

ORDER OF THE SUPREME COURT OF TEXAS

Misc Docket No. 96-9108

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

The Supreme Court of Texas hereby appoints the Honorable Rick Morris, Judge of the 146th District Court of Bell County, Texas, to preside in the Disciplinary Action styled:

The Commission for Lawyer Discipline v. Rand Allen Mintzer

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.

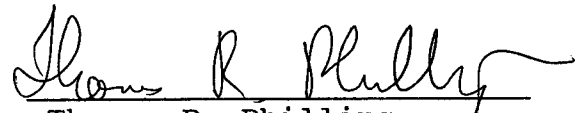
As ordered by the Supreme Court of Texas, in chambers,

with the Seal thereof affixed at the City
of Austin, this 9th day of April, 1996.


JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 96-9108, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 10 day of April, 1996.


Thomas R. Phillips
Chief Justice

NO. _____

COMMISSION FOR LAWYER DISCIPLINE	§	IN THE DISTRICT COURT OF
V.	§	HARRIS COUNTY, TEXAS
RAND MINTZER	§	_____ 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 (hereinafter called "Petitioner"), complaining of Respondent, Rand Mintzer, (hereinafter called "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), 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 on or after May 1, 1992.

II.

Respondent is an attorney licensed to practice law in the State of 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. An officer may serve citation on Respondent at 5900 Memorial Drive, Ste. 100, Houston, Harris County, Texas 77007.

III.

On or about August 5, 1993, Louise Squires ("Squires") hired Respondent to represent her with regards to the death of her son, Victor Lee Bosh. In or about November, 1993, Allstate Insurance Company ("Allstate") settled with Squires with regards to Victor Lee Bosh's death. In or about December, 1993, William Bosh hired James Perry ("Perry") to represent him with regards to the death of his son, Victor Lee Bosh. On or about December 14, 1993, Perry mailed Chad Clark ("Clark"), an Allstate adjuster, a letter of representation. Thereafter, Clark contacted Perry and informed him that Allstate had previously settled with regards to Victor Lee Bosh's death and that an affidavit of heirship had been executed stating that Victor Lee Bosh had no heirs other than Squires. Clark also contacted Respondent and informed him of the letter of representation that he had received from Perry. Thereafter, Respondent, or an employee under his direction, prepared a document entitled "Full Release and Settlement Agreement" ("settlement agreement") which sought to settle all possible claims that existed between Squires and William Bosh with regards to Victor Lee Bosh's death and the settlement money that Squires had received from Allstate. On or about December 23, 1993, the settlement agreement was mailed to Squires with the instructions that William Bosh was to sign the agreement. Respondent failed to obtain the consent of Perry prior to instructing Squires to communicate with Perry's client, William Bosh, on matters within the scope of Perry's representation of William Bosh. On or about December 28, 1993, William Bosh signed the settlement agreement.

IV.

Such acts and/or omissions on the part of Respondent as are described in Paragraph V, hereinabove, which occurred on or after January 1, 1990, constitute conduct which violates

Rules 4.02(a) and 8.04(a)(1) of the Texas Disciplinary Rules of Professional Conduct.

V.

The complaint which forms the basis of this cause of action set forth above was brought to the attention of the Office of the General Counsel of the State Bar of Texas by James Perry filing a complaint on or about January 14, 1994.

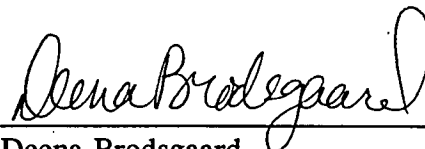
PRAYER

WHEREFORE, PREMISES CONSIDERED, Petitioner prays for judgment that Respondent be disciplined as the facts shall warrant; and that Petitioner have such other relief to which entitled, including costs of Court and attorney's fees.

Respectfully submitted,

James M. McCormack
General Counsel

Assistant General Counsel
Deena Brodsgaard
State Bar of Texas
Litigation - Dallas
5910 N. Central Expressway
Suite 920
Dallas, Texas 75206
(214) 368-0083
FAX (214) 368-6953



Deena Brodsgaard
State Bar Card No. 00790375
ATTORNEYS FOR PETITIONER



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 ASST
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

April 15, 1996

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

Mr. Rand Allen Mintzer
5900 Memorial Drive, Suite 100
Houston, Texas 77007

Dear Mr. McCormack and Mr. Mintzer:

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 Rick Morris, Judge of the 146th District Court, Belton, Texas to preside in

Commission for Lawyer Discipline v. Rand Allen Mintzer

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 ASS'T
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

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

April 15, 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 Lawver Discipline v. Rand Allen Mintzer and a copy of the Supreme Court's order appointing the Honorable Rick Morris, Judge of the 146th District Court, Belton, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Hon. Rick Morris
Mr. Rand Allen Mintzer
Mr. James M. McCormack



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 ASST
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

April 15, 1996

Honorable Rick Morris
Judge, 146th District Court
P.O. Box 747
Belton, Texas 76513-0747

Dear Judge Morris:

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. Mintzer 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