

IN THE SUPREME COURT OF THE STATE OF TEXAS

Misc. Docket No. 94- 9068

IN THE MATTER OF

LEE GONZALEZ

ORDER

On this day came on for consideration the Motion for Acceptance of Resignation as Attorney and Counselor at Law of Lee Gonzalez together with the Response filed by the Chief Disciplinary Counsel of the State Bar of Texas acting through the Commission for Lawyer Discipline. The Court has reviewed said Motion and the Response and finds each to be legally sufficient. The Court, being advised that such resignation is tendered in lieu of disciplinary action, and being of the opinion that such resignation is in the best interest of the public and of the profession and will meet the ends of justice, hereby concludes that the following Order is appropriate.

It is ORDERED that the law license of Lee Gonzalez, heretofore issued by this court, be, and the same is hereby cancelled and revoked and his name be, and is hereby, removed and deleted from the list of persons licensed to practice law in the State of Texas. Receipt of the affidavit of Lee Gonzalez regarding his lost or misplaced license and permanent State Bar card issued by this Court to Lee Gonzalez is hereby acknowledged.

It is hereby ORDERED that the Lee Gonzalez shall notify each of his current clients of this resignation. In addition to such

notification, said Lee Gonzalez is ORDERED to return any files, papers unearned monies and other property belonging to the clients and former clients in his possession to the clients and former clients or to another attorney at the client or former client's request. Said Lee Gonzalez is ORDERED to file with the General Counsel of the State Bar of Texas, P.O. Box 12487, Austin, Texas 78711, within thirty (30) days 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.

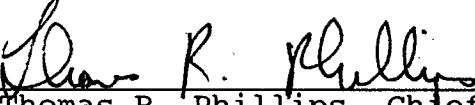
It is hereby ORDERED that Lee Gonzalez shall immediately notify in writing each and every justice of the peace, judge, magistrate, and chief justice of each and every court in which Lee Gonzalez has any matter pending of this resignation, the styled and cause number of the pending matter(s), and the name, address, and telephone number of the client(s) Lee Gonzalez is representing in that Court. Said Lee Gonzalez is ORDERED to file with the General Counsel of the State Bar of Texas, P.O. Box 12487, Austin, Texas 78711, within thirty (30) days of the effective date of this Order, and affidavit that he has notified 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 his resignation, the style

ORDER - LEE GONZALEZ  
State Bar Card Number 08130500  
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and cause number of the pending matter(s), and the name, address, and telephone number of the client(s) Lee Gonzalez is representing in that Court.

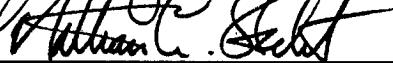
It is further ORDERED that should Lee Gonzalez seek reinstatement to the practice of law in the State of Texas, the terms, conditions, and requirements of Part XI of the Texas Rules of Disciplinary Procedure shall be in effect and shall apply to all subsequent proceedings. It is ORDERED that should Lee Gonzalez seek reinstatement to the practice of law, he must produce written documentation of his compliance with the terms of restitution to the aggrieved parties made the basis of the Motion, and the payment of fees and expenses incurred by the State Bar of Texas in the complaint made the basis of the Motion.

By the Court, en banc, in chambers, this the 26th day  
of May, 1994.

  
Thomas R. Phillips, Chief Justice

  
Raul A. Gonzalez, Justice

  
Jack Hightower, Justice

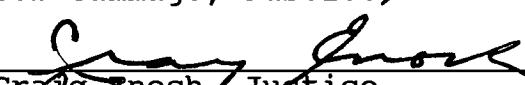
  
Nathan L. Hecht, Justice

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Lloyd Doggett, Justice

  
John Cornyn, Justice

  
Bob Gammage, Justice

  
Craig Enoch, Justice

  
Rose Spector, Justice

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CF6-19A.PRI

# STATE BAR OF TEXAS



Office of the General Counsel

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
Z 771 979 260**

April 26, 1994

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

RE: Lee Gonzalez, State Bar No. 08130500

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) Original affidavit of Lee Gonzalez regarding his misplaced law license and permanent bar card; and
- (4) A proposed Order of Resignation for the above-referenced attorney.

As of this date the attorney has made no attempt to withdraw the Motion for Acceptance of Resignation. Therefore, pursuant to Part X of the Texas Rules of Disciplinary Procedure, the detailed statement of professional misconduct is deemed to have been conclusively established for all purposes.

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

Sincerely,



Margaret J. Reaves

Assistant Chief Disciplinary Counsel  
Office of the Chief Disciplinary Counsel  
State Bar of Texas

Enclosures

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

OF

LEE GONZALEZ

NOW COMES your Applicant, LEE GONZALEZ, 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.

I.

Applicant represents to the Court that his License and permanent State Bar card issued by the Court on May 11, 1984 have been lost or misplaced and at this time cannot be tendered to the Court. Should Applicant find his License and permanent State bar card, however, Applicant will immediately surrender same to the Court.

II.

In connection with such resignation, Applicant acknowledges the following findings of fact and conclusions of law:

FINDINGS OF FACT: MCHANAY COMPLAINT

(1) Mrs. Eufemia McHaney hired Applicant in December, 1992, to file her divorce and motion for temporary restraining order. On or about December 4, 1992, Applicant filed the Original Petition for Divorce, Motion for Protective Order and Temporary Ex Parte Protective Order and Show Cause order styled In the Matter of the Marriage of Eufemia M. McHaney and Edward McHaney, Cause No. 92-1320-CV, 25th Judicial District, Guadalupe County, Texas. A hearing on the Protective order was heard on December 17, 1992.

(2) In January, 1993, Ms. McHaney contacted the Applicant and informed him that she had reconciled with her husband. In March, 1993, Ms. McHaney contacted the applicant and instructed him to proceed with finalizing the divorce. A few days later, however, she again contacted Applicant and informed him that she had reconciled with her husband.

(3) On or about August, 1993, Ms. McHaney contacted Applicant requesting that Applicant continue the divorce. Applicant informed his client that he was going on vacation and would be back on August the 18, 1993, and instructed her to call him after that date. After August 18th, Ms. McHaney made numerous unsuccessful attempts to contact Applicant by leaving messages on his telephone answering machine.

(4) On August 25, 1993, the Board of Disciplinary Appeals revoked the probated suspension of Applicant in another unrelated disciplinary matter, and imposed the active suspension of Applicant for a period of one (1) year. Upon his suspension from the practice of law, Applicant failed to properly withdraw from representation of Ms. McHaney's case by failing to notify Ms. McHaney or the courts of his suspension. Applicant neglected the case by failing to insure that his client would be noticed of any settings in his absence. After August, 1993, Applicant failed to communicate with Ms. McHaney and failed to inform her that her case

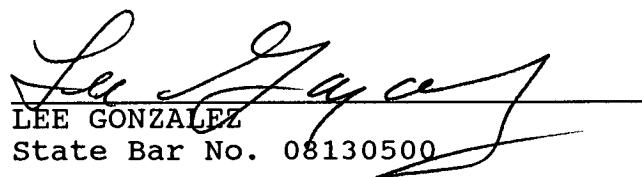
was on the court's dismissal docket. On December 22, 1993, Ms. McHaney's case was dismissed for want of prosecution. Subsequently, Ms. McHaney was assaulted by her estranged spouse, and as a result of the dismissal of her case, no protective order was in effect at the time of the assault.

(5) Applicant acknowledges that by his conduct he has violated Rule 1.01 (b)(1); Rule 1.03 (a); Rule 1.15 (d); and Rule 8.04 (11), of the Texas Disciplinary Rules of Professional Conduct; and Rule 13.01 of the Texas Rules of Disciplinary Procedure.

(6) Applicant further acknowledges that State Bar attorney's fees are due in the amount of Five Hundred (\$500.00) Dollars, for the investigation and hearing of this complaint.

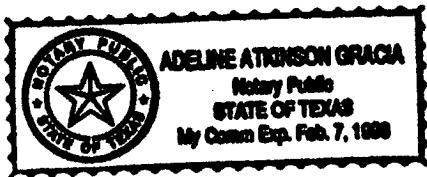
### III.

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 is name be dropped and deleted from the list of persons licensed to practice law in Texas; and that his resignation be accepted.



LEE GONZALEZ  
State Bar No. 08130500

SUBSCRIBED AND SWORN to before me by the said LEE GONZALEZ  
this the 29<sup>th</sup> day of March, 1994.



2-7-98  
My Commission Expires

*Adeline Atkinson Gracia*  
NOTARY PUBLIC in and for the  
State of Texas

*Adeline Atkinson Gracia*  
Printed Name of Notary

STATE OF TEXAS

) (

COUNTY OF NUECES

) (

**AFFIDAVIT**

Before me, the undersigned authority on this day personally appeared LEE GONZALEZ, who, being by me first duly sworn upon his oath deposed and stated:

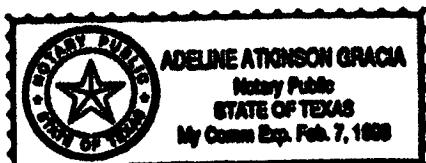
"My name is LEE GONZALEZ. I am over the age of 18 years and am competent, in all respect, to make this affidavit. The facts state herein are true and correct and are within my personal knowledge.

"On or about September, 1993, I relocated my office and my license and permanent bar card were misplaced. I am unable to present same to the Supreme Court of Texas in connection with the Motion for Resignation which I have signed on this date.  
" If they should be relocated I will immediately forward same to the Supreme Court of Texas."

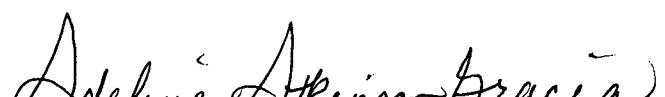
Further Affiant sayeth not.

  
LEE GONZALEZ

Subscribed and Sworn to by Lee Gonzalez on this the 29<sup>th</sup> date of March, 1994.



Adeline Atkinson Gracia  
PRINTED NAME OF NOTARY

  
Adeline Atkinson Gracia  
Notary Public In and for  
State of Texas

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

**OF**

**LEE GONZALEZ**

**TO THE HONORABLE SUPREME COURT OF TEXAS:**

The Commission for Lawyer Discipline ("Commission") moves the Court to accept the Resignation as Attorney and Counselor at Law of Lee Gonzalez, showing the Court that:

**I.**

On March 29, 1994, Lee Gonzalez voluntarily executed a Motion for Acceptance of Resignation as Attorney and Counselor at Law. The Commisssion hereby concurs in such motion. Acceptance of such resignation in lieu of disciplinary action will protect the public.

**II.**

In connection with such resignation, the Commission makes the following findings of fact:

**FINDINGS OF FACT: MCHANAY COMPLAINT**

(1) Mrs. Eufemia McHaney hired Lee Gonzalez in December, 1992, to file her divorce and motion for temporary restraining order. On or about December 4, 1992, Gonzalez filed the Original Petition for Divorce, Motion for Protective Order and Temporary Ex Parte Protective Order and Show Cause order, styled In the Matter

of the Marriage of Eufemia M. McHaney and Edward McHaney, Cause No. 92-1320-CV, 25th Judicial District, Guadalupe County, Texas. A hearing on the Protective order was heard on December 17, 1992.

(2) In January, 1993, Ms. McHaney contacted Gonzalez and informed him that she had reconciled with her husband. In March, 1993, Ms. McHaney contacted the applicant and instructed him to proceed with finalizing the divorce. A few days later, however, she again contacted Gonzalez and informed him that she had reconciled with her husband.

(3) On or about August, 1993, Ms. McHaney contacted Gonzalez requesting that Gonzalez continue the divorce. Gonzalez informed his client that he was going on vacation and would be back on August 18, 1993, and instructed her to call him after that date. After August 18th, Ms. McHaney made numerous unsuccessful attempts to contact Gonzalez by leaving messages on his telephone answering machine.

(4) On August 25, 1993, the Board of Disciplinary Appeals revoked the probated suspension of Gonzalez in another unrelated disciplinary matter, and imposed the active suspension of Applicant for a period of one (1) year. Upon his suspension from the practice of law, Gonzalez failed to properly withdraw from representation of Ms. McHaney's case by failing to notifying Ms. McHaney or the courts of his suspension. Gonzalez neglected the case by failing to insure that his client would be noticed of any

settings in his absence. After August, 1993, Gonzalez failed to communicate with Ms. McHaney and failed to inform her that her case was on the court's dismissal docket. On December 22, 1993, Ms. McHaney's case was dismissed for want of prosecution. Subsequently, Ms. McHaney was assaulted by her estranged spouse, and as a result of the dismissal of her case, no protective order was in effect at the time of the assault.

(5) Gonzalez acknowledges that by his conduct he has violated Rule 1.01 (b) (1); Rule 1.03 (a); Rule 1.15 (d); and Rule 8.04 (11), of the Texas Disciplinary Rules of Professional Conduct; and Rule 13.01 of the Texas Rules of Disciplinary Procedure.

(6) Gonzalez further acknowledges that State Bar attorney's fees are due in the amount of Five Hundred (\$555.00) Dollars, for the investigation and hearing of this complaint.

### III.

Based on the foregoing findings of fact, the Commission concludes as a matter of law that Lee Gonzalez committed professional misconduct by violating Rule 1.01 (b) (1); Rule 1.03 (a); Rule 1.15 (d); and Rule 8.04 (a) (11); of the Texas Disciplinary Rules of Professional Conduct; and Rule 13. 01 of the Texas Rules of Disciplinary Procedure.

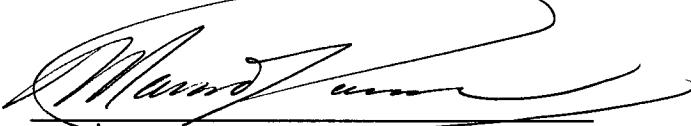
IV.

The Commission prays that the Court accept the resignation as an Attorney and Counselor of Law of Lee Gonzalez and drop his name from the list of persons licensed to practice law in the State of Texas.

Respectfully submitted,

James M. McCormack  
General Counsel

Marion T. Carson  
Assistant Chief Disciplinary Counsel  
Office of the General Counsel  
State Bar of Texas  
405 N. St. Mary's, Suite 600  
San Antonio, Texas 78205  
(210) 271-7881 / (210) 271-9642 (FAX)



Marion T. Carson  
State Bar No. 03904000

ATTORNEYS FOR COMMISSION

CONSENT

I hereby consent and agree to the facts and conclusions of law contained in this Response to Motion for Acceptance of Resignation.

Signed this the 8<sup>th</sup> day of April, 1994.



LEE GONZALEZ  
State Bar No. 08130500

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