

ORDER OF THE SUPREME COURT OF TEXAS

Misc. Docket No. 00-9111

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

The Supreme Court of Texas hereby appoints the Honorable Tryon D. Lewis, Judge of the 161st District Court of Ector County, Texas, to preside in the Disciplinary Action styled:

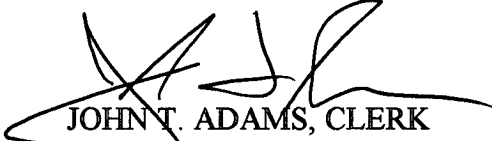
The Commission for Lawyer Discipline v. Luis Aguilar

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 14th day of July, 2000.


JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 00-9111, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 18 day of July, 2000.


Thomas R. Phillips
Chief Justice

CAUSE NO. _____

COMMISSION FOR LAWYER DISCIPLINE	§	IN THE DISTRICT COURT OF
	§	
V.	§	EL PASO COUNTY, TEXAS
	§	
LUIS AGUILAR	§	___TH JUDICIAL DISTRICT

PETITIONER'S ORIGINAL 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, Luis Aguilar (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 July 1995.

II.

Respondent Aguilar is an attorney licensed to practice law in Texas and a member of the State Bar of Texas. Respondent is a resident of El Paso, and has his principal place of practice in, El Paso County, Texas. Citation may be served on Respondent at 528 E. Overland, Suite 203, El Paso, El Paso County, Texas 79901.

CAUSES ARISING FROM RAMIREZ COMPLAINT

III.

On or about July 15, 1998, Respondent Luis Aguilar was retained to represent Ruben Ramirez ("Complainant") in a wrongful termination claim. A contract of employment was agreed to by Complainant Ramirez.

Thereafter, Respondent Aguilar failed to obtain authorization to represent Complainant Ramirez in the arbitration and the negotiation proceedings. Respondent Aguilar then failed to prepare and attend the hearings pertaining to Complainant Ramirez's case. Additionally, Respondent failed to meet appeal deadlines as set forth by the Unemployment Commission, causing the appeal rights of Complainant Ramirez to expire.

Further, Respondent Aguilar failed to inform Complainant Ramirez of the status of the case, and failed to properly advise Complainant in regard to the offer of settlement made at the arbitration hearings. Ultimately Respondent Aguilar filed a lien on Complainant Ramirez's file, notwithstanding the fact that Respondent Aguilar had failed to perform any meaningful work on behalf of Complainant Ramirez.

The foregoing acts and/or omissions on the part of Respondent Aguilar occurred on or after January 1, 1990, and constitute conduct violative of Rules 1.01(b)(1) and (2), 1.03(a) and (b), and 8.04(a)(1) of the Texas Disciplinary Rules of Professional Conduct.

IV.

The complaint which forms the basis of the cause of action hereinabove set forth was brought to the attention of the Office of the Chief Disciplinary Counsel of the State Bar of Texas by a complaint filed by Ruben Ramirez, a former client, on or about July 28, 1999.

PRAYER

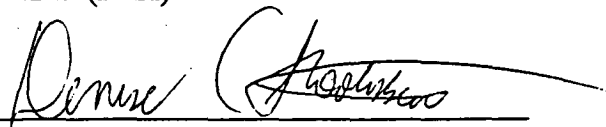
WHEREFORE, PREMISES CONSIDERED, Petitioner prays for judgment that Respondent be disciplined as the facts shall warrant; and that Petitioner have such other relief to which entitled, including costs of Court and attorney's fees.

Respectfully submitted,

Dawn Miller
Chief Disciplinary Counsel

Denise C. Stooksberry
Assistant Disciplinary Counsel

Office of the Chief Disciplinary Counsel
STATE BAR OF TEXAS
500 Throckmorton Street, Suite 2600
Fort Worth, TX 76102
817/877-4993
817/335-4249 (FAX)



Denise C. Stooksberry
State Bar Card No. 04607100

ATTORNEYS FOR PETITIONER

STATE BAR OF TEXAS



Office of the Chief Disciplinary Counsel

April 18, 2000

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

Re: Commission for Lawyer Discipline v. Luis Aguilar

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 Luis Aguilar. Luis Aguilar is a resident of El Paso 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:

Luis Aguilar
528 E. Overland, Suite 203
El Paso, El Paso County, Texas 79901

As a practical matter, I would respectfully suggest that you inquire with the judge to be appointed whether he or she will be able to comply with the 180 day deadline by which the case must be set for trial pursuant to 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 and service checks (2), 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 file-marked 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.

John T. Adams, Clerk
April 18, 2000
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Also enclosed is 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 file-marked 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 black ink, appearing to read "Denise C. Stooksberry", with a long horizontal flourish extending to the right.

Denise C. Stooksberry
Assistant Disciplinary Counsel
Office of the Chief Disciplinary Counsel
State Bar of Texas

DCS/dd

Enclosures



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
GREG ABBOTT
DEBORAH G. HANKINSON
HARRIET O'NEILL
ALBERTO R. GONZALES

EXECUTIVE ASSISTANT
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASST
JIM HUTCHESON

ADMINISTRATIVE ASSISTANT
NADINE SCHNEIDER

JUL 19 2000

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. Luis Aguilar*, and a copy of the Supreme Court's order appointing the Honorable Tryon D. Lewis, Judge of the 161st District Court, Odessa, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Honorable Tryon D. Lewis
Mr. Luis Aguilar
Ms. Denise Stooksberry



The Supreme Court of Texas

CHIEF JUSTICE
THOMAS R. PHILLIPS

201 West 14th Street Post Office Box 12248 Austin TX 78711
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EXECUTIVE ASSISTANT
WILLIAM L. WILLIS
DEPUTY EXECUTIVE ASST
JIM HUTCHESON
ADMINISTRATIVE ASSISTANT
NADINE SCHNEIDER

JUL 19 2000

Honorable Tryon D. Lewis
Judge, 161st District Court
335 Courthouse
300 N. Grant Avenue
Odessa, Texas 79761

Dear Judge Lewis:

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. Aguilar and Ms. Stooksberry, 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

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

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EXECUTIVE ASSISTANT
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JIM HUTCHESON
ADMINISTRATIVE ASSISTANT
NADINE SCHNEIDER

JUL 19 2000

Ms. Denise Stooksberry
Assistant General Counsel, State Bar of Texas
500 Throckmorton Street, Suite 2600
Fort Worth, Texas 76102

Mr. Luis Aguilar
528 E. Overland, Suite 203
El Paso, Texas 79901

Dear Ms. Stooksberry and Mr. Aguilar:

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 Tryon D. Lewis, Judge of the 161st District Court, Odessa, Texas to preside in

Commission for Lawyer Discipline v. Luis Aguilar

Sincerely,

SIGNED

John T. Adams
Clerk