

**ORDER OF THE SUPREME COURT OF TEXAS**

**Misc Docket No. 96-9147**

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

The Supreme Court of Texas hereby appoints the Honorable Cecil G. Puryear, Judge of the 137th District Court of Lubbock County, Texas, to preside in the Disciplinary Action styled:


**The Commission for Lawyer Discipline v. Glen A. Sutherland**

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

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

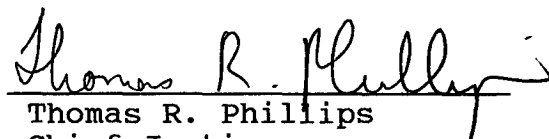
As ordered by the Supreme Court of Texas, in chambers,

with the Seal thereof affixed at the City  
of Austin, this 3rd day of June, 1996.

  
JOHN T. ADAMS, CLERK  
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 96-9147, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 4 day of June, 1996.

  
Thomas R. Phillips  
Chief Justice

COPY

No. \_\_\_\_\_

COMMISSION FOR LAWYER  
DISCIPLINE

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§

IN THE DISTRICT COURT OF

V.

EL PASO COUNTY, T E X A S

GLEN A. SUTHERLAND

\_\_\_TH JUDICIAL DISTRICT

**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, GLEN A. SUTHERLAND, 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, GLEN A. SUTHERLAND, State Bar Number 19524000, 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 El Paso County, Texas and may be served with process at 8811 Alameda Ave., El Paso, El Paso County, Texas 79907-6203, his usual place of business.

**Venue**

Respondent resides in and maintains his principal place of practice in El Paso County, Texas. The alleged professional misconduct occurred in El Paso County, Texas. Accordingly, pursuant to Texas Rules of Disciplinary Procedure 3.03, venue is proper in El Paso County, Texas.

## Professional Misconduct

### 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 on or about October 17, 1995. The acts and conduct of Respondent, as hereinafter alleged, constitute professional misconduct.

### II.

On or about November 30, 1993, Josefina Martinez retained the legal services of Respondent to represent her in a negligence and medical malpractice claim against Providence Memorial Hospital. Ms. Martinez suffered personal injuries related to falls in the hospital in July of 1993. A contingent fee agreement was signed by Ms. Martinez.

### III.

Respondent neglected the Ms. Martinez' case by doing little or no work on the case, other than to secure photocopies of the medical records, during the first year of the representation. Respondent failed to keep Ms. Martinez advised of the status of her case and failed to comply with reasonable requests for information.

### IV.

In December of 1994, Respondent determined Ms. Martinez' case lacked merit but failed to adequately communicate this information to Ms. Martinez. Respondent failed to withdraw from the representation and failed to advise Ms. Martinez regarding the applicable statute of limitations. Respondent's failure to communicate his intent to withdraw and his failure to inform

Ms. Martinez of the applicable statute of limitations prohibited Ms. Martinez from making informed decisions regarding the representations.

V.

Respondent allowed the statute of limitations to expire before filing suit.

VI.

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

Rule 1.01(b)(1) -- In representing a client, a lawyer shall not neglect a legal matter entrusted to the lawyer.

Rule 1.01(b)(2) -- In representing a client, a lawyer shall not frequently fail to carry out completely the obligations that the lawyer owes to a client.

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 1.14(d) -- Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests.

#### PRAYER

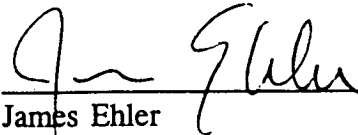
WHEREFORE, PREMISES CONSIDERED, Petitioner prays that a judgment of professional misconduct be entered against Respondent imposing an appropriate sanction as the facts shall warrant and that Petitioner have such other relief to which it is entitled, including costs of court and attorney's fees.

Respectfully submitted,

James M. McCormack  
General Counsel

James Ehler  
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



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James Ehler  
State Bar No. 06484650  
ATTORNEYS FOR PETITIONER

# STATE BAR OF TEXAS



CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
Z 080 288 191

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

May 8, 1996

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

RE: Commission for Lawyer Discipline v. Glen A. Sutherland; In the District Courts  
of El Paso County, Texas

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 Glen A. Sutherland. Mr. Sutherland has designated El Paso 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 practices 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:

Glen A. Sutherland  
8811 Alameda Ave.  
El Paso, Texas 79907-6203

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 two (2) copies of the Disciplinary Petition and the filing fee check, also enclosed herewith, and the Court's appointing order to the District Clerk of El Paso 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 El Paso County, Texas and a return envelope to be sent to the District Clerk of El Paso 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 black ink, appearing to read "J. Ehler". The signature is written in a cursive style with a large initial "J" and a long, sweeping underline.

James Ehler  
Assistant General Counsel

Enclosures

JE/mc





## 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

December 19, 1995

The Honorable Edie Rubalcaba  
District Clerk of El Paso County  
500 East San Antonio Avenue, Room 103  
El Paso, Texas 79901-2496

Dear Mr. Rubalcaba:

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. Glen A. Sutherland and a copy of the Supreme Court's order appointing the Honorable Cecil G. Puryear, Judge of the 137th District Court, Lubbock, Texas, to preside in this Disciplinary Action.

Sincerely,

**SIGNED**

John T. Adams  
Clerk

cc:   Hon. Cecil G. Puryear  
      Mr. Glen A. Sutherland  
      Mr. James M. McCormack



## THE SUPREME COURT OF TEXAS

CHIEF JUSTICE  
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GREG ABBOTT

EXECUTIVE ASS'T  
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T  
NADINE SCHNEIDER

December 19, 1995

Honorable Cecil G. Puryear  
Judge, 137th District Court  
904 Broadway  
Lubbock, Texas 79401

Dear Judge Puryear:

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. Sutherland and Mr. McCormack, and a copy of the letter to the District Clerk of El Paso 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 (915-546-2143) 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 (915-546-8135) 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



## THE SUPREME COURT OF TEXAS

CHIEF JUSTICE  
THOMAS R. PHILLIPS

POST OFFICE BOX 12248      AUSTIN, TEXAS 78711

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JAMES A. BAKER  
GREG ABBOTT

EXECUTIVE ASS'T  
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T  
NADINE SCHNEIDER

December 19, 1995

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

Mr. Glen A. Sutherland  
8811 Alameda Avenue  
El Paso, Texas 79907-6203

Dear Mr. McCormack and Mr. Sutherland:

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 Cecil G. Puryear, Judge of the 137th District Court, Lubbock, Texas to preside in

Commission for Lawyer Discipline v. Glen A. Sutherland

Sincerely,

**SIGNED**

John T. Adams  
Clerk