

ORDER OF THE SUPREME COURT OF TEXAS

Misc. Docket No. 00-9051

Appointment of a District Judge to Preside  
in a State Bar Disciplinary Action

The Supreme Court of Texas hereby appoints the Honorable Joe Carroll, Judge of the 27th District Court of Bell County, Texas, to preside in the Disciplinary Action styled:

The Commission for Lawyer Discipline v. Antonio R. Belizario

to be filed in a District Court of Dallas County, Texas.

The Clerk of the Supreme Court shall promptly forward to the District Clerk of Dallas County, Texas, a copy of this Order and of the Disciplinary Petition for filing and service pursuant to Rule 3.03, Texas Rules of Disciplinary Procedure.

As ordered by the Supreme Court of Texas, in chambers,

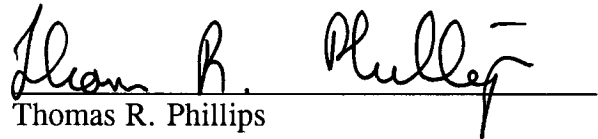
With the Seal thereof affixed at the City  
Of Austin, this 28<sup>th</sup> day of March, 2000.



JOHN T. ADAMS, CLERK  
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 00-9051, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 28 day of March, 2000.

  
Thomas R. Phillips  
Chief Justice

NO. \_\_\_\_\_

COMMISSION FOR LAWYER DISCIPLINE	§	IN THE DISTRICT COURT OF
	§	
V.	§	DALLAS COUNTY, TEXAS
	§	
ANTONIO R. BELIZARIO	§	_____ JUDICIAL DISTRICT

**DISCIPLINARY PETITION**

**TO THE HONORABLE JUDGE OF SAID COURT:**

COMES NOW Petitioner, the Commission for Lawyer Discipline, a committee of the State Bar of Texas (hereinafter called "Petitioner"), complaining of Respondent, Antonio R. Belizario, (hereinafter called "Respondent"), showing the Court:

**I.**

**Discovery Control Plan**

Pursuant to Rules 190.1 and 190.2, TEXAS RULES OF CIVIL PROCEDURE (TRCP), Petitioner intends discovery in this case to be conducted under the Level II Discovery Control Plan.

**II.**

Petitioner brings this disciplinary action pursuant to the State Bar Act, Tex. Gov't. Code Ann. §81.001, et seq. (Vernon 1988), the Texas Disciplinary Rules of Professional Conduct and the Texas Rules of Disciplinary Procedure. The complaint which forms the basis of the Disciplinary Petition was filed on or after May 1, 1992.

**III.**

Respondent is an attorney licensed to practice law in Texas and is a member of the State Bar

of Texas. Respondent is a resident of and has his principal place of practice in Dallas County, Texas. An officer may serve citation on Respondent, by and through his attorney of record, Michael W. Eaton, at 704 Oakwood Tower, 3626 North Hall Street, Dallas, Texas 75219.

#### IV.

In or about 1994, Elba Arevalo ("Arevalo") hired Respondent to represent her in a personal injury claim. Arevalo stated that the case had been settled for almost four years when she discovered Respondent failed to pay a medical bill of \$360.00. Respondent's failure to pay and obtain a release of the medical bill, has resulted in Arevalo's credit rating being negatively affected. Respondent was asked to furnish a settlement sheet and copies of checks issued in the case, but did not.

#### V.

Such acts and/or omissions on the part of Respondent as are described in Paragraphs IV hereinabove, which occurred on or after January 1, 1990, constitute conduct which violates Rules 1.01(b)(1), and 8.04(a)(3) of the Texas Disciplinary Rules of Professional Conduct.

#### VI.

The complaint which forms the basis of the Cause of Action hereinabove set forth was brought to the attention of the Office of General Counsel of the State Bar of Texas by Elba Arevalo filing a complaint on or about October 2, 1998.

### **SECOND CAUSE OF ACTION**

#### VII.

In 1994, Enrique Arevalo ("Arevalo") hired Respondent to prosecute a lawsuit against St. Paul Hospital. Arevalo alleged that Respondent never performed any meaningful legal services.

The case was dismissed for want of prosecution on at least one occasion. Four years after Respondent was retained, Arevalo went to another lawyer who advised that Respondent had never tried to resolve the case.

#### **VIII.**

Such acts and/or omissions on the part of Respondent as are described in Paragraph VII, hereinabove, which occurred on or after January 1, 1990, constitute conduct which violates Rules 1.01(b)(1) and 1.03(a) of the Texas Disciplinary Rules of Professional Conduct.

#### **IX.**

The complaint which forms the basis of the Cause of Action hereinabove set forth was brought to the attention of the Office of General Counsel of the State Bar of Texas by Enrique Arevalo filing a complaint on or about November 30, 1998.

### **THIRD CAUSE OF ACTION**

#### **X.**

In or about September 1996, Isaiah Ellis, III. ("Ellis") hired Respondent to handle a divorce action. Ellis and Respondent did not enter into a written contract agreement. Ellis paid Respondent \$550.00 for representation at which time Respondent advised Ellis the divorce would be final in sixty days after it had been filed with the court, however, Ellis discovered Respondent did not file the divorce petition until one year later. As of January 1999, the divorce had still not been finalized.

#### **XI.**

On January 25, 1999, the State Bar of Texas sent, by certified mail return receipt requested, a letter to Respondent notifying him that a complaint alleging professional misconduct on his part

had been filed against him by Ellis. In said letter, Respondent was advised that, pursuant to Rule 2.09 of the Texas Rules of Disciplinary Procedure, he was required to file a written response with the State Bar of Texas within thirty (30) days of his receipt of the letter. Respondent received the letter on February 11, 1999, and failed to furnish the State Bar of Texas a written response to the complaint within the required thirty (30) days of his receipt of the notification letter, and he failed to timely assert a privilege or other legal ground for his failure to furnish his response. Respondent sent a response on May 17, 1999, over one month late.

## **XII.**

Such acts and/or omissions on the part of Respondent as are described in Paragraphs X and XI, hereinabove, which occurred on or after January 1, 1990, constitute conduct which violates Rules 1.01(b)(1) and 8.04(a)(3) and (8) of the Texas Disciplinary Rules of Professional Conduct.

## **XIII.**

The complaint which forms the basis of the Cause of Action hereinabove set forth was brought to the attention of the Office of General Counsel of the State Bar of Texas by Isaiah Ellis, III, filing a complaint on or about January 12, 1999.

## **FOURTH CAUSE OF ACTION**

### **IX.**

On or about February 3, 1999, Lueseuse Franklin ("Franklin") employed Respondent to prosecute an uncontested divorce action and paid Respondent \$300.00. Franklin alleges that Respondent advised her he had filed the Original Petition for Divorce when in fact she discovered he had not filed the petition. Franklin attempted on several occasions to contact Respondent to

discuss the status of her case. Respondent failed to return her phone calls or to apprise her of the status of her legal matter.

#### **XV.**

On April 9, 1999, copy and a notice of the complaint were sent to Respondent by certified mail return receipt requested. Notice and copy of the complaint were returned to the State Bar "unclaimed". The post office gave notice to Respondent of the letter on April 10, 1999, April 15, 1999, and April 25, 1999. Notice and copy of the complaint were sent to Respondent on May 4, 1999 by regular mail and said letter was not returned to the State Bar. Respondent was requested to furnish the State Bar of Texas a written response to the complaint within the required thirty (30) days of his receipt of the notification letter, and he failed to timely assert a privilege or other legal ground for his failure to furnish his response.

#### **XVI.**

Such acts and/or omissions on the part of Respondent as are described in Paragraphs XIV, and XV, hereinabove, which occurred on or after January 1, 1990, constitute conduct which violates Rules 1.01(b)(1), 1.03(a), and 8.04(a)(3) and (8) of the Texas Disciplinary Rules of Professional Conduct.

#### **XVII.**

The complaint which forms the basis of the Cause of Action hereinabove set forth was brought to the attention of the Office of General Counsel of the State Bar of Texas by Lueseuse, Franklin filing a complaint on or about April 1, 1999.

## FIFTH CAUSE OF ACTION

### XVIII.

In or about June 1998, Paul Holloman ("Holloman") hired Respondent to recover \$9,700.00 that had been seized by the DFW Airport Department of Public Safety, although Mr. Holloman was never arrested nor charged with any offense. Thereafter, Respondent failed to perform any meaningful legal services on behalf of Holloman or return his file. Respondent failed to notify the seizing agency that Mr. Holloman was contesting the seizure, allowing the claim to be barred by limitations. Respondent also failed to return Holloman's phone calls or to keep Holloman informed of the status of the case.

### XIX.

On June 9, 1999, the State Bar of Texas sent, by certified mail return receipt requested, a letter to Respondent notifying him that a complaint alleging professional misconduct on his part had been filed against him by Holloman. In said letter, Respondent was advised that, pursuant to Rule 2.09 of the Texas Rules of Disciplinary Procedure, he was required to file a written response with the State Bar of Texas within thirty (30) days of his receipt of the letter. Respondent received the letter on June 10, 1999, and failed to furnish the State Bar of Texas a written response to the complaint within the required thirty (30) days of his receipt of the notification letter, and he failed to timely assert a privilege or other legal ground for his failure to furnish his response.

### XX.

Such acts and/or omissions on the part of Respondent as are described in Paragraphs XVIII, and XIX, hereinabove, which occurred on or after January 1, 1990, constitute conduct which violates



Rules 1.01(b)(1), 1.03(a), and 8.04(a)(8) of the Texas Disciplinary Rules of Professional Conduct.

**XXI.**

The complaint which forms the basis of the Cause of Action hereinabove set forth was brought to the attention of the Office of General Counsel of the State Bar of Texas by Paul Holloman filing a complaint on or about June 2, 1999.

**SIXTH CAUSE OF ACTION**

**XXII.**

On January 3, 1999, Patricia Gilmore ("Gilmore") employed Respondent to appeal her son's criminal conviction and paid Respondent a \$500.00 retainer fee. Thereafter, Respondent failed to perform any legal services on behalf of Complainant's son. In April of 1999, Gilmore discharged Respondent and requested the return of the unused retainer fee. Respondent agreed to return the retainer fee and twice provided Gilmore with a \$100.00 payment, but failed to return the remaining \$300.00 of the retainer fee.

**XXIII.**

On July 28, 1999, Respondent was personally served with a copy and notice of the complaint. In said letter, Respondent was advised that, pursuant to Rule 2.09 of the Texas Rules of Disciplinary Procedure, he was required to file a written response with the State Bar of Texas within thirty (30) days of his receipt of the letter. Respondent failed to furnish the State Bar of Texas a written response to the complaint within the required thirty (30) days of his receipt of the notification letter, and he failed to timely assert a privilege or other legal ground for his failure to furnish his response.

**XXIV.**

Such acts and/or omissions on the part of the Respondent as are described in Paragraphs XXII and XXIII, hereinabove, which occurred on or after January 1, 1990, constitute conduct which violates Rules 1.01(b)(1), 1.15(d), and 8.04(a)(8) of the Texas Disciplinary Rules of Professional Conduct.

**XXV.**

The complaint which forms the basis of the Cause of Action hereinabove set forth was brought to the attention of the Office of General Counsel of the State Bar of Texas by Patricia Gilmore filing a complaint on or about June 11, 1999.

**PRAYER**

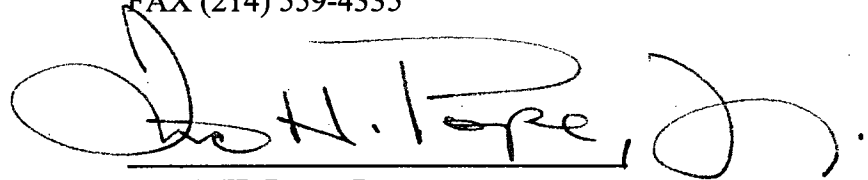
**WHEREFORE, PREMISES CONSIDERED,** Petitioner prays for judgment that Respondent be disciplined as the facts shall warrant; and that Petitioner have such other relief to which entitled, including costs of Court and attorney's fees.

Respectfully submitted,

**Dawn Miller**  
Acting and Interim Chief Disciplinary Counsel

**Frank H. Pope, Jr.**  
Assistant Disciplinary Counsel

State Bar of Texas  
Litigation - Dallas  
3710 Rawlins  
Suite 800  
Dallas, Texas 75219  
(214) 559-4997  
FAX (214) 559-4335

A handwritten signature in black ink, appearing to read "Frank H. Pope, Jr.", written over a horizontal line.

**Frank H. Pope, Jr.**  
State Bar Card No. 16136000

ATTORNEYS FOR PETITIONER

# STATE BAR OF TEXAS



Office of the General Counsel

January 25, 2000

**CMRRR NO. Z 435 430 553**

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

***RE: Commission for Lawyer Discipline v. Antonio R. Belizario***

Dear Mr. Adams:

Enclosed please find an original and two (2) copies of a Disciplinary Petition being filed by the Commission for Lawyer Discipline against Antonio R. Belizario. Mr. Belizario has designated Dallas County, Texas, as his principal place of practice. Request is hereby made that the Court appoint an active District Judge who does not reside in the Administrative Judicial Region in which Respondent resides to preside in this case. Upon appointment, request is made that you notify the Respondent at the address shown below and the undersigned of the identity and address of the judge assigned:

**Antonio R. Belizario  
c/o Michael Eaton  
704 Oakwood Tower  
3626 North Hall Street  
Dallas, Texas 75219**

As a practical matter, I would respectfully suggest that you inquire with the judge to be appointed as to: (1) whether he or she will be able to comply with the 180 day deadline by which the case must be set for trial set forth in Section 3.07 of the Texas Rules of Disciplinary Procedure. If not, I would respectfully request that an alternate appointment be made.

Regency Plaza, 3710 Rawlins, Suite 800, Dallas, Texas 75219  
Telephone: (214) 559-4353 Fax: (214) 559-4335

John T. Adams, Clerk

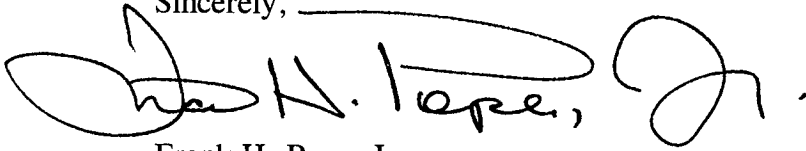
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Once a trial judge has been appointed, please forward the original and two (2) copies of the Disciplinary Petition, the filing fee check, also enclosed herewith, and the Court's appointing order to the District Clerk of Dallas County, Texas, with the request that the suit be filed, service be obtained, and a file-marked copy of the petition be returned to the undersigned.

Also enclosed are a pre-addressed envelope for your use in transmitting the petition, etc., to the District Clerk of Dallas County, Texas, and a return envelope to be sent to the District Clerk of Dallas County, Texas, for the Clerk's use in returning a file-marked copy of the Petition to the undersigned.

Thank you for your courtesies in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Frank H. Pope, Jr.", with a large, stylized flourish at the end.

Frank H. Pope, Jr.  
Assistant Disciplinary Counsel

Enclosures



# The Supreme Court of Texas

CHIEF JUSTICE  
THOMAS R. PHILLIPS

201 West 14th Street Post Office Box 12248 Austin TX 78711  
Telephone: 512/463-1312 Facsimile: 512/463-1365

CLERK  
JOHN T. ADAMS

JUSTICES  
NATHAN L. HECHT  
CRAIG T. ENOCH  
PRISCILLA R. OWEN  
JAMES A. BAKER  
GREG ABBOTT  
DEBORAH G. HANKINSON  
HARRIET O'NEILL  
ALBERTO R. GONZALES

EXECUTIVE ASSISTANT  
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASST  
JIM HUTCHESON

ADMINISTRATIVE ASSISTANT  
NADINE SCHNEIDER

APR 03 2000

The Honorable Jim Hamlin  
District Clerk of Dallas County  
George L. Allen Courts Building  
600 Commerce Street  
Dallas, Texas 75202

Dear Mr. Hamlin:

Pursuant to Rule 3.03 of the Texas Rules of Disciplinary Procedure, I am sending for filing State Bar of Texas Disciplinary Action styled: *The Commission for Lawyer Discipline v. Antonio R. Belizario*, and a copy of the Supreme Court's order appointing the Honorable Joe Carroll, Judge of the 27<sup>th</sup> District Court of Belton, Texas, to preside in this Disciplinary Action.

Sincerely,

**SIGNED**

John T. Adams  
Clerk

cc: Honorable Joe Carrol  
Mr. Frank H. Pope, Jr.  
Mr. Antonio R. Belizario



# The Supreme Court of Texas

CHIEF JUSTICE  
THOMAS R. PHILLIPS

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EXECUTIVE ASSISTANT  
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASST  
JIM HUTCHESON

ADMINISTRATIVE ASSISTANT  
NADINE SCHNEIDER

Mr. Frank H. Pope, Jr.  
Assistant General Counsel, State Bar of Texas  
3710 Rawlins, Suite 800  
Dallas, Texas 75219

Mr. Antonio R. Belizario  
C/o Michael Eaton  
704 Oakwood Tower  
3626 North Hall Street  
Dallas, Texas 75219

Dear Mr. Pope and Mr. Belizario:

Pursuant to Rule 3.02 of the Texas Rules of Disciplinary Procedure, I hereby notify you that the Supreme Court of Texas has appointed the Honorable Joe Carroll, Judge of the 27<sup>th</sup> District Court, Belton, Texas to preside in

*Commission for Lawyer Discipline v. Antonio R. Belizario*

Sincerely,

**SIGNED**

John T. Adams  
Clerk



# The Supreme Court of Texas

CHIEF JUSTICE  
THOMAS R. PHILLIPS

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Telephone: 512/463-1312 Facsimile: 512/463-1365

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ADMINISTRATIVE ASSISTANT  
NADINE SCHNEIDER

APR 03 2000

Honorable Joe Carroll  
Judge, 27<sup>th</sup> District Court  
P.O. Box 747  
Belton, Texas 76513-0747

Dear Judge Carroll

We enclose for your information a copy of the order of assignment, a copy of the Disciplinary Action, a copy of the notification letter to Mr. Pope and Mr. Belizario, and a copy of the letter to the District Clerk of Dallas County.

We then recommend that, either before or immediately after you set the case for trial, the Dallas County District Court Administrative Office (214-653-6510) be contacted to reserve a courtroom, provide for a court reporter, etc. Finally, you should contact the Presiding Judge of the Administrative Judicial Region into which you have been assigned (214-653-2943) to obtain information on lodging, allowable expenses, and claims forms for your expenses incident to presiding over this disciplinary case.

Sincerely,

**SIGNED**

John T. Adams  
Clerk