

ORDER OF THE SUPREME COURT OF TEXAS

Misc Docket No. 99- 9159

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

The Supreme Court of Texas hereby appoints the Honorable John H. Jackson, Judge of the 13th District Court of Navarro County, Texas, to preside in the Disciplinary Action styled:

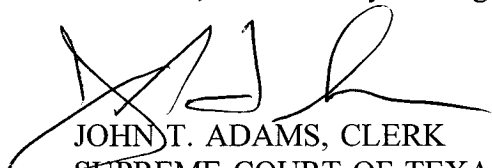
The Commission for Lawyer Discipline v. Mark A. Hoak

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

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

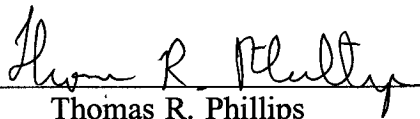
As ordered by the Supreme Court of Texas, in chambers,

with the Seal thereof affixed at the City
of Austin, this 31st day of August, 1999.


JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 99-9159, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 1 day of September, 1999.


Thomas R. Phillips
Chief Justice

NO. _____

COMMISSION FOR LAWYER DISCIPLINE § IN THE DISTRICT COURT OF
V. §
MARK A. HOAK § TARRANT COUNTY, TEXAS
§
§ _____ 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, Mark A. Hoak (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. Pursuant to Rule 190.1, Texas Rules of Civil Procedure (TRCP), Petitioner intends that discovery in this case be conducted under Discovery Control Plan - Level 2, as provided in Rule 190.3, TRCP.

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 his principal place of practice in, Tarrant County, Texas. An officer may serve citation on Respondent at 2000 E. Lamar Blvd., Suite 600, Arlington, Texas 76006.

III.

In or around November, 1997, Charlotte Parkhurst (hereinafter referred to as Complainant), employed Respondent to represent her in a claim against the City of Dallas and

others and to defend citations pending against her in municipal court. Respondent failed to provide any meaningful legal services in the matter. Subsequently, Complainant terminated the representation and requested her file and an accounting of funds spent. Respondent has not provided Complainant with an accounting of the funds spent, nor has the Respondent made any attempt to return the file.

IV.

Such acts and/or omissions on the part of Respondent as are described in the paragraph above, hereinabove which occurred on or after January 1, 1990 constitute conduct violative of Rules 1.01(b), 1.14(b), 1.15(d) and 8.04(a)(2) of the Texas Disciplinary Rules of Professional Conduct, Article X, Section 9, State Bar rules, effective January 1, 1990.

V.

Part of the fee charged by Respondent was contingent upon the outcome of the case, however Respondent failed to provide Complainant with a written contract. Complainant paid Respondent \$8,000.00 as an initial retainer. Respondent put the money into an IOLTA account and then converted the funds to his own use approximately one week later, although the fee had not been fully earned at the time the funds were withdrawn.

VI.

Such acts and/or omissions on the part of Respondent as are described in paragraph V. above, hereinabove which occurred on or after January 1, 1990 constitute conduct violative of Rule 1.04(d) and 8.04(a)(2) of the Texas Disciplinary Rules of Professional Conduct, Article X, Section 9, State Bar rules, effective January 1, 1990.

VII.

The complaint which forms the basis of the cause of action hereinabove set forth was brought to the attention of the Office of the General Counsel of the State Bar of Texas by a

complaint filed by Charlotte L. Parkhurst on or about May 14, 1998.

PRAYER

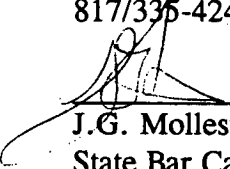
WHEREFORE, PREMISES CONSIDERED, Petitioner prays for judgment that Respondent be disciplined as the facts shall warrant; and that Petitioner have such other relief to which entitled, including costs of Court and attorneys' fees.

Respectfully submitted,

Steven W. Young
General Counsel

J.G. Molleston
Assistant General Counsel

Office of the General Counsel
STATE BAR OF TEXAS
201 Main Street, Suite 1150
Fort Worth, TX 76102
817/877-4993
817/335-4249 (FAX)



J.G. Molleston
State Bar Card No. 00795924

ATTORNEYS FOR PETITIONER

STATE BAR OF TEXAS



Office of the Chief Disciplinary Counsel

June 8, 1999

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

Re: Commission for Lawyer Discipline v. Mark A. Hoak

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 A. Hoak. Mr. Hoak has designated Tarrant 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:

Mark A. Hoak
2000 E. Lamar Blvd., Suite 2600
Arlington, TX 76006

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 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.

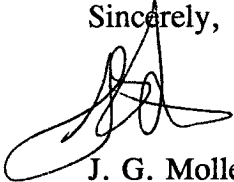
Once a trial judge has been appointed, please forward the original and two (2) copies of the Disciplinary Petition, the filing fee check, also enclosed herewith, and the Court's appointing order to the District Clerk of Tarrant County, Texas, with the request that the suit be filed, service be obtained, and a file-marked copy of the petition be returned to the undersigned.

Mr. John Adams
June 8, 1999
Page Two

Also enclosed are a pre-addressed envelope for your use in transmitting the petition, etc., to the District Clerk of Tarrant County, Texas, and a return envelope to be sent to the District Clerk of Tarrant 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,

A handwritten signature in black ink, appearing to read 'J. G. Molleston', with a large, sweeping flourish at the end.

J. G. Molleston
Assistant General Counsel
Office of the Chief Disciplinary Counsel
State Bar of Texas

JGM/mc

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

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

SEP 03 1999

CLERK
JOHN T. ADAMS

EXECUTIVE ASS'T
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASS'T
JIM HUTCHESON

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

The Honorable Thomas A. Wilder
District Clerk of Tarrant County
401 West Belknap
Fort Worth, Texas 76196-0402

Dear Mr. Wilder:

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 A. Hoak*, and a copy of the Supreme Court's order appointing the Honorable John H. Jackson, Judge of the 13th District Court, Corsicana, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Hon. John H. Jackson
Mr. J.G. Molleston
Mr. Mark A. Hoak



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

SEP 03 1999

CLERK
JOHN T. ADAMS

EXECUTIVE ASS'T
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASS'T
JIM HUTCHESON

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

Mr. J.G. Molleston
Assistant General Counsel, State Bar of Texas
500 Throckmorton, Suite 2600
Fort Worth, Texas 76102

Mr. Mark A. Hoak
2000 E. Lamar Boulevard, Suite 2600
Arlington, Texas 76006

Dear Mr. Molleston and Mr. Hoak:

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 H. Jackson, Judge of the 13th District Court, Corsicana, Texas to preside in

Commission for Lawyer Discipline v. Mark A. Hoak

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

CLERK
JOHN T. ADAMS

EXECUTIVE ASST
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASST
JIM HUTCHESON

ADMINISTRATIVE ASST
NADINE SCHNEIDER

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

SEP 03 1999

Honorable John H. Jackson
Judge, 13th District Court
P.O. Box 333
Corsicana, Texas 75110-0333

Dear Judge Jackson:

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. Hoak and Mr. Molleston, and a copy of the letter to the District Clerk of Tarrant County.

It is recommended that, six to eight weeks after receipt of this letter, your coordinator contact the District Clerk (817-884-1574) to learn the names, addresses, and telephone numbers of counsel for purposes of scheduling a conference. Also, either before or immediately after you set the case for trial, you should contact the Presiding Judge of the Administrative Judicial Region into which you have been assigned (817-884-1558) to reserve a courtroom, provide for a court reporter, etc., and to obtain claims forms for your expenses incident to presiding over this disciplinary case.

Sincerely,

SIGNED

John T. Adams
Clerk