

ORDER OF THE SUPREME COURT OF TEXAS

Misc Docket No. 98- 9176

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

The Supreme Court of Texas hereby appoints the Honorable Paul Enlow, Judge of the 141st District Court of Tarrant County, Texas, to preside in the Disciplinary Action styled:

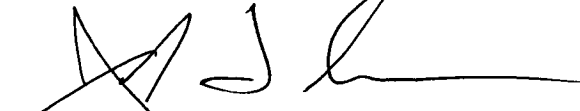
The Commission for Lawyer Discipline v. Lawrence D. Pinsof

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.

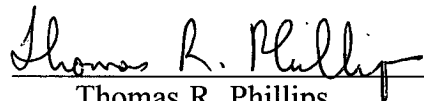
As ordered by the Supreme Court of Texas, in chambers,

with the Seal thereof affixed at the City
of Austin, this 13th day of October, 1998.


JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 98-9176, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 14 day of October, 1998.


Thomas R. Phillips
Chief Justice

COPY

CAUSE NO. _____

COMMISSION FOR LAWYER DISCIPLINE,	§	IN THE DISTRICT COURT OF
	§	
Petitioner	§	
	§	
vs.	§	HARRIS COUNTY, TEXAS
	§	
LAWRENCE D. PINSON,	§	
	§	
Respondent	§	_____ JUDICIAL DISTRICT

ORIGINAL DISCIPLINARY PETITION

TO THE HONORABLE JUDGE OF THE COURT:

COMES NOW Petitioner, the COMMISSION FOR LAWYER DISCIPLINE a committee of the State Bar of Texas (hereinafter referred to as "Petitioner"), complaining of Respondent, LAWRENCE D. PINSON (hereinafter referred to as "Respondent"), and would respectfully show unto the Court the following:

I. NATURE OF PROCEEDING

Petitioner brings this disciplinary action pursuant to the STATE BAR ACT, the 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 complaints that form the basis of this *Original Disciplinary Petition* were filed on or after May 1, 1992.

II. VENUE

Respondent is an attorney licensed to practice law in Texas and is a member of the State Bar of Texas. Respondent's residence and 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 at his business address, 4530 Briar Hollow Place, No. 113, Houston, Harris County, Texas, 77027.

III. FIRST CAUSE OF ACTION

On or about April 8, 1997, SHARLA A. MARTIN (hereinafter referred to as "MARTIN") consulted with ED FALK (hereinafter referred to as "FALK"), at the EQUAL ACCESS LAW CLINIC, INC. (hereinafter referred to as the "CLINIC"), located at 135 Edgebrook, Suite B, Houston, Texas, 77034. At that time, MARTIN paid a retainer in the amount of five hundred and no/100 dollars (\$500.00) for representation in a family law matter, specifically, in a suit affecting the parent-child relationship.

Approximately one (1) week later, MARTIN contacted FALK to inquire about the status of her case. Approximately one (1) week later, MARTIN, again, contacted FALK for a status report. FALK advised MARTIN that he was working on the case and would keep her informed. Six and one-half (6-1/2) weeks elapsed without further communication.

MARTIN, again, telephoned the CLINIC. The receptionist explained that Respondent was, in fact, the attorney assigned to the case and that no work had been done on MARTIN's behalf. The receptionist further explained, unbeknown to MARTIN, that FALK was not an attorney. Based on the foregoing, MARTIN demanded a full refund of her retainer.

Approximately one (1) week later, having heard nothing further, MARTIN, again and in person, demanded a refund. Respondent intervened, explained that he was unaware of the case, but would oblige MARTIN's requests for a refund provided she sign a release. After executing a release, Respondent provided MARTIN with a check number 1745 in the amount of five hundred

and no/100 dollars (\$500.00), signed by FALK. The check was written on an account with insufficient funds and was returned as non-negotiable.

IV.

The complaint that forms the basis of this cause of action was brought to the attention of the Office of the General Counsel of the State Bar of Texas by SHARLA A. MARTIN'S filing of a complaint on or about October 30, 1997.

V. SECOND CAUSE OF ACTION

On or about June 9, 1997, C. LeROY HERREN (hereinafter referred to as "HERREN") consulted FALK at the CLINIC. for representation of his elderly and ailing parents. FALK represented that he was the Director of the CLINIC, showed HERREN his law degrees, and professed extensive knowledge regarding Medicaid and trust issues, including the requested "Miller Trust." HERREN paid FALK five hundred and no/100 dollars (\$500.00) to establish a "Miller Trust" on behalf of his parents.

Approximately two (2) weeks later, HERREN called FALK. The person who answered the telephone stated that she was trying to get copies of the necessary forms from the Social Security Administration.

Two (2) days later, HERREN spoke with FALK and requested a copy of the trust. After FALK explained that the trust had not been finalized, HERREN requested a copy of the work that had been performed to date, and a refund of the fees for the unfinished portion. FALK, instead, offered to refund the full amount; however, no refund was ever received.

VI.

The complaint that forms the basis of this cause of action was brought to the attention of the Office of the General Counsel of the State Bar of Texas by C. LeROY HERREN'S filing of a complaint on or about December 10, 1997.

VII. THIRD CAUSE OF ACTION

On April 21, 1997, ROSA I. MACIAS (hereinafter referred to as "MACIAS") met with FALK at the CLINIC for representation in her divorce. FALK explained that he was Respondent's legal assistant; that he needed a retainer to begin working on the case, specifically, to request a temporary restraining order; and that he, FALK, would be responsible for handling the case. MACIAS wrote a check, as requested, in the amount of three hundred and no/100 dollars (\$300.00).

MACIAS called FALK for a status report. FALK stated that he needed an additional three hundred and fifty and no/100 dollars (\$350.00) to file the case. Since FALK had not yet filed for a temporary restraining order as promised, MACIAS requested a refund and FALK refused. Feeling constrained by the money already paid to FALK, MACIAS agreed to pay the additional three hundred and fifty and no/100 dollars (\$350.00).

On or about September 18, 1997, MACIAS received a letter indicating that the CLINIC had moved. In response, MACIAS made an appointment with TROY WILSON at the CLINIC. MACIAS learned that FALK and Respondent no longer worked for the CLINIC, and was advised that further representation would require an additional four hundred and fifty and no/100 dollars (\$450.00). MACIAS, without the funds to continue with the representation, requested her file and left.

VIII.

The complaint that forms the basis of this cause of action was brought to the attention of the Office of the General Counsel of the State Bar of Texas by ROSA I. MACIAS' filing of a complaint on or about December 10, 1997.

IX.

At all times material hereto, FALK was acting as an authorized agent, servant, and/or employee of Respondent. Accordingly, Respondent is responsible for the acts and/or omissions of FALK while acting within the course and scope of their agency, master/servant, and/or employment relationship.

X. RULE VIOLATIONS

The acts and/or omissions of Respondent described in Paragraphs, above, which occurred on or after January 1, 1990, constitute conduct in violation of Rules **1.01(b)(1)** [for neglecting a legal matter entrusted to the lawyer]; **1.01(b)(2)** [for frequently failing to carry out completely the obligations owed to a client]; **1.03(a)** [for failing to keep a client reasonably informed about the status of a matter and to 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]; **1.15(d)** [for failing, upon termination of representation, to reasonably protect a client's interests, to give notice to the client to seek other counsel, or to surrender papers and property which belongs to the client]; **3.03(a)(1)** [for making a false statement of material fact or law to a tribunal]; **5.03(a)** [for failing to make reasonable efforts to ensure that a non-lawyer's conduct is compatible with the professional obligations of the lawyer]; **5.03(b)(1)** [for ordering, encouraging, or permitting the conduct involved of a non-lawyer to be in

violation of the TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT]; **5.05(b)** [for assisting a person who is not a member of the Bar in the performance of activity that constitutes the unauthorized practice of law]; and **8.04(a)(1)** [for violating the TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT, knowingly assisting or inducing another to do so, or doing so through the acts of another, whether or not such violation occurred in the course of a client-lawyer relationship].

PRAYER FOR RELIEF

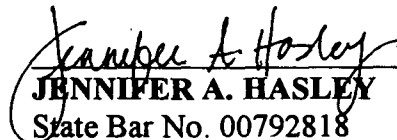
WHEREFORE, PREMISES CONSIDERED, Petitioner, **COMMISSION FOR LAWYER DISCIPLINE**, respectfully prays that this Court discipline Respondent, **LAWRENCE D. PINSOFF**, by reprimand, suspension or disbarment, as the facts shall warrant; restitution; and all other relief to which Petitioner may show itself to be justly entitled, including costs of court and attorneys' fees.

Respectfully submitted,

STEVEN W. YOUNG
General Counsel

JENNIFER A. HASLEY
Assistant General Counsel

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


JENNIFER A. HASLEY
State Bar No. 00792818

**ATTORNEYS FOR PETITIONER,
COMMISSION FOR
LAWYER DISCIPLINE**

STATE BAR OF TEXAS



OFFICE OF THE GENERAL COUNSEL

July 29, 1998

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

RE: *Commission for Lawyer Discipline v. Lawrence D. Pinsof*

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 Lawrence D. Pinsof. Lawrence D. Pinsof 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 resides to preside in this case. Upon appointment, request is made that you notify the Respondent (at the address shown below) and the undersigned of the identity and address of the judge assigned:

**Lawrence D. Pinsof
4530 Briar Hollow Place, No. 113
Houston, Texas 77027**

As a practical matter, we respectfully suggest that an inquiry be made as whether the judge will be able to comply with: (1) the one hundred and eighty (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; and (2) *Mellon Service Co., et al. v. Touche Ross Co.*, 946 S.W.2d 862 (Tex. App. - Houston [14th Dist.] 1997), which requires that all proceedings incident to a case occur in the county of proper venue. If not, we 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 Original Disciplinary Petition, the Civil Case Information Sheet, the filing fee check (all enclosed herewith), and the Court's Appointing Order to the District Clerk of Harris County, Texas, with the request that the suit be filed, service be obtained, and a file-marked copy of the Petition be returned to the undersigned.

J:PINSOFC_ADAMS.01

1111 FANNIN, SUITE 1370, HOUSTON, TEXAS 77002, (713) 759-6931

John T. Adams, Clerk
Supreme Court of Texas

July 29, 1998


RE: *Commission for Lawyer Discipline v. Lawrence D. Pinsof*

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Additionally, enclosed please find a pre-addressed envelope for your use in transmitting the petition, etc., to the District Clerk of Harris County, Texas, and a return envelope to be sent to the District Clerk of Harris County, Texas, for the Clerk's use in returning a file-marked copy of the Petition to the undersigned.

Thank you for your courtesies in this matter.

Sincerely,


Jennifer A. Hasley
Assistant General Counsel

JAH/sml

- Enclosures
1. Original Disciplinary Petition (original and two (2) copies)
 2. Civil Case Information Sheet
 3. Filing Fee Check
 4. Pre-Addressed Envelope to District Clerk
 5. Pre-Addressed Envelope to State Bar of Texas



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
CRAIG T. ENOCH
ROSE SPECTOR
PRISCILLA R. OWEN
JAMES A. BAKER
GREG ABBOTT
DEBORAH G. HANKINSON

EXECUTIVE ASS'T
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

OCT 20 1998

The Honorable Charles Bacarisse
District Clerk of Harris County
P.O. Box 4651
Houston, Texas 77002

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. Lawrence D. Pinsof*, and a copy of the Supreme Court's order appointing the Honorable Paul Enlow, Judge of the 141st District Court of Fort Worth, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Honorable Paul Enlow
Ms. Jennifer A. Hasley
Mr. Lawrence D. Pinsof



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

POST OFFICE BOX 12248 AUSTIN, TEXAS 78711

TEL: (512) 463-1312

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CLERK
JOHN T. ADAMS

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GREG ABBOTT
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EXECUTIVE ASS'T
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

OCT 20 1998

Ms. Jennifer A. Hasley
Assistant General Counsel, State Bar of Texas
1111 Fannin, Suite 1370
Houston, Texas 77002

Mr. Lawrence D. Pinsof
4530 Briar Hollow Place, No. 113
Houston, Texas 77027

Dear Ms. Hasley and Mr. Pinsof:

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 Paul Enlow, Judge of the 141st District Court of Fort Worth, Texas to preside in

Commission for Lawyer Discipline v. Lawrence D. Pinsof

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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FAX: (512) 463-1365

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GREG ABBOTT
DEBORAH G. HANKINSON

OCT 20 1998

Honorable Paul Enlow
Judge, 141st District Court
401 W. Belknap Street
Fort Worth, Texas 76196-0225

Dear Judge Enlow:

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. Pinsof and Ms. Hasley, 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 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 (713-755-6593) 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