

ORDER OF THE SUPREME COURT OF TEXAS

Misc Docket No. 96- 9245

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

The Supreme Court of Texas hereby appoints the Honorable Benjamin Euresti, Jr., Judge of the 107th District Court of Cameron County, Texas, to preside in the Disciplinary Action styled:

The Commission for Lawyer Discipline v. Robert T. Wallace

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.

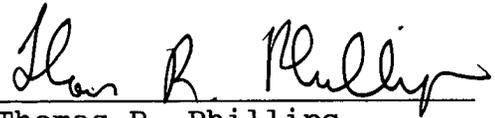
As ordered by the Supreme Court of Texas, in chambers,

with the Seal thereof affixed at the City
of Austin, this 21st day of November, 1996.


JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 96-9245, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 27 day of November, 1996.

A handwritten signature in cursive script, reading "Thomas R. Phillips", written over a horizontal line.

Thomas R. Phillips
Chief Justice

CAUSE NO. _____

COMMISSION FOR LAWYER DISCIPLINE

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§

IN THE DISTRICT COURT OF

v.

HARRIS COUNTY, TEXAS

ROBERT T. WALLACE

_____ JUDICIAL DISTRICT

DISCIPLINARY PETITION

TO THE HONORABLE JUDGE OF THE COURT:

COMES NOW Petitioner, the COMMISSION FOR LAWYER DISCIPLINE, a committee of the State Bar of Texas (hereinafter called "Petitioner"), complaining of Respondent ROBERT T. WALLACE, (hereinafter called "Respondent"), showing the Court:

I.

Petitioner brings this disciplinary action pursuant to the State Bar Act, the Texas Government Code Annotated §81.001, *et seq.* (Vernon 1988 and supp. 1994), the Texas Disciplinary Rules of Professional Conduct, and the Texas Rules of Disciplinary Procedure. The complaints that form the basis of this Disciplinary Petition were filed on or after May 1, 1992.

II.

Respondent is an attorney licensed to practice law in Texas and is a member of the State Bar of Texas. Respondent is a resident of Fort Bend County, Texas. Respondent's principal place of practice is 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 6300 Hillcroft, Suite 604, Houston, Harris County, Texas, 77081.

III. First Cause of Action

On or about November 11, 1994, Patty Price (hereinafter called "Price") was involved in an automobile accident. On or about November 12, 1994, Price was contacted by telephone by a man identified as Dan Harris. He informed Price that his call was in reference to her auto accident and that he could provide her with an attorney and other services. Price agreed to the services and was informed that she would be taken to receive medical treatment. On or about November 22, 1994, Price was taken to a medical clinic for treatment and was met by Anthony Phillip DeLeon, a representative of Respondent's law office. Mr. DeLeon had Price sign a contract retaining the services of Respondent. Price had no family or past or present attorney-client relationship with the Respondent.

IV.

The acts and/or omissions of the Respondent described in Paragraphs III above, which occurred on or after January 1, 1990, constitute conduct in violation of Rule(s) **1.15(a)** [a lawyer shall decline to represent a client, or where representation has commenced, shall withdraw from the representation of a client, if: 1) the representation will result in violation of applicable rules of professional conduct or other law]; **5.03(a)** [a lawyer having direct supervisory authority over a nonlawyer shall make reasonable efforts to ensure that the person's conduct is compatible with the professional obligations of the lawyer]; **5.03(b)(1)** [a lawyer shall be subject to discipline for the conduct of a nonlawyer that would be a violation of the Texas Disciplinary Rules of Professional Conduct if engaged in by a lawyer if the lawyer orders, encourages, or permits the conduct involved]; **5.03(b)(2)** [a lawyer shall be subject to discipline for the conduct of a nonlawyer that would be a violation of the Texas Disciplinary Rules of Professional Conduct if

engaged in by a lawyer if the lawyer is a partner in the law firm in which the person is employed, retained, or associated with, or has direct supervisory authority over such person; or, if the lawyer with knowledge of such misconduct by the nonlawyer knowingly fails to take reasonable remedial action to avoid or mitigate the consequences of that person's misconduct]; **7.03(a)** [a lawyer shall not accept or continue employment when the lawyer knows or reasonably should know that the person who seeks the lawyer's services does so as a result of conduct prohibited by the Texas Disciplinary Rules of Professional Conduct]; **8.04(a)(1)** [a lawyer shall not violate the Texas Disciplinary Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another, whether or not such violation occurred in the course of a client-lawyer relationship]; and **8.04(a)(3)** [a lawyer shall not engage in conduct involving dishonesty, fraud, deceit or misrepresentation] of the Texas Disciplinary Rules of Professional Conduct.

V.

The complaint that forms the basis of this cause of action was brought to the attention of the Office of the General Counsel of the State Bar of Texas by Price's filing of a complaint on or about May 25, 1995.

VI. Second Cause of Action

On or about October 8, 1995, Archie Tignor (hereinafter called "Tignor") was involved in an automobile accident. On or about October 9, 1995, Tignor was contacted by telephone by a woman identified as Jennifer. She informed Tignor that her call was in reference to his auto accident and she referred him to the Respondent for legal services. On or about October 9, 1995, Tignor contacted Respondent's office where he spoke to Respondent's legal assistant

Carmen Albrego (hereinafter called "Albrego"). Tignor informed Albrego that he had been solicited by telephone on Respondent's behalf. Albrego requested that Tignor come to Respondent's office in order to retain Respondent. Tignor had no family or past or present attorney-client relationship with the Respondent.

VII.

The acts and/or omissions of the Respondent described in Paragraphs VI above, which occurred on or after January 1, 1990, constitute conduct in violation of Rule(s) **1.15(a)** [a lawyer shall decline to represent a client, or where representation has commenced, shall withdraw from the representation of a client, if: 1) the representation will result in violation of applicable rules of professional conduct or other law]; **5.03(a)** [a lawyer having direct supervisory authority over a nonlawyer shall make reasonable efforts to ensure that the person's conduct is compatible with the professional obligations of the lawyer]; **5.03(b)(1)** [a lawyer shall be subject to discipline for the conduct of a nonlawyer that would be a violation of the Texas Disciplinary Rules of Professional Conduct if engaged in by a lawyer if the lawyer orders, encourages, or permits the conduct involved]; **5.03(b)(2)** [a lawyer shall be subject to discipline for the conduct of a nonlawyer that would be a violation of the Texas Disciplinary Rules of Professional Conduct if engaged in by a lawyer if the lawyer is a partner in the law firm in which the person is employed, retained, or associated with, or has direct supervisory authority over such person; or, if the lawyer with knowledge of such misconduct by the nonlawyer knowingly fails to take reasonable remedial action to avoid or mitigate the consequences of that person's misconduct]; **7.03(a)** [a lawyer shall not accept or continue employment when the lawyer knows or reasonably should know that the person who seeks the lawyer's services does so as a result of conduct

prohibited by the Texas Disciplinary Rules of Professional Conduct]; **8.04(a)(1)** [a lawyer shall not violate the Texas Disciplinary Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another, whether or not such violation occurred in the course of a client-lawyer relationship]; and **8.04(a)(3)** [a lawyer shall not engage in conduct involving dishonesty, fraud, deceit or misrepresentation] of the Texas Disciplinary Rules of Professional Conduct.

VIII.

The complaint that forms the basis of this cause of action was brought to the attention of the Office of the General Counsel by the State Bar of Texas' filing of a complaint on or about November 7, 1995.

Prayer

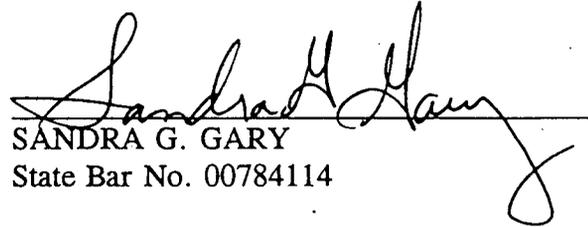
WHEREFORE, PREMISES CONSIDERED, Petitioner the COMMISSION FOR LAWYER DISCIPLINE respectfully prays that this Court discipline Respondent, ROBERT T. WALLACE, by disbarment, suspension or reprimand, as the facts shall warrant; and that the Petitioner have all other relief to which it may show itself to be justly entitled, including costs of court and attorney's fees.

Respectfully submitted,

Steven W. Young
General Counsel

Sandra G. Gary
Assistant General Counsel

Office of the General Counsel
STATE BAR OF TEXAS
1111 Fannin, Suite 1370
Houston, Texas 77002
(713) 759-6931
Fax No. (713) 752-2158



SANDRA G. GARY
State Bar No. 00784114

ATTORNEYS FOR THE COMMISSION
FOR LAWYER DISCIPLINE

STATE BAR OF TEXAS



Office of the General Counsel

October 9, 1996

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

Re: Commission for Lawyer Discipline v. Robert T. Wallace

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 Robert T. Wallace. Robert T. Wallace has designated Harris County, Texas 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 practices 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:

Robert T. Wallace
6300 Hillcroft, Suite 604,
Houston, Texas, 77081.

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 Civil Case Information Sheet, and 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 citation, along with a file-stamped copy of the petition be returned to the undersigned.

1111 FANNIN, SUITE 1370, HOUSTON, TEXAS 77002, (713)759-6931

Mr. John T. Adams, Clerk
Supreme Court of Texas
October 9, 1996
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Also enclosed is a pre-addressed envelope for your use in transmitting the above referenced 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 filemarked copy of the petition to the undersigned.

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

Very truly yours,


Sandra G. Gary
Assistant General Counsel

SGG/dy
enclosures



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

December 16, 1996

Ms. Sandra G. Gary
Assistant General Counsel, State Bar of Texas
1111 Fannin, Suite 1370
Houston, Texas 77002

Mr. Robert T. Wallace
6300 Hillcroft, Suite 604
Houston, Texas 77081

Dear Ms. Gary and Mr. Wallace:

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 Benjamin Euresti, Jr., Judge of the 107th District Court, Brownsville, Texas to preside in

Commission for Lawyer Discipline v. Robert T. Wallace

Sincerely,

SIGNED

John T. Adams
Clerk



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

EXECUTIVE ASST
WILLIAM L. WILLIS

ADMINISTRATIVE ASST
NADINE SCHNEIDER

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

December 16, 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. Robert T. Wallace, and a copy of the Supreme Court's order appointing the Honorable Benjamin Euesti, Jr., Judge of the 107th District Court, Brownsville, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Hon. Benjamin Euesti, Jr.
Mr. Robert T. Wallace
Ms. Sandra G. Gary



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

POST OFFICE BOX 12248 AUSTIN, TEXAS 78711

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WILLIAM L. WILLIS

ADMINISTRATIVE ASST
NADINE SCHNEIDER

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ROSE SPECTOR
PRISCILLA R. OWEN
JAMES A. BAKER
GREG ABBOTT

December 16, 1996

Honorable Benjamin Euresti, Jr.
Judge, 107th District Court
974 E. Harrison Street
Brownsville, Texas 78520

Dear Judge Euresti:

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. Wallace and Ms. Gary, 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