

ORDER OF THE SUPREME COURT OF TEXAS

Misc Docket No. 98-9199

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

The Supreme Court of Texas hereby appoints the Honorable Frederick E. Edwards, Judge of the 9th District Court of Montgomery County, Texas, to preside in the Disciplinary Action styled:


The Commission for Lawyer Discipline v. Edward N. Daneri

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,

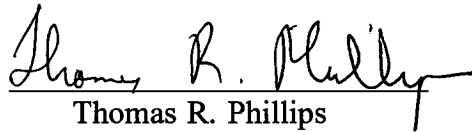
with the Seal thereof affixed at the City
of Austin, this ~~16th~~^{18th} day of November, 1998.



JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 98-9199, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 18 day of November, 1998.

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

Thomas R. Phillips
Chief Justice

No. _____

COMMISSION FOR LAWYER
DISCIPLINE

V.

EDWARD N. DANERI

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§

IN THE DISTRICT COURT OF

BEXAR COUNTY, TEXAS

___TH JUDICIAL DISTRICT

DISCIPLINARY PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now, Petitioner, COMMISSION FOR LAWYER DISCIPLINE, a committee of the State Bar of Texas, complaining of Respondent, EDWARD N. DANERI, 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, EDWARD N. DANERI, Texas State Bar Number 05352900, 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 place of business located at 115 E. Travis, Suite 1105 San Antonio, Texas 78205-1605.

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.

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 on or about December 15, 1997. The acts and conduct of Respondent, as hereinafter alleged, constitute professional misconduct.

II.

1. On May 22, 1997, an Agreed Judgment of Fully Probated Suspension was entered into by and between the District 10A Grievance Committee and Respondent, Edward N. Daneri. Pursuant to the express terms of said Judgment, Respondent agreed to accept a two-year suspension from the practice of law beginning June 1, 1997 and ending June 1, 1999. The aforementioned suspension was fully probated on the condition that Respondent comply with certain terms and conditions to which Respondent had agreed. A true and correct copy of the Judgment is attached hereto as **Exhibit A** and incorporated herein for all purposes.

2. Among the conditions of probation was the requirement that Respondent pay restitution to the Complainant, Gregorio Cisneros, in the amount of Thirty Thousand Dollars (\$30,000.00). The restitution amount was to be paid out in fifteen (15) installments of Two Thousand Dollars (\$2,000.00) each beginning on August 1, 1997, with each succeeding payment due on the first day of each month until paid in full. Payments were to be in the form of a certified or cashier's check

and sent to the State Bar of Texas, 425 Soledad, Suite 300, San Antonio, Texas 78205.

3. On or about August 4, 1997, Respondent paid the first installment of Two Thousand Dollars (\$2,000.00) directly to Complainant, Gregorio Cisnero. A true and correct copy of the money order, along with the receipt of funds, is attached hereto as **Exhibit B** and incorporated herein for all purposes.

4. Following the August 4, 1997 payment of the initial installment, Respondent failed to make any further payments towards the restitution ordered and agreed to under the Judgment. A True and correct copy of the Affidavit of Tina Gilson is attached hereto as **Exhibit C** and incorporated herein for all purposes.

5. As of the filing of this Disciplinary Petition with the Supreme Court of Texas, Respondent has defaulted on restitution payments for the period of September 1, 1997 through October 1, 1998, totaling Twenty-Six Thousand Dollars (\$26,000.00).

III.

The conduct of Respondent described above constitutes a violation of the following Texas Disciplinary Rules of Professional Conduct:

Rule 8.04(a)(1) -- A lawyer shall not violate these rules, * * * * .

Rule 8.04(a)(7) -- A lawyer shall not violate any disciplinary or disability order or judgment.

PRAYER

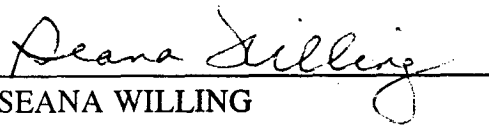
WHEREFORE, PREMISES CONSIDERED, Petitioner prays that a judgment of professional misconduct be entered against Respondent imposing an appropriate sanction as the facts shall warrant and that Petitioner have such other relief to which it is entitled, including costs of court and attorney's fees.

Respectfully submitted,

Steve Young
General Counsel

Seana Willing
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


SEANA WILLING
State Bar No. 00787056

ATTORNEYS FOR PETITIONER

STATE BAR OF TEXAS



**CERTIFIED MAIL
RETURN RECEIPT REQUESTED
Z 426 178 046**

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

October 15, 1998

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

RE: Commission for Lawyer Discipline v. Edward N. Daneri

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 Edward N. Daneri. Mr. Daneri 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:

Edward N. Daneri
115 E. Travis, Suite 1105
San Antonio, Texas 78205-1605

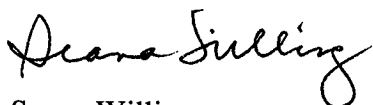
As a practical matter, I would respectfully suggest that you inquire with the judge to be appointed as to: (1) whether he or she will be able to comply with the 180 day deadline by which the case must be set for trial as set forth in Section 3.07 of the Texas Rules of Disciplinary Procedure; and (2) 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,

A handwritten signature in cursive script that reads "Seana Willing". The signature is written in black ink and is positioned above the printed name and title.

Seana Willing
Assistant General Counsel

Enclosures

SBW/cah



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 ASS'T
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

JUSTICES

RAUL A. GONZALEZ
NATHAN L. HECHT
CRAIG T. ENOCH
ROSE SPECTOR
PRISCILLA R. OWEN
JAMES A. BAKER
GREG ABBOTT
DEBORAH G. HANKINSON

NOV 23 1998

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

Dear Ms. White:

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. Edward N. Daneri*, and a copy of the Supreme Court's order appointing the Honorable Frederick E. Edwards, Judge of the 9th District Court, Conroe, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Hon. Frederick E. Edwards
Ms. Seana Willing
Mr. Edward N. Daneri



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

POST OFFICE BOX 12248 AUSTIN, TEXAS 78711

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CLERK
JOHN T. ADAMS

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JAMES A. BAKER
GREG ABBOTT
DEBORAH G. HANKINSON

EXECUTIVE ASST
WILLIAM L. WILLIS

ADMINISTRATIVE ASST
NADINE SCHNEIDER

NOV 23 1998

Honorable Frederick E. Edwards
Judge, 9th District Court
301 N. Thompson Street, Suite 301
Conroe, Texas 77301

Dear Judge Edwards:

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. Daneri and Ms. Willing, 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



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

POST OFFICE BOX 12248 AUSTIN, TEXAS 78711
TEL: (512) 463-1312
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CLERK
JOHN T. ADAMS

JUSTICES
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NATHAN L. HECHT
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DEBORAH G. HANKINSON

EXECUTIVE ASS'T
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

NOV 23 1998

Ms. Seana Willing
Assistant General Counsel, State Bar of Texas
425 Soledad, Suite 300
San Antonio, Texas 78205

Mr. Edward N. Daneri
115 E. Travis, Suite 1105
San Antonio, Texas 78205-1605

Dear Ms. Willing and Mr. Daneri:

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 Frederick E. Edwards, Judge of the 9th District Court, Conroe, Texas to preside in

Commission for Lawyer Discipline v. Edward N. Daneri

Sincerely,

SIGNED

John T. Adams
Clerk