

**IN THE SUPREME COURT OF TEXAS**

**IN THE MATTER OF**

**ROY DONALD SALOME**

**MISC. DOCKET NO. 97- 9121**

**ORDER**

On this day came on for consideration the Motion for Acceptance of Resignation as Attorney and Counselor at Law of Roy Donald Salome together with the Response filed by the General Counsel's Office 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 ROY DONALD SALOME, State Bar No. 17546500, heretofore issued by this court, be, and the same is hereby canceled 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 Roy Donald Salome is hereby acknowledged.

IT IS FURTHER ORDERED that ROY DONALD SALOME be, and he is hereby, permanently enjoined and prohibited from practicing law in the State of Texas, holding himself out as an attorney at law, performing any legal services for others, giving legal advice to others, accepting any fee directly or indirectly for legal services, appearing as counsel or in any

representative capacity in any proceeding in any Texas court or before any Texas administrative body (whether state, county, municipal, or other), or holding himself out to others or using his name in any manner in conjunction with the words "Attorney at Law", "Counselor at Law", or "Lawyer".

IT IS FURTHER ORDERED that Roy Donald Salome shall, within thirty (30) days after the date on which this Order is signed by the Court, notify in writing each and every justice of the peace, judge, magistrate, and chief justice of each and every Texas court in which Roy Donald Salome may have any client matter pending, advising each court of his resignation, of the style and cause number of any matter pending in that court, and of the name, address and telephone number of the client(s) he is representing in that court. Roy Donald Salome is ORDERED to send copies of all such notifications to the State Bar of Texas, 425 Soledad, Suite 300, San Antonio, Texas 78205.

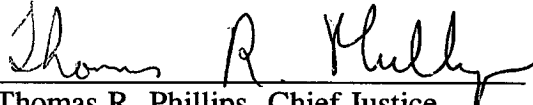
IT IS FURTHER ORDERED that Roy Donald Salome immediately notify each of his current Texas clients, if any, in writing of his resignation in lieu of discipline. In addition to such notification, Roy Donald Salome is ORDERED to return all files, papers, unearned fees paid in advance, and all other monies and properties which are in his possession but which belong to current clients, if any, to those respective clients within thirty (30) days after the date on which this Order is signed. Roy Donald Salome is further ORDERED to file with the State Bar of Texas, 425 Soledad, Suite 300, San Antonio, Texas 78205, within the same thirty (30) days, an affidavit stating that all current Texas clients have been notified of his resignation and that all files, papers, unearned fees paid in advance, and all other monies and properties belonging to clients have been returned as ordered herein. If Roy Donald Salome should be unable to return

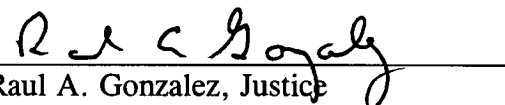
any file, papers, money or other property to any client, Roy Donald Salome's affidavit shall state with particularity the efforts made by him with respect to each particular client and the cause of his inability to return to said client any file, paper, money or other property. Roy Donald Salome is also ORDERED to mail a copy of said affidavit and copies of all notification letters to clients, to the State Bar of Texas, 425 Soledad, Suite 300, San Antonio, Texas 78205.

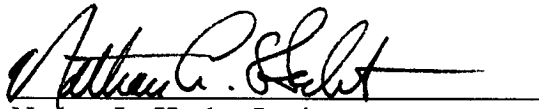
IT IS FURTHER ORDERED that Roy Donald Salome shall pay restitution in the amount of one hundred thirty thousand and no/100 (\$130,000.00) to the Trust of Edith M. Jones. Payment of the foregoing restitution is to be made by certified check, money order or other method of guaranteed payment made payable to Trust of Edith M. Jones and sent to John Rivas, Assistant General Counsel, State Bar of Texas, 425 Soledad, Suite 300, San Antonio, Texas 78205, within thirty (30) days after the date on which this Order is signed.

All restitution amounts ordered herein are due to the misconduct of the attorney and are assessed as a part of the sanction in accordance with Rule 1.06(t) of the Texas Rules of Disciplinary Procedure. Interest shall accrue on the amount of restitution due from the date this Order is signed at the rate of ten percent (10%) per annum until paid.

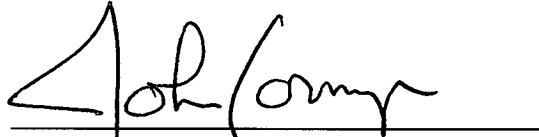
By the Court, en banc, in chambers, this the 19<sup>th</sup> day of August 1997.

  
Thomas R. Phillips, Chief Justice

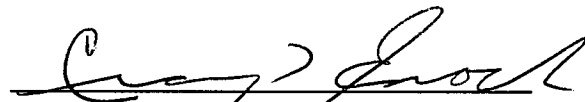
  
Raul A. Gonzalez, Justice



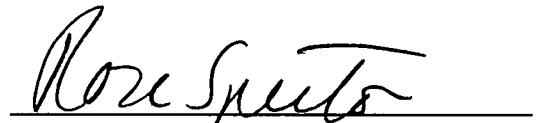
Nathan L. Hecht, Justice



John Cornyn, Justice



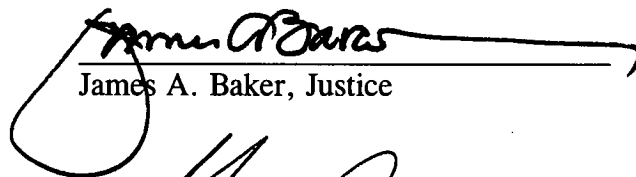
Craig T. Enoch, Justice



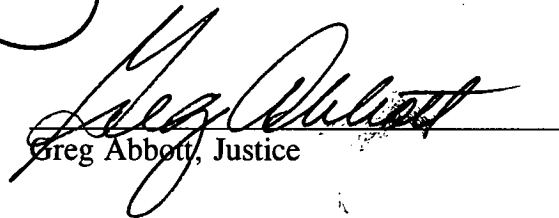
Rose Spector, Justice



Priscilla R. Owen, Justice



James A. Baker, Justice



Greg Abbott, Justice

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

**OF**

**ROY DONALD SALOME**

NOW COMES Applicant, Roy Donald Salome, 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.

**I.**

Attached hereto is the License and permanent State Bar card issued by this Court to the Applicant, Roy Donald Salome, as an Attorney and Counselor at Law on October 21, 1975. Said License and permanent State Bar card are hereby surrendered by the Applicant.

**II.**

In the event that Applicant has lost or misplaced his license and/or permanent State Bar card and that at this time they cannot be tendered to the Court, Applicant represents to the Court that should Applicant find his license and permanent State Bar card, Applicant will immediately surrender same to the Court.

**III.**

In lieu of disciplinary proceedings now pending, Applicant is voluntarily resigning and withdrawing from the practice of law.

**PRAYER**

**WHEREFORE, PREMISES CONSIDERED, 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.

Roy Donald Salome

Roy Donald Salome  
Bar Card No. 17546500

**ACKNOWLEDGMENT**

STATE OF TEXAS                   §  
  §  
COUNTY OF EL PASO           §

BEFORE ME the undersigned, a Notary Public in and for said County and State, on this day personally appeared Roy Donald Salome, known to me to be the same person whose name is subscribed to the foregoing Motion, and acknowledged to me that he executed the same for the purposes therein expressed and that all the facts state are within his personal knowledge and are true and correct.

GIVEN UNDER my hand and seal of office this the 13th day of February, 1997.



Rebecca S. Flores

NOTARY PUBLIC in and for  
the State of Texas

REBECCA S. FLORES

Printed Name of Notary

May 11, 2000

My commission expires

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

**OF**

**ROY DONALD SALOME**

**TO THE HONORABLE SUPREME COURT OF TEXAS:**

Pursuant to Part X of the Texas Rules of Disciplinary Procedure, the General Counsel's Office of the State Bar of Texas, 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 Roy Donald Salome, and would show as follows:

I.

The acceptance by the Court of the Resignation of Roy Donald Salome is in the best interest of the public and of the profession. There is pending disciplinary action against Roy Donald Salome, styled Commission for Lawyer Discipline v. Roy Donald Salome; File No. S3059500999; before an evidentiary panel of the District 17A Grievance Committee, El Paso County, Texas. The professional misconduct with which Roy Donald Salome is charged is as follows:

II.

(1) That Applicant was named independent executor, trustee, and independent public accountant for the Trust in the Will of Edith M. Jones, which was executed on November 28, 1984. Applicant took over the administration of the estate at Ms. Jones' death on November 27, 1991. On that date, Applicant filed the Application for Probate of the Will and Letters Testamentary for the Estate valued at \$599,499.20.

(2) That on February 8, 1995, the Probate Court in El Paso County, Texas, found by a preponderance of the evidence that Applicant, while acting in a fiduciary capacity, fraudulently appropriated property from the Estate and Trust in the amount of \$130,000.00, which had lawfully been entrusted to the Applicant.

(3) That on May 25, 1995, in the United States Bankruptcy Court for the Western District of Texas, Austin Division, Applicant, by Agreed Judgment, agreed and admitted to having damaged the Estate and Trust in the amount of \$130,000.00 as a result of Applicant's embezzlement of assets from the Estate and Trust.

(4) That the Probate Judge's Judgment and the Bankruptcy Court's Agreed Judgment are, on their face, self-authenticating and admissible evidence of serious criminal conduct that reflects adversely on the Applicant's honesty, trustworthiness or fitness as a lawyer.

(5) That Applicant failed to hold funds belonging to the Estate of Edith M. Jones separate from his own property. That Applicant owes to the Trust and Estate of Edith M. Jones the amount of \$130,000.00.

(6) The conduct of Applicant described above constitutes a violation of the following Disciplinary Rules: 1.14(a) and 8.04(a)(2), of the Texas Disciplinary Rules of Professional Conduct.

(7) The complaint which forms the basis of this Disciplinary Action as set forth was brought to the attention of the Office of General Counsel of the State Bar of Texas by the State Bar of Texas. The State Bar's complaint was filed on or about May 23, 1995.

### III.

In view of Roy Donald Salome's execution on or about February 13, 1997, of the Motion for Acceptance of Resignation as an attorney and counselor at law, and in anticipation of the



Court's acceptance of same, the General Counsel does not anticipate going forward with a disciplinary lawsuit.

IV.

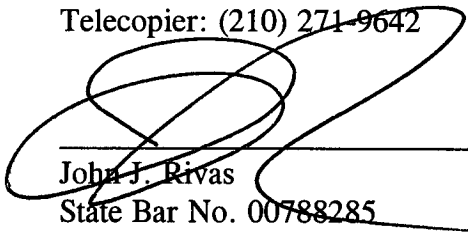
WHEREFORE, the State Bar of Texas, moves the Court to accept the resignation in lieu of discipline of Roy Donald Salome and grant the motion filed by Movant.

Respectfully submitted,

Steve W. Young  
General Counsel

John J. Rivas  
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



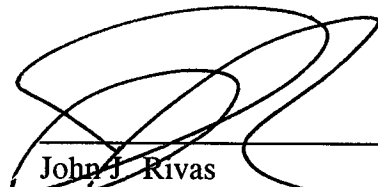
John J. Rivas  
State Bar No. 00788285

ATTORNEYS FOR PETITIONER

**CERTIFICATE OF SERVICE**

I hereby certify that a complete, true and correct photocopy of the foregoing instrument was duly served upon all parties and/or counsel of record via certified mail, return receipt requested, facsimile transmission, or by hand delivery on the 19 day of February, 1997, as follows:

Roy Donald Salome  
By and through his attorney of record  
William B. Hardie, Jr.  
900 E. Yandell  
El Paso, Texas 79902



John J. Rivas  
State Bar No. 007882785

# STATE BAR OF TEXAS



Office of the General Counsel

March 10, 1997

John T. Adams  
Clerk, Supreme Court of Texas  
Supreme Court Building, Room 104  
201 W. 14th  
Austin, Texas 78711

Re: Resignation of Roy Donald Salome  
Texas Bar Card No. 17546500

Dear Mr. Adams:

Enclosed for approval of the Court are the following documents relative to Mr. Salome's application for resignation in lieu of discipline:

1. Motion for Acceptance of Resignation as Attorney and Counselor at Law of Roy Donald Salome
2. Response to Motion for Acceptance of Resignation as Attorney and Counselor at Law of Roy Donald Salome
3. Order
4. Original Law License of Roy Donald Salome
5. Permanent Bar Card #17546500

Please provide this with a copy of the signed order, if the Court approves.

Sincerely,

A handwritten signature in cursive script that reads "Marjorie Churchill".

Marjorie Churchill  
Administrative Legal Assistant  
State Bar of Texas