

IN THE SUPREME COURT OF TEXAS

MISC. DOCKET NO. 00-9048

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VOLUNTARY RESIGNATION OF ATTORNEY

ORDER

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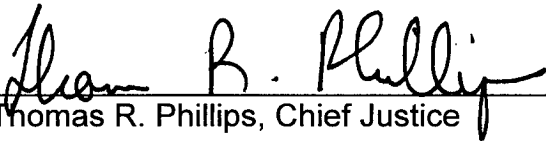
The Court considered the Affidavit of Voluntary Resignation of:

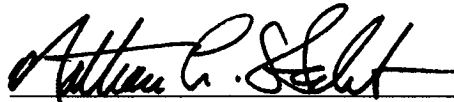
<u>NAME</u>	<u>BAR NUMBER</u>	<u>RESIDENCE</u>
Fred L. Gutierrez	24014249	Juneau, AK


and the Certification of the General Counsel of the State Bar of Texas and concludes it is legally sufficient. Further, the Court has been advised that the resignation is not tendered in lieu of disciplinary action. Consequently, the Court determines that the law license and Bar Card Number of the attorney should be canceled and that the attorney should be dropped from the list of persons licensed to practice law in Texas.

IT IS SO ORDERED.

March 30, 2000  
Date

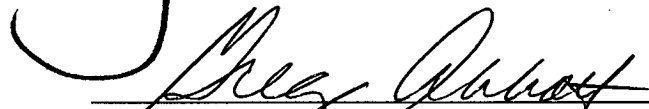
  
Thomas R. Phillips, Chief Justice

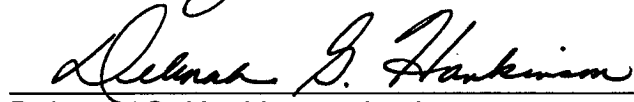
  
Nathan L. Hecht, Justice

  
Craig T. Engch, Justice

  
Priscilla R. Owen, Justice

  
James A. Baker, Justice

  
Greg Abbott, Justice

  
Deborah G. Hankinson, Justice

  
Harriet O'Neill, Justice

  
Alberfo R. Gonzales, Justice

IN THE SUPREME COURT OF TEXAS  
CERTIFICATION OF THE GENERAL COUNSEL  
OF THE STATE BAR OF TEXAS  
REGARDING

**FRED L. GUTIERREZ**  
**24014249**

TO THE HONORABLE SUPREME COURT OF TEXAS:

I, Dawn Miller, First Assistant General Counsel of the State Bar of Texas, in accordance with the State Bar Rules, Art. III, Section 6(B), hereby certify that there is currently no disciplinary action pending against **Fred L. Gutierrez**, nor is **Fred L. Gutierrez** the subject of an investigation for professional misconduct at this time.

Respectfully submitted,



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Dawn Miller  
Acting General Counsel

**FRED L. GUTIERREZ  
PO BOX 22414  
JUNEAU, AK 99801**

February 28, 2000

State Bar of Texas  
Capital Station  
PO Box 12487  
Austin, TX 78711  
ATTN: Dee Stacey

Re: Probationary License No. 24014249

Dear Sir/Madam:


I am hereby responding to your letter dated February 10, 2000 addressed to my old Denver address. Please be advised that I filed a change of address and would request that you use that address; PO Box 22414, Juneau, AK, 99801.

Please be advised that I have already returned the Bar card and Probationary license to the Clerk of the Supreme Court of Texas and therefore can not provide you with the same. Please contact the Clerk of the Supreme Court of Texas to verify my representation.

Please find enclosed the two Affidavits requested.

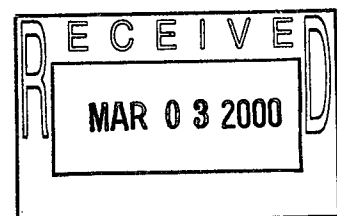
Should you have any questions or desire any additional information, please contact me at the Juneau Alaska address as stated above.

Sincerely,



Fred L. Gutierrez  
Attorney at Law

Encl.: two affidavits



**FRED L. GUTIERREZ**  
**ATTORNEY AT LAW**  
**1020 15TH STREET, SUITE 12-1**  
**DENVER, CO 80202**  
**303-573-7749**  
**E-MAIL FLGESQ@USWEST.NET**

February 3, 2000

Mr. John T. Adams, Clerk  
Supreme Court of Texas  
PO Box 12248  
Austin, TX 78711

Re: Probationary License No. 24014249

Dear Mr. Adams:

Please be advised that I was granted a Probationary license to practice law in the State of Texas with a license date of November 30, 1999.

I am hereby voluntarily surrendering the Probationary license as of this date February 3, 2000. I have enclosed the Bar Card and the License dated December 20, 1999. Please make the proper notations in my file evidencing the fact that I voluntarily surrendered my Probationary License to practice law in the state of Texas.

I hereby state and affirm that I am hereby severing any and all rights and duties that may or may not exist in relation to me and the Texas Board of Law Examiners, the Texas Supreme Court, and the Judicial Department for the state of Texas.

When I applied for a license to practice law in Texas I had a spotless record of 20 years as an attorney in the state of Colorado. I was appointed by the Governor of Colorado to the Judicial Nominating Commission and participated in the selection three Judges. I was appointed by the Governor of Colorado to the Judicial Performance Commission and evaluated Judges in the context of a retention recommendation in the election process.

I am of the opinion that I was a victim of the Taxes Board of Law Examiners in general, and Mr. Marshall in particular. Mr. Marshall's goal was to use his position and to manufacture unethical conduct on my part. He knew that he could not deny me a license, based on my 20 year record as an attorney, so he choose to tarnish my spotless record with his manufactured unethical conduct allegations. The result being he has single-handedly eliminated me from the following positions in Texas; Judge, government attorney, law professor, law firm, and political office.

When I self reported to the Regulation Counsel's Office for the state of Colorado and explained the situation with Texas Board of Law Examiners, the Probationary License and the finding and facts they refused to take any disciplinary action against my license



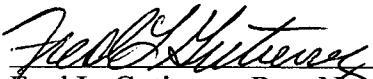
in Colorado. The only conclusion is that they could not believe the nonsense put forth by Mr. Marshall.

I requested in my correspondence to Mr. Marshall that I expected to be treated; fairly and honestly, in good faith and fair dealings, without bias or prejudice. I am of the opinion that I was in fact a victim of; unfair treatment and dishonesty, bad faith and unfair dealings, and the victim of bias and prejudice. Texas has a history of Texas Rangers with a license to kill Mexicans and Indians and it appears that, that prejudice still exists. If Texas is still playing cowboys and Indians I don't want to play nor do I have to. This bias and prejudice is also evidenced by the national publicity regarding the lack of Hispanic students in the University of Texas Law School.

Please do not think that this letter is from a crybaby. As an attorney, for 20 years, I have a duty to make a record. And this letter is a record of my position in this matter. I now, after 20 years of a spotless record, have a black mark that I will need to defend in the future. If, Mr. Marshall and the Texas Board of Law Examiner's reflect the bias and prejudice of the Texas Judicial system then I don't want to be a member. Why would I want to be a part of a system that promotes bias and prejudice which is repugnant to the very concept of Justice under the law?

Thank you for your considerations in this matter.

Sincerely,



Fred L. Gutierrez, Reg. No. 9414  
Attorney at Law

AFFIDAVIT

I, Fred L. Gutierrez, Probationary License Number 24014249, hereby swear, state and affirm that I have surrendered all Bar Cards, all Law Licenses, and all certificates issued to me by the Supreme Court of Texas.

Fred L. Gutierrez  
Fred L. Gutierrez

STATE OF ALASKA            )  
  ) ss  
1<sup>st</sup> JUDICIAL DISTRICT )

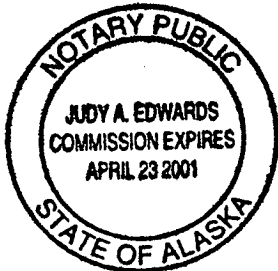
The foregoing instrument was executed by:

Fred L. Gutierrez

and sworn to before me of their own free will this 28<sup>th</sup> day of February, 2000.

Judy A. Edwards  
Notary Public in and for Alaska

My commission expires: April 23, 2001



# AFFIDAVIT

I, Fred L. Gutierrez, Probationary License Number 24014249, pursuant to Article III, Section 6(A) of the State Bar Rules, does hereby swear, state and affirm that the purpose in resigning is not to avoid disciplinary action and that I have no knowledge of any unresolved allegations of professional misconduct.

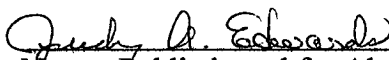
  
Fred L. Gutierrez

STATE OF ALASKA                    )  
  ) ss  
1<sup>st</sup> JUDICIAL DISTRICT        )

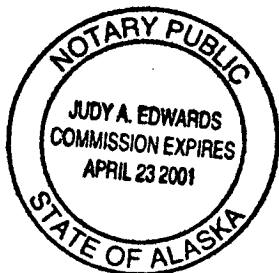
The foregoing instrument was executed by:

\_\_\_\_\_ Fred L. Gutierrez \_\_\_\_\_

and swore before me of their own free will this 28<sup>th</sup> day of February, 2000.

  
Notary Public in and for Alaska

My commission expires: April 23, 2001



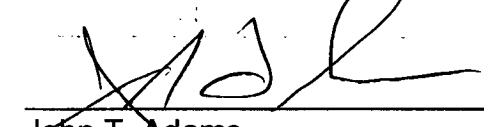


**THE SUPREME COURT OF TEXAS**  
**FRED LEE GUTIERREZ**

having fulfilled the requirements of law and having been recommended for approval by the Texas Board of Law Examiners is entitled to a Probationary License as called for by Rule XVI, *Rules Governing Admission to the Bar of Texas*, this applicant is hereby authorized to practice as an attorney and counselor at law in all the courts of the State of Texas from the **30th** day of **November, 1999** to the **30th** day of **November, 2000**. The right to practice law under this license is subject to performance of the conditions set forth in the order of the Texas Board of Law Examiners recommending this probationary licensure.

If the above named applicant is of good moral character and fitness, has complied with all conditions as set forth by the Texas Board of Law Examiners, and has continually resided in Texas for the period of this Probationary License, said applicant may be granted by this Court, upon recommendation of the Board, a Regular License to practice law in this State.

IN WITNESS WHEREOF, I hereto set my hand and affix the SEAL OF THE SUPREME COURT OF TEXAS at Austin, this 20<sup>th</sup> day of December, 1999.

  
\_\_\_\_\_  
John T. Adams  
Clerk of the Supreme Court

THE STATE OF TEXAS

I, **Fred Lee Gutierrez**, do solemnly swear that I will support the Constitution of the United States, and of this State; that I will honestly demean myself in the practice of law, and will discharge my duties to my clients to the best of my ability. So help me God.

\_\_\_\_\_  
Fred Lee Gutierrez

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_,  
199\_\_\_\_.

\_\_\_\_\_  
Signature of Notary