

ORDER OF THE SUPREME COURT OF TEXAS

Misc Docket No. 96- 9136

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

The Supreme Court of Texas hereby appoints the Honorable Scott Wisch, Judge of the 372nd District Court of Tarrant County, Texas, to preside in the Disciplinary Action styled:

The Commission for Lawyer Discipline v. Mark T. Sandoval

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

The Clerk of the Supreme Court shall promptly forward to the District Clerk of Harris 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,

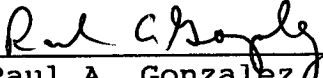
with the Seal thereof affixed at the City
of Austin, this 13th day of May, 1996.



JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 96-9136, is also an assignment pursuant to Texas Government Code §74.057.

Signed this 15th day of May, 1996.



Raul A. Gonzalez
Justice
(Tex. Gov't Code § 22.014)



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

CLERK
JOHN T. ADAMS

JUSTICES


RAUL A. GONZALEZ
NATHAN L. HECHT
JOHN CORNYN
CRAIG ENOCH
ROSE SPECTOR
PRISCILLA R. OWEN
JAMES A. BAKER
GREG ABBOTT

EXECUTIVE ASS'T
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

I hereby authorize the Honorable Raul A. Gonzalez, senior Justice of the Supreme Court of Texas, to sign certificates of eligibility of applicants for judicial retirement benefits, assignments of retired and former judges, and any other court documents which may require the signature of the Chief Justice of the Supreme Court, during my absence between May 13 and May 23, 1996, pursuant to Texas Government Code § 22.014.

May 6, 1996


Thomas R. Phillips
Chief Justice

§ 22.014. Senior Justice Acting for Chief Justice

In the chief justice's absence, the justice with the most seniority on the supreme court may sign a court document for the chief justice if the chief justice has given that justice written authorization.

Added by Acts 1995, 74th Leg., ch. 356, § 1, eff. Aug. 28, 1995.

CAUSE NO. _____

COMMISSION FOR LAWYER DISCIPLINE § IN THE DISTRICT COURT OF
v. § HARRIS COUNTY, TEXAS
MARK T. SANDOVAL § _____ 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 ("CFLD"), complaining of Respondent, Mark T. Sandoval ("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 and supp. 1994), 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 with the State Bar of Texas on or after May 1, 1992.

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 Harris County, Texas and therefore venue is appropriate in Harris County, Texas pursuant to Rule 3.03 of the Texas Rules of Disciplinary Procedure. An officer may serve citation on Respondent at his business address located at 1010 Lamar Street, Suite 220, Houston, Harris County, Texas 77002-6312.

III.

On or about December 14, 1992, John E. Williams (hereinafter called "Williams") son, Brandon Edward Williams, died while in the care of Beginning Years Child Development Center, a day-care facility. The decedent's mother, Shauntrell Moses (hereinafter called "Moses"), retained Respondent to represent her in the wrongful death of her child, Brandon Edward Williams.

IV.

Thereafter, Sandoval represented to American Lloyds Insurance Company, the insurance carrier for Beginning Years Development Center, that he was the attorney representing both Williams and Moses in this case. On September 3, 1993 Sandoval settled the case and received a check in the amount of \$168,750.00 payable to Moses, Williams and Sandoval.

V.

Moses and Sandoval signed the settlement check, but Williams endorsement on the check was forged. An William's signature on the Full and Final Release was forged. Williams at the time of the settlement was in custody at the Harris County Jail, Houston, Texas, and was not informed of any settlement being made on behalf of his son, Brandon Edward Williams. On or about September 2, 1993, Sandoval deposited the \$168,750.00 settlement check into his trust account, Williams did not retain Sandoval or anyone from his office to represent him regarding Brandon's death, nor did Williams sign a Power of Attorney, or contract of employment with Sandoval, or anyone in his office regarding the death of Brandon, nor authorize Sandoval to represent him, or to act on his behalf, sign settlement papers, settlement drafts, or to represent to the day care center, or its insurance carrier that Sandoval was his

attorney, and was entitled to act on his behalf.

VI.

By certified letter dated May 26, 1994, and received by Respondent on or about June 9, 1994, the State Bar of Texas Investigator Petra Contreras, on behalf of the Grievance Committee for the State Bar District 4D, urged Respondent to provide: 1) a copy of both the front and back of settlement check(s) received from the insurance company; 2) a copy of the deposit slip used to deposit the settlement check into Respondent's trust account; 3) a copy of the settlement distribution sheet for each client; 4) a copy of both the front and back of all checks issued from Respondent's trust account to disburse the entire proceeds of the settlement in this case; 5) a copy of the bank statement which shows the deposit of settlement checks from the insurance company, and all other bank statements until the entire proceeds were disbursed; 6) a copy of the Power of Attorney; 7) and a copy of the Employment Contract both Moses and Williams signed. Respondent failed to timely respond to the Committee's requests. Respondent, thereafter, knowingly failed to respond to a lawful demand for information from a disciplinary authority, to wit, the Grievance Committee for the State Bar District 4D, thereby engaging in professional misconduct in violation of Rule 8.01(b) of the Texas Disciplinary Rules of Professional Conduct.

VII.

By certified letter dated July 18, 1994, and received by Respondent on or about July 20, 1994, the State Bar of Texas Investigator Petra Contreras, on behalf of the Grievance Committee for the State Bar District 4D, urged Respondent to provide: 1) copies of both the front and back of all negotiated checks from his trust account and any and all other accounts to show total

disbursement of settlement; 2) the client file for Shauntrell Moses; 3) the client file for John Williams and to include the criminal file Respondent represented John Williams; and 4) documents showing Respondent visited John Williams in jail. Respondent failed to timely respond to the Committee's requests. Respondent thereafter knowingly failed to respond to a lawful demand for information from a disciplinary authority, to wit, the Grievance Committee for the State Bar District 4D, thereby engaging in professional misconduct in violation of Rule 8.01(b) of the Texas Disciplinary Rules of Professional Conduct.

VIII.

The acts and/or omissions of the Respondent described above in Paragraph(s) III. through VII. that occurred on or after January 1, 1990, constitute conduct that violated Rules 1.14(a), 1.14(b), 8.01(b), and 8.04(a)(3) of the Texas Disciplinary Rules of Professional Conduct ("TDRPC").

XI.

The complaint which forms the basis of this lawsuit as hereinabove set forth was brought to the attention of the Office of the General Counsel of the State Bar of Texas by the filing of a complaint by John E. Williams on or about May 18, 1994.

PRAAYER

WHEREFORE, PREMISES CONSIDERED, Petitioner the COMMISSION FOR LAWYER DISCIPLINE respectfully prays that this Court discipline Respondent Mark T.

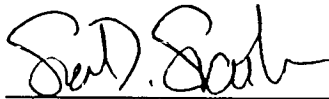
Sandoval, as the facts shall warrant, and that the CFLD have all other relief to which it may show itself to be justly entitled, including costs of court and attorney's fees.

Respectfully submitted,

James M. McCormack
General Counsel

Stephen D. Statham
Assistant General Counsel

Office of the General Counsel
State Bar of Texas
1111 Fannin, Suite 1370
Houston, Texas 77002
(713) 759-6932
(713) 759-1932 FAX



STEPHEN D. STATHAM
State Bar No. 19082500

ATTORNEYS FOR THE COMMISSION FOR
LAWYER DISCIPLINE

STATE BAR OF TEXAS



Office of the General Counsel

March 5, 1996

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

Re: Commission for Lawyer Discipline v. Mark T. Sandoval

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 Mark T. Sandoval. Mr. Sandoval is a resident of Harris 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:

Mark T. Sandoval
1010 Lamar Street, Suite 220
Houston, Texas 77002-6312

As a practical matter, I would respectfully suggest that you inquire with the judge to be appointed as to 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.

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 Harris County, Texas, with the request that the suit be filed, citation be issued, and the citation along with a file-stamped copy of the petition, be returned to the undersigned.

I have also enclosed a pre-addressed envelope for your use in transmitting the above reference documents, to the District Clerk of Harris County, Texas, and a return envelope to be sent to the District Clerk of Harris County, Texas, for the Clerk's use in returning a file-stamped copy of the petition to the undersigned.

Mr. John T. Adams, Clerk
Supreme Court of Texas
March 5, 1996
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If you have any questions, please contact me. Thank you for your assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "S.D. Statham". The signature is written in a cursive, flowing style.

Stephen D. Statham
Assistant General Counsel

SDS/lp
enclosures



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

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JAMES A. BAKER
GREG ABBOTT

May 22, 1996

The Honorable Charles Bacarisse
District Clerk of Harris County
P.O. Box 4651
Houston, Texas 77210

Dear Mr. Bacarisse:

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. Mark T. Sandoval and a copy of the Supreme Court's order appointing the Honorable Scott Wisch, Judge of the 372nd District Court, Fort Worth, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Hon. Scott Wisch
Mr. Mark T. Sandoval
Mr. James M. McCormack



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

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GREG ABBOTT

May 22, 1996

Honorable Scott Wisch
Judge, 372nd District Court
Justice Center
401 Belknap Street
Fort Worth, Texas 76196-0225

Dear Judge Wisch:

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. Sandoval and Mr. McCormack, and a copy of the letter to the District Clerk of Harris County.

It is recommended that, six to eight weeks after receipt of this letter, you contact the Harris County District Court Administrative Office (713-755-7593) to find out the district court to which this disciplinary case has been assigned. We then recommend that, either before or immediately after you set the case for trial, you again contact the Harris County District Court Administrative Office (713-755-6593) 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 (713-471-3911) 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



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

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JAMES A. BAKER
GREG ABBOTT

May 22, 1996

Mr. James M. McCormack
General Counsel, State Bar of Texas
P.O. Box 12487
Austin, Texas 78711

Mr. Mark T. Sandoval
1010 Lamar Street, Suite 220
Houston, Texas 77002-6312

Dear Mr. McCormack and Mr. Sandoval:

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 Scott Wisch, Judge of the 372nd District Court, Fort Worth, Texas to preside in

Commission for Lawyer Discipline v. Mark T. Sandoval

Sincerely,

SIGNED

John T. Adams
Clerk