

1.000000
1.000000
1.000000
1.000000

1.000000
1.000000
1.000000
1.000000

1.000000
1.000000
1.000000
1.000000

1.000000
1.000000
1.000000
1.000000

1.000000
1.000000
1.000000
1.000000

1.000000
1.000000
1.000000
1.000000

1.000000
1.000000
1.000000
1.000000

1.000000
1.000000
1.000000

1.000000
1.000000
1.000000

1.000000
1.000000
1.000000

1.000000
1.000000
1.000000

1.000000
1.000000
1.000000

1.000000
1.000000
1.000000

1.000000
1.000000
1.000000

1.000000
1.000000
1.000000

1.000000
1.000000
1.000000

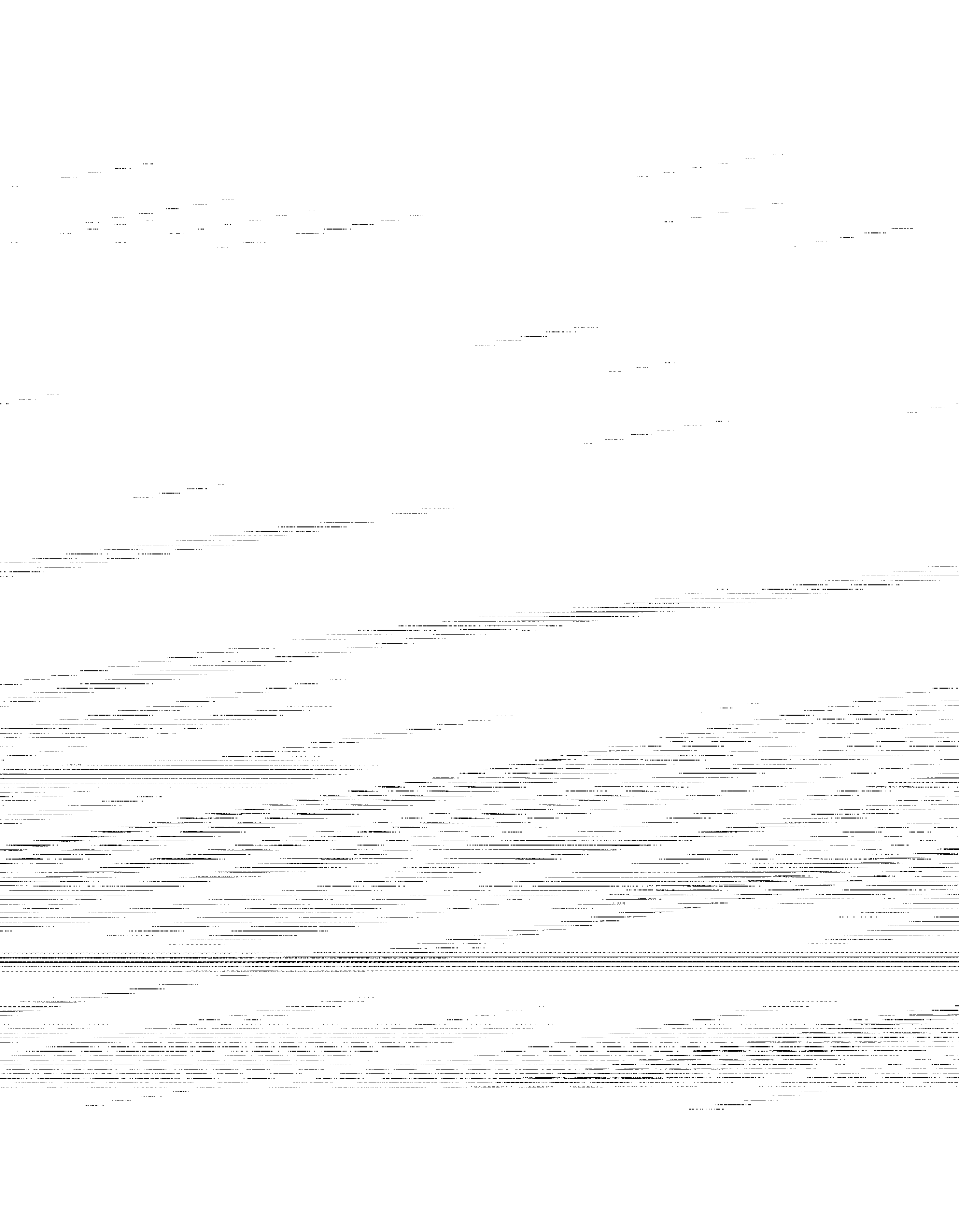
1.000000
1.000000
1.000000

1.000000
1.000000
1.000000

1.000000
1.000000
1.000000

1.000000
1.000000
1.000000

1.000000
1.000000
1.000000



**IN THE SUPREME COURT OF TEXAS
MOTION FOR ACCEPTANCE OF RESIGNATION AS
ATTORNEY AND COUNSELOR AT LAW
OF
ANGEL DIAZ NUNEZ**

TO THE HONORABLE SUPREME COURT OF TEXAS:

Movant, Angel Diaz Nunez, moves the Court to accept his resignation as an Attorney and Counselor at Law, showing the Court:

I.

Movant hereby resigns as an Attorney and Counselor at Law in lieu of compulsory discipline and in lieu of discipline involving professional misconduct.

II.

Movant declares that his License and permanent State Bar Card issued by the Court on May 4, 1990, are presently lost or misplaced, and could not be located despite diligent search. Should movant find his License and permanent State Bar Card at a future date, Movant will immediately surrender the same to the Court.

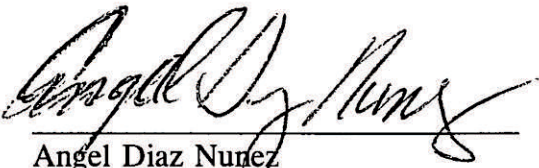
III.

Movant's State Bar Card number is 15134540. Movant's address is:

[REDACTED]

Movant prays that the Court accept his resignation as an Attorney and Counselor at Law and remove his name from the list of persons licensed to practice law in the State of Texas.

Respectfully submitted,



Angel Diaz Nunez
State Bar Card No. 15134540

3/18/96
Date

IN THE SUPREME COURT OF TEXAS

**RESPONSE OF THE CHIEF DISCIPLINARY COUNSEL
OF THE
STATE BAR OF TEXAS
REGARDING
ANGEL DIAZ NUNEZ**

TO THE HONORABLE SUPREME COURT OF TEXAS:

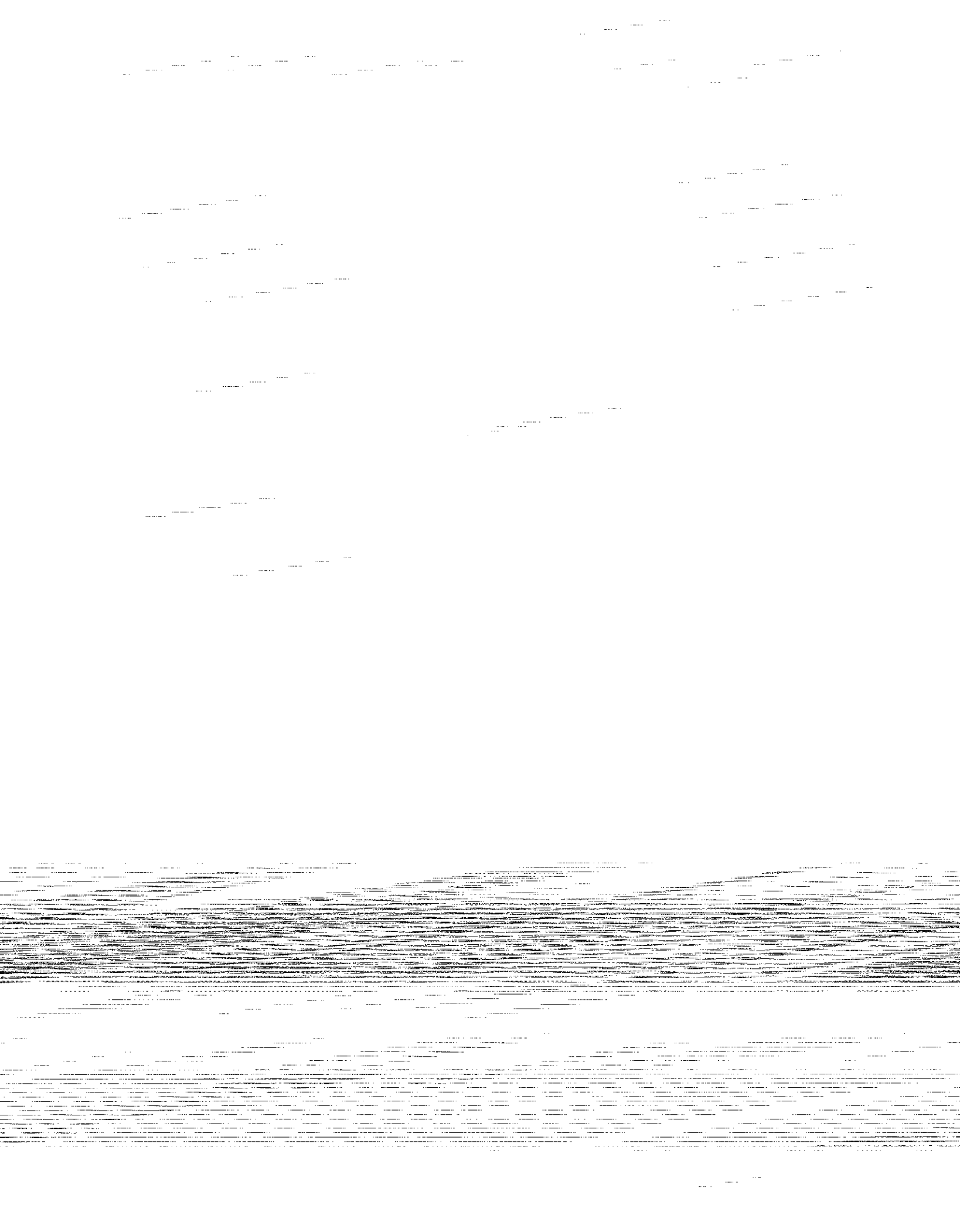
I, James M. McCormack, Chief Disciplinary Counsel of the State Bar of Texas, in accordance with Part X of the Texas Rules of Disciplinary Procedure, hereby file a response on behalf of the State Bar of Texas, acting by and through the Commission for Lawyer Discipline, to the Motion for Acceptance of Resignation as Attorney and Counselor at Law of Angel Diaz Nunez, dated March 18, 1996, and received by the Chief Disciplinary Counsel on or about March 25, 1996. The acceptance of the resignation of Angel Diaz Nunez is in the best interest of the public and the profession.

I.

There is currently pending a disciplinary action against Angel Diaz Nunez numbered 40,713 and styled The Commission for Lawyer Discipline vs Angel Diaz Nunez, in the District Court of Midland County, Texas, 238th Judicial District (hereinafter called the "disciplinary suit").

The professional misconduct with which Angel Diaz Nunez (hereafter called "Nunez") is charged in the disciplinary suit, is as follows:

- (A) On June 13, 1994, Respondent personally issued check #1149, in the amount of \$90.00, to Dr. Darrell Herrington at his office in Big Spring, Texas, to pay for a physical examination the doctor performed on Respondent. The check was written on an account with Midland American Bank entitled, Angel Diaz Nunez Trust Account, [REDACTED].



Respondent kept lying to him, telling him the insurance company had not yet issued a settlement check. In January 1995, Mr. Hinojosa finally contacted the insurance company himself. It was then he learned that the settlement check had already been issued and cashed by Respondent.

Upon learning of Respondent's deception and apparent theft, Mr. Hinojosa immediately filed a grievance with the State Bar of Texas in Midland and then informed the District Attorney's office and the police department of Respondent's actions. A criminal charge of Misapplication of Fiduciary Property was then filed against Respondent.

When Respondent learned of the grievance and the criminal charge filed against him, he contacted Mr. Hinojosa. In an attempt to persuade Mr. Hinojosa to withdraw the grievance and criminal charges, Respondent offered to give Mr. Hinojosa more money than he was due under the settlement agreement, he offered his automobiles to Mr. Hinojosa, and further, he threatened Mr. Hinojosa with the prospect of dragging the litigation out with the possibility of Mr. Hinojosa ultimately receiving nothing.

To date, Respondent has not paid Mr. Hinojosa his portion of the funds received as settlement of his worker's compensation claim.

Such acts and/or omissions on the part of Respondent as are described in the above paragraphs hereinabove constitute conduct violative of Rules 1.03(a), 1.03(b), 1.14(a), 1.14(b), 1.14(c), 8.04(a)(1), 8.04(a)(2), 8.04(a)(3) and 8.04(a)(4) of the Texas Disciplinary Rules of Professional Conduct.

- (C) In or around March 1994, Respondent personally issued check #1095, in the amount of \$226.25, to Darrell Herrington, D.O. of Big Spring, Texas for a physical examination the doctor performed on Respondent. Such check was written on an account with Midland American Bank, entitled, Angel Diaz Nunez Trust Account, [REDACTED]. The check was signed "Angel Diaz Nunez", and was ultimately returned to Dr. Herrington marked "insufficient funds."

As a result of the issuance of the check referred to in the above paragraph, the State Bar of Texas initiated a complaint against Respondent. On February 13, 1995, Respondent was sent notice of and a copy of the complaint via certified mail, return receipt requested. The notice, in accordance with Rule 2.09 of the Texas Rules of Disciplinary Procedure, made a lawful demand that Respondent respond to the complaint in writing within thirty (30) days of receipt of the letter. Upon further investigation by the State Bar it was found that Respondent knowingly made false statements in his response to the Grievance Committee

Panel on November 15, 1994, when he stated that he did not authorize the issuing of the check in question and that it was his belief the check was written by his wife without his permission.

Such acts and/or omissions on the part of Respondent as are described in the above paragraphs hereinabove constitute conduct violative of Rules 1.14(a), 1.14(c), 8.01(a), 8.04(a)(2), 8.04(a)(3) and 8.04(a)(8) of the Texas Disciplinary Rules of Professional Conduct.

- (D) On or about June 10, 1994, check #1137 on an account with Midland American Bank, entitled, Angel Diaz Nunez Trust Account, [REDACTED] [REDACTED] was issued to Phillips' Eye Clinic, Midland, Texas for an eye exam performed on Respondent's daughter. Said check was written by Respondent's wife who at times was also an employee of Respondent.

Check #1137 was ultimately returned to Phillips' Eye Clinic, by the bank, marked "insufficient funds."

Respondent failed to take reasonable steps to ensure that his wife's conduct was compatible with the Disciplinary Rules of Professional Conduct and as a result Respondent is accountable for his wife's conduct. Respondent failed to adequately protect the funds in his "trust account" by allowing a check to be written on such account for personal services.

On March 31, 1994, Respondent had signed an Agreed Judgment of Fully Probated Suspension which placed him on probation for eighteen (18) months beginning April 1, 1994. The conduct described in the above paragraphs occurred while Respondent was on probation and were in violation of the conditions of that probation.

Such acts and/or omissions on the part of Respondent as are described in the above paragraphs hereinabove constitute conduct violative of Rules 1.14(c), 5.03(a), 5.03(b)(1), 8.04(a)(1) and 8.04(a)(7) of the Texas Disciplinary Rules of Professional Conduct.

II.

There is currently pending an Interlocutory Order of Suspension against Angel Diaz Nunez, in a compulsory discipline matter styled In the Matter of Angel Diaz Nunez, State Bar Card No. 15134540 and numbered 08068, before the Board of Disciplinary Appeals of the

