

ORDER OF THE SUPREME COURT OF TEXAS

Misc Docket No. 94-9114

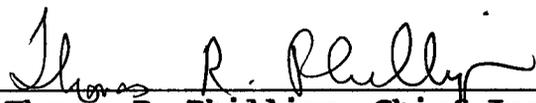
Appointment of a District Judge to Preside
in a State Bar Disciplinary Action

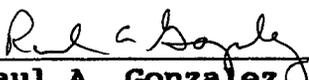
The Supreme Court of Texas hereby appoints the Honorable Susan D. Reed, Judge of the 144th District Court of Bexar County, Texas, to preside in the Disciplinary Action styled:

The Commission for Lawyer Discipline v. Valencia Ishman-Dillard
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.

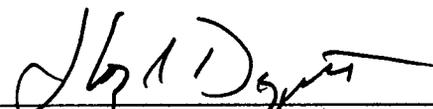
In Chambers, this 15th day of ~~July~~^{August}, 1994.

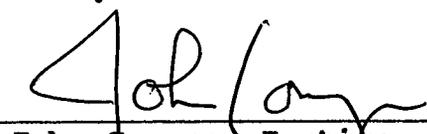

Thomas R. Phillips, Chief Justice


Raul A. Gonzalez, Justice


Jack Hightower, Justice

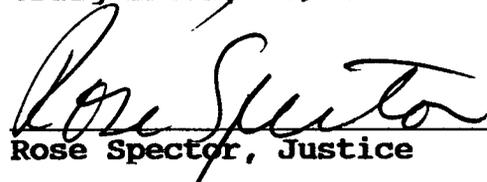

Nathan L. Hecht, Justice


Lloyd Doggett, Justice


John Cornyn, Justice


Bob Gammage, Justice


Craig Enoch, Justice


Rose Spector, Justice

This assignment, made by Misc. Docket No. 94-9114, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this ____ day of August, 1994.


Thomas R. Phillips
Chief Justice

TO CLERK: "FILE MARK THIS
COPY AND RETURN"

NO. _____

COMMISSION FOR LAWYER DISCIPLINE	§	IN THE DISTRICT COURT OF
V.	§	HARRIS COUNTY, TEXAS
VALENCIA ISHMAN-DILLARD	§	_____ 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, Valencia Ishman-Dillard, (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 Texas and a member of the State Bar of Texas. Respondent is a resident of and has her principal place of business in Harris County, Texas. An officer may serve citation on Respondent at her business address located at 10101 Fondren, Suite 110, Houston, Harris County, Texas 77096.

III.

On or about June 17, 1993, Maria Mata (hereinafter called "Mata") was injured in an automobile accident in Bexar County, Texas. On or about June 19, 1993, Mata was contacted

by an individual named "Ms. Rodriguez" who claimed to be an agent of Respondent's. Rodriguez explained that she was calling Mata regarding representation by Respondent on her personal injury claim arising from the above-referenced accident. Rodriguez was in fact an individual who had been directed to solicit employment for Respondent by an employee of Respondent's named Ruel Ricafort.

IV.

When Mata failed to immediately hire Respondent to represent her, Rodriguez began calling Mata repeatedly in order to persuade her to hire Respondent. Mata finally consented to the representation, at which time two individuals visited Mata and produced an employment contract and medical authorization forms for her signature.

V.

When Rodriguez solicited Mata's employment for Respondent, Mata had no family or prior attorney-client relationship with Respondent, and the contact and solicitation had not been sought out by Mata. Rodriguez' actions were at the direction of, on the part of, or with the consent of Respondent's employee, Ruel Ricafort, and were the direct result of Respondent's failure to supervise Ricafort and ensure that his conduct was compatible with Respondent's professional obligations.

VI.

Such acts and/or omissions on the part of Respondent as are described in Paragraphs III., IV. and V. hereinabove which occurred on or after January 1, 1990, constitute conduct violative of Rules 5.03(a) and/or 7.02 of the Texas Disciplinary Rules of Professional Conduct.

VII.

The complaint which forms the basis of the Cause of Action hereinabove set forth was brought to the attention of the Office of General Counsel of the State Bar of Texas by Maria Mata filing a complaint on or about July 19, 1993.

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

E. Lynn Rodriguez
Assistant General Counsel

Office of the General Counsel
State Bar of Texas
P.O. Box 12487
Austin, Texas 78711
Telephone: (512) 463-1463
Telecopier:(512) 477-4607



E. Lynn Rodriguez
State Bar of Texas No. 17143880

ATTORNEYS FOR PETITIONER

u:\users\catherin\lynn\ishman.dp



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

August 19, 1994

CLERK
JOHN T. ADAMS

EXECUTIVE ASS'T.
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T.
NADINE SCHNEIDER

JUSTICES
RAULA GONZALEZ
JACK HIGHTOWER
NATHAN L. HECHT
LLOYD DOGGETT
JOHN CORNYN
BOB GAMMAGE
CRAIG ENOCH
ROSE SPECTOR

The Honorable Katherine Tyra
District Clerk of Harris County
P.O. Box 4651
Houston, Texas 77210

Dear Ms. Tyra:

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 Lawyer Discipline v. Valencia Ishman-Dillard and a copy of the Supreme Court's order appointing the Honorable Susan D. Reed, Judge of the 144th District Court, San Antonio, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Hon. Susan D. Reed
Ms. Valencia Ishman-Dillard
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

August 19, 1994

CLERK
JOHN T. ADAMS

EXECUTIVE ASS'T.
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T.
NADINE SCHNEIDER

JUSTICES
RAULA GONZALEZ
JACK HIGHTOWER
NATHAN L. HECHT
LLOYD DOGGETT
JOHN CORNYN
BOB GAMMAGE
CRAIG ENOCH
ROSE SPECTOR

Honorable Susan D. Reed
Judge, 144th District Court
Bexar County Courthouse
300 Dolorosa
San Antonio, Texas 75205-3030

Dear Judge Reed:

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 Ms. Ishman-Dillard and Mr. McCormack, and a copy of the letter to the District Clerk of Harris County.

It is recommended that, ten days to two weeks after receipt of this letter, you or your coordinator contact the presiding judge of Harris County 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 contact the Harris County District Court Administrative Office (713-755-6576) 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