

MISC. DOCKET NO. 92 - 0066

IN THE
SUPREME COURT OF TEXAS

IN THE MATTER OF
EUGENIO A. SOLIZ, JR.

ORDER

On this day came on for consideration the Motion for Acceptance of Resignation as Attorney and Counselor at Law of Eugenio A. Soliz, Jr., together with the Concurring Motions of the Grievance Committees for State Bar District Numbers 11-A and 12-A, State Bar of Texas, and the Certification of the General Counsel of the State Bar of Texas. The Court has reviewed said Motions and Certifications and finds each to meet the requirements of Article X, Section 15 of the State Bar Rules. In conformity with the said Article X, Section 15 of the State Bar Rules, the Court considers the Grievance Committees' findings of fact and conclusions of law to be conclusively established for all pertinent purposes. The Court, being advised that the resignation of Eugenio A. Soliz, Jr. is tendered in lieu of disciplinary action, and being of the opinion that such resignation is in the public interest and will meet the ends of justice, hereby concludes that the following order is appropriate.

IT IS ORDERED that the Texas law license of Eugenio A. Soliz, Jr., State Bar Card No. 18827500, heretofore issued by this Court, be cancelled and that the name of Eugenio A. Soliz, Jr. be dropped and deleted from the list of persons licensed to practice law in Texas.

IT IS FURTHER ORDERED that Eugenio A. Soliz, Jr. be, and he hereby is, permanently enjoined and prohibited from practicing law in the State of Texas, holding himself out as an attorney at law, performing any 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 himself out to others or using his name in any manner in conjunction with the words "Attorney at Law," "Counselor at Law," or "Lawyer."

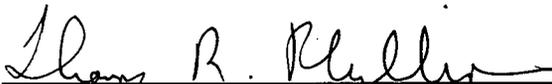
IT IS FURTHER ORDERED that Eugenio A. Soliz, Jr. shall under no circumstances be readmitted as an attorney in the State of Texas, nor shall he be permitted to bring or maintain any application or proceeding for reinstatement, until he shall have made full restitution to Belinda Gonzalez Jimenez (formerly Belinda Gonzalez, formerly Belinda Valdemar), her heirs, assigns, successors in interest, or any person or entity (specifically including the Client Security Fund of the State Bar of Texas) subrogated to the rights of Belinda Gonzalez Jimenez, in the amount of \$60,000.00 (Sixty Thousand Dollars), plus interest thereon at the rate published by the consumer credit commissioner in the Texas Register under Tex.Rev.Civ.Stat.Ann. art. 5069-1.05 as of June 22, 1987, and calculated from June 22, 1987. Full payment of said restitution shall be an absolute condition precedent to the filing of any application for reinstatement.

IT IS FURTHER ORDERED that Eugenio A. Soliz, Jr., shall, within thirty (30) days after the date on which this Order is signed by the Court, notify in writing each of his current clients of his resignation in lieu of disciplinary action. In addition to such notification, Eugenio A. Soliz, Jr. is ORDERED to return all files, papers, unearned fees paid in advance, and all other monies and properties which are in his possession and which belong to clients and former clients, to those respective clients or former clients within thirty (30) days after the date on which this Order is signed. Eugenio A. Soliz, Jr. is further ORDERED to file with this Court, within thirty (30) days after the date on which this Order is signed, an affidavit stating that all current clients have been notified of Eugenio A. Soliz's resignation and that all files, papers, unearned fees paid in advance, and all other monies and properties belonging to clients and former clients have been returned as ordered herein. If Eugenio A. Soliz, Jr. should be unable to return any file, papers, monies or other properties to any client or former client, Eugenio A. Soliz, Jr. shall file an affidavit with this Court, showing with particularity the efforts he has made with respect to each particular client and the cause of his inability to return to said client any file, papers, monies or other properties. Eugenio A. Soliz, Jr. is ORDERED to send copies of all notifications and affidavits herein referred to, to the Office of the General Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711.

IT IS FURTHER ORDERED that Eugenio A. Soliz, Jr. shall, within thirty (30) days after the date on which this Order is signed by the Court, notify in writing each and every justice of the peace, judge, magistrate, and chief justice of each and every Texas court in which Eugenio A. Soliz, Jr. may have any client matter pending, advising each court of his resignation, of the style and cause number of any matter pending in that court, and of the name, address and telephone number of the client(s) he is representing in that court. Eugenio A. Soliz, Jr. is ORDERED to send copies of all such notifications to the Office of the General Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711.

The Clerk of this Court shall mail a copy of this Order to Eugenio A. Soliz, Jr., at 115 E. Miller, Falfurrias, Texas 78355.

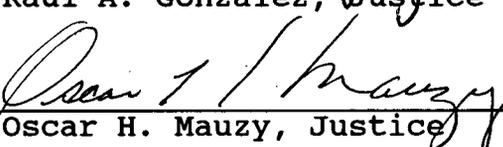
By the Court, en banc, in chambers, on this 23rd day of March, 1992.



Thomas R. Phillips, Chief Justice



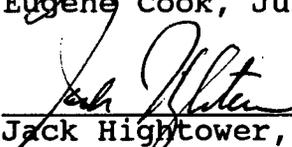
Raul A. Gonzalez, Justice



Oscar H. Mauzy, Justice



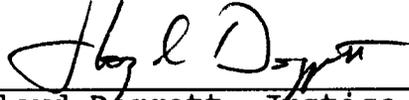
Eugene Cook, Justice



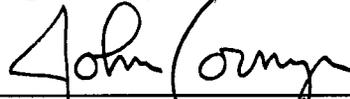
Jack Hightower, Justice



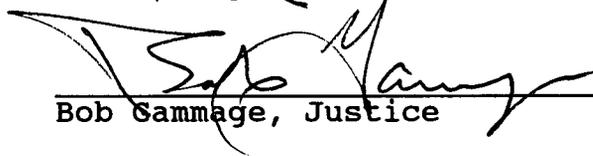
Nathan L. Hecht, Justice



Lloyd Doggett, Justice



John Cornyn, Justice



Bob Cramm, Justice

STATE BAR OF TEXAS



March 6, 1992

Office of the General Counsel

Mr. John T. Adams, Clerk
SUPREME COURT OF TEXAS
Clerk's Office
209 W. 14th, Room G-04
Austin, Texas 78701

Re: Resignation of Eugenio A. Soliz, Jr., State Bar Card No.
18827500

Dear Mr. Adams:

With reference to the resignation of Eugenio A. Soliz, Jr. as a Texas attorney in lieu of discipline for having committed professional misconduct, I enclose the following:

Eugenio A. Soliz, Jr.'s Motion for Acceptance of Resignation, dated February 10, 1992;

Affidavit of Eugenio A. Soliz, Jr. concerning destruction of his Texas law license and permanent State Bar Card;

Concurring Motion for Acceptance of Resignation by the District 11-A Grievance Committee;

Concurring Motion for Acceptance of Resignation by the District 12-A Grievance Committee;

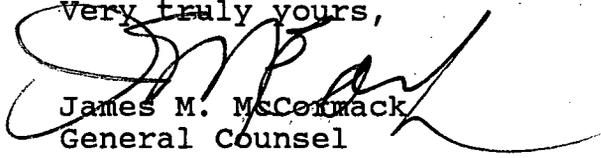
Certification by the General Counsel;

Original and one (1) copy of Order for the signature of the Justices of the Court.

Mr. Soliz's motion for the acceptance of his resignation inaccurately recites that his permanent State Bar Card is attached. Mr. Soliz's second affidavit however, attests to the destruction of both his Texas law license and his permanent State Bar Card.

I appreciate your bringing this matter to the Court's attention at your earliest convenience. When the Court has signed the Order, please return a copy of the signed Order to this office.

Very truly yours,


James M. McCormack
General Counsel

DOW/tjm
Enclosures as stated

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

EUGENIO A. SOLIZ, JR.

TO THE HONORABLE SUPREME COURT OF TEXAS:

Movant, Eugenio A. Soliz, Jr., 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 disciplinary sanction for having committed professional misconduct.

II.

Movant attaches hereto and hereby surrenders his permanent State Bar Card. Movant declares that his License, issued by the Court on May 26, 1980, is presently lost or misplaced, and could not be located despite diligent search. Should Movant find his License at a future date, Movant will immediately surrender the same to the Court.

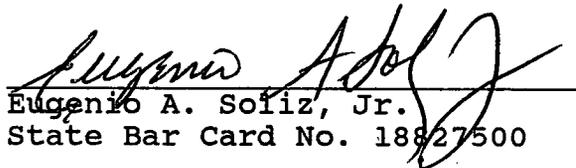
III.

Movant's State Bar Card number is 18827500. Movant's current business address is 115 E. Miller, Falfurrias, Texas 78355.

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,

2/10/92
Date

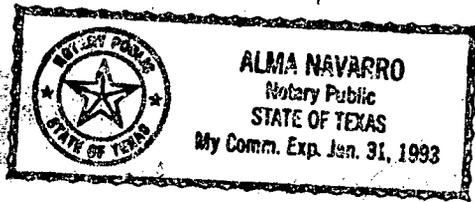

Eugenio A. Soliz, Jr.
State Bar Card No. 18827500

ACKNOWLEDGEMENT

STATE OF TEXAS §
COUNTY OF _____ §

BEFORE ME the undersigned, a Notary Public in and for said County and State, on this day personally appeared Eugenio A. Soliz, Jr., known to me to be the person whose name is subscribed to the foregoing Motion, and acknowledged to me that he executed the same for the purposes therein expressed and that all the facts stated are within his personal knowledge and are true and correct.

GIVEN UNDER my hand and seal of office this the 10 day of February, 1992.



Alma Navarro
Notary Public in and for the
State of Texas

1-31-1993
My Commission Expires

ALMA NAVARRO
Printed Name of Notary

MISC. DOCKET NO. 92 -

IN THE SUPREME COURT OF TEXAS

AFFIDAVIT CONCERNING DESTRUCTION OF
TEXAS LAW LICENSE AND PERMANENT BAR CARD

STATE OF TEXAS §
COUNTY OF Brooks §

On this day personally appeared Eugenio A. Soliz, Jr. before a Notary Public in and for the State of Texas, and after being duly sworn, deposed and stated:

"My name is Eugenio A. Soliz, Jr. I am an attorney licensed by the Supreme Court of Texas to practice law in the State of Texas. My business address is 115 E. Miller, Falfurrias, Texas 78355. I am over 18 years of age and am fully competent to make this affidavit.

"I affirm that both my Texas law license, issued by the Court on May 26, 1980, and my permanent State Bar Card were destroyed on May 26, 1989 in a fire which destroyed my office for the practice of law, then located at 215 Southeast Second Street, Premont, Texas.

"All statements made in this affidavit are from my personal knowledge, and are true and correct."

WITNESS my hand this 28th day of February, 1992.


Eugenio A. Soliz, Jr.

NOTARY'S ACKNOWLEDGEMENT

STATE OF TEXAS

§

COUNTY OF Brooks

§

§

BEFORE ME, the undersigned, a Notary Public in and for the State of Texas, on this day personally appeared Eugenio A. Soliz, Jr., known to me to be the person whose name is subscribed to the foregoing Affidavit, and acknowledged to me that he had executed the same for the purposes therein expressed, and that all the facts stated are within his personal knowledge and are true and correct.

Given under my hand and seal of office, the 28th day of February, 1992.



Linda K. Carlisle
Notary Public in and for the
State of Texas

5-20-95
My Commission Expires

Linda K. CARLISLE
Printed Name of Notary

MISC. DOCKET NO. 92 -

IN THE SUPREME COURT OF TEXAS

CONCURRING MOTION FOR ACCEPTANCE OF RESIGNATION AS
ATTORNEY AND COUNSELOR AT LAW

OF

EUGENIO A. SOLIZ, JR.

TO THE HONORABLE SUPREME COURT OF TEXAS:

The Grievance Committee for State Bar District No. 11-A, State Bar of Texas, moves the Court to accept the Resignation as Attorney and Counselor at Law of Eugenio A. Soliz, Jr., showing the Court the following:

I.

Eugenio A. Soliz, Jr. ("Soliz"), State Bar Card No. 18827500, is an attorney licensed to practice law in Texas and a member of the State Bar of Texas. Soliz resides in Premont, Jim Wells County, Texas. On February 10, 1992, Soliz voluntarily executed a Motion for Acceptance of Resignation as Attorney and Counselor at Law in lieu of disciplinary action. The Grievance Committee hereby concurs in such Motion. Acceptance of such resignation in lieu of disciplinary action will serve to protect the public.

II(A).

GONZALEZ MATTER

In connection with the resignation of Eugenio A. Soliz, Jr., the Grievance Committee makes the following findings of fact:

On January 22, 1986 Soliz, by means of false and fraudulent representations, induced Ms. Belinda Gonzalez ("Gonzalez"), a

client, to withdraw \$70,000.00 (Seventy Thousand Dollars) of Gonzalez's money from The First National Bank of Falfurrias, Texas. On the same date, January 22, 1986, Soliz induced Gonzalez to accompany him to Corpus Christi, Texas, and to purchase from First Texas Savings Association of Corpus Christi, Texas, a certificate of deposit, Number 47-087490-9, in the amount of \$70,000.00 (Seventy Thousand Dollars). Soliz also, on January 22, 1986, induced Gonzalez to take out a personal loan at First Texas Savings Association in the amount of \$60,000.00 (Sixty Thousand Dollars), which \$60,000.00 loan was secured by Certificate of Deposit Number 47-087490-9. On January 22, 1986 First Texas Savings Association issued its Check No. 0180164030, in the amount of \$60,000.00 (Sixty Thousand Dollars), payable to the order of Belinda Gonzalez. Soliz took possession of Check No. 0180164030, and endorsed or caused Check No. 0180164030 to be endorsed in the names of "Belinda Gonzalez" and of "Eugenio Soliz, Jr.," all without the knowledge, authorization, or consent of Gonzalez, his client. Soliz then caused Check No. 0180164030 to be negotiated, without the knowledge, authorization, or consent of Gonzalez, his client, and thereafter received and expended the \$60,000.00 proceeds of Check No. 0180164030 for Soliz's own purposes, and not for any purpose related to the representation or welfare of Gonzalez, his client.

Gonzalez discovered Soliz's misappropriation of her funds in August 1986 and made demand on Soliz for the restoration of her \$60,000.00. Thereafter, Soliz neither provided Gonzalez with an accounting of his disposition of the \$60,000.00 nor restored

Gonzalez's \$60,000.00 to her. Gonzalez consequently defaulted on the \$60,000.00 loan at First Texas Savings Association. On or about May 13, 1987 First Texas Savings Association foreclosed on Gonzalez's Certificate of Deposit Number 47-087490-9 to pay off Gonzalez's loan, and on or about June 22, 1987 it transmitted to Gonzalez a check in the amount of \$406.36 (Four Hundred Six and 36/100 Dollars), all that remained of Gonzalez's original \$70,000.00 after the \$60,000.00 loan and accrued interest had been paid off. On June 5, 1990 Soliz signed a promissory note payable to Gonzalez, acknowledging an obligation to her in the amount of \$70,000.00. Respondent nevertheless at no time has paid to Gonzalez more than \$7,000.00 (Seven Thousand Dollars) of this \$70,000.00 obligation.

II(B).

Based on the foregoing findings of fact, the Grievance Committee concludes as a matter of law that Eugenio A. Soliz, Jr., by his conduct as set forth in Paragraph II(A) above, violated the following Disciplinary Rules of the Texas Code of Professional Responsibility, in force and effect at the time of his conduct: DR 1-102(A)(3) [engaging in illegal conduct involving moral turpitude]; DR 1-102(A)(4) [engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation]; DR 9-102(B)(3) [failing to render appropriate accounts to a client concerning funds, securities, or other properties of the client coming into the lawyer's possession]; and DR 9-102(B)(4) [failing to promptly pay or deliver to a client, as requested by the client, funds, securities, or

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entitled to receive].

Additionally, the Grievance Committee concludes that the amount of restitution to be paid by Eugenio A. Soliz, Jr. to Belinda Gonzalez Jimenez (formerly Belinda Gonzalez, formerly Belinda Valdemar), should Soliz, pursuant to Article X, §§28 and 29 of the State Bar Rules or to any successor reinstatement provision, at any future time make application for reinstatement as an attorney in the State of Texas, is not less than \$60,000.00 (Sixty Thousand Dollars) plus appropriate interest to be calculated from June 22, 1987.

III(A).

GARCIA MATTER

In connection with the resignation of Eugenio A. Soliz, Jr., the Grievance Committee makes the following additional findings of fact:

On April 14, 1989, Soliz accepted employment by Mr. Armando J. Garcia ("Garcia") to represent Garcia in a dispute concerning certain Bermuda grass previously purchased by Garcia from a Mr. Pat Murphy d/b/a Murphy Ranch Supply. Soliz caused Garcia to sign an employment contract which contemplated litigation of this dispute. On April 14, 1989, Soliz accepted from Garcia the sum of \$216.00 (Two Hundred Sixteen Dollars) of which \$116.00 was specifically earmarked for the payment of filing and service fees. Following April 14, 1989, despite urgings by Garcia, his client, Soliz neither filed suit against Murphy nor performed any other meaningful legal service on behalf of Garcia. Garcia was obliged to sue

11-A

Respondent in the Justice of the Peace Court for Jim Wells County in order to obtain the return of \$216.00 Garcia had paid to Soliz.

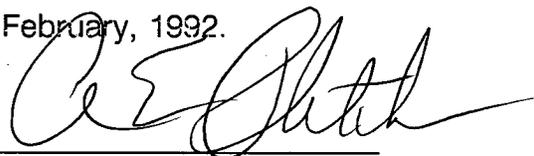
III(B).

Based on the foregoing findings of fact, the Grievance Committee concludes as a matter of law that Eugenio A. Soliz, Jr., by his conduct as set forth in Paragraph III(A) above, violated the following Disciplinary Rules of the Texas Code of Professional Responsibility, in force and effect at the time of his conduct: DR 6-101(A)(3) [willfully or intentionally neglecting a legal matter entrusted to him]; DR 7-101(A)(1) [intentionally failing to seek the lawful objectives of his client through reasonably available means permitted by law and the Disciplinary Rules]; and DR 7-101(A)(2) [intentionally failing to carry out a contract of employment entered into with a client for professional services].

IV.

WHEREFORE, PREMISES CONSIDERED, the Grievance Committee prays that the Court accept the resignation as Attorney and Counselor at Law of Eugenio A. Soliz, Jr., State Bar Card No. 18827500, and remove his name from the list of persons licensed to practice law in the State of Texas.

Respectfully submitted this 18 day of February, 1992.



Anthony E. Pletcher, Chairman
Grievance Committee for
State Bar District No. 11-A
State Bar of Texas

MISC. DOCKET NO. 92 -

IN THE SUPREME COURT OF TEXAS

CONCURRING MOTION FOR ACCEPTANCE OF RESIGNATION AS
ATTORNEY AND COUNSELOR AT LAW

OF

EUGENIO A. SOLIZ, JR.

TO THE HONORABLE SUPREME COURT OF TEXAS:

The Grievance Committee for State Bar District No. 12-A, State Bar of Texas, moves the Court to accept the Resignation as Attorney and Counselor at Law of Eugenio A. Soliz, Jr., showing the Court the following:

I.

Eugenio A. Soliz, Jr. ("Soliz"), State Bar Card No. 18827500, is an attorney licensed to practice law in Texas and a member of the State Bar of Texas. Soliz resides in Premont, Jim Wells County, Texas. On February 10, 1992, Soliz voluntarily executed a Motion for Acceptance of Resignation as Attorney and Counselor at Law in lieu of disciplinary action. The Grievance Committee hereby concurs in such Motion. Acceptance of such resignation in lieu of disciplinary action will serve to protect the public.

II(A).

PACESETTER MATTER

In connection with the resignation of Eugenio A. Soliz, Jr., the Grievance Committee makes the following findings of fact:

On or about April 24, 1987 Soliz accepted employment by The Pacesetter Corporation, of Omaha, Nebraska ("Pacesetter"), to

represent Pacesetter in a collection suit against Irvin Starr and Zoila Starr ("the Defendants"), residents of Brooks County, Texas. On July 8, 1987 Soliz filed suit on Pacesetter's behalf, initiating Cause No. 4081, styled Pacesetter Corp. v. Irvin Starr Et Ux Zoila Starr, in the 79th Judicial District Court for Brooks County, Texas. The Defendants timely answered this lawsuit and counter-claimed against Pacesetter.

On December 30, 1987 the Defendants served on Pacesetter, through Soliz, interrogatories and a request for production of documents. Both discovery documents were received by Soliz on January 4, 1988. After January 4, 1988 Soliz did not notify Pacesetter, his client, of his receipt of the interrogatories and request for production of documents, and no response or objection was made to either discovery request.

On August 11, 1989 the Defendants filed a Motion for Sanctions, complaining of Pacesetter's failure to answer their interrogatories and produce the requested documents. On September 19, 1989 Soliz filed defective interrogatory answers, improperly made and sworn to by Soliz, who was neither an officer nor a duly authorized representative of the Defendants'. On September 21, 1989 the Court heard and granted Pacesetter's Motion for Sanctions, assessing \$750.00 attorney's fees against Pacesetter and ordering that, not later than October 12, 1989, Pacesetter provide the Defendants with interrogatory answers subscribed and sworn to by a Pacesetter officer or duly authorized representative, and with all documents requested by the Defendants.

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After September 21, 1989 Pacesetter failed to properly comply with the Court's order regarding discovery. On November 2, 1989 the Defendants filed a Second Motion for Sanctions, pointing out Pacesetter's failure to comply with the Court's previous order. On November 22, 1989 the Court heard and granted the Defendants' Second Motion for Sanctions, dismissed Pacesetter's claim against the Defendants with prejudice, and awarded the Defendants judgment against Pacesetter in the amount of \$11,655.64 on the Defendants' counter-claim.

After November 22, 1989 Soliz did not advise any officer or other representative of Pacesetter, his client, of the Court's dismissal of Pacesetter's claim, nor did Soliz advise Pacesetter that judgment had been entered against it in the amount of \$11,655.64. Soliz filed no motion for rehearing, for reconsideration, or for new trial in Cause No. 4081, nor did Respondent take any other action to set aside, modify, or appeal the judgment entered against Pacesetter. Pacesetter learned that judgment had been entered against it only in April 1990, when the Defendants took steps to collect on the judgment, and long after the time for giving proper notice of appeal had expired.

II(B.)

Based on the foregoing findings of fact, the Grievance Committee concludes as a matter of law that Eugenio A. Soliz, Jr., by his conduct as set forth in Paragraph II(A) above, violated the following Disciplinary Rules of the Texas Code of Professional Responsibility, in force and effect at the time of his conduct:

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DR 6-101(A)(2) [handling a legal matter without preparation adequate in the circumstances]; DR 6-101(A)(3) [willfully or intentionally neglecting a legal matter entrusted to him]; DR 7-101(A)(1) [intentionally failing to seek the lawful objectives of his client through reasonably available means permitted by law and the Disciplinary Rules]; DR 7-101(A)(2) [intentionally failing to carry out a contract of employment entered into with a client for professional services]; and DR 7-101(A)(3) [intentionally prejudicing or damaging his client during the course of the professional relationship].

III.

WHEREFORE, PREMISES CONSIDERED, the Grievance Committee prays that the Court accept the resignation as Attorney and Counselor at Law of Eugenio A. Soliz, Jr., State Bar Card No. 18827500, and remove his name from the list of persons licensed to practice law in the State of Texas.

Respectfully submitted this 26th day of February, 1992.


Richard G. Morales, Jr., Chairman
Grievance Committee for
State Bar District No. 12-A
State Bar of Texas

Misc. Docket No. 92 -

IN THE SUPREME COURT OF TEXAS

CERTIFICATION OF THE GENERAL COUNSEL
OF THE
STATE BAR OF TEXAS
REGARDING
EUGENIO A. SOLIZ, JR.

TO THE HONORABLE SUPREME COURT OF TEXAS:

I, James M. McCormack, General Counsel of the State Bar of Texas, in accordance with Article X, Section 15 of the State Bar Rules, hereby certify that there is currently pending a disciplinary action against Eugenio A. Soliz, Jr., State Bar Card Number 18827500, which action is styled The State Bar of Texas v. Eugenio A. Soliz, Jr., No. 91-06-29,955-CV, in the 79th Judicial District Court for Jim Wells County, Texas.

Respectfully submitted,


James M. McCormack
General Counsel
State Bar of Texas

3/6/92
Date

CERTIFICATION OF THE GENERAL COUNSEL - SOLO PAGE