responsibility shall cause notice of this suspension to be published in accordance with Tenn. R. Sup. Ct. 9, §18.10.

FOR THE COURT:



CORNELIA A. CLARK
CHIEF JUSTICE

**BEFORE THE DISTRICT 10 GRIEVANCE COMMITTEE
EVIDENTIARY PANEL 10-2
STATE BAR OF TEXAS**

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

V.

**JIMMY DELGADO,
*Respondent***

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FILE NO. S0080922433

AGREED JUDGMENT OF PARTIALLY PROBATED SUSPENSION

Parties and Appearance

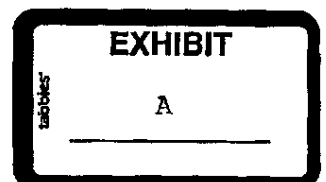
On October 20, 2010 and January 19, 2011, came to be heard the above styled and numbered cause. Petitioner and Respondent, JIMMY DELGADO, Texas Bar Number 00793608, announce that an agreement has been reached on all matters including the imposition of a Partially Probated Suspension.

Jurisdiction and Venue

The Evidentiary Panel 10-2, having been duly appointed to hear this complaint by the chair of the Grievance Committee for State Bar of Texas District 10, 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(V) 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 Bexar County, Texas.
3. Respondent was hired December 19, 2007 to represent Norma and Hector Rodriguez and their minor daughter, Marcela Rodriguez, for their damages arising from an auto collision on November 18, 2007. Delgado was also hired to represent family members of Alicia Garcia, who died in the same collision.
4. Respondent settled the claims for the policy limits of his clients' insurance (UM/UIM) on March 10, 2008 and also collected funds under Personal Injury Protection ("PIP") coverage. After settlement, Respondent neglected the conclusion of his clients' legal matter, failed to keep his clients reasonably informed about the status of their legal matter and failed to respond to their requests for information.
5. Delgado failed to hold the settlement funds in trust and failed to promptly notify and deliver the settlement funds to his clients and to third parties with an interest in the funds
6. 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 Four Thousand Nine Hundred Thirty-Nine and 94/100 Dollars (\$4,939.94).

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), 1.14(a) and 1.14(b).

Sanction

It is AGREED and ORDERED that the sanction of a Partially 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 five (5) years beginning February 20, 2011 and ending February 19, 2016, provided Respondent complies with the following terms and conditions. Respondent shall be actively suspended from the practice of law for a period of two (2) years beginning February 20, 2011 and ending February 19, 2013. If Respondent complies with all of the following terms and conditions timely, the three (3) year period of probated suspension shall begin on February 20, 2013 and shall end on February 19, 2016:

1. Respondent shall pay all reasonable and necessary attorney's fees and direct expenses to the State Bar of Texas in the amount of Four Thousand Nine Hundred Thirty-Nine and 94/100 Dollars (\$4,939.94).. The payment shall be due and payable on or before February 19, 2012, 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).
2. On or before March 1, 2011, Respondent shall provide to counsel for Petitioner an accounting of all funds he received on behalf of Alicia Garcia and/or the Estate of Alicia Garcia, including but not limited to the Twenty-Five Thousand and 00/100 Dollars (\$25,000.00) paid on the uninsured motorist claim and Two Thousand Five Hundred and Three and 00/100 Dollars (\$2,503.00) paid in personal injury protection benefits from Progressive Insurance Company. On or before June 1, 2011, Respondent shall deliver all funds to the party entitled to the same and provide evidence of such delivery to counsel for Petitioner.
3. Not later than sixty (60) days after entry of the judgment, Respondent shall engage the services of an independent Certified Public Accountant (the CPA), approved by the State Bar of Texas, to assist Respondent in implementing an accounting method to properly maintain trust account records, and to properly balance any and all of Respondent's trust accounts. Respondent shall insure

that written confirmation of the implementation of such accounting method is provided directly by the CPA to the State Bar of Texas not later than ninety (90) days after entry of the judgment. Respondent shall take all necessary action, including the execution of a valid release of information, to allow and direct the CPA to provide such confirmation.

4. Additionally, not later than sixty (60) days after entry of the judgment, Respondent shall have a review of any and all of Respondent's trust accounts completed by the CPA. Not later than 30 days after completion of the review, Respondent shall insure that a report summarizing the results of the review, and specifically noting any irregularities in Respondent's handling of trust account funds, is provided by the CPA directly to the State Bar of Texas. Thereafter, reviews shall be completed every six (6) months, with reports provided by the CPA directly to the State Bar of Texas within thirty (30) days of the completion of each review. Respondent shall take all necessary action, including the execution of a valid release of information, to allow and direct the CPA to provide such reports.
5. Respondent shall be responsible for all costs and expenses incurred in completing these terms and shall pay all reasonable costs and expenses to the CPA in the manner determined by the CPA.
6. All reports and verifications of compliance with the above shall be sent to the State Bar of Texas via USPS to: Compliance Monitor, Office of the CDC, State Bar of Texas, P.O. Box 12487, Austin, TX 78711-2487; or via Delivery: Office of the CDC, State Bar of Texas, 1414 Colorado St., Austin, TX 78701, or via FAX to: 512-427-4167.

Should Respondent fail to comply with all of the above terms and conditions timely, Respondent shall remain actively suspended until the date of compliance or until February 19, 2016, whichever occurs first.

Terms of Active Suspension

It is further ORDERED that during the term of active suspension ordered herein, or that may be imposed upon Respondent by the Board of Disciplinary Appeals as a result of a probation revocation proceeding, Respondent shall be prohibited from practicing law in Texas; holding himself out as an attorney at law; performing any legal services for others; accepting any fee directly or indirectly for legal services; appearing as counsel or in any

representative capacity in any proceeding in any Texas or Federal court or before any administrative body; or holding himself out to others or using his name, in any manner, in conjunction with the words "attorney at law," "attorney," "counselor at law," or "lawyer."

It is further ORDERED that, on or before February 20, 2011, Respondent shall notify each of Respondent's current clients in writing of this suspension.

In addition to such notification, it is further ORDERED Respondent shall return any files, papers, unearned monies and other property belonging to current clients in Respondent's possession to the respective clients or to another attorney at the client's request.

It is further ORDERED that Respondent shall file with the State Bar of Texas, Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701), on or before March 1, 2011, an affidavit stating all current clients have been notified of Respondent's suspension and that all files, papers, monies and other property belonging to all current clients have been returned as ordered herein.

It is further ORDERED that Respondent shall, on or before February 20, 2011, notify in writing each and every justice of the peace, judge, magistrate, administrative judge or officer and chief justice of each and every court or tribunal in which Respondent has any matter pending of the terms of this judgment, the style and cause number of the pending matter(s), and the name, address and telephone number of the client(s) Respondent is representing.

It is further ORDERED that Respondent shall file with the State Bar of Texas, Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701), on or before March 1, 2011, an affidavit stating Respondent has notified

in writing each and every justice of the peace, judge, magistrate, and chief justice of each and every court in which Respondent has any matter pending of the terms of this judgment, the style and cause number of the pending matter(s), and the name, address and telephone number of the client(s) Respondent is representing in Court.

It is further ORDERED that, on or before February 20, 2011, Respondent shall surrender his law license and permanent State Bar Card 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), to be forwarded to the Supreme Court of Texas.

Terms of Probation

It is further ORDERED, that if Respondent has complied with all terms and conditions set forth above in a timely manner entitling Respondent to a period of this suspension being probated, 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(V) 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. During the term of probation, Respondent shall provide quarterly reports to the State Bar of Texas for each trust account that he maintains as part of his law license. The first report shall be filed by June 15, 2013, and cover the three months from March

1, 2013 through May 31, 2013, Additional reports shall be filed every three months after June 10, 2013 with each report covering the three-month period ending on the last day of the previous month. The last report shall be filed by March 15, 2016. Each report shall include the records regarding Respondent's trust accounts for the applicable three-month period, including the checkbooks, canceled checks, check stubs, check registers, bank statements, vouchers, deposit slips, ledgers, journals, closing statements, accountings, and other statements of receipts and disbursements rendered to clients or other parties with regard to client trust funds, or other similar records clearly reflecting the date, amount, source, and explanation for all receipts, withdrawals, deliveries, and disbursements of the funds or other property of a client. The records regarding each trust account shall be grouped together.

9. All reports and verifications of compliance with the above shall be sent to the State Bar of Texas via USPS to: Compliance Monitor, Office of the CDC, State Bar of Texas, P.O. Box 12487, Austin, TX 78711-2487; or via Delivery: Office of the CDC, State Bar of Texas, 1414 Colorado St., Austin, TX 78701, or via FAX to: 512-427-4167.

Probation Revocation

It is further ORDERED that, if Respondent violates any term of this judgment, the Board of Disciplinary Appeals ("BODA") shall enter an order revoking the probation and imposing the active suspension of Respondent from the practice of law to commence on the date of revocation.

Upon determination that Respondent has violated any term of this judgment, the Chief Disciplinary Counsel may, in addition to all other remedies available, file a motion to revoke probation with BODA and serve a photocopy 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 Respondent shall pay all reasonable and necessary attorney's fees and direct expenses to the State Bar of Texas in the amount of Four Thousand Nine Hundred Thirty-Nine and 94/100 Dollars (\$4,939.94). The payment shall be due and payable on or before February 19, 2012, 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).

It is further ORDERED that all amounts ordered herein are due to the misconduct of Respondent and are assessed as a part of the sanction in accordance with Rule 1.06(Y) 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

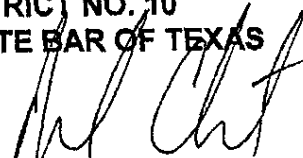
This suspension shall be made a matter of record and appropriately published in accordance with the Texas Rules of Disciplinary Procedure.

Other Relief

All requested relief not expressly granted herein is expressly DENIED.

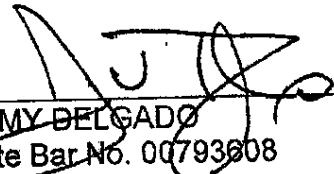
SIGNED this 19 day of January, 2011.

**EVIDENTIARY PANEL 10-2
DISTRICT NO. 10
STATE BAR OF TEXAS**




DAVID CHRISTIAN, Chair 24062422


AGREED AS TO BOTH FORM AND SUBSTANCE:



JIMMY DELGADO
State Bar No. 00793608
Respondent



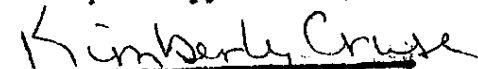
STEPHANIE STROLLE
State Bar No. 00785069
Counsel for Petitioner



ROYAL K. GRIFFIN
State Bar No. 08465000
Counsel for Respondent

STATE BAR OF TEXAS
Chief Disciplinary Counsel
San Antonio Region

I certify this document as a true and correct photocopy of the original.



Kimberly Cruise
Regional Clerk