

**ORDER OF THE SUPREME COURT OF TEXAS**

9158

Misc. Docket No. 01-----

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

The Supreme Court of Texas hereby appoints the Honorable Joel B. Johnson, Judge of the 156th District Court of Bee County, Texas, to preside in the Disciplinary Action styled


**The Commission for Lawyer Discipline v. Roel A. Saenz, Jr.**

to befiled in a District Court of Hidalgo County, Texas.

The Clerk of the Supreme Court shall promptly forward to the District Clerk of Hidalgo County, Texas, a copy of the Disciplinary petition and this Order for filing and service pursuant to Rule 3.03, Texas Rules of Disciplinary Procedure.

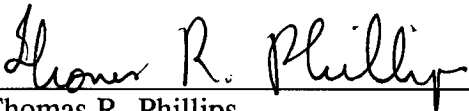
As ordered by the Supreme Court of Texas, in chambers,

With the Seal thereof affixed at the City  
Of Austin, this 7<sup>th</sup> day of September, 2001.

  
JOHN T. ADAMS, CLERK  
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 01-9158, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 7 day of September, 2001.

  
\_\_\_\_\_  
Thomas R. Phillips  
Chief Justice

CAUSE NO. \_\_\_\_\_

COMMISSION FOR LAWYER  
DISCIPLINE

V.

ROEL A. SAENZ, JR.

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IN THE DISTRICT COURT OF

\_\_\_TH JUDICIAL DISTRICT

HIDALGO COUNTY, TEXAS

**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, complaining of Respondent, ROEL A. SAENZ, 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, ROEL A. SAENZ, JR., Texas State Bar Number 17516100, 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 Hidalgo 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 605 East Violet, Suite 1, McAllen, Texas 78504.

**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 Ms. Sylvia C. Gomez on or about September 9, 2000. The acts and conduct of Respondent, as hereinafter alleged, constitute professional misconduct.

### II.

1. On or about August 17, 1995, the Complainant hired Respondent to represent her in a personal injury claim arising from an auto accident on June 20, 1995. Respondent filed suit on August 31, 1995 against Sylvia Adkinson and the City of Brownsville. Complainant's suit was dismissed for want of prosecution on May 8, 2000.
2. Respondent failed to respond to his client's requests for information about the status of her case during his representation. Respondent failed to respond to Complainant's numerous telephone calls requesting information about her case. Complainant wrote letters to Respondent seeking the status of her case. Respondent failed to respond to those letters.
3. On August 11, 1999, Complainant asked for a copy of her file from Respondent. As of March 7, 2001, Respondent had not provided Complainant with a copy of her file.
4. On May 8, 2000, Complainant remained at her home as instructed waiting for the telephone call she expected from Respondent or his staff telling her when and where to report for the trial of

her case. Complainant never received a telephone call from Respondent or his staff. Respondent made no attempt to locate his client and advise her to report to the courtroom. Respondent informed the court he could not locate his client, after looking for her in the courthouse. Respondent allowed the court to dismiss Complainant's case without objection. Respondent failed to protect his client's interests by his failure to object to the dismissal and proceeding forth with the trial of the case while his employee located his client.

5. Respondent neglected Complainant's case when he failed to meet with his client prior to the trial date, prepare her for her testimony and insure she understood not only the date of her trial but the time and place she was required to be on May 8, 2000. Respondent failed to demonstrate any effort to reach his client on the day of trial. Complainant remained at her home, as instructed by Respondent's office, waiting for the phone call instructing her when and where to report for her trial. The phone call never came from either the Respondent or his staff.

### III.

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

Rule 1.01(c)(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 advanced payments of fee that has not been earned.

**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  
Chief Disciplinary Counsel

Robert E. Kaszczuk  
Assistant Disciplinary Counsel

Office of the Chief Disciplinary 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



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

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
# 7000 1670 0005 9695 8753

July 31, 2001

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

RE: Commission for Lawyer Discipline v. Roel A. Saenz, 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 Roel A. Saenz, Jr.. Mr. Saenz has designated **Hidalgo 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:

Roel A. Saenz, Jr.  
605 East Violet, Suite 1  
McAllen, Texas 78504

As a practical matter, I would respectfully suggest that you inquire with the judge to be appointed as to 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. 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 Hidalgo 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 Hidalgo County, Texas and a return envelope to be sent to the District Clerk of Hidalgo 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,



Robert E. Kaszczuk  
Assistant Disciplinary Counsel

Enclosures

REK/apr

cc: State Bar of Texas  
1109 North 77 Sunshine Strip  
Harlingen, Texas 78550





# The Supreme Court of Texas

CHIEF JUSTICE  
THOMAS R. PHILLIPS

201 West 14th Street Post Office Box 12248 Austin TX 78711  
Telephone: 512/463-1312 Facsimile: 512/463-1365

JUSTICES  
NATHAN L. HECHT  
CRAIG T. ENOCH  
PRISCILLA R. OWEN  
JAMES A. BAKER  
DEBORAH G. HANKINSON  
HARRIET O'NEILL  
WALLACE B. JEFFERSON

CLERK  
JOHN T. ADAMS

EXECUTIVE ASSISTANT  
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASST  
JIM HUTCHESON

ADMINISTRATIVE ASSISTANT  
NADINE SCHNEIDER

SEP 12 2001

The Honorable Pauline Gonzales  
District Clerk of Hidalgo County  
P.O. Box 87  
Edinburg, Texas 78540

Dear Ms. Gonzales:

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. Roel A. Saenz, Jr.*, and a copy of the Supreme Court's order appointing the Honorable Joel B. Johnson, Judge of the 156<sup>th</sup> District Court, Beeville, Texas, to preside in this Disciplinary Action.

Sincerely,

**SIGNED**

John T. Adams  
Clerk

cc: Hon. Joel B. Johnson  
Mr. Robert E. Kaszczuk  
Mr. Roel A. Saenz, Jr.



# The Supreme Court of Texas

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ADMINISTRATIVE ASSISTANT  
NADINE SCHNEIDER

SEP 12 2001

Mr. Robert E. Kaszczuk  
Assistant General Counsel, State Bar of Texas  
425 Soledad, Suite 300  
San Antonio, Texas 78205

Mr. Roel A. Saenz, Jr.  
605 East Violet, Suite 1  
McAllen, Texas 78504

Dear Mr. Kaszczuk and Mr. Saenz:

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 Joel B. Johnson, Judge of the 156<sup>th</sup> District Court, Beeville, Texas to preside in

*Commission for Lawyer Discipline v. Roel A. Saenz, Jr.*

Sincerely,

**SIGNED**

John T. Adams  
Clerk



# The Supreme Court of Texas

CHIEF JUSTICE  
THOMAS R. PHILLIPS

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Telephone: 512/463-1312 Facsimile: 512/463-1365

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JOHN T. ADAMS

JUSTICES  
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ADMINISTRATIVE ASSISTANT  
NADINE SCHNEIDER

SEP 12 2001

Honorable Joel B. Johnson  
Judge, 156<sup>th</sup> District Court  
P.O. Box 1568  
Beeville, Texas 78104

Dear Judge Johnson:

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. Sanez and Mr. Kaszczuk, and a copy of the letter to the District Clerk of Hidalgo County.

It is recommended that, a month or six weeks after receipt of this letter, you or your coordinator contact the District Court Administrative Office (210-318-2200) 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 (210-546-0724) 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