

ORDER OF THE SUPREME COURT OF TEXAS

Misc Docket No. 98- 9191

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

The Supreme Court of Texas hereby appoints the Honorable Robert Francis, Judge of the Criminal District Court No. 3 of Dallas County, Texas, to preside in the Disciplinary Action styled:

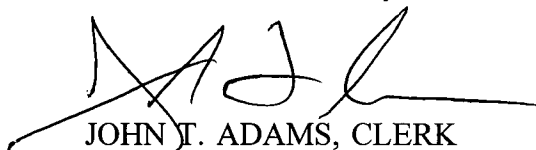
The Commission for Lawyer Discipline v. Luis Roberto Vera, Jr.

to be filed in a District Court of Bexar County, Texas.

The Clerk of the Supreme Court shall promptly forward to the District Clerk of Bexar 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.

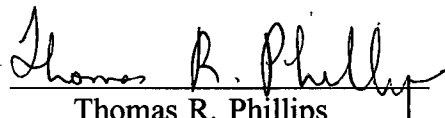
As ordered by the Supreme Court of Texas, in chambers,

with the Seal thereof affixed at the City
of Austin, this 27th day of October, 1998.


JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 98-9191, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 28 day of October, 1998.


Thomas R. Phillips
Chief Justice

No. _____

COMMISSION FOR LAWYER)	IN THE DISTRICT COURT OF
DISCIPLINE)	
)	
V.)	BEXAR COUNTY, T E X A S
)	
LUIS ROBERTO VERA, JR.)	___TH JUDICIAL DISTRICT

ORIGINAL DISCIPLINARY PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now, Petitioner, COMMISSION FOR LAWYER DISCIPLINE, a committee of the State Bar of Texas, complaining of Respondent, LUIS ROBERTO VERA, JR., and in support thereof would respectfully show the Court the following:

Parties

Petitioner is the COMMISSION FOR LAWYER DISCIPLINE, a committee of the State Bar of Texas. Respondent, RONALD J. SHAW, State Bar Number 20546740, was, at the time the following alleged acts of professional misconduct occurred, an attorney licensed to practice law in the State of Texas and a member of the State Bar of Texas. Respondent maintains his principal law practice and resides in San Antonio, Bexar County, Texas and may be served with process at 1490 Tower Life Building, 310 South St. Mary's Street, San Antonio, Bexar County, Texas 78205.

Venue

At the time the alleged professional misconduct occurred, Respondent maintained a law office in San Antonio, Bexar County, Texas. The alleged professional misconduct occurred in whole or in part in Bexar County, Texas. Accordingly, pursuant to Texas Rules of Disciplinary

Procedure 3.03, venue is proper in Bexar County, Texas.

Professional Misconduct

I.

Petitioner brings this disciplinary action pursuant to State Bar Act, Tex. Gov't. Code Ann., Sec. 81.001, et seq. (Vernon 1988), the Texas Disciplinary Rules of Professional Conduct and the Texas Rules of Disciplinary Procedure. The complaints which form the basis of this action were filed with the State Bar of Texas on or about March 16, 1998 by James Van Nest and August 27, 1997 by Cynthia Matthews. The acts and conduct of Respondent, as hereinafter alleged, constitute professional misconduct.

Count I -- James Van Nest

II.

In June of 1996, James Van Nest hired Respondent to pursue a Deceptive Trade Practices Act cause of action against Andrew Hinderliter. The cause of action had previously been dismissed without prejudice. Respondent agreed to the representation and accepted a partial payment of attorneys fees. On or about July 1, 1996, Respondent was informed by Mr. Van Nest's previous attorney that the statute of limitations was going to run December 7, 1996.

III.

Although having accepted the employment, Respondent neglected the matter by failing to file suit prior to the running of the statute of limitations.

IV.

Throughout the representation, Mr. Van Nest called Respondent's law office on numerous

occasions requesting the status of the Hinderliter litigation. Respondent failed to respond to Mr. Van Nest's request for information, failed to advise Mr. Van Nest of the progress of the case and failed to provide Mr. Van Nest with enough information for Mr. Van Nest to have made an informed decision about the litigation.

V.

Upon termination of the attorney/client relationship, Respondent failed to protect Mr. Van Nest's interest by failing to inform him of the statute of limitations and by failing to return to Mr. Van Nest his file. The failure to return the file to the client upon request prevented Mr. Van Nest from obtaining new counsel. As a result of Respondent's neglect and failure to communicate, the statute of limitations ran and Mr. Van Nest's cause of action against Mr. Hinderliter was lost.

VIII.

In relation to the representation of James Van Nest, the conduct of Respondent described above constitutes violations of the following Disciplinary Rules:

Rule 1.01(b)(1) -- In representing a client, a lawyer shall not neglect a legal matter entrusted to the lawyer.

Rule 1.03(a) -- A lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.

Rule 1.03(b) -- A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

Rule 1.15(d) -- Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled and refunding any advance payments of fee that has not been earned.

Count II -- Cynthia Matthews

IX.

On or about September 18, 1996, Cynthia Matthews hired Respondent to represent her in a divorce action filed by her spouse. Respondent neglected legal matters entrusted to him by failing to timely obtain a Temporary Restraining Order against Ms. Matthews' spouse, failing to serve the Temporary Restraining Order upon Ms. Matthew's spouse once it was obtained, and by failing to pursue Ms. Matthew's interests in her spouse's military retirement benefits. Further, Respondent failed to secure the \$30,000.00 settlement between Ms. Matthews and her former spouse by failing to obtain a lien on real estate owned by the spouse.

X.

During the representation, Respondent was in possession of the original Special Warranty Deed to real estate that Ms. Matthews had an interest in. Ms. Matthews on numerous occasions requested that the deed be sent to her. Respondent failed to surrender to Ms. Matthews the deed.

XI.

In relation to the representation of Cynthia Matthews, the conduct of Respondent described above constitutes violations of the following Disciplinary Rules:

Rule 1.01(b)(1) -- In representing a client, a lawyer shall not neglect a legal matter entrusted to the lawyer.

Rule 1.15(d) -- Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as * * * surrendering papers and property to which the client is entitled * * * *

PRAYER

WHEREFORE, PREMISES CONSIDERED, Petitioner prays that a judgment of professional misconduct be entered against Respondent imposing an appropriate sanction as the facts shall warrant and that Petitioner have such other relief to which it is entitled, including, but not limited to, costs of court, all direct expenses associated with these proceedings and reasonable attorney's fees as provided in Rule 1.06(T)(8)(b) of the Texas Rules of Disciplinary Procedure at a rate of \$150.00 per hour.

Respectfully submitted,

Steven W. Young
General Counsel

James Ehler
Assistant General Counsel

Office of the General Counsel
State Bar of Texas
425 Soledad, Suite 300
San Antonio, Texas 78205
Telephone: (210) 271-7881
Telecopier: (210) 271-9642



James Ehler
State Bar No. 06484650

ATTORNEYS FOR PETITIONER

STATE BAR OF TEXAS



**CERTIFIED MAIL
RETURN RECEIPT REQUESTED
Z 426 178 058**

**Office of the General Counsel
Regional Office
Soledad Plaza West
425 Soledad, Suite 300
San Antonio, Texas 78205
(210) 271-7881
FAX: (210) 271-9642**

September 29, 1998

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

RE: Commission for Lawyer Discipline v. Luis Roberto Vera, Jr.

Dear Mr. Adams:

Enclosed please find an original and three (3) copies of a Disciplinary Petition being filed by the Commission for Lawyer Discipline against Luis Roberto Vera, Jr. Mr. Vera has designated **Bexar County** 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:

Luis Roberto Vera, Jr.
1490 Tower Life Building
310 South St. Mary's Street
San Antonio, Texas 78205

As a practical matter, I would respectfully suggest that you inquire with the judge to be appointed as to whether he or she can accommodate compliance with 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, I would respectfully request that an alternate appointment be made.

Once a trial judge has been appointed, please forward the original and three (3) copies of the

Disciplinary Petition, the filing fee check, also enclosed herewith, and the Court's appointing order to the District Clerk of Bexar County, Texas, with the request that the suit be filed, service be obtained, and a filemarked copy of the petition returned to the undersigned.

Also enclosed are a pre-addressed envelope for your use in transmitting the petition, etc., to the District Clerk of Bexar County, Texas and a return envelope to be sent to the District Clerk of Bexar County, Texas, for the Clerk's use in returning a filemarked copy of the petition to the undersigned.

Thank you for your courtesies in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Ehler". The signature is written in a cursive style with a large initial "J" and a long, sweeping underline.

James Ehler
Assistant General Counsel

Enclosures

JAE/cah



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

EXECUTIVE ASS'T
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

JUSTICES
RAUL A. GONZALEZ
NATHAN L. HECHT
CRAIG T. ENOCH
ROSE SPECTOR
PRISCILLA R. OWEN
JAMES A. BAKER
GREG ABBOTT
DEBORAH G. HANKINSON

October 30, 1998

Mr. James Ehler
Assistant General Counsel, State Bar of Texas
425 Soledad, Suite 300
San Antonio, Texas 78205

Mr. Luis Roberto Vera, Jr.
1490 Tower Life Building
310 South St. Mary's Street
San Antonio, Texas 78205

Dear Mr. Ehler and Mr. Vera:

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 Robert Francis, Judge of the Criminal District Court No. 3, Dallas, Texas to preside in each of the three disciplinary actions styled:

Commission for Lawyer Discipline v. Luis Roberto Vera, Jr.

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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JAMES A. BAKER
GREG ABBOTT
DEBORAH G. HANKINSON

October 30, 1998

The Honorable Mary White
District Clerk of Bexar County
100 Dolorosa Street
San Antonio, Texas 78205-1205

Dear Ms. White:

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. Luis Roberto Vera, Jr.*, and a copy of the Supreme Court's order appointing the Honorable Robert Francis, Judge of the Criminal District Court No. 3, Dallas, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Hon. Robert Francis
Mr. James Ehler
Mr. Luis Roberto Vera, Jr.



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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JAMES A. BAKER
GREG ABBOTT
DEBORAH G. HANKINSON

October 30, 1998

Honorable Robert Francis
Judge, Criminal District Court No. 3
Frank Crowley Courts Building
133 N. Industrial Blvd.
Dallas, Texas 75207

Dear Judge Francis:

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. Vera and Mr. Ehler, and a copy of the letter to the District Clerk of Bexar County.

It is recommended that, six to eight weeks after receipt of this letter, you or your coordinator contact the Bexar County Administrative Office (210-335-2300) to find out the district court to which this disciplinary case has been assigned, names and addresses of counsel, etc. We then recommend that, either before or immediately after you set the case for trial, you contact the Presiding Judge of the Administrative Judicial Region into which you have been assigned (210-769-3519) to reserve a courtroom, obtain a court reporter, obtain claims forms for your expenses incident to presiding over this disciplinary case.

Sincerely,

SIGNED

John T. Adams
Clerk