

ORDER OF THE SUPREME COURT OF TEXAS

MISC. DOCKET No. 07-9082

IN THE MATTER OF MS. AUGUSTA MARIE BURNEY

The Court has reviewed the *Motion for Acceptance of Resignation as Attorney and Counselor at Law of Ms. Augusta Marie Burney* 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 Ms. Burney to withdraw her *Motion for Acceptance of Resignation as Attorney and Counselor at Law*, 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 Ms. Burney's resignation is in the best interest of the public and the profession.

Therefore, the law license of Ms. Burney of Rancho Dominguez, Los Angeles County, California, State Bar Number 24026748, is canceled.

Ms. Burney is prohibited from practicing law in the State of Texas. This includes holding herself 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 herself out to others or using her name in any manner in conjunction with the "Attorney at Law," "Counselor at Law," or "Lawyer."

Ms. Burney must immediately notify in writing each of her current clients of this resignation. Ms. Burney shall also return any files, papers, unearned monies, and other property in her possession

and belonging to any client, to the respective client or to another attorney at the client's request. Ms. Burney shall file with the **STATE BAR OF TEXAS, Office of the Chief Disciplinary Counsel, P.O. Box 12487, Austin, Texas 78711-2487**, within thirty (30) days of the date of this *Order* an affidavit stating that all current clients have been notified of her resignation and that all files, papers, monies, and other property belonging to all clients have been returned.

Additionally, Ms. Burney shall, within thirty (30) days of this *Order*, notify in writing each justice of the peace, judge, magistrate, and chief justice of each court in which she has any matter pending of the terms of this *Order*; the style and cause number of the pending matter(s); and the name, address and telephone number of the client(s) she is representing in that court. Ms. Burney shall file with the **STATE BAR OF TEXAS, Office of the Chief Disciplinary Counsel, P.O. Box 12487, Austin, Texas 78711-2487**, within thirty (30) days of the date of this *Order*, an affidavit stating that she has notified in writing each justice of the peace, judge, magistrate, and chief justice of each court in which she has any matter pending of the terms of this *Order*; the style and cause number of the pending matter(s); and the name, address and telephone number of the client(s) she is representing in that court.

RESTITUTION

As an absolute condition precedent for the reinstatement of Burney, Applicant should be ordered to pay restitution to Nicole V. Stewart in the amount of \$1,100.00. In the event that the STATE BAR OF TEXAS CLIENT SECURITY FUND shall have made any payment to Nicole V. Stewart, then Applicant 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 Nicole V. Stewart, 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.**

As an absolute condition precedent for the reinstatement of Burney, Applicant should be ordered to pay restitution to Gloria Bess Novak in the amount of \$600.00. In the event that the STATE BAR OF TEXAS CLIENT SECURITY FUND shall have made any payment to Gloria Bess Novak, then Applicant 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 Gloria Bess Novak, 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.**

As an absolute condition precedent for the reinstatement of Burney, Applicant should be ordered to pay restitution to Timothy L. Morrison in the amount of \$768.00. In the event that the STATE BAR OF TEXAS CLIENT SECURITY FUND shall have made any payment to Timothy L. Morrison, then Applicant 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 Timothy L. Morrison, 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.**

As an absolute condition precedent for the reinstatement of Burney, Applicant should be ordered to pay restitution to Isauro Garza in the amount of \$1,500.00. In the event that the STATE

BAR OF TEXAS CLIENT SECURITY FUND shall have made any payment to Isauro Garza, then Applicant 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 Isauro Garza, 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.**

ATTORNEY'S FEES

As an absolute condition precedent for the reinstatement for *Augusta Marie Burney*, she is to tender payment of attorney's fees in the amount of **\$2,115.00 (USD)**. 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.**

TAXABLE COSTS

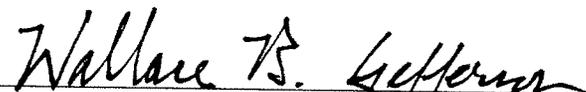
As an absolute condition precedent for the reinstatement for *Augusta Marie Burney*, she is to tender payment of taxable costs in the amount of **\$337.12 (USD)**. All payments should be made by certified or cashier's check and delivered to the **STATE BAR OF TEXAS, Office of the Chief Disciplinary Counsel, P.O. Box 12487, Austin, Texas 78711-2487.**

POST-JUDGMENT INTEREST

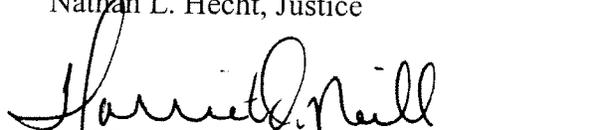
As an absolute condition precedent for the reinstatement of *Augusta Marie Burney*, all post-judgment interest (assessed at 8.25 % per annum) incurred from the restitution, attorneys' fees and taxable costs from the signing of the resignation order by the Supreme Court of Texas to date of final payment are required. As of the date of entry of this Order, the total of restitution, fees and costs

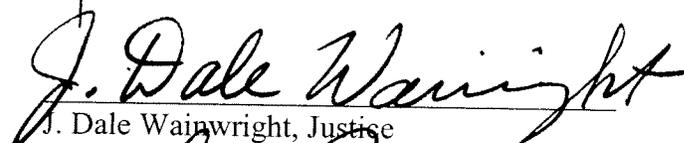
assessed against *August Marie Burney* is **\$9,570.12 (USD)**. All payments of incurred post-judgment interest should be made by certified or cashier's check and delivered to the **STATE BAR OF TEXAS, Office of the Chief Disciplinary Counsel, P.O. Box 12487, Austin, Texas 78711-2487.**

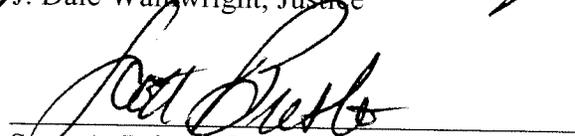
IT IS ORDERED the 18 day of June, 2007.


Wallace B. Jefferson, Chief Justice


Nathan L. Hecht, Justice

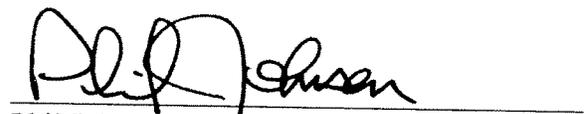

Harriet O'Neill, Justice


J. Dale Wainwright, Justice


Scott A. Brister, Justice

David Medina, Justice


Paul W. Green, Justice


Phil Johnson, Justice

Don R. Willett
Don R. Willett, Justice