

ORDER OF THE SUPREME COURT OF TEXAS

9001

Misc. Docket No. 01-----

Appointment of a District Judge to Rule on a Motion
to Recuse filed in a State Bar Disciplinary Action

The Supreme Court of Texas hereby appoints the Honorable Guadalupe Rivera, Judge of
the 168th District Court of El Paso County, Texas, to preside in the Disciplinary Action styled:


The Commission for Lawyer Discipline v. Gerald P. Lopez

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

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

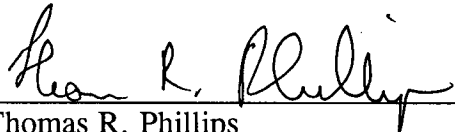
As ordered by the Supreme Court of Texas, in chambers,

With the Seal thereof affixed at the City
Of Austin, this 5th day of January, 2001.


JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 01-9001, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 8 day of January, 2001.



Thomas R. Phillips
Chief Justice

NO. _____

COMMISSION FOR LAWYER DISCIPLINE § IN THE DISTRICT COURT OF
 §
V. § ECTOR COUNTY, TEXAS
 §
GERALD P. LOPEZ § ____ 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, Gerald R. Lopez (hereinafter called "Respondent"), showing the Court:

I.

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 October 5, 1999.

II.

Respondent is an attorney licensed to practice law in Texas and a member of the State Bar of Texas. Respondent is a resident of, and has his principal place of practice in, Ector County, Texas. An officer may serve citation on Respondent at 419 W. 4th Street, Suite 800, Odessa, Ector County, Texas 79761.

CAUSE OF ACTION ARISING FROM SANCHEZ COMPLAINT

III.

A. On or about May 21, 1999, Gerald R. Lopez ("Respondent") was retained by Rosemary Sanchez ("Complainant") to represent her in a child custody case. Respondent was paid a retainer of \$600.00. For several months, Complainant received no communication from the

Respondent, and Respondent failed to respond to Complainant's telephone calls requesting information about the status of her case. After Complainant decided to retain another attorney, Respondent failed to timely return Complainant's file.

The foregoing acts and/or omissions on the part of Respondent occurred on or after January 1, 1990, and constitute conduct violative of Rules 1.01(b)(1); 1.03(a) and 1.15(d) of the Texas Rules of Professional Conduct.

IV.

The complaint which forms the basis of the cause of action hereinabove set forth was brought to the attention of the Office of the Chief Disciplinary Counsel of the State Bar of Texas by a complaint filed on or about October 5, 1999 by Rosemary Sanchez.

PRAYER

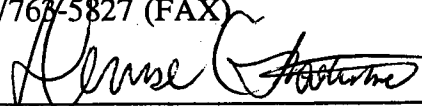
WHEREFORE, PREMISES CONSIDERED, Petitioner prays for judgment that Respondent be disciplined as the facts shall warrant; and that Petitioner have such other relief to which entitled, including costs of Court and attorney's fees.

Respectfully submitted,

Dawn Miller
Chief Disciplinary Counsel

Denise C. Stooksberry
Assistant Disciplinary Counsel

Office of the Chief Disciplinary Counsel
STATE BAR OF TEXAS
6100 Southwest Blvd., Suite 320
Fort Worth, TX 76109
817/763-8066
817/763-5827 (FAX)


Denise C. Stooksberry
State Bar Card No. 04607100
ATTORNEYS FOR PETITIONER

STATE BAR OF TEXAS



Office of the Chief Disciplinary Counsel

October 9, 2000

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

Re: Commission for Lawyer Discipline v. Gerald P. Lopez

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 Gerald P. Lopez. Mr. Lopez is a resident of Ector County, Texas. 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 hereby made that you notify the Respondent at the address shown below and the undersigned of the identity and address of the judge assigned:

Gerald P. Lopez
419 W. 4th Street, Suite 800
Odessa, Texas 79761

As a practical matter, I would respectfully suggest that you inquire with the judge to be appointed whether he or she will be able to comply with the 180 day deadline by which the case must be set for trial pursuant to Section 3.07 of the Texas Rules of Disciplinary Procedure; and (2) whether he or she can accommodate compliance with Mellon Service Co., et al v. Touche Ross Co., 946 S.W.2d 862 (Tex. App. - Houston [14th Dist.] 1997), which requires that all proceedings incident to a case occur in the county of proper venue. If not, I would respectfully request that an alternate appointment be made.

Once a trial judge has been appointed, please forward the original and two (2) copies of the Disciplinary Petition, the two (2) filing fee checks, also enclosed herewith, and the Court's appointing order to the District Clerk of Ector 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. Further, please provide the undersigned a copy of the Court's appointing order in the pre-addressed envelope enclosed.

John T. Adams, Clerk
October 9, 2000
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Also enclosed is a pre-addressed envelope for your use in transmitting the petition, etc., to the District Clerk of Ector County, Texas, and a return envelope to be sent to the District Clerk of Ector County, Texas, for the Clerk's use in returning a filemarked copy of the petition to the undersigned.

If you have any questions, please contact me. Thank you for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Denise C. Stooksberry". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Denise C. Stooksberry
Assistant Disciplinary Counsel
Office of the Chief Disciplinary Counsel
State Bar of Texas

DCS/dld

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

JAN 12 2001

EXECUTIVE ASSISTANT
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASST
JIM HUTCHESON

ADMINISTRATIVE ASSISTANT
NADINE SCHNEIDER

Ms. Denise C. Stooksberry
Assistant General Counsel, State Bar of Texas
6100 Southwest Boulevard, Suite 320
Ft. Worth, Texas 76109

Mr. Gerald P. Lopez
419 W. 4th Street, Suite 800
Odessa, Texas 79761

Dear Ms. Stooksberry and Mr. Lopez:

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 Guadalupe Rivera, Judge of the 168th District Court, El Paso, Texas to preside in

Commission for Lawyer Discipline v. Gerald P. Lopez

Sincerely,

SIGNED

John T. Adams
Clerk



The Supreme Court of Texas

CHIEF JUSTICE
THOMAS R. PHILLIPS

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EXECUTIVE ASSISTANT
WILLIAM L. WILLIS

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JIM HUTCHESON

ADMINISTRATIVE ASSISTANT
NADINE SCHNEIDER

Honorable Guadalupe Rivera
Judge, 168th District Court
602 Courthouse
500 E. San Antonio Avenue
El Paso, Texas 79901-2496

Dear Judge Rivera:

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. Lopez and Ms. Stooksberry, and a copy of the letter to the District Clerk of Ector County.

It is recommended that, six to eight weeks after receipt of this letter, your coordinator contact the District Clerk (915-335-3144) to learn the names, addresses, and telephone numbers of counsel for purposes of scheduling a conference. Also, either before or immediately after you set the case for trial, you should contact the Presiding Judge of the Administrative Judicial Region into which you have been assigned (915-688-1145) to reserve a courtroom, provide for a court reporter, etc., and to obtain claims forms for your expenses incident to presiding over this disciplinary case.

Sincerely,

SIGNED

John T. Adams
Clerk



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

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JAN 12 2001

CLERK
JOHN T. ADAMS

EXECUTIVE ASSISTANT
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASST
JIM HUTCHESON

ADMINISTRATIVE ASSISTANT
NADINE SCHNEIDER

The Honorable Jackie Tripp Barnes
District Clerk of Ector County
P.O. Box 966
Odessa, Texas 79760

Dear Ms. Barnes:

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. Gerald P. Lopez*, and a copy of the Supreme Court's order appointing the Honorable Guadalupe Rivera, Judge of the 168th District Court, El Paso, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Hon. Guadalupe Rivera
Ms. Denise C. Stooksberry
Mr. Gerald P. Lopez