

**ORDER OF THE SUPREME COURT OF TEXAS**

**Misc Docket No. 97- 9219**

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

The Supreme Court of Texas hereby appoints the Honorable Mickey R. Pennington, Judge of the 38th District Court of Uvalde County, Texas, to preside in the Disciplinary Action styled:

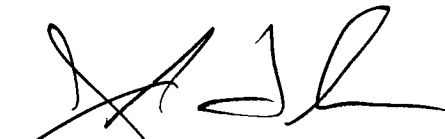
**The Commission for Lawyer Discipline v. Dan Theodore Sorrels**

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

The Clerk of the Supreme Court shall promptly forward to the District Clerk of Hays 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,

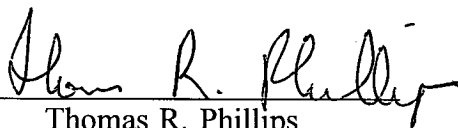
with the Seal thereof affixed at the City  
of Austin, this 10th day of December, 1997.



JOHN T. ADAMS, CLERK  
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 97-9219, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 11 day of December, 1997.

  
Thomas R. Phillips  
Chief Justice

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

COMMISSION FOR LAWYER  
DISCIPLINE

V.

DAN T. SORRELLS

§  
§  
§  
§  
§

IN THE DISTRICT COURT OF

HAYS COUNTY, TEXAS

\_\_\_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, DAN T. SORRELLS, State Bar No. 18855000 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, DAN T. SORRELLS, 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 Hays County and may be served at his place of business at 17 Cotton Gin Road, Umland, Texas 78640.

**Venue**

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

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 form the basis of this action was filed on or about December 31, 1996. The acts and conduct of Respondent, as hereinafter alleged,

constitute professional misconduct.

## II.

Respondent is an attorney licensed to practice law in Texas and is a member of the State Bar of Texas. On or about October 1994 the Respondent hired a non-lawyer, Dedra Wood as office manager for the Respondent's Abilene office. Thereafter, the Respondent established an operating and an IOLTA account in that office. On July 27, 1995, Richard Ramirez, the Complainant, signed an "Agreement For Legal Service" and hired Dan T. Sorrels, Attorney, and Dedra Wood, Legal Assistant, for representation in a Social Security claim. The Agreement called for the payment for legal services not to exceed the lesser of 25% of the past-due benefits or \$4000. The Social Security case was processed from beginning to end by Dedra Wood without any supervision from the Respondent. Upon the resolution of the claim, the Social Security Administration paid, by separate check, \$2635 in attorney fees to the Respondent. This amount represented 25% of the past-due benefits paid to Ramirez. In addition, on or about November 8, 1995, in reference to the same Social Security claim, \$1976.25 was wrongfully withheld from Ramirez' share of his past-due benefits by Dedra Wood. The \$1976.25, withheld as attorney fees, was never returned to Ramirez.

## III.

The conduct of Respondent described above constitutes a violation of Texas Disciplinary Rule of Professional Conduct 5.03(a)(b)(1), to wit:

RULE 5.03(a)(b)(1) -- With respect to a non-lawyer employed or retained by or associated with a lawyer: (a) a lawyer having direct supervisory authority over the non-lawyer shall make reasonable efforts to ensure that the person's conduct is compatible with the professional obligations of the lawyer; and (b) a lawyer shall be subject to discipline for the conduct of such a person that would be a violation of these rules if engaged in by the lawyer if: (1) the lawyer orders, encourages, or permits the conduct involved;....

**Prayer**

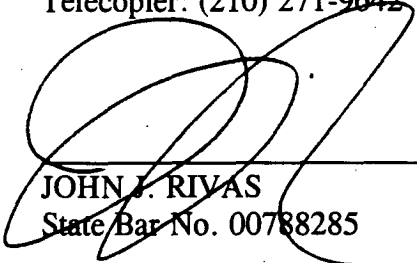
WHEREFORE, PREMISES CONSIDERED, Petitioner prays that a judgment of professional misconduct be entered against Respondent imposing an appropriate sanction as the facts shall warrant and that Petitioner have such other relief to which it is entitled, including costs of court and attorney's fees.

Respectfully submitted,

Steve 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

# STATE BAR OF TEXAS



**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
P 583 840 686**

**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**

November 13, 1997

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

RE: Commission for Lawyer Discipline v. Dan Theodore Sorrells

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 Dan Theodore Sorrells. Mr. Sorrells has designated **Hays 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:

Dan Theodore Sorrells  
17 Cotton Gin Road  
Kyle, Texas 78640-9273

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 and the filing fee check, also enclosed herewith, and the Court's appointing order to the District Clerk of Hays 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 Hays County, Texas and a return envelope to be sent to the District Clerk of Hays 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,

  
John J. Rivas  
Assistant General Counsel

Enclosures

JJR/cah



## 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

DEC 18 1997

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

The Honorable Cecelia Adair  
District Clerk of Hays County  
110 E. Martin Luther King Drive  
San Marcos, Texas 78666

Dear Ms. Adair:

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. Dan Theodore Sorrells, and a copy of the Supreme Court's order appointing the Honorable Mickey R. Pennington, Judge of the 38<sup>th</sup> District Court, Uvalde, Texas, to preside in this Disciplinary Action.

Sincerely,

**SIGNED**

John T. Adams  
Clerk

cc: Hon. Mickey R. Pennington  
Mr. Dan Theodore Sorrells  
Mr. John J. Rivas





# THE SUPREME COURT OF TEXAS

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EXECUTIVE ASS'T  
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T  
NADINE SCHNEIDER

DEC 18 1997

Mr. John J. Rivas  
Assistant General Counsel, State Bar of Texas  
425 Soledad, Suite 300  
San Antonio, Texas 78205

Mr. Dan Theodore Sorrells  
17 Cotton Gin Road  
Kyle, Texas 78640-9273

Dear Mr. Rivas and Mr. Sorrells:

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 Mickey R. Pennington, Judge of the 38<sup>th</sup> District Court, Uvalde, Texas to preside in

Commission for Lawyer Discipline v. Dan Theodore Sorrells

Sincerely,

**SIGNED**

John T. Adams  
Clerk

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## THE SUPREME COURT OF TEXAS

CHIEF JUSTICE  
THOMAS R. PHILLIPS

POST OFFICE BOX 12248 AUSTIN, TEXAS 78711

CLERK  
JOHN T. ADAMS

JUSTICES  
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NATHAN L. HECHT  
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ROSE SPECTOR  
PRISCILLA R. OWEN  
JAMES A. BAKER  
GREG ABBOTT

TEL: (512) 463-1312  
FAX: (512) 463-1365

EXECUTIVE ASST  
WILLIAM L. WILLIS

DEC 18 1997

ADMINISTRATIVE ASST  
NADINE SCHNEIDER

Honorable Mickey R. Pennington  
Judge, 38<sup>th</sup> District Court  
Main & Getty Street  
Box 17  
Uvalde, Texas 78801

Dear Judge Pennington:

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. Sorrells and Mr. Rivas, and a copy of the letter to the District Clerk of Hays County.

It is recommended that, four or five weeks after receipt of this letter, you contact the District Clerk of Hays County to find out the district court to which this disciplinary case has been assigned. We then recommend that, either before or immediately after you set the case for trial, the judge or coordinator of that court be contacted to reserve a courtroom, provide for a court reporter, etc. Finally, you should contact the Presiding Judge of the Administrative Judicial Region into which you have been assigned (210-379-8556) to obtain claims forms for your expenses and other information incident to presiding over this disciplinary case.

Sincerely,

**SIGNED**

John T. Adams  
Clerk