

**ORDER OF THE SUPREME COURT OF TEXAS**

**Misc. Docket No. 99- 9179**

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

The Supreme Court of Texas hereby appoints the Honorable Daniel R. Sklar, Judge of the 329<sup>th</sup> District Court of Wharton County, Texas, to preside in the Disciplinary Action styled:

**The Commission for Lawyer Discipline v. Patrick Bryan Moran**

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

The Clerk of the Supreme Court shall promptly forward to the District Clerk of Bexar 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.

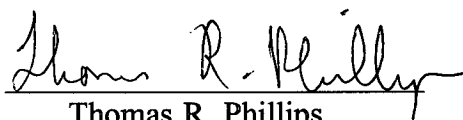
with the Seal thereof affixed at the City  
of Austin, this 27<sup>th</sup> day of September, 1999.

A handwritten signature in black ink, appearing to read 'J. T. Adams', written over the printed name.

**JOHN T. ADAMS, CLERK  
SUPREME COURT OF TEXAS**

This assignment, made by Misc. Docket No. 99-9179, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 27 day of September, 1999.

A handwritten signature in cursive script that reads "Thomas R. Phillips". The signature is written in black ink and is positioned above a horizontal line.

Thomas R. Phillips  
Chief Justice

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

|                                     |   |                          |
|-------------------------------------|---|--------------------------|
| COMMISSION FOR LAWYER<br>DISCIPLINE | § | IN THE DISTRICT COURT OF |
|                                     | § |                          |
| V.                                  | § |                          |
|                                     | § | BEXAR COUNTY, TEXAS      |
|                                     | § |                          |
| PATRICK BRYAN MORAN                 | § | __ TH JUDICIAL DISTRICT  |

**PETITIONER'S ORIGINAL DISCIPLINARY PETITION**

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now, Petitioner, COMMISSION FOR LAWYER DISCIPLINE, a committee of the State Bar of Texas, and files this its Original Disciplinary Petition complaining of Respondent, PATRICK BRYAN MORAN, and in support thereof would respectfully show the Court the following:

**Parties**

Petitioner is the COMMISSION FOR LAWYER DISCIPLINE, a committee of the State Bar of Texas. Respondent, PATRICK BRYAN MORAN, Texas State Bar Number 14421500, is an attorney licensed to practice law in the State of Texas and is a member of the State Bar of Texas. Respondent is a resident of Bexar County, Texas. Respondent may be served with citation and a copy of this petition by serving him at his principal place of business located at **1111 Quintana Road, San Antonio, Texas 78211.**

**Venue**

Respondent's principal place of law practice is in Bexar County, Texas. Accordingly, pursuant to Texas Rules of Disciplinary Procedure 3.03, venue is proper in Bexar County, Texas.

### Discovery Control Plan

Petitioner intends to conduct discovery under Level 2 of Rule 190.3 of the Texas Rules of Civil Procedure.

#### I.

Petitioner brings this disciplinary action pursuant to State Bar Act, Tex. Gov't. Code Ann., Sec. 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 this action was filed by Larry C. Sifuentes on or about February 1, 1999. The acts and conduct of Respondent, as hereinafter alleged, constitute professional misconduct.

#### II.

1. Respondent was hired by Complainant, Larry C. Sifuentes, in November of 1994 and Complainant paid the Respondent a Two Thousand Dollar (\$2,000.00) retainer to retrieve all property and currency from the Federal Government seized as a result of the execution of search warrants on October 20, 1994 at Complainant's mother's residence located at 5636 Mt. Helen, San Antonio, Texas, and Complainant's residence located at 10357 Mt. Hood, San Antonio, Texas.
2. During the representation, Respondent performed little or no meaningful work on behalf of his client. Specifically, Respondent failed to assist his client in retrieving his property from the Federal Government to include approximately \$3,400.00 in currency seized from the residence at 5636 Mt. Helen and belonging to his client.
3. Respondent failed to obtain Complainant's seized property and neglected to advise Complainant of respondent's reasons and legal analysis that may have prevented respondent from

attempting to recovery of the property.

4. During the representation, Respondent failed to reasonably communicate to Complainant the ramifications of not timely posting bond for recovery of the property. Complainant presented the Respondent with the Notice of Seizure explaining the requirements for posting bond to preclude forfeiture of the seized currency. Respondent told the Complainant not to worry about it because we are not going to play their games or words to that effect.

5. Approximately three years after hiring the Respondent, Complainant attempted to contact Respondent to recover his property, however, Respondent never returned his calls and had his secretary inform the Complainant that if he wanted his continued representation it would require another retainer of Five Hundred Dollars (\$500.00). Complainant called the agent in charge of the case and was informed the case was closed and he could come and pick up his personal property. At that time, he was informed that the currency was forfeited because the required bond was not filed. Complainant again attempted to contact the respondent several more times by telephone. Respondent has not returned his telephone calls.

6. Respondent failed to refund unearned fees considering the brief period of his representation in his attempt to recover Complainant's property.

### III.

The conduct of Respondent described above constitutes a violation of the following

Texas Disciplinary Rules of Professional Conduct:

Rule 1.01(b)(1) -- In representing a client, a lawyer shall not neglect a legal matter entrusted to the lawyer;

Rule 1.01(b)(2) -- In representing a client, a lawyer shall not frequently fail to carry out completely the obligations that a lawyer owes to a client

or clients;

Rule 1.03(a) -- A lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information;

Rule 1.03(b) -- A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation;

**PRAYER**

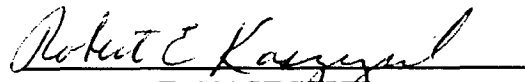
WHEREFORE, PREMISES CONSIDERED, Petitioner prays that a judgment of professional misconduct be entered against Respondent imposing an appropriate sanction as the facts shall warrant and that Petitioner have such other and further relief to which it is entitled, including costs of court and reasonable attorney fees.

Respectfully submitted,

Dawn Miller  
Acting General Counsel

Robert E. Kaszczuk  
Assistant General Counsel

Office of the General Counsel  
State Bar of Texas  
425 Soledad, Suite 300  
San Antonio, Texas 78205  
Telephone: (210) 271-7881  
Telecopier: (210) 271-9642

  
ROBERT E. KASZCZUK  
State Bar No. 11106300

ATTORNEYS FOR PETITIONER

# STATE BAR OF TEXAS



**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
Z 292 150 070**

Office of the General Counsel  
Regional Office  
Soledad Plaza West  
425 Soledad, Suite 300  
San Antonio, Texas 78205  
(210) 271-7881  
FAX: (210) 271-9642

August 4, 1999

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

RE: Commission for Lawyer Discipline v. Patrick Bryan Moran

Dear Mr. Adams:

Enclosed please find an original and three (3) copies of a Disciplinary Petition being filed by the Commission for Lawyer Discipline against Patrick Bryan Moran. Mr. Moran has designated **Bexar County** 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:

Patrick Bryan Moran  
1111 Quintana Road  
San Antonio, Texas 78211

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 as set forth in 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 three (3) copies of the Disciplinary Petition, the filing fee check, also enclosed herewith, and the Court's appointing order to the District Clerk of Bexar County, Texas, with the request that the suit be filed, service be obtained, and a filemarked copy of the petition returned to the undersigned.

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

Thank you for your courtesies in this matter.

Sincerely,



Robert E. Kaszczuk  
Assistant General Counsel

Enclosures

REK/ch





## THE SUPREME COURT OF TEXAS

CHIEF JUSTICE  
THOMAS R. PHILLIPS

POST OFFICE BOX 12248      AUSTIN, TEXAS 78711

TEL: (512) 463-1312

FAX: (512) 463-1365

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

OCT 07 1999

CLERK  
JOHN T. ADAMS

EXECUTIVE ASS'T  
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASS'T  
JIM HUTCHESON

ADMINISTRATIVE ASS'T  
NADINE SCHNEIDER

Honorable Daniel R. Sklar  
Judge, 329<sup>th</sup> District Court  
101 Milam Street, #202  
Wharton, Texas 77488

Dear Judge Sklar:

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. Moran and Mr. Kaszczuk, and a copy of the letter to the District Clerk of Bexar County.

It is recommended that, six to eight weeks after receipt of this letter, you or your coordinator contact the Bexar County Administrative Office (210-335-2300) to find out the district court to which this disciplinary case has been assigned, names and addresses of counsel, etc. We then recommend that, either before or immediately after you set the case for trial, you contact the Presiding Judge of the Administrative Judicial Region into which you have been assigned (210-769-3519) to reserve a courtroom, obtain a court reporter, obtain claims forms for your expenses incident to presiding over this disciplinary case.

Sincerely,

**SIGNED**

John T. Adams  
Clerk



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ALBERTO R. GONZALES

OCT 07 1999

The Honorable Reagan Greer  
District Clerk of Bexar County  
100 Dolorosa Street  
San Antonio, Texas 78205-1205

Dear Mr. Greer:

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. Patrick Bryan Moran*, and a copy of the Supreme Court's order appointing the Honorable Daniel R. Sklar, Judge of the 329<sup>th</sup> District Court, Wharton, Texas, to preside in this Disciplinary Action.

Sincerely,

**SIGNED**

John T. Adams  
Clerk

cc: Hon. Daniel R. Sklar  
Mr. Robert Edward Kaszczuk  
Mr. Patrick Bryan Moran



## THE SUPREME COURT OF TEXAS

CHIEF JUSTICE  
THOMAS R. PHILLIPS

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Mr. Robert E. Kaszczuk  
Assistant General Counsel, State Bar of Texas  
425 Soledad, Suite 300  
San Antonio, Texas 78205

Mr. Patrick Bryan Moran  
1111 Quintana Road  
San Antonio, Texas 78211

Dear Mr. Kaszczuk and Mr. Moran:

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 Daniel R. Sklar, Judge of the 329<sup>th</sup> District Court, Wharton, Texas to preside in

*Commission for Lawyer Discipline v. Patrick Bryan Moran*

Sincerely,

**SIGNED**

John T. Adams  
Clerk