

**ORDER OF THE SUPREME COURT OF TEXAS**

Misc. Docket No. 00- 9067

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

The Supreme Court of Texas hereby appoints the Honorable Philip H. Zeigler, Judge of the 52nd District Court, Coryell County, Texas, to preside in the Disciplinary Action styled:


**The Commission for Lawyer Discipline v. Robert Areche, Jr.**

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

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

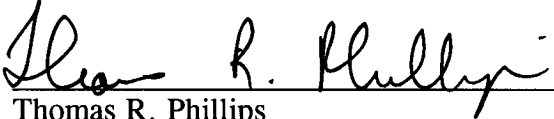
As ordered by the Supreme Court of Texas, in chambers,

With the Seal thereof affixed at the City  
Austin, this 13<sup>th</sup> day of April, 2000.

  
JOHN T. ADAMS, CLERK  
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 00-9067, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 13 day of April, 2000.

  
\_\_\_\_\_  
Thomas R. Phillips  
Chief Justice

CAUSE NO. \_\_\_\_\_

COMMISSION FOR LAWYER  
DISCIPLINE

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IN THE DISTRICT COURT OF

V.

BEXAR COUNTY, TEXAS

ROBERT ARECHE, JR.

\_\_ TH JUDICIAL DISTRICT

**PETITIONER'S ORIGINAL 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, ROBERT ARECHE, JR., 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, ROBERT ARECHE, JR., Texas State Bar Number 01299125, 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 Bexar County, Texas. Respondent may be served with citation and a copy of this petition by serving him at his principal place of business located at 306 E. Cevallos, San Antonio, Texas 78204.

**Venue**

Respondent's principal place of law practice is in Bexar County, Texas. Accordingly, pursuant to Texas Rules of Disciplinary Procedure 3.03, venue is proper in Bexar County, Texas.

### Discovery Level Designation

#### I.

Pursuant to Tex.R.Civ.P. 190.1, Petitioner designates that discovery in this action should proceed pursuant to Level 2 (Tex.R.Civ.P. 190.3).

### Professional Misconduct

#### II.

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 by Mrs. Melissa M. Aguirre on or about August 3, 1999. The acts and conduct of Respondent, as hereinafter alleged, constitute professional misconduct.

#### III.

1. On or about November 14, 1995, Respondent was hired by Complainant to represent her in a personal injury matter. Respondent referred Complainant, Mrs. Aguirre, to Dr. Hector Samaniego for medical treatment. In January 1997, a settlement agreement was reached, and Respondent told Mrs. Aguirre that funds were being withheld from her settlement to pay Dr. Hector X. Samaniego, Jr.

2. Contrary to Respondent's representations that Dr. Samaniego would be paid out of the settlement funds, Complainant found out on or about May 6, 1999 that her medical bills had not been paid. Mrs. Aguirre contacted Respondent on or about May 10, 1999, Respondent apologized

for the delay in paying the medical bills and said he would take care of it the week of May 10, 1999. The Complainant contacted Dr. Hector Samaniego on or about May 10, 1999 and found out that according to Dr. Samaniego that the Respondent failed to pay Dr. Samaniego the monies owed. Without the knowledge and/or consent of his client, Mrs. Aguirre, Respondent failed to properly safeguard his client's property by keeping the money that was owed to Dr. Samaniego for his own personal use.

3. Respondent failed to communicate effectively and explain the legal matter to the extent reasonably necessary to permit Mrs. Aguirre an opportunity to make informed decisions regarding his representation. Respondent failed to inform his client that the funds retained by the Respondent for the medical bills would not be remitted to the medical providers as indicated on the settlement document. Respondent failed to inform his client that she would still be liable for the any medical bills not paid by the Respondent after settlement.

#### IV.

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

Rule 1.03(b) -- (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(b) -- Upon receiving funds in which a client or third person has an interest, a lawyer shall promptly deliver to the client or third person any funds that the client or third person is entitled to receive;

Rule 1.14<sup>©</sup> -- When in the course of representation a lawyer is in possession of funds in which both the lawyer and another person claim interests, the property shall be kept separate by the lawyer until there is an accounting and severance of their interest. All funds in a trust account shall be disbursed only to those persons entitled to receive them by virtue of the representation or by law;

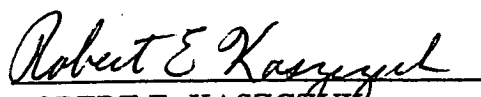
**PRAYER**

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 and further relief to which it is entitled, including costs of court, restitution, and reasonable attorney fees.

Respectfully submitted,  
Dawn Miller  
Acting Chief Disciplinary Counsel

Robert E. Kaszczuk  
Assistant Disciplinary Counsel

Office of the Chief Disciplinary Counsel  
State Bar of Texas  
425 Soledad, Suite 300  
San Antonio, Texas 78205  
Telephone: (210) 271-7881  
Telecopier: (210) 271-9642

  
ROBERT E. KASZCZUK  
State Bar No. 11106300

ATTORNEYS FOR PETITIONER

# STATE BAR OF TEXAS



**CERTIFIED MAIL #Z 149 064 477  
RETURN RECEIPT REQUESTED**

**Regional Office  
Soledad Plaza West  
425 Soledad, Suite 300  
San Antonio, Texas 78205  
(210) 271-7881  
FAX: (210) 271-9642**

February 24, 2000

John T. Adams, Clerk  
Supreme Court of Texas  
P.O. Box 12248  
Austin, Texas 78711  
Attn: William Willis, Exec.Asst.

RE: Commission for Lawyer Discipline v. Robert Areche, Jr.


Dear Mr. Willis:

Pursuant to my telephone conversation of today with your assistant, Dolores, enclosed please find an original and three (3) copies of a Disciplinary Petition being filed by the Commission for Lawyer Discipline against Robert Areche, Jr.

Please note that the packet we mailed on February 23rd inadvertently contained a draft copy of the petition. Upon realizing this I called your office to inform you of the error. Dolores said she would replace the draft with the enclosed copies.

Thank you for your courtesies in this matter.

Sincerely,

  
Robert E. Kaszczuk  
Assistant Disciplinary Counsel

Enclosures

REK/apr

# STATE BAR OF TEXAS



**CERTIFIED MAIL #Z 149 064 476  
RETURN RECEIPT REQUESTED**

**Regional Office  
Soledad Plaza West  
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San Antonio, Texas 78205  
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FAX: (210) 271-9642**

February 23, 2000

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

RE: Commission for Lawyer Discipline v. Robert Areche, Jr.

Dear Mr. Adams:

Enclosed please find an original and three (3) copies of a Disciplinary Petition being filed by the Commission for Lawyer Discipline against Robert Areche, Jr. Mr. Areche has designated **Bexar 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 resides 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:

Robert Areche, Jr.  
306 E. Cevallos Street  
San Antonio, Texas 78204

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.

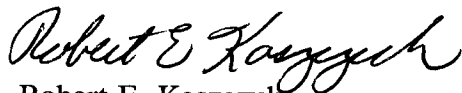
Once a trial judge has been appointed, please forward the original and three (3) copies of the Disciplinary Petition, the filing fee check, also enclosed herewith, and the Court's appointing order to the District Clerk of Bexar County, Texas, with the request that the suit be filed, service be obtained, 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 Bexar County, Texas and a return envelope to be sent to the District Clerk of Bexar 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 cursive script that reads "Robert E. Kaszczuk".

Robert E. Kaszczuk  
Assistant Disciplinary Counsel

Enclosures

REK/apr



# The Supreme Court of Texas

CHIEF JUSTICE  
THOMAS R. PHILLIPS

201 West 14th Street Post Office Box 12248 Austin TX 78711  
Telephone: 512/463-1312 Facsimile: 512/463-1365

JUSTICES  
NATHAN L. HECHT  
CRAIG T. ENOCH  
PRISCILLA R. OWEN  
JAMES A. BAKER  
GREG ABBOTT  
DEBORAH G. HANKINSON  
HARRIET O'NEILL  
ALBERTO R. GONZALES

APR 17 2000

CLERK  
JOHN T. ADAMS  
EXECUTIVE ASSISTANT  
WILLIAM L. WILLIS  
DEPUTY EXECUTIVE ASST  
JIM HUTCHESON  
ADMINISTRATIVE ASSISTANT  
NADINE SCHNEIDER

The Honorable Reagan Greer  
District Clerk of Bexar County  
100 Dolorosa Street  
San Antonio, Texas 78205-1205

Dear Mr. Greer:

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. Robert Areche, Jr.*, and a copy of the Supreme Court's order appointing the Honorable Phillip H. Zeigler, Judge of the 52<sup>nd</sup> District Court, Gatesville, Texas, to preside in this Disciplinary Action.

Sincerely,

**SIGNED**

John T. Adams  
Clerk

cc: Hon. Phillip H. Zeigler  
Mr. Robert E. Kaszczuk  
Mr. Robert Areche, Jr.



# The Supreme Court of Texas

CHIEF JUSTICE  
THOMAS R. PHILLIPS

201 West 14th Street Post Office Box 12248 Austin TX 78711  
Telephone: 512/463-1312 Facsimile: 512/463-1365

CLERK  
JOHN T. ADAMS

JUSTICES  
NATHAN L. HECHT  
CRAIG T. ENOCH  
PRISCILLA R. OWEN  
JAMES A. BAKER  
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DEBORAH G. HANKINSON  
HARRIET O'NEILL  
ALBERTO R. GONZALES

EXECUTIVE ASSISTANT  
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASST  
JIM HUTCHESON

ADMINISTRATIVE ASSISTANT  
NADINE SCHNEIDER

APR 17 2000

Mr. Robert E. Kaszczuk  
Assistant General Counsel, State Bar of Texas  
425 Soledad, Suite 300  
San Antonio, Texas 78205

Mr. Robert Areche, Jr.  
306 E. Cevallos Street  
San Antonio, Texas 78204

Dear Mr. Kaszczuk and Mr. Areche:

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 Phillip H. Zeigler, Judge of the 52<sup>nd</sup> District Court, Gatesville, Texas to preside in

*Commission for Lawyer Discipline v. Robert Areche, Jr.*

Sincerely,

SIGNED

John T. Adams  
Clerk



# The Supreme Court of Texas

CHIEF JUSTICE  
THOMAS R. PHILLIPS

201 West 14th Street Post Office Box 12248 Austin TX 78711  
Telephone: 512/463-1312 Facsimile: 512/463-1365

CLERK  
JOHN T. ADAMS

JUSTICES  
NATHAN L. HECHT  
CRAIG T. ENOCH  
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JIM HUTCHESON

ADMINISTRATIVE ASSISTANT  
NADINE SCHNEIDER

APR 17 2000

Honorable Phillip H. Zeigler  
Judge, 52<sup>nd</sup> District Court  
P.O. Box 19  
Gatesville, Texas 76528

Dear Judge Zeigler:

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. Kaszczuk and Mr. Areche, and a copy of the letter to the District Clerk of Bexar County.

It is recommended that, six to eight weeks after receipt of this letter, you or your coordinator contact the Bexar County Administrative Office (210-335-2300) 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 (210-769-3519) 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