

IN THE SUPREME COURT OF THE STATE OF TEXAS

Misc. Docket No. 95- 9266

IN THE MATTER OF

R. Mark Schultz

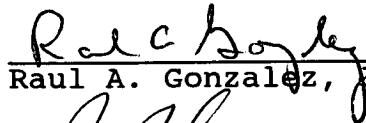
ORDER

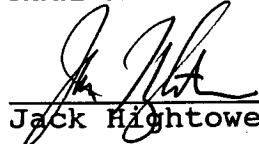
On this day came on for consideration the Motion for Acceptance of Resignation as Attorney and Counselor at Law of R. Mark Schultz together with the Response filed by the Chief Disciplinary Counsel of the State Bar of Texas acting through the Commission for Lawyer Discipline. The Court has reviewed said Motion and the Response and finds each to be legally sufficient. The Court, being advised that such resignation is tendered in lieu of disciplinary action, and being of the opinion that such resignation is in the best interest of the public and of the profession and will meet the ends of justice, hereby concludes that the following Order is appropriate.


It is ORDERED that the law license of R. Mark Schultz heretofore issued by this court, be, and the same is hereby cancelled and revoked and his name be, and is hereby, removed and deleted from the list of persons licensed to practice law in the State of Texas. Receipt of the license and permanent State Bar card issued by this Court to R. Mark Schultz is hereby acknowledged.

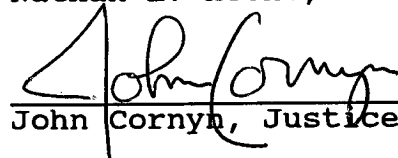
By the Court, en banc, in chambers, this the 5th day
of December, 19 95.


Thomas R. Phillips, Chief Justice

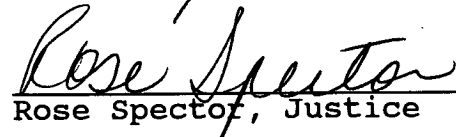

Raul A. Gonzalez, Justice


Jack Hightower, Justice

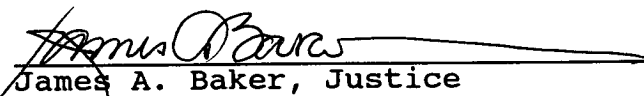

Nathan L. Hecht, Justice


John Cornyn, Justice


Craig Enoch, Justice


Rose Spector, Justice


Priscilla R. Owen, Justice


James A. Baker, Justice

Misc. Docket No. 95 - 9266

CF6-19A.pri

STATE BAR OF TEXAS



Office of the General Counsel

November 20, 1995

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

Re: R. Mark Schultz

Dear Mr. Adams:

Pursuant to Part X of the Texas Rules of Disciplinary Procedure, please find enclosed herewith the following:

- (1) Original executed Motion for Acceptance of Resignation as Attorney and Counselor at Law for the above referenced attorney;
- (2) Original and two (2) copies of the Response of the Chief Disciplinary Counsel to Motion for Acceptance of Resignation as Attorney and Counselor at Law for the above referenced attorney; and
- (3) Permanent State Bar Card and law license (or affidavit stating whereabouts of either item) for the above referenced attorney.
- (4) Original Order of Resignation for the Court's signature.

Pursuant to Rule 10.02 of the Texas Rules of Disciplinary Procedure, the required ten (10) day timeframe has passed and the above-referenced attorney has made no attempt to withdraw the Motion for Acceptance of Resignation. Therefore, the detailed statement of professional misconduct is deemed to have been conclusively established for all purposes.

I will appreciate your bringing this to the Court's attention. Please return a fully executed copy of the Order to our office at your earliest convenience.

Sincerely,

A handwritten signature in cursive script, appearing to read "William R. Garrett".

William R. Garrett
Assistant Disciplinary Counsel
Office of the Chief Disciplinary Counsel
State Bar of Texas

Enclosure

CF3-24RA.PRI

RECEIVED

NOV 08 1995

AUSTIN FIELD OFFICE
STATE BAR OF TEXAS
CDC

IN THE SUPREME COURT OF TEXAS
MOTION FOR ACCEPTANCE OF RESIGNATION AS
ATTORNEY AND COUNSELOR AT LAW

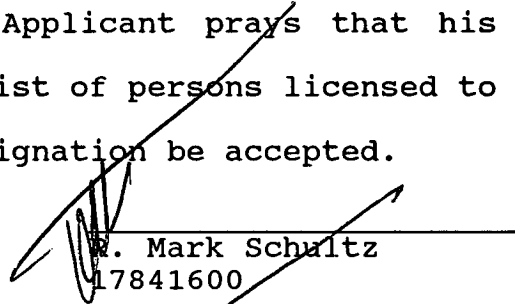
OF

R. Mark Schultz

NOW COMES your Applicant, R. Mark Schultz, and hereby resigns as an Attorney and Counselor at Law in the State of Texas; and hereby submits to the Court his resignation as an Attorney and Counselor at Law; and prays that the Court accept said resignation.

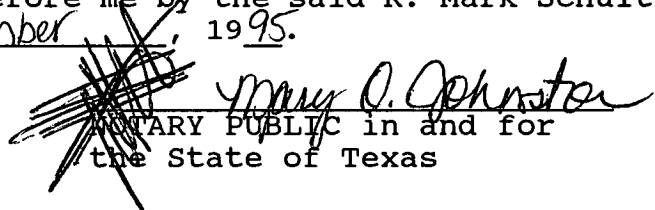
Attached hereto is the License and permanent State Bar card issued by this Court to the Applicant, R. Mark Schultz, as an Attorney and Counselor at Law. Said License and permanent State Bar card are hereby surrendered by the Applicant.

Your applicant is voluntarily resigning and withdrawing from the practice of law; Applicant does so in lieu of discipline for professional misconduct; and Applicant prays that his name be dropped and deleted from the list of persons licensed to practice law in Texas; and that his resignation be accepted.



R. Mark Schultz
17841600

SUBSCRIBED AND SWORN to before me by the said R. Mark Schultz this the 2 day of November, 1995.



MARY O. JOHNSTON
Notary Public in and for
the State of Texas

R. Mark Schultz
3102 Bee Caves Road,
2nd Floor East
Austin, Texas 78746

CF6-17.PRI



IN THE SUPREME COURT OF THE STATE OF TEXAS
RESPONSE TO MOTION FOR ACCEPTANCE OF RESIGNATION AS
ATTORNEY AND COUNSELOR AT LAW

OF

R. Mark Schultz

TO THE HONORABLE SUPREME COURT OF TEXAS:

Pursuant to Part X of the Texas Rules of Disciplinary Procedure, James M. McCormack, Chief Disciplinary Counsel, hereby files this response on behalf of the State Bar of Texas, acting by and through the Commission for Lawyer Discipline, to the Motion for Acceptance of Resignation in Lieu of Discipline filed by R. Mark Schultz, and would show as follows:

I.

The acceptance by the Court of the Resignation of R. Mark Schultz is in the best interest of the public and of the profession.

II.

Respondent failed to hold Client funds separate from Respondent's funds; failed to pay and distribute Client funds as agreed; Respondent mis-stated the disposition of Client funds in his care, constituting a false statement of a material fact.

Respondent's professional misconduct resulted in a monetary loss to Clients in excess of over \$190,000.00.

The above stated facts support a violation of Rules 1.14 (a), 1.14 (b), 1.14 (c), 4.01 (a), 4.01 (b), 8.04 (a)(1), 8.04 (a)(2), 8.04 (a)(3), 8.04 (a)(12) of the Texas Disciplinary Rules of Professional Conduct.

III.


WHEREFORE, the State Bar of Texas, moves the Court to accept the resignation in lieu of discipline and grant the motion filed by Movant.

Respectfully Submitted:

James M. McCormack
Chief Disciplinary Counsel

William R. Garrett
Assistant Disciplinary Counsel

Office of the Chief Disciplinary Counsel
State Bar of Texas
400 West 15th Street, Suite 1530
Austin, Texas 78701



William R. Garrett
Assistant Disciplinary Counsel

State Bar Card No. 07700200

CERTIFICATE OF SERVICE

This is to certify that the Response of the Chief Disciplinary Counsel to the Resignation of R. Mark Schultz has been served on R. Mark Schultz, at 3102 Bee Caves Road,, 2nd Floor East, Austin, Texas, 78746, via Certified Mail #746070428 on September 18, 1995.



William R. Garrett
Assistant Disciplinary Counsel