

ORDER OF THE SUPREME COURT OF TEXAS

MISC. DOCKET NO. 00-9056

IN THE MATTER OF CHARLES MARCUS

On this day, the Court considered the Motion for Acceptance of Resignation as Attorney and Counselor at Law of Charles Marcus, together with the Response of the Chief Disciplinary Counsel to the Motion for Acceptance of Resignation as Attorney and Counselor at Law of Charles Marcus. The Court has reviewed said Motion and Response and finds that each meets the requirements of Part X of the Texas Rules of Disciplinary Procedure. In conformity with Part X, Section 10.02 of the Texas Rules of Disciplinary Procedure, the Court considers the detailed statement of professional misconduct contained within the Response of Chief Disciplinary Counsel to be deemed conclusively established for all purposes. The Court finds that Charles Marcus is resigning in lieu of discipline. The Court, being advised that the acceptance of the resignation is in the best interest of the public and the profession, hereby concludes that the following Order is appropriate.

IT IS ORDERED that the law license of Charles Marcus of Dallas, Texas, State Bar card number 12974000, which was previously issued by this Court, be canceled and his name be dropped and deleted from the list of persons licensed to practice law in Texas.

IT IS FURTHER ORDERED that Charles Marcus immediately surrender his State Bar Card and Texas law license to the Clerk of the Supreme Court of Texas or file with the Court an affidavit stating the cause of his inability to do so.

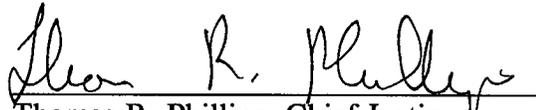
IT IS FURTHER ORDERED that Charles Marcus is permanently enjoined and prohibited from practicing law in the State of Texas, holding himself out as an attorney at law, performing legal services for others, giving legal advice to others, accepting any fee directly or indirectly for legal services, appearing 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 Charles Marcus shall immediately notify each of his current clients in writing of this resignation. In addition to such notification, Charles Marcus is **ORDERED** to return any files, papers, unearned monies and other property belonging to clients and former clients in his possession to the respective clients or former clients or to another attorney at the client's or former client's request. Charles Marcus is **ORDERED** to file with the State Bar of Texas, 3710 Rawlins, Suite 800, Dallas, Texas 75219, within thirty (30) days of the date of the effective date of this Order an affidavit stating that all current clients have been notified of his resignation and that all files, papers, monies and other property belonging to all clients and former clients have been returned as ordered herein.

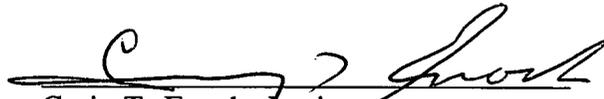
It is further **ORDERED** that Charles Marcus shall, within thirty (30) days after the date on which this Order is signed by the Court, notify in writing each and every justice of the peace, judge, magistrate, and chief justice of each and every court in which Charles Marcus has any matter pending of the terms of this Order, the style and cause number of the pending matter(s), and the name, address and telephone number of the client(s) Charles Marcus is representing in Court. Charles Marcus is **ORDERED** to file with the State Bar of Texas, 3710 Rawlins, Suite 800, Dallas, Texas 75219, within thirty (30) days of the date of the effective date of this Order

an affidavit stating that he has notified in writing each and every justice of the peace, judge, magistrate, and chief justice of each and every court in which he has any matter pending of the terms of this Order, the style and cause number of the pending matter(s), and the name, address and telephone number of the client(s) he is representing in Court.

By the Court, en banc, in chambers, this the 4th day of April, 2000.


Thomas R. Phillips, Chief Justice


Nathan L. Hecht, Justice

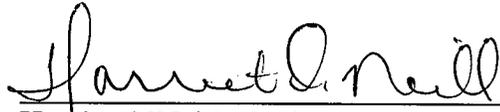

Craig T. Enoch, Justice

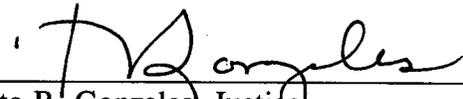

Priscilla R. Owen, Justice


James A. Baker, Justice


Greg Abbott, Justice


Deborah G. Hankinson, Justice


Harriet O'Neill, Justice


Alberto R. Gonzales, Justice

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

OF

CHARLES MARCUS

NOW COMES your Applicant, Charles Marcus, and hereby resigns as an Attorney and Counselor at Law in the State of Texas; and hereby submits to the Court his resignation as an Attorney and Counselor at Law; and prays that the Court accept said resignation.

Attached hereto is the License and permanent State Bar card issued by this Court to the Applicant, Charles Marcus, as an Attorney and Counselor at Law on December 1, 1949. Said License and permanent State Bar card are hereby surrendered by the Applicant.

Your applicant is voluntarily resigning and withdrawing from the practice of law; Applicant does so in lieu of discipline for professional misconduct; and Applicant prays that his name be dropped and deleted from the list of persons licensed to practice law in Texas; and that his resignation be accepted.

Charles Marcus

Charles Marcus
State Bar No. 12974000

SUBSCRIBED AND SWORN to before me by the said Charles Marcus this the 25th
day of February, 2000.



Sophia Loren Kaper
NOTARY PUBLIC in and for the State of Texas

**IN THE SUPREME COURT OF TEXAS
RESPONSE OF THE CHIEF DISCIPLINARY COUNSEL
OF THE STATE BAR OF TEXAS
REGARDING
CHARLES MARCUS**

TO THE HONORABLE SUPREME COURT OF TEXAS:

I, William R. Garrett, Assistant Chief Disciplinary Counsel of the State Bar of Texas, in accordance with Part X of the Texas Rules of Disciplinary Procedure, hereby file a response on behalf of the State Bar of Texas, acting by and through the Commission for Lawyer Discipline, to the Motion for Acceptance of Resignation as Attorney and Counselor at Law of Charles Marcus, dated on or about February 25, 2000, and received by the Office of the Chief Disciplinary Counsel on or about February 25, 2000. The acceptance of the resignation of Charles Marcus (hereinafter referred to as "Marcus") is in the best interests of the public and the profession.

The following complaints are currently pending against Marcus before evidentiary panels of the District 06A Grievance Committee:

A. Commission for Lawyer Discipline v. Charles Marcus, D0039810641

On or about May 31, 1996, Complainant Donna Strong hired Marcus to settle her recently deceased father's outstanding credit card accounts. At the time of his death, Complainant Strong's father's total outstanding balance on twelve (12) credit cards was \$73,260.50. Other than the proceeds from a small insurance policy, Complainant Strong's father's estate was a "no asset" estate. Complainant Strong wanted to settle the outstanding accounts for ten cents on the dollar and Marcus agreed to contact the credit card companies and attempt to negotiate settlements. Between May 1996 and July 1997, Complainant Strong forwarded Marcus a total of \$18,160.00. Approximately \$2,500.00 of the amount was for Marcus's fees and expenses and the remainder was to be used for the settlement of the accounts. Marcus failed to place the funds into his trust account, but instead deposited the funds into an account designated for his own use. During the course of the representation, Marcus successfully negotiated settlements of four (4) of the outstanding accounts for a total settlement payout of \$1,977.35. Marcus, however, failed to obtain

settlements for the other eight (8) outstanding accounts and failed to perform any meaningful legal services in connection with these eight (8) accounts. Additionally, Marcus failed to promptly respond to Complainant Strong's repeated requests in the Fall of 1997 that he provide an accounting of the funds that had been sent to him (e.g., time spent on the case, copies of settlement checks issued) and specific information evidencing his work on the case (e.g., copies of the settlement agreements, names of contact persons, lists of accounts that had been settled). Furthermore, Marcus failed to provide to the grievance committee copies of all the checks that Marcus had written in connection with Complainant's case after the committee had requested such documents.

Violation of Rules 1.01(b)(1), 1.01(b)(2), 1.03(a), 1.14(a), 1.14(b), 8.01(b) and 8.04(a)(3) of the Texas Disciplinary Rules of Professional Conduct.

B. Commission for Lawyer Discipline v. Charles Marcus, D0039810660

In or about November of 1996, Complainant James White hired Marcus to represent him in the purchase of a home. Complainant White paid Marcus a fee of \$2,800.00. Marcus prepared a Warranty Deed which was executed by the seller on November 26, 1996, conveying the property to Complainant White subject to a Deed of Trust held by Boatman's National Mortgage ("Boatman's"). Boatman's notified Marcus in January 1997 that the transaction was a qualifying assumption and that Complainant White would need to complete the necessary documents. However, Marcus failed to inform Complainant White of Boatman's request. Further, on February 10, 1998, Marcus received a written demand from Nations Bank (acquirer of Boatman's) requiring Complainant White to either credit qualify or pay the existing loan in full within ninety (90) days or face foreclosure. Marcus failed to promptly notify Complainant White of this demand. Instead, in a March 1998 telephone call to Nations Bank, Complainant White learned of the Nations Bank demand.

Further, in or about January of 1997, during the pendency of the representation, Marcus entered into a business transaction with Complainant White in which Marcus (in exchange for a fee from a third party) transferred \$10,000.00 from Complainant White to a third party for investment purposes. The terms of the business transaction were not fair and reasonable to Complainant White. Marcus also failed to fully disclose the terms of the transaction to Complainant White, failed to give Complainant White a reasonable opportunity to seek the advice of independent counsel, and failed to obtain Complainant White's written consent.

Violation of Rules 1.01(b)(1), 1.01(b)(2), 1.03(a), 1.08(a)(1), 1.08(a)(2), 1.08(a)(3) and 8.04(a)(3) of the Texas Disciplinary Rules of Professional Conduct.

In view of Charles Marcus's execution on or about February 25, 2000, of his resignation as an attorney and counselor at law, and in anticipation of the Court's acceptance of same, the Chief Disciplinary Counsel does not anticipate going forward with the pending disciplinary complaints before the evidentiary panels and intends to dismiss the complaints upon entry of the Order of the Supreme Court of Texas deleting Charles Marcus from the list of persons licensed to practice law in the State of Texas.



William R. Garrett
Assistant Chief Disciplinary Counsel
State Bar of Texas

CERTIFICATE OF SERVICE

A true and correct copy of this Response of the Chief Disciplinary Counsel of the State Bar of Texas Regarding Charles Marcus, has on this 3rd day of March, 2000, been mailed to Charles Marcus, at 6320 LBJ Freeway, Suite 224, Dallas, Texas 75240, by certified mail, return receipt requested.



William R. Garrett

STATE BAR OF TEXAS



Office of the Chief Disciplinary Counsel

March 30, 2000

VIA AIRBORNE EXPRESS

INTERAGENCY MAIL

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

Re: Resignation of Charles Marcus, Bar Card No. 12974000

Dear Mr. Adams:

Pursuant to Part X of the Texas Rules of Disciplinary Procedure, please find enclosed herewith the following:

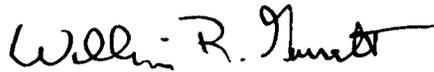
- 1) Motion for Acceptance of Resignation as Attorney and Counselor at Law signed by Charles Marcus, dated February 25, 2000 and received by the Chief Disciplinary Counsel on February 25, 2000;
- 2) Response of Chief Disciplinary Counsel of Motion to Acceptance of Resignation as Attorney and Counselor at Law of Charles Marcus, a copy of which was transmitted to Charles Marcus at least ten (10) days prior to today's date;
- 3) Original and one (1) copy of proposed Order for review and entry by the Court accepting the resignation of Charles Marcus as Attorney and Counselor at Law;
- 4) Charles Marcus' License; and
- 5) Charles Marcus' State Bar Card.

Please present the enclosed Order to the Court for review and entry. Upon entry of the Order by the Court, please transmit a true and correct copy of the same to the undersigned in order that this office may properly give notice to all parties of the Court's disposition of such motion.

Regency Plaza, 3710 Rawlins, Suite 800, Dallas, Texas 75219 (214)559-4353

Mr. John T. Adams, Clerk
Supreme Court of Texas
Resignation of Charles Marcus
March 30, 2000
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Sincerely,



William R. Garrett
Assistant Disciplinary Counsel

WRG/slk

Enclosures

cc: Charles Marcus
6320 LBJ Freeway
Suite 224
Dallas, Texas 75240
***Via Certified Mail No. Z-210 269 143,
Return Receipt Requested***