

ORDER OF THE SUPREME COURT OF TEXAS

Misc Docket No. 99-9052

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

The Supreme Court of Texas hereby appoints the Honorable John C. Creuzot, Judge of the Criminal District Court No. 4 of Dallas County, Texas, to preside in the Disciplinary Action styled:

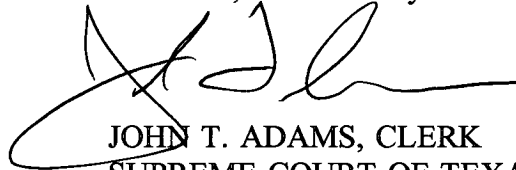
The Commission for Lawyer Discipline v. Hugo X. De Los Santos

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,

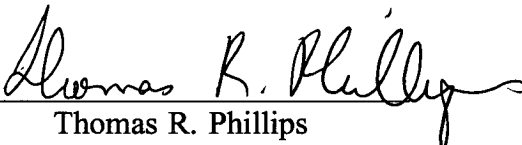
with the Seal thereof affixed at the City
of Austin, this 11th day of March, 1999.

A handwritten signature in black ink, appearing to read 'J. Adams', written over a large, stylized circular flourish.

JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 99-9052, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 12 day of March, 1999.


Thomas R. Phillips
Chief Justice

CAUSE NO. _____

COMMISSION FOR LAWYER
DISCIPLINE

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§
§

IN THE DISTRICT COURT OF

V.

BEXAR COUNTY, TEXAS

HUGO X. DE LOS SANTOS

___ TH JUDICIAL DISTRICT

PETITIONER'S 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, and files this its Original Disciplinary Petition complaining of Respondent, HUGO X. DE LOS SANTOS, 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, HUGO X. DE LOS SANTOS, Texas State Bar Number 05653300, is an attorney licensed to practice law in the State of Texas and is a member of the State Bar of Texas. Respondent is a resident of Bexar County, Texas. Respondent may be served with citation and a copy of this petition by serving him at his principal place of business located at **6800 Park Ten Boulevard, Suite 123N, San Antonio, Texas 78213.**

Venue

Respondent's principal place of law practice is in Bexar County, Texas. Accordingly, pursuant to Texas Rules of Disciplinary Procedure 3.03, venue is proper in Bexar County, Texas.

Discovery Control Plan

Petitioner intends to conduct discovery under Level 2 of Rule 190.3 of the Texas Rules of Civil Procedure.

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 complaint which forms the basis of this action was filed by Diana C. Hernandez on or about August 26, 1998. The acts and conduct of Respondent, as hereinafter alleged, constitute professional misconduct.

II.

1. Respondent was hired by Complainant, Diana C. Hernandez, in January of 1997 and entered into a contingency fee contract to represent Complainant's daughter, a minor child, in a tort claim action against the City of San Antonio arising out of that minor child's injuries resulting from a fall into an open man-hole in or around November of 1996. Respondent was also hired to pursue a claim against the City of San Antonio on behalf of Complainant.
2. During the representation, Respondent performed little or no meaningful work on behalf of his clients. Specifically, Respondent failed to notify the City of San Antonio of the accident as required by law and failed to file a lawsuit before the statute of limitations period expired barring his clients' claims.
3. After arranging an initial consultation for the minor child with a chiropractor, Respondent failed to assist his clients in obtaining additional medical attention for the injured child with a qualified medical professional/specialist. Respondent failed to adequately explain the necessity

for the additional medical attention, that Respondent would not provide the medical professionals with letters of protection on his clients' behalf, and/or how his clients were to make arrangements to pay for medical treatment during the pendency of their case.

4. During the representation, Respondent often refused/failed to respond to Complainant's phone calls and requests for assistance and/or information.

5. By waiting until less than one (1) month before the statute of limitations was to expire on his clients' claims, Respondent failed to withdraw from the representation and return Complainant's file in a timely manner and failed to take any steps to protect his clients' interests following his improper withdrawal.

6. Respondent tried to intimidate and coerce Complainant into not appearing and/or testifying before the grievance committee and falsified that fact in his testimony before that committee.

III.

The conduct of Respondent described above constitutes a violation of the following Texas Disciplinary Rules of Professional Conduct:

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

Rule 1.01(b)(2) -- In representing a client, a lawyer shall not frequently fail to carry out completely the obligations that a lawyer owes to a client or clients;

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(b)(1) -- A lawyer shall not withdraw from representing a client unless withdrawal can be accomplished without material adverse effect on the interests of the client;

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

Rule 8.04(a)(4) -- A lawyer shall not engage in conduct constituting obstruction of justice.

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 and further relief to which it is entitled, including costs of court and reasonable attorney fees.

Respectfully submitted,

Steven W. Young
General Counsel

Seana B. Willing
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


SEANA B. WILLING
State Bar No. 00787056

ATTORNEYS FOR PETITIONER

STATE BAR OF TEXAS



**CERTIFIED MAIL
RETURN RECEIPT REQUESTED
Z 292 150 132**

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

February 5, 1999

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

RE: Commission for Lawyer Discipline v. Hugo X. De Los Santos

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 Hugo X. De Los Santos. Mr. De Los Santos 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:

Hugo X. De Los Santos
6800 Park Ten Boulevard, Suite 123N
San Antonio, Texas 78213

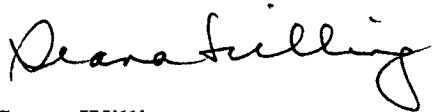
As a practical matter, I would respectfully suggest that you inquire with the judge to be appointed as to: (1) whether he or she will be able to comply with the 180 day deadline by which the case must be set for trial as set forth in Section 3.07 of the Texas Rules of Disciplinary Procedure; and (2) 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 cursive script that reads "Seana Willing". The signature is written in black ink and is positioned above the typed name.

Seana Willing
Assistant General Counsel

Enclosures

SBW/ch



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
NATHAN L. HECHT
CRAIG T. ENOCH
PRISCILLA R. OWEN
JAMES A. BAKER
GREG ABBOTT
DEBORAH G. HANKINSON
HARRIET O'NEILL
ALBERTO R. GONZALES

EXECUTIVE ASS'T
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASS'T
JIM HUTCHESON

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

MAR 23 1999

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

Dear Mr. Greer:

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. Hugo X. De Los Santos*, and a copy of the Supreme Court's order appointing the Honorable John C. Creuzot, Judge of the Criminal District Court No. 4 of Dallas, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Hon. John C. Creuzot
Mr. Hugo X. De Los Santos
Ms. Seana Willing



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

CLERK
JOHN T. ADAMS

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JIM HUTCHESON

ADMINISTRATIVE ASS'T
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HARRIET O'NEILL
ALBERTO R. GONZALES

MAR 23 1999

Honorable John C. Creuzot
Judge, Criminal District Court No. 4
Frank Crowley Courts Building
133 N. Industrial Boulevard
Dallas, Texas 75207

Dear Judge Creuzot:

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. De Los Santos and Ms. Willing, 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



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

JUSTICES
NATHAN L. HECHT
CRAIG T. ENOCH
PRISCILLA R. OWEN
JAMES A. BAKER
GREG ABBOTT
DEBORAH G. HANKINSON
HARRIET O'NEILL
ALBERTO R. GONZALES

MAR 23 1999

CLERK
JOHN T. ADAMS

EXECUTIVE ASS'T
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASS'T
JIM HUTCHESON

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

Ms. Seana Willing
Assistant General Counsel, State Bar of Texas
425 Soledad, Suite 300
San Antonio, Texas 78205

Mr. Hugo X. De Los Santos
6800 Park Ten Boulevard, Suite 123N
San Antonio, Texas 78213

Dear Ms. Willing and Mr. De Los Santos:

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 John C. Creuzot, Judge of the Criminal District Court No. 4, Dallas, Texas to preside in

Commission for Lawyer Discipline v. Hugo X. De Los Santos

Sincerely,

SIGNED

John T. Adams
Clerk