

ORDER OF THE SUPREME COURT OF TEXAS

Misc Docket No. 96- 9130

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

The Supreme Court of Texas hereby appoints the Honorable Aleta D. Hacker, Judge of the 326th District Court of Taylor County, Texas, to preside in the Disciplinary Action styled:

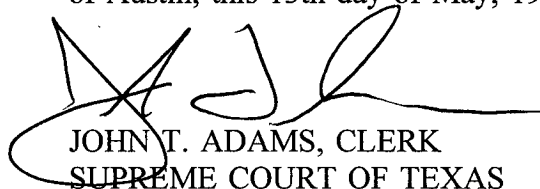
The Commission for Lawyer Discipline v. Mark A. Hoak

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 13th day of May, 1996.



JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 96-9130, is also an assignment pursuant to Texas Government Code §74.057.

Signed this 15th day of May, 1996.



Raul A. Gonzalez
Justice
(Tex. Gov't Code § 22.014)



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 ASS'T
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

JUSTICES
RAUL A. GONZALEZ
NATHAN L. HECHT
JOHN CORNYN
CRAIG ENOCH
ROSE SPECTOR
PRISCILLA R. OWEN
JAMES A. BAKER
GREG ABBOTT

I hereby authorize the Honorable Raul A. Gonzalez, senior Justice of the Supreme Court of Texas, to sign certificates of eligibility of applicants for judicial retirement benefits, assignments of retired and former judges, and any other court documents which may require the signature of the Chief Justice of the Supreme Court, during my absence between May 13 and May 23, 1996, pursuant to Texas Government Code § 22.014.

May 6, 1996


Thomas R. Phillips
Chief Justice

§ 22.014. Senior Justice Acting for Chief Justice

In the chief justice's absence, the justice with the most seniority on the supreme court may sign a court document for the chief justice if the chief justice has given that justice written authorization.

Added by Acts 1995, 74th Leg., ch. 356, § 1, eff. Aug. 28, 1995.

NO. _____

COMMISSION FOR LAWYER DISCIPLINE	§	IN THE DISTRICT COURT OF
	§	
V.	§	TARRANT COUNTY, TEXAS
	§	
MARK A. HOAK	§	_____ 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.

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 2019 E. Lamar Blvd., Suite 200, Arlington, Texas.

III.

On or about September 6, 1994, Adolfo Lopez (hereinafter referred to as "Complainant") retained Respondent to represent his daughter in a criminal matter. Complainant paid Respondent a \$5,000 retainer. Shortly thereafter, Respondent and his legal assistant traveled to San Marcos to interview Complainant's daughter who was incarcerated. At that time, the daughter informed Respondent she did not want the Respondent to represent her. Upon Respondent's return from San Marcos, Respondent informed Complainant that his daughter did not want Respondent representing her, therefore, he could not handle Complainant's daughter's case. Upon termination of Respondent's representation of Complainant's daughter, Complainant was not refunded any of the \$5,000 retainer that was paid to Respondent. To date, Respondent has not refunded any portion of the \$5,000 retainer in that he states it was non-refundable.

IV.

Such acts and/or omissions on the part of Respondent as are described in Paragraph III, hereinabove which occurred on or after January 1, 1990, constitute conduct violative of Rules 1.04 and 1.15(d) of the Texas Rules of Professional Conduct.

V.

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 the Adolfo P. Lopez on or about September 18, 1995.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Petitioner prays for judgment that Respondent be disciplined as the facts shall warrant; and that Petitioner have such other relief

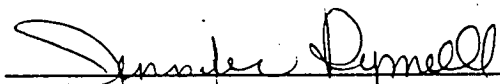
to which entitled, including costs of Court and attorney's fees.

Respectfully submitted,

James M. McCormack
General Counsel

Jennifer Rymell
Assistant General Counsel

Office of the General Counsel
State Bar of Texas
201 Main Street, Suite 1150
Fort Worth, Texas 76102
817-877-4993
817-335-4249


Jennifer Rymell
State Bar of Texas No. 18043750

ATTORNEYS FOR PETITIONER

STATE BAR OF TEXAS



Office of the Chief Disciplinary Counsel

March 18, 1996

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 is a resident of Tarrant County, Texas. 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 hereby 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
2019 E. Lamar, Suite 200
Arlington, Texas 76006

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 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 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 filemarked copy of the petition be returned to the undersigned. Further, please provide the undersigned a copy of the Court's appointing order in the pre-addressed envelope enclosed.

201 Main St., Suite 1150, Fort Worth, Texas 76102, (817)877-4993 (Fax 335-4249)

Also enclosed is 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 filemarked copy of the petition to the undersigned.

If you have any questions, please contact me. Thank you for your assistance.

Sincerely,

A handwritten signature in cursive script that reads "Jennifer Rymell". The signature is written in black ink and is positioned above the typed name.

Jennifer Rymell
Assistant General Counsel
Office of the Chief Disciplinary Counsel
State Bar of Texas

JSR/dg

enclosure



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

POST OFFICE BOX 12248 AUSTIN, TEXAS 78711
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CLERK
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JUSTICES
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EXECUTIVE ASS'T
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

May 22, 1996

The Honorable Tom Wilder
District Clerk of Tarrant County
401 West Belknap
Fort Worth, Texas 76196-0225

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 Aleta D. Hacker, Judge of the 326th District Court, Abilene, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Hon. Aleta D. Hacker
Mr. Mark A. Hoak
Mr. James M. McCormack



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

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GREG ABBOTT

May 22, 1996

Honorable Aleta D. Hacker
Judge, 326th District Court
300 Oak Street
Abilene, Texas 79602

Dear Judge Hacker:

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. McCormack, 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



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

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JAMES A. BAKER
GREG ABBOTT

May 22, 1996

Mr. James M. McCormack
General Counsel, State Bar of Texas
P.O. Box 12487
Austin, Texas 78711

Mr. Mark A. Hoak
2019 E. Lamar, Suite 200
Arlington, Texas 76006

Dear Mr. McCormack 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 Aleta D. Hacker, Judge of the 326th District Court, Abilene, Texas to preside in

Commission for Lawyer Discipline v. Mark A. Hoak

Sincerely,

SIGNED

John T. Adams
Clerk