

**IN THE  
SUPREME COURT OF TEXAS  
IN THE MATTER OF  
JOSE SOTOLONGO**

**MISC. DOCKET NO. 94-9051**

**ORDER**

On this day, this Court considered the Motion for Acceptance of Resignation as Attorney and Counselor at Law of Jose Sotolongo, together with the Response of the Chief Disciplinary Counsel to the Motion for Acceptance of Resignation as Attorney and Counselor at Law of Jose Sotolongo. This Court has reviewed the 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, after being advised that the acceptance of the resignation is in the best interest of the public and the profession, concludes that the following Order is appropriate.

IT IS ORDERED that the law license of Jose Sotolongo of Houston, Texas, State Bar card number 18856000, previously issued by this Court, is cancelled and his name is dropped and deleted from the list of persons licensed to practice law in Texas.

The Court acknowledges its prior receipt of the Texas law license and State Bar card of Jose Sotolongo.

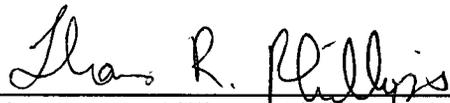
IT IS FURTHER ORDERED that Jose Sotolongo is permanently enjoined and prohibited from practicing law in the State of Texas, from holding himself out as an attorney at law, from performing any legal services for others, from giving legal advice to others,

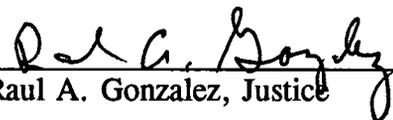
from accepting any fee directly or indirectly for legal services, from appearing as counsel or in any representative capacity in any proceeding in any Texas court or before any Texas administrative body (whether state, county, municipal, or other), and from holding himself out to others or using his name in any manner in conjunction with the words "Attorney at Law," "Counselor at Law," or "Lawyer."

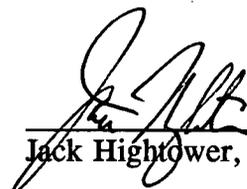
IT IS FURTHER ORDERED that Jose Sotolongo, within thirty days after the date on which this Order is signed by the Court, notify in writing each and every justice of the peace, judge, magistrate, and chief justice of each and every Texas court in which Jose Sotolongo may have any client matter pending, advising each court of his resignation, of the style and cause number of any matter pending in that court, and of the name, address and telephone number of the client(s) he is representing in that court. Jose Sotolongo is ORDERED to send copies of all these notifications to the Office of the General Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas, 78711.

By the Court, en banc, in chambers, on this the 26<sup>th</sup> day of

April, 1994.

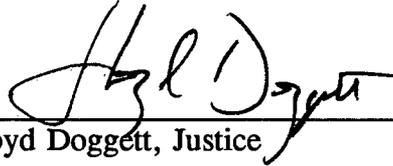
  
Thomas R. Phillips, Chief Justice

  
Raul A. Gonzalez, Justice

  
Jack Hightower, Justice



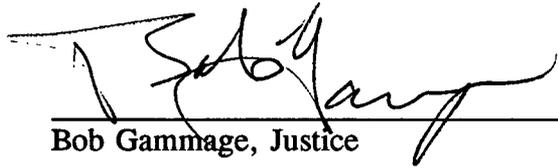
Nathan L. Hecht, Justice



Lloyd Doggett, Justice



John Cornyn, Justice



Bob Gammage, Justice



Craig Enoch, Justice



Rose Spector, Justice

# STATE BAR OF TEXAS



March 2, 1994

Office of the General Counsel

John Adams, Clerk  
Supreme Court of Texas  
201 W. 14th St.  
Room 104  
Austin, Texas 78701

INTERAGENCY MAIL

Re: Jose Sotolongo, State Bar No. 18856000

Dear Mr. Adams:

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

- (1) Original and two (2) copies of a Proposed Order of Resignation;
- (2) Original executed Motion for Acceptance of Resignation as Attorney and Counselor at Law for the above referenced attorney;
- (3) Original 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.

Please note that Mr. Sotolongo has indicated that he previously forwarded his license and bar card to the Supreme Court in pursuant to his suspension entered May 19, 1989.

I will appreciate your bringing this to the Court's attention. Please return a file stamped copy of the Response to our office at your earliest convenience.

Sincerely,

A handwritten signature in cursive script that reads "Patricia Strickland".

Patricia Strickland  
Administrative Assistant

Enclosures

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

**OF**

**JOSE SOTOLONGO**

Your Applicant, **JOSE SOTOLONGO**, resigns as an attorney and counselor at law in the State of Texas in lieu of disbarment, and submits to the Court his resignation as an attorney and counselor at law, and prays that the Court accepts his resignation.

1. ~~Attached to this Motion is the license and permanent State Bar card issued by this Court to the Applicant, **JOSE SOTOLONGO**, as an attorney and counselor at law on December 14, 1970. The license and permanent State Bar card are surrendered by the Applicant.~~

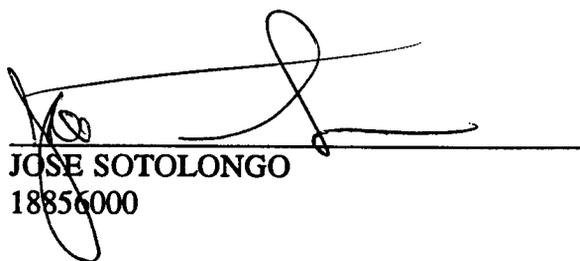
**[OR]**

1. The license and permanent State Bar card issued by this Court to the Applicant, **JOSE SOTOLONGO**, as an attorney and counselor at law on December 14, 1970, were previously surrendered to this Court in compliance with the Judgment of suspension, signed May 19, 1989, suspending your Applicant from the practice of law for a period of ten years.

**[OR]**

1. ~~The license and permanent State Bar card have been lost and their whereabouts are unknown to your Applicant. If found, they will be immediately surrendered to this Court.~~

2. Your Applicant is voluntarily resigning and withdrawing from the practice of law; Applicant does so in lieu of discipline for professional misconduct as alleged in the Disciplinary Petition on file in Cause Number 93-17069, pending in the 157th Judicial District Court of Harris County, Texas; 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.

  
\_\_\_\_\_  
JOSE SOTOLONGO  
18856000

SUBSCRIBED AND SWORN to before me by JOSE SOTOLONGO this the 8<sup>th</sup> day of February, 1994.

  
\_\_\_\_\_  
Notary Public in and for the State of Texas  
MARIA S. RAMIREZ  
NOTARY PUBLIC, STATE OF TEXAS  
MY COMMISSION EXPIRES  
JULY 15, 1995

**CERTIFICATE OF SERVICE**

I certify that on the 8<sup>th</sup> day of February, 1994, a true and correct copy of this Motion for Resignation was hand-delivered to Sharon E. Conway, attorney for the State Bar of Texas, at 1111 Fannin, Suite 1370, Houston, Texas, 77002.

  
\_\_\_\_\_  
for JOSE SOTOLONGO

**IN THE SUPREME COURT OF TEXAS**  
**RESPONSE OF THE CHIEF DISCIPLINARY COUNSEL**  
**OF THE**  
**STATE BAR OF TEXAS**  
**REGARDING**  
**JOSE SOTOLONGO**

TO THE HONORABLE SUPREME COURT OF TEXAS:

I, James M. McCormack, Chief Disciplinary Counsel of the State Bar of Texas, in accordance with Part X of the Texas Rules of Disciplinary Procedure, file 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 as Attorney and Counselor at Law of Jose Sotolongo received on or about February 8, 1994. The acceptance of the resignation of Jose Sotolongo is in the best interest of the public and the profession. A disciplinary action is currently pending against Jose Sotolongo, which is Cause No. 93-17069, styled *The State Bar of Texas v. Jose Sotolongo*, before the 157th Judicial District Court of Harris County, Texas ("Disciplinary Action.")

The Disciplinary Action seeks disbarment of Jose Sotolongo for his actions relating to his representation of Ms. Elizabeth LaMotte. Specifically, Jose Sotolongo was hired by Ms. LaMotte to represent her in initiating an estate administration for her half-sister, Hazel Fletcher. Sotolongo prepared and filed the administration documents under Cause No. 203, 600, styled *The Estate of Hazel G. Fletcher, Deceased*, in the Matters of Probate, in Probate Court No. 3 of Harris County, Texas ("Fletcher Estate"). Ms. LaMotte was named the administrator of the estate. Sotolongo improperly prepared and obtained from Ms. LaMotte a power of attorney in which he, as attorney for the administrator, would assume all of her

powers. After obtaining the power of attorney from Ms. LaMotte, Sotolongo proceeded to convert funds from the Fletcher Estate's bank account for his own use and benefit without obtaining the Court's permission. Sotolongo improperly withdrew at least \$12,000.00 from the Fletcher Estate accounts. Subsequently, a Successor Administrator was appointed, and she discovered the improper withdrawals, and demanded an accounting from Sotolongo. Sotolongo failed and refused to provide her with any information regarding his withdrawals from the estate. Sotolongo's conduct in representing Ms. LaMotte violated Disciplinary Rules 1-102(A)(4), 1-102(A)(6), 7-101(A)(1), 7-101(A)(3), 9-102(A), 9-102(B)(1), and 9-102(B)(4) of the Texas Code of Professional Responsibility, and Rules 1.14(a), 1.14(b), 1.14(c), and 8.04(a)(3) of the Texas Disciplinary Rules of Professional Conduct.

This case was tried to the Court on February 7, 1994, but, due to Sotolongo's attorney's insistence, it was tried subject to Sotolongo's agreement to resign in lieu of disbarment (Sotolongo did not appear at the trial on the merits, and therefore he was not able to execute a resignation at the time the case was called to trial). At the conclusion of the trial, the Court entered a verbal order of disbarment subject to Sotolongo's execution of a motion to resign.

In view of Jose Sotolongo's execution on or about February 8, 1994, of his resignation as an attorney and counselor at law, and in anticipation of the Court's acceptance of his resignation, the Chief Disciplinary Counsel does not anticipate going forward with the pending Disciplinary Action and intends to nonsuit the Disciplinary Action upon entry of an Order by the Supreme Court of Texas deleting Jose Sotolongo from the list of persons licensed to practice law in the State of Texas.



JAMES M. McCORMACK  
Chief Disciplinary Counsel for the State  
Bar of Texas

**CERTIFICATE OF SERVICE**

I certify that on the 15<sup>th</sup> day of March, 1994, a true and correct copy of the Response of the Chief Disciplinary Counsel was delivered to Charles D. Johnson, attorney for Respondent, at 1900 North Loop West, Suite 655, Houston, Texas, 77018, by certified mail, return receipt requested, postage prepaid.



JAMES M. McCORMACK