

ORDER OF THE SUPREME COURT OF TEXAS

MISC. DOCKET NO. 02- 9004

IN THE MATTER OF FREDERICK A. PASTOR

On this day, the Court considered the Motion for Acceptance of Resignation as Attorney and Counselor at Law of **Frederick A. Pastor**, together with the Response of the Chief Disciplinary Counsel to the Motion for Acceptance of Resignation as Attorney and Counselor at Law of **Frederick A. Pastor**. 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 **Frederick A. Pastor** 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 **Frederick A. Pastor** of Lewisville, Texas, Bar card number **15560450** 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 **Frederick A. Pastor** 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 **Frederick A. Pastor** 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".

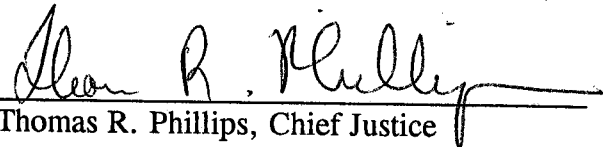
IT IS FURTHER ORDERED that **Frederick A. Pastor** shall immediately notify each of his current clients in writing of this resignation. In addition to such notification, **Frederick A. Pastor** is **ORDERED** to return any files, papers, unearned monies and other property belonging to clients and former clients in his possession to the respective clients or former clients or to another attorney at the client's or former client's request. **Frederick A. Pastor** is **ORDERED** to file with the State Bar of Texas, **6100 Southwest Blvd., Suite 320, Fort Worth, Texas 76109**, 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 **Frederick A. Pastor** 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 **Frederick A. Pastor** 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) **Frederick A. Pastor** is representing in Court. **Frederick A. Pastor** is **ORDERED** to file with the State Bar of Texas, **6100 Southwest Blvd., Suite 320, Fort Worth, Texas 76109**, within thirty (30) days of the date of the effective date of this Order an affidavit stating that he has notified in writing

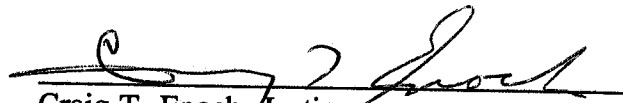
each and every justice of the peace, judge, magistrate, and chief justice of each and every court in which he has any matter pending of the terms of this Order, the style and cause number of the pending matter(s), and the name, address and telephone number of the client(s) he is representing in Court.

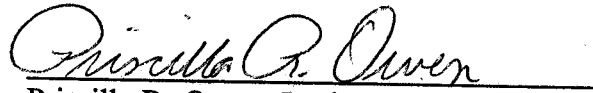
IT IS FURTHER ORDERED that **Frederick A. Pastor** shall make restitution to the following Complainants: **Cathern Williams** in the amount of \$1,021.00; **Ramona Phillips** in the amount of \$4,500.00; **John E. Taylor Sr.** in the amount of \$17,000.00; **Glenn Mitchell** in the amount of \$2,500.00; **Kimberly Kohr** in the amount of \$65,000.00; **Bert Inman** in the amount of \$24,833.00; and **Wayne Northcutt** in the amount of \$36,000.00, Dollars by cashier's check or money order made payable to each individually named Complainant and delivered by certified mail, return receipt requested, to the Office of the Chief Disciplinary Counsel, State Bar of Texas, 6100 Southwest Blvd., Suite 320, Fort Worth, Texas 76109, as an absolute condition precedent to making application for reinstatement for admission to the State Bar of Texas.


By the Court, en banc, in chambers, this the 9th day of January 2002.

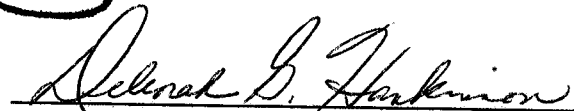

Thomas R. Phillips, Chief Justice

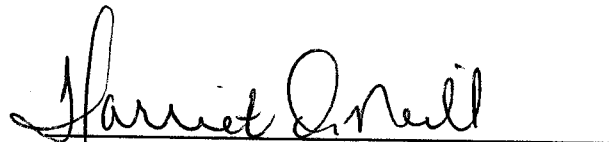

Nathan L. Hecht, Justice

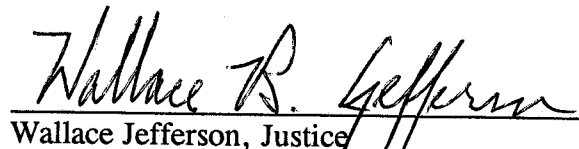

Craig T. Enoch, Justice



Priscilla R. Owen, Justice


James A. Baker, Justice


Deborah G. Hankinson, Justice


Harriet O'Neill, Justice


Wallace Jefferson, Justice


Xavier Rodriguez, Justice

IN THE SUPREME COURT OF TEXAS
RESPONSE OF THE CHIEF DISCIPLINARY COUNSEL
OF THE STATE BAR OF TEXAS
REGARDING
FREDERICK A. PASTOR

TO THE HONORABLE SUPREME COURT OF TEXAS:

Pursuant to Part X of the Texas Rules of Disciplinary Procedure, Dawn Miller, Chief Disciplinary Counsel, hereby files this 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 in Lieu of Discipline filed by Frederick A. Pastor and would show as follows:

I.

The acceptance by the Court of the Resignation of Frederick A. Pastor is in the best interest of the public and of the profession.

II.

FINDINGS OF FACT

- 1) Frederick A. Pastor, Respondent, is an attorney licensed to practice law in Texas and is a member of the State Bar of Texas.
- 2) The Chief Disciplinary Counsel of the State Bar of Texas has incurred reasonable attorneys' fees and direct expenses associated with the proceedings of this matter, which should be paid by Respondent.
- 3) F0050111316 - Respondent was retained in 1998 to represent Complainant, Cathern Williams, in a personal injury case. Respondent settled the case with the insurance company for

\$12,845.66. Respondent failed to pay medical bills of \$1,021.00 out of the settlement. Thereafter, Complainant requested information on the status of her case on numerous occasions. Respondent failed to communicate with Complainant concerning the status of her case.

- 4) In addition, Respondent upon settlement, failed to promptly notify and deliver funds to the lien holder.
- 5) Also, Respondent engaged in conduct involving dishonesty, fraud, deceit or misrepresentation by telling Complainant the medical bill had already been paid.
- 6) Lastly, Respondent failed to respond to the complaint herein and did not assert grounds excusing a failure to respond.

RESTITUTION: \$1,021.00

- 7) **F0050111394** - Respondent was retained on or about June 28, 1999 to represent Complainant, Ramona Phillips, in a personal injury case. Respondent informed Complainant that insurance company offered to settle the case for an unacceptable amount. Respondent stated that he was working on obtaining a better offer. Thereafter, Respondent settled the case for \$4,500.00 and failed to inform the Complainant.
- 8) In addition, Respondent upon settlement, failed to promptly notify and deliver funds to the Complainant.
- 9) Also, Respondent engaged in conduct involving dishonesty, fraud, deceit or misrepresentation when he failed to disburse funds owed to the Complainant.

10) Lastly, Respondent failed to respond to the complaint herein and did not assert grounds excusing a failure to respond.

RESTITUTION: \$4,500.00

11) **F0040111237** - Respondent was retained on or about September 25, 1996 to represent the Complainant, John E. Taylor Sr., in a personal injury case. Complainant received a letter, from the law firm of David Holder, stating that the Respondent requested the settlement money of \$17,000.00 be sent to his law firm. Thereafter, Respondent closed his law firm and failed to inform the Complainant of the status of his case.

12) In addition, Respondent upon settlement, failed to promptly notify and deliver funds to the Complainant.

13) Also, Respondent engaged in conduct involving dishonesty, fraud, deceit, and misrepresentation when he failed to disburse funds owed to the Complainant.

14) Lastly, Respondent failed to respond to the complaint herein and did not assert grounds excusing a failure to respond.

RESTITUTION: \$17,000.00

15) **F0030111175** - Respondent was retained on or about October 6, 1998 to represent the Complainant, Michael Hernandez, in a personal injury case. Respondent accepted a \$5,500.00 settlement and deposited the settlement in his escrow account. Complainant made numerous calls to Respondent's office about the status of his case. Thereafter, when the Respondent gave the Complainant his file, the

Complainant discovered that the insurance carrier had already made payment and Respondent had failed to communicate this to the Complainant.

- 16) In addition, Respondent upon settlement, failed to promptly notify and deliver funds to the Complainant.
- 17) Also, Respondent engaged in conduct involving dishonesty, fraud, deceit, and misrepresentation when he failed to disburse funds owed to the Complainant.
- 18) Lastly, Respondent failed to respond to the complaint herein and did not assert grounds excusing a failure to respond.
- 19) **F0040111272** - Respondent was retained on or about December 11, 2000, to represent the Complainant, Glenn Mitchell, in a personal injury case. Respondent told the Complainant that nothing had been issued to his office from the insurance company. When the insurance company advised Complainant that a check for \$2,500.00 was issued to the Respondent, Respondent closed his law firm and did not notify the Complainant.
- 20) In addition, Respondent upon settlement, failed to promptly notify and deliver funds to the Complainant.
- 21) Also, Respondent engaged in conduct involving dishonesty, fraud, deceit and misrepresentation when he failed to disburse funds owed to the Complainant.
- 22) Lastly, Respondent failed to respond to the complaint herein and did not assert grounds excusing a failure to respond.

RESTITUTION: \$2,500.00

- 30) Lastly, Respondent failed to respond to the complaint herein and did not assert grounds excusing a failure to respond.
- 31) **F0040111296** - Respondent was retained the early part of 1998, to represent the Complainant, Bert Inman, in a personal injury case. Respondent settled the case with the insurance company and the Complainant agreed with the settlement. Respondent told the Complainant he was waiting for the checks to be issued. Thereafter, the insurance company informed the Complainant that three checks were issued to the Respondent for \$24,833.00 and the Respondent closed his office when the Complainant discovered the settlement.
- 32) In addition, Respondent upon settlement, failed to promptly notify and deliver funds to the Complainant.
- 33) Also, Respondent engaged in conduct involving dishonesty, fraud, deceit, and misrepresentation when he failed to disburse funds owed to the Complainant.
- 34) Lastly, Respondent failed to respond to the complaint herein and did not assert grounds excusing a failure to respond.

RESTITUTION: \$24,833.00

- 35) **F0030111199** - Respondent misrepresented an estate to the probate court and failed to inform the opposing counsel of the court settings and information in a probate matter.
- 36) In addition, Respondent failed to respond to the complaint herein and did not assert grounds excusing a failure to respond.

- 37) **F0020111139** - Respondent misrepresented an estate to the probate court and failed to inform the opposing counsel, Wayne Northcutt, of the court settings and information. Thereafter, Respondent misappropriated \$36,000.00 he received from the proceeds of the estate sale.
- 38) In addition, Respondent failed to respond to the complaint herein and did not assert grounds excusing a failure to respond.

RESTITUTION: \$36,000.00

III.

CONCLUSIONS OF LAW

It is agreed that the foregoing findings of fact support a violation of Rules 1.03, 1.14(b) and 8.04(a)(3)(8) of the Texas Disciplinary Rules of Professional Conduct, Article X, Section 9, State Bar Rules, effective January 1, 1990.

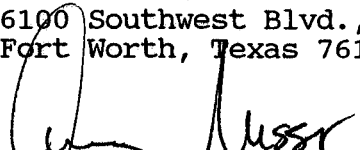
IV.

WHEREFORE, the State Bar of Texas, moves the Court to accept the resignation in lieu of discipline and grant the motion filed by Movant.

Respectfully Submitted,

Dawn Miller
Chief Disciplinary Counsel

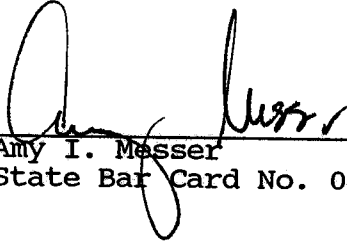
Amy I. Messer
Assistant Chief Disciplinary Counsel
Office of the Chief Disciplinary
Counsel
State Bar of Texas
6100 Southwest Blvd., Suite 320
Fort Worth, Texas 76109



Amy I. Messer
State Bar Card No. 00790705

CERTIFICATE OF SERVICE

This is to certify that the Response of the Chief Disciplinary Counsel to the Resignation of Frederick A. Pastor has been served on Frederick A. Pastor at 140 Pine Drive, Lewisville, Texas, 75057 via Certified Mail #001197021075 on this 19th day of December, 2007.



Amy I. Messer
State Bar Card No. 00790705

CF6-19.PRI

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

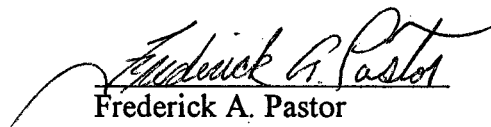
OF

Frederick A. Pastor

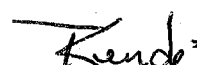
NOW COMES your Applicant, Frederick A. Pastor, and hereby resigns as an Attorney and Counselor at Law in the State of Texas; and hereby submits to the Court his resignation as an Attorney and Counselor at Law; and prays that the Court accept said resignation.

Attached hereto is the affidavit, of Applicant, Frederick A. Pastor declaring that the License and permanent State Bar card issued by this court to the Applicant, Frederick A. Pastor, as an Attorney and Counselor at Law on May 13, 1983, is presently lost or destroyed and could not be located despite diligent search. Said License and permanent State Bar card are hereby surrendered by the Applicant, Frederick A. Pastor, should they be located at a future date.

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.


Frederick A. Pastor
15560450

SUBSCRIBED AND SWORN to before me by the said Frederick A Pastor this the
10th day of DECEMBER, 2001.


NOTARY PUBLIC in and for
The State of Texas

Frederick A. Pastor
140 Pine Drive
Lewisville, Texas 75057



STATE OF TEXAS

§
§
§

COUNTY OF DENTON

AFFIDAVIT

On this the 10th day of December 2001, personally appeared before me, the undersigned authority, Frederick A. Pastor, who after being duly sworn, did state upon his oath:


"My name is Frederick A. Pastor and I am over the age of eighteen years and competent to make this affidavit in all respects.

I am an attorney licensed in the State of Texas. My Texas Bar Card number is 15560450. I am resigning as an Attorney and Counselor at Law in the State of Texas. Pursuant to my resignation as an attorney, I must surrender my License and State Bar Card issued by the Supreme Court of Texas. I state by way of this affidavit that I cannot locate my State Bar Card or State Bar License, and that I am unable to surrender it along with my Motion for Acceptance of Resignation."

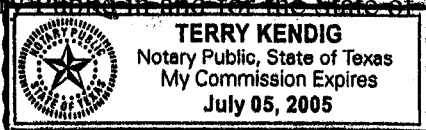


Frederick A. Pastor

SWORN TO AND SUBSCRIBED BEFORE ME this the 10th day of December 2001.



Notary Public in and for the State of Texas



STATE BAR OF TEXAS



Office of the Chief Disciplinary Counsel

January 4, 2002

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

Re: Frederick Pastor

Dear Mr. Adams:

Enclosed please find the revised Order of Resignation of the Supreme Court of Texas regarding Frederick A. Pastor.

If you require any additional revisions please contact me at the number listed below.

Sincerely,

A handwritten signature in cursive script that reads "Heidi R. Browder".

Heidi R. Browder
Administrative Assistant II
Office of the Chief Disciplinary Counsel
State Bar of Texas

Enclosure

STATE BAR OF TEXAS



Office of the Chief Disciplinary Counsel

December 28, 2001

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

Re: Frederick Pastor

Dear Mr. Adams:

Enclosed please find the *revised* Response of the Chief Disciplinary Counsel and the *revised* Order of Resignation of the Supreme Court of Texas regarding Frederick A. Pastor.

Please return a fully executed copy of the Order to our office at your earliest convenience.

If you require any additional information please feel free to contact me at the number listed below.

Sincerely,

Heidi R. Browder

Heidi R. Browder
Administrative Assistant II
Office of the Chief Disciplinary Counsel
State Bar of Texas

Enclosures

STATE BAR OF TEXAS



Office of the Chief Disciplinary Counsel

December 19, 2001

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

Re: Frederick A. Pastor

Dear Mr. Adams:

Enclosed please find a copy of the Order of Resignation of the Supreme Court of Texas regarding Frederick A. Pastor.

Please return a fully executed copy of the Order to our office at your earliest convenience.

Sincerely,

A handwritten signature in cursive script that reads "Heidi R. Browder".

Heidi R. Browder
Administrative Assistant II
Office of the Chief Disciplinary Counsel
State Bar of Texas

Enclosures

STATE BAR OF TEXAS



Office of the Chief Disciplinary Counsel

December 19, 2001

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

Re: Frederick A Pastor

Dear Mr. Adams:

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

- (1) Original executed Motion for Acceptance of Resignation as Attorney and Counselor at Law for the above referenced attorney;
- (2) Original and two (2) copies of the Response of the Chief Disciplinary Counsel to Motion for Acceptance of Resignation as Attorney and Counselor at Law for the above referenced attorney;
- (3) Permanent State Bar Card and law license (or affidavit stating whereabouts of either item) for the above referenced attorney; and,
- (4) Original Order of Resignation for the Court's signature.

Pursuant to Rule 10.02 of the Texas Rules of Disciplinary Procedure, the required ten (10) day timeframe has passed and the above-referenced attorney has made no attempt to withdraw the Motion for Acceptance of Resignation. Therefore, the detailed statement of professional misconduct is deemed to have been conclusively established for all purposes.

I will appreciate your bringing this to the Court's attention. Please return a fully executed copy of the Order to our office at your earliest convenience.

Sincerely,

Handwritten signature of Amy I. Messer in cursive script.

Amy I. Messer
Assistant Chief Disciplinary Counsel
Office of the Chief Disciplinary Counsel
State Bar of Texas

Enclosure

CF3-24RA.PRI