

ORDER OF THE SUPREME COURT OF TEXAS

Misc Docket No. 99- 9181

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

The Supreme Court of Texas hereby appoints the Honorable M. Brock Jones, Judge of the 112th District Court of Crockett County, Texas, to preside in the Disciplinary Action styled:

The Commission for Lawyer Discipline v. Hugo 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,

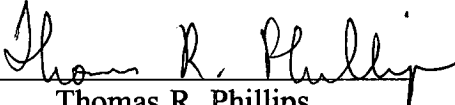
with the Seal thereof affixed at the City
of Austin, this 27th day of September, 1999.

A handwritten signature in black ink, appearing to read 'J. Adams', with a large, stylized flourish extending to the right.

JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 99-9181, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 27 day of September, 1999.


Thomas R. Phillips
Chief Justice

CAUSE NO. _____

COMMISSION FOR LAWYER DISCIPLINE	§	IN THE DISTRICT COURT OF
	§	
V.	§	BEXAR COUNTY, TEXAS
	§	
HUGO XAVIER DE LOS SANTOS	§	_____ 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 XAVIER 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 XAVIER 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 maintains an office in Bexar County, Texas. Respondent may be served with citation and a copy of this petition at **6800 Park Ten Blvd, Suite 123n, San Antonio, Texas 78213-4201.**

Venue

Respondent's principal place of 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 Roderick Joseph Regan on or about April 6, 1998. The acts and conduct of Respondent, as hereinafter alleged, constitute professional misconduct.

II.

1. Respondent attended a mediation session on June 22, 1995 in the matter of Benito Janeiro V. Jesse A. Calvillo, Et. Al., as the attorney of record for Mr. And Mrs. Calvillo and Mr. Chambers. Immediately after each side of the lawsuit presented their opening remarks and as they were separating into separate rooms to begin the negotiations, Respondent threatened to kill Mr. Dale Mabry, an adverse party, with a shotgun because of the way Mr. Mabry was "looking" at him during the opening remarks at the mediation. These remarks prematurely terminated the mediation session.

2. Respondent refused his clients', Jesse Calvillo, Maria Calvillo and Robert Chambers, request to settle and terminate the litigation styled Benito Janeiro vs. Jesse A. Calvillo ET AL.

3. Respondent prepared back-dated corporate minutes of La Scala, Inc. for shareholders' and directors' meeting which never took place, and then instructed the Calvillos and Chambers to sign such documents. These documents were prepared to be turned over to opposing counsel in

discovery as ordered by the Court. These actions were designed to deprive the Plaintiff Benito Janeiro of his ownership interest in the business, and to deprive the Plaintiff standing to assert his claims the subject of the pending matter in litigation.

4. Respondent participated in the Preliminary Injunction hearing held on June 29, 1995 where Robert Chambers testified as to the "secret" minutes and false letters the Respondent had created for the signature of Chambers. Respondent failed to advise the Court or take any other affirmative corrective action on the false testimony.

5. In the pending matter of Benito Janeiro vs. Jesse A. Calvillo, ET AL, the Respondent filed frivolous third-party actions against Dale and Renate Mabry and Laine Bradford for the purpose of harassing Plaintiff Janeiro. The third-party lawsuits were subsequently found to be without merit under law.

III.

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

Rule 1.02(a)(1) -- a lawyer shall abide by a client's decisions concerning the objectives and general methods of representations;

Rule 1.02(a)(2) -- a lawyer shall abide by a client's decisions whether to accept an offer of settlement of a matter, except as otherwise authorized by law;

Rule 3.02 -- in the course of litigation, a lawyer shall not take a position that unreasonably increases the cost or other burdens of the case or that unreasonable delays resolution of the matter;

Rule 3.03(a)(1) -- a lawyer shall not knowingly make a false statement of material fact or law to a tribunal;

Rule 3.03(a)(2) -- a lawyer shall not knowingly fail to disclose a fact to a tribunal when disclosure is necessary to avoid assisting a criminal or fraudulent act;

Rule 3.04(b) -- a lawyer shall not falsify evidence, counsel or assist a witness to testify falsely;

Rule 4.01(a) -- in the course of representing a client a lawyer shall not knowingly make a false statement of law or fact to a third person;

Rule 4.01(b) -- in the course of representing a client a lawyer shall not knowingly fail to disclose a material fact to a third person when disclosure is necessary to avoid making the lawyer a party to a criminal act or knowingly assisting a fraudulent act perpetrated by a client;

Rule 8.04(a)(3) -- a lawyer shall not engage in conduct involving dishonesty, fraud, deceit or misrepresentation.

PRAYER

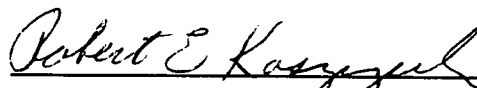
WHEREFORE, PREMISES CONSIDERED, Petitioner prays that a judgment of professional misconduct be entered against Respondent imposing an appropriate sanction as the facts shall warrant and that Petitioner have such other and further relief to which it is entitled, including costs of court, restitution, and reasonable attorney fees.

Respectfully submitted,

Dawn Miller
Acting General Counsel/
Chief Disciplinary Counsel

Robert E. Kaszczuk
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


ROBERT E. KASZCZUK
State Bar No. 11106300

ATTORNEYS FOR PETITIONER

STATE BAR OF TEXAS



**CERTIFIED MAIL
RETURN RECEIPT REQUESTED
Z 292 150 060**

**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**

August 23, 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 Blvd., Suite 123N
San Antonio, Texas 78213-4201


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 "Robert E. Kaszczuk".

Robert E. Kaszczuk
Assistant General Counsel

Enclosures

REK/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

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

CLERK
JOHN T. ADAMS

EXECUTIVE ASS'T
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASS'T
JIM HUTCHESON

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

OCT 07 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 De Los Santos*, and a copy of the Supreme Court's order appointing the Honorable M. Brock Jones, Jr., Judge of the 112th District Court, Ozona, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Hon. M. Brock Jones, Jr.
Mr. Robert Edward Kaszczuk
Mr. Hugo De Los Santos



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

POST OFFICE BOX 12248 AUSTIN, TEXAS 78711

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OCT 07 1999

CLERK
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ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

Mr. Robert E. Kaszczuk
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 78213-4201

Dear Mr. Kaszczuk 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 M. Brock Jones, Jr., Judge of the 112th District Court, Ozona, Texas to preside in

Commission for Lawyer Discipline v. Hugo De Los Santos

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

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NADINE SCHNEIDER

OCT 07 1999

Honorable M. Brock Jones, Jr.
Judge, 112th District Court
907 Avenue D
P.O. Drawer C
Ozona, Texas 76943

Dear Judge Jones:

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 Mr. Kaszczuk, 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