

ORDER OF THE SUPREME COURT OF TEXAS

Misc Docket No. 97- 9082

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

The Supreme Court of Texas hereby appoints the Honorable Max L. Bennett, Judge of the 319th District Court of Nueces County, Texas, to preside in the Disciplinary Action styled:


The Commission for Lawyer Discipline v. Mark T. Sandoval

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.

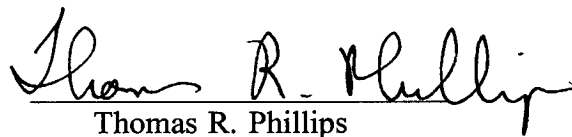
As ordered by the Supreme Court of Texas, in chambers,

with the Seal thereof affixed at the City
of Austin, this 15th day of May, 1997.


JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 97-9082, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 16 day of May, 1997.

A handwritten signature in cursive script that reads "Thomas R. Phillips". The signature is written in black ink and is positioned above a horizontal line.

Thomas R. Phillips
Chief Justice

COPY

CAUSE NO. _____

COMMISSION FOR LAWYER DISCIPLINE §
v. §
MARK T. SANDOVAL §
§
§

IN THE DISTRICT COURT OF
HARRIS COUNTY, TEXAS
_____ JUDICIAL DISTRICT

ORIGINAL DISCIPLINARY PETITION

TO THE HONORABLE JUDGE OF THE COURT:

Petitioner, the COMMISSION FOR LAWYER DISCIPLINE, a committee of the State Bar of Texas (hereinafter referred to as the "CFLD"), complains of Respondent, Mark T. Sandoval (hereinafter referred to as "Respondent") as follows:

I.

Procedural Basis for Suit

The CFLD brings this disciplinary action pursuant to the State Bar Act, Texas Government Code Annotated §81.001, *et seq.* (Vernon 1988 and supp. 1994), the Texas Disciplinary Rules of Professional Conduct, and the Texas Rules of Disciplinary Procedure. The complaint that forms the basis of this Disciplinary Petition was filed on or after May 1, 1992.

II.

Venue and Service

Respondent is an attorney licensed to practice law in Texas and is a member of the State Bar of Texas. Respondent's principal place of practice is Harris County, Texas, therefore venue is appropriate in Harris County, Texas, pursuant to Rule 3.03 of the Texas Rules of Disciplinary

Procedure. Respondent may be served by and through his attorney of record, Tina K. Salem, 4300 Scotland, Houston, Texas, 77007.

III.

CAUSE OF ACTION

On or about May 10, 1993, Respondent was retained to file a lawsuit on behalf of Roberto Pineda (hereinafter referred to as "Pineda") and several members of Pineda's family. The cause of action was for Pineda's personal injury arising from an accident at a worksite.

Respondent reasonably believed Pineda to be legally incompetent as a result of his personal injury. Respondent communicated with Pineda through his spouse, who was also a party to the lawsuit. Respondent was aware that Pineda's spouse was not his guardian or legal representative. Pineda and his spouse separated in May 1995. Although Respondent was aware of the separation, Respondent continued to communicate with Pineda through his estranged spouse and Respondent continued to represent both of them without explaining the potential conflicts that could arise out of the multiple representation. Respondent did not attempt to secure the appointment of a guardian or other legal representative for, or seek other protective orders with respect to Pineda, who Respondent still believed to be legally incompetent.

IV.

Between May 1993 and March 1996, Pineda made numerous visits to Respondent's office to request information about the status of his case. Respondent repeatedly refused to speak to Pineda and requested that he leave his office. Respondent relied on Pineda's estranged spouse

to correspond with Pineda about the status of his case. On several occasions, Pineda's estranged spouse failed to communicate the information to Pineda. Respondent failed to follow up and make sure that the information was in fact communicated to Pineda. Respondent failed to mail correspondence to Pineda.

V.

On or about March 6, 1996, Pineda terminated Respondent's representation. Pineda requested that his file be returned to him. Respondent failed to return Pineda's file. Respondent failed to withdraw.

VI.

The acts and/or omissions of the Respondent described in Paragraphs III - V above, which occurred on or after January 1, 1990, constitutes conduct in violation of Rules 1.02(g) [a lawyer shall take reasonable action to secure the appointment of a guardian or other legal representative for, or seek other protective orders with respect to, a client whenever the lawyer reasonable believes that the client lacks legal competence and that such action should be taken to protect the client]; 1.03(a) [for failing to keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information]; 1.03(b) [for failing to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation]; 1.06(c) [a lawyer may represent a client if the lawyer reasonable believes the representation of each client will not be materially affected, and each affected or potentially affected clients consent to such representation after full disclosure of the

existence, nature, implications, and possible adverse consequences of the common representation and the advantages involved, if any]; 1.15(a)(3) [a lawyer shall decline to represent a client or, where representation has commenced, shall withdraw, (as permitted by TDRPC) from the representation of a client, if the lawyer is discharged, with or without good cause]; and 1.15(d) [for failing, upon termination of representation, to reasonably protect a client's interests, give notice to the client to seek other counsel, or surrender papers and property which belongs to the client]; of the Texas Disciplinary Rules of Professional Conduct ("TDRPC").

VII.

The complaints that form the basis of this cause of action were brought to the attention of the Office of the General Counsel of the State Bar of Texas by Roberto Pineda's filing of complaints on or about June 11, 1996 and July 8, 1996.

Prayer

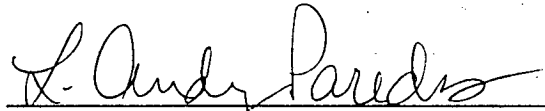
WHEREFORE, PREMISES CONSIDERED, Petitioner the COMMISSION FOR LAWYER DISCIPLINE respectfully prays that this Court discipline Respondent, Mark T. Sandoval, as the facts shall warrant; and that the CFLD has all other relief to which it may show itself to be justly entitled, including costs of court and attorney's fees.

Respectfully submitted,

Steven W. Young
General Counsel

L. Andy Paredes
Assistant General Counsel

Office of the General Counsel
STATE BAR OF TEXAS
1111 Fannin, Suite 1370
Houston, Texas 77002
(713) 759-6931
Fax No. (713) 752-2158



L. ANDY PAREDES
State Bar No. 00788162

**ATTORNEYS FOR THE COMMISSION
FOR LAWYER DISCIPLINE**

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STATE BAR OF TEXAS



Office of the General Counsel

April 7, 1997

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

Re: Commission for Lawyer Discipline v. Mark T. Sandoval

Dear Mr. Adams:

Enclosed please find an original and two (2) copies of a Disciplinary Petition being filed by the Commission for Lawyer Discipline against Mark T. Sandoval. Mark T. Sandoval has designated Harris County, Texas as his principal place of practice. Request is hereby made that the Court appoint an active District Judge who does not reside in the Administrative Judicial Region in which Respondent practices to preside in this case. Upon appointment, request is hereby made that you notify the Respondent at the address shown below and the undersigned of the identity and address of the judge assigned:

Mark T. Sandoval
c/o Tina Salem
4300 Scotland
Houston, Texas 77007

As a practical matter, I would respectfully suggest that you inquire with the judge to be appointed as to whether he or she will be able to comply with the 180 day deadline by which the case must be set for trial set forth in Section 3.07 of the Texas Rules of Disciplinary Procedure. If not, I would respectfully request that an alternate appointment be made.

Once a trial judge has been appointed, please forward the original and two (2) copies of the Disciplinary Petition, the Civil Case Information Sheet, and the filing fee check, also enclosed herewith, and the Court's appointing order to the District Clerk of Harris County, Texas, with the request that the suit be filed, citation be issued, and citation, along with a file-stamped copy of the petition be returned to the undersigned.

Also enclosed is a pre-addressed envelope for your use in transmitting the above referenced documents to the District Clerk of Harris County, Texas, and a return envelope to be sent to

Mr. John T. Adams, Clerk
Supreme Court of Texas
April 7, 1997
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the District Clerk of Harris County, Texas, for the Clerk's use in returning a filemarked copy of the petition to the undersigned.

If you have any questions, please contact me. Thank you for your assistance.

Very truly yours,



L. Andy Paredes
Assistant General Counsel
State Bar of Texas

LAP/

Enclosures



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

CLERK
JOHN T. ADAMS

JUSTICES
RAUL A. GONZALEZ
NATHAN L. HECHT
JOHN CORNYN
CRAIG ENOCH
ROSE SPECTOR
PRISCILLA R. OWEN
JAMES A. BAKER
GREG ABBOTT

EXECUTIVE ASS'T
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

May 16, 1997

Mr. L. Andy Paredes
Assistant General Counsel, State Bar of Texas
1111 Fannin, Suite 1370
Houston, Texas 77002

Mr. Mark T. Sandoval
c/o Tina Salem
4300 Scotland
Houston, Texas 77007

Dear Mr. Paredes and Mr. Sandoval:

Pursuant to Rule 3.02 of the Texas Rules of Disciplinary Procedure, I hereby notify you that the Supreme Court of Texas has appointed the Honorable Max L. Bennett, Judge of the 319th District Court, Corpus Christi, Texas to preside in

Commission for Lawyer Discipline v. Mark T. Sandoval

Sincerely,

SIGNED

John T. Adams
Clerk



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

POST OFFICE BOX 12248 AUSTIN, TEXAS 78711

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ROSE SPECTOR
PRISCILLA R. OWEN
JAMES A. BAKER
GREG ABBOTT

May 16, 1997

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

Dear Mr. Bacarisse:

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. Mark T. Sandoval, and a copy of the Supreme Court's order appointing the Honorable Max L. Bennett, Judge of the 319th District Court, Nueces, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Hon. Max L. Bennett
Mr. Mark T. Sandoval
Mr. L. Andy Paredes



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

POST OFFICE BOX 12248 AUSTIN, TEXAS 78711

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ROSE SPECTOR
PRISCILLA R. OWEN
JAMES A. BAKER
GREG ABBOTT

May 16, 1997

Honorable Max L. Bennett
Judge, 319th District Court
Nueces County Courthouse
901 Leopard Street
Corpus Christi, Texas 78401

Dear Judge Bennett:

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 Mr. Sandoval and Mr. Paredes, and a copy of the letter to the District Clerk of Harris County.

It is recommended that, six to eight weeks after receipt of this letter, you or your coordinator contact the Harris County District Court Administrative Office (713 755-7593) 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 again contact the Harris County District Court Administrative Office (713 755-7593) 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 [409 538-8176] 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