

ORDER OF THE SUPREME COURT OF TEXAS

MISC. DOCKET NO. 02- 9121

IN THE MATTER OF FRANK L. CARRILLO

The Court has reviewed the Motion for Acceptance of Resignation as Attorney and Counselor at Law of Frank L. Carrillo, and the Response of the Chief Disciplinary Counsel for the Commission for Lawyer Discipline. The Court concludes each meets the requirements of Part X of the Texas Rules of Disciplinary Procedure. In the absence of a request by Frank L. Carrillo, to withdraw his motion, the Court deems the professional misconduct detailed in the Response of Chief Disciplinary Counsel conclusively established for all purposes. The Court further concludes that acceptance of Frank L. Carrillo's resignation is in the best interest of the public and the profession.

Therefore, the law license of Frank L. Carrillo, of San Antonio, Texas, State Bar Card Number 00786399 is canceled. Frank L. Carrillo, must immediately surrender his State Bar Card and Texas law license to the Clerk of the Supreme Court of Texas or file with the court an affidavit stating why he cannot.

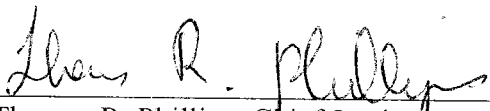
Consequently, Frank L. Carrillo, is prohibited from practicing law in the State of Texas. This includes holding himself out as an attorney at law, performing legal services for others, giving legal advice to others, accepting any fee directly or indirectly for legal services, appearing as counsel or 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."

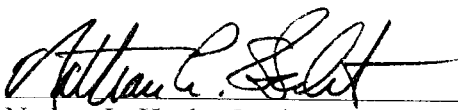
Additionally, Frank L. Carrillo, must immediately notify in writing each of his current clients of his resignation. He shall also return any files, papers, unearned monies and other property in his possession belonging to any client or former client to the respective client or former client or to another attorney at the client's or former client's request. Frank L. Carrillo, shall file with the State Bar of Texas, Office of the Chief Disciplinary Counsel, 425 Soledad, Suite 300, San Antonio, Texas 78205, within thirty (30) days of the date of this Order an affidavit stating that all current clients have been notified of his resignation and that all files, papers, monies, and other property belonging to all clients and former clients have been returned.

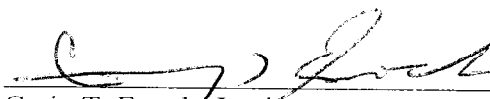
It is further ordered that payment of restitution to Complainant Kestla Eike Timms in the amount of two hundred fifty dollars and 00/100 (\$250.00) shall be a condition precedent to any application by Frank L. Carrillo for readmission to the State Bar of Texas


Finally, Frank L. Carrillo, shall, within thirty (30) days after the date of this Order, notify in writing each justice of the peace, judge, magistrate, and chief justice of each court in which Frank L. Carrillo, has any matter pending of the terms of this Order, the style and cause number of the pending matter(s), and the name, address and telephone number of the client(s) Frank L. Carrillo, is representing in court. Frank L. Carrillo, shall file with the State Bar of Texas, Office of the Chief Disciplinary Counsel, 425 Soledad, Suite 300, San Antonio, Texas 78205, within thirty (30) days of the date of this Order an affidavit stating that he has notified in writing each justice of the peace, judge, magistrate, and chief justice of each court in which he has any matter pending of the terms of this Order, the style and cause number of the pending matter(s), and the name, address and telephone number of the client(s) he is representing in Court.

IT IS ORDERED the 2nd day of July, 2002.

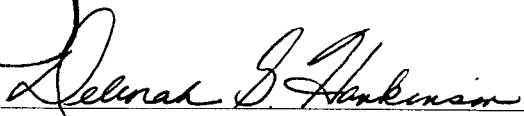
  
Thomas R. Phillips, Chief Justice

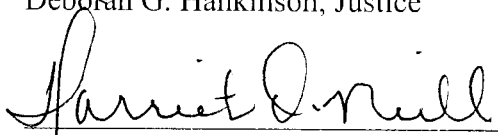
  
Nathan L. Hecht, Justice

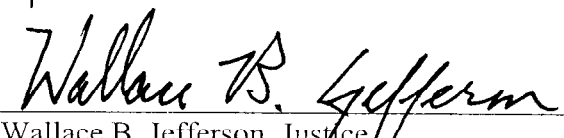
  
Craig T. Enoch, Justice


  
Priscilla R. Owen, Justice

  
James A. Baker, Justice

  
Deborah G. Hankinson, Justice

  
Harriet O'Neill, Justice

  
Wallace B. Jefferson, Justice

  
Xavier Rodriguez, Justice

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

**OF**

**FRANK L. CARRILLO**

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

Pursuant to Part X of the Texas Rules of Disciplinary Procedure, the Chief Disciplinary Counsel of the State Bar of Texas, acting by and through the Commission for Lawyer Discipline, hereby files this Response to the Motion for Acceptance of Resignation in Lieu of Discipline filed by Frank L. Carrillo, and would show as follows:

**I.**

The acceptance by the Court of the Resignation of Frank L. Carrillo, is in the best interest of the public and of the profession.

**II.**

In connection with such resignation, Applicant acknowledges the following:

**Findings of Fact and Conclusions of Law**

- (1) Frank L. Carrillo ("Applicant") is an attorney licensed to practice law in Texas and is a member of the State Bar of Texas.
- (2) Jorge Golarte hired Applicant on or about August 1997 for representation in Federal and State criminal matters.

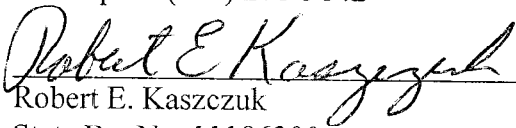
- (5) Applicant failed to furnish the district grievance committee a response or provide other information relating to the allegations in complaint S0089806729.
- (6) Complainant, Leticia J. Velasquez, hired Applicant to pursue divorce proceedings in which a divorce was awarded.
- (7) Applicant failed to respond to Complainant's requests for information.
- (8) Applicant failed to furnish the district grievance committee a response or provide other information relating to the allegations in complaint S0109806923.
- (9) Complainant, Kestla Eike, hired Applicant on December 5, 1997 to file for divorce and protective orders and paid \$250.00 for the representation.
- (10) Applicant failed to respond to Complainant's requests for information.
- (11) Applicant failed to furnish the district grievance committee a response or to provide other information relating to the allegations in complaint No S0089806725.
- (12) Applicant continued to practice law and represent this client while administratively suspended.
- (13) Applicant further acknowledges that restitution to Kestla Eike in the amount of \$250.00 is owed by Applicant.
- (14) Applicant failed to comply with the provisions of the Agreed Judgment of Public Reprimand entered into in case No. S0089705726.
- (15) Applicant failed to furnish the district grievance committee a response or to provide other information relating to the allegations in complaint No S0089806710.
- (16) Applicant further acknowledges that attorney fees and costs in the amount of \$5,000.00 are due and payable to the State Bar of Texas for the investigation and hearing of this Complaint.
- (17) Applicant further acknowledges that by his conduct he has violated Rule(s) 1.03(a), 1.03(b), 1.14(a), 1.14(b), 1.15(a)(1), 1.15(d), 8.01(b), 8.04(a)(3), 8.04(a)(7) and 8.04(a)(8) of the Texas Disciplinary Rules of Professional Conduct, Article X, Section 9, State Bar Rules, effective January 1, 1990.

**III.**

**WHEREFORE**, the State Bar of Texas moves the Court to accept the resignation in lieu of discipline and grant the motion filed by Applicant.

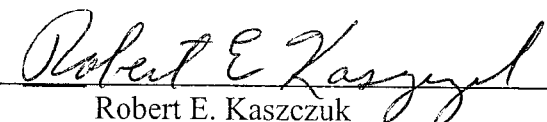
Respectfully Submitted,

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  
Assistant Disciplinary Counsel

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the foregoing has been served upon Respondent's counsel, Deborah S. Burke, 325 S. Main, San Antonio, Texas 78204 by hand delivery on this 13th day of June, 2002.

  
\_\_\_\_\_  
Robert E. Kaszczuk

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

OF

FRANK L. CARRILLO

NOW COMES Applicant, Frank L. Carrillo, State Bar No. 00786399, and hereby resigns as an Attorney and Counselor at Law in the State of Texas. Applicant 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, Frank L. Carrillo, as an Attorney and Counselor at Law on May 18, 1993. Said License and permanent State Bar card are hereby surrendered by the Applicant.

II.

In connection with such resignation, Applicant acknowledges the following

**Findings of Fact and Conclusions of Law**

(1) Frank L. Carrillo ("Applicant") is an attorney licensed to practice law in Texas and is a member of the State Bar of Texas. *REK jfc dsl*

(2) Jorge Golarte hired Applicant on or about August 1997 for representation in Federal and State criminal matters.

*jfc dsl REK* (3) ~~Applicant neglected to take any action on behalf of Jorge Golarte in the matters for which he was hired.~~ *dsl REK jfc*

*jfc dsl REK* (4) ~~Applicant failed to respond to Jorge Golarte's requests for information.~~ *REK dsl jfc*

(5) Applicant failed to furnish the district grievance committee a response or provide other information relating to the allegations in complaint S0089806729.

(6) Complainant, Leticia J. Velasquez, hired Applicant to pursue divorce proceedings in which a divorce was awarded.

*dm REK*  
*js* ~~(7) Applicant failed to finalize and submit documents necessary to comply with the terms of the divorce decree.~~ *REK dm*  
*js*

(8) Applicant failed to respond to Complainant's requests for information.

(9) Applicant failed to furnish the district grievance committee a response or provide other information relating to the allegations in complaint S0109806923.

(10) Complainant, Kestla Eike, hired Applicant on December 5, 1997 to file for divorce and protective orders and paid \$250.00 for the representation.

*dm REK*  
*js* ~~(11) Applicant failed to file any documents for Complainant after numerous requests that he do so.~~ *REK dm*  
*js*

(12) Applicant failed to respond to Complainant's request for information.

*dm REK*  
*js* ~~(13) Applicant made misrepresentations by accepting money from Complainant although no work had been done and by telling Complainant that he had filed the documents in court, when in fact no documents were on file.~~ *REK dm*  
*js*

*dm REK*  
*js* ~~(14) Applicant failed to return his unearned fee upon request.~~ *REK dm*  
*js*

(15) Applicant failed to furnish the district grievance committee a response or to provide other information relating to the allegations in complaint No S0089806725.

(16) Applicant continued to practice law and represent this client while administratively suspended.

(17) Applicant further acknowledges that restitution, to Kestla Eike in the amount of \$250.00, is owed by Applicant.

(18) Applicant failed to comply with the provisions of the Agreed Judgment of Public Reprimand entered into in case No. S0089705726.

(19) Applicant failed to furnish the district grievance committee a response or to provide other information relating to the allegations in complaint No S0089806710.



(20) Applicant further acknowledges that attorney fees and costs in the amount of \$5,000.00 are due and payable to the State Bar of Texas for the investigation and hearing of this Complaint.

*JK*  
(21) Applicant further acknowledges that by his conduct he has violated Rule(s) ~~1.01(b)(1), 1.01(b)(2)~~, 1.03(a), 1.03(b), 1.14(a), 1.14(b), 1.15(a)(1), 1.15(d), 8.01(b), 8.04(a)(3), 8.04(a)(7) and 8.04(a)(8) of the Texas Disciplinary Rules of Professional Conduct, Article X, Section 9, State Bar Rules, effective January 1, 1990.

III.

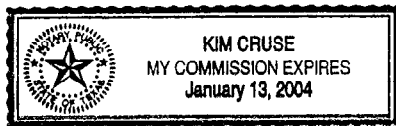
Applicant is voluntarily resigning and withdrawing from the practice of law and does so in lieu of discipline for professional misconduct. Applicant prays that his name be dropped and deleted from the list of persons licensed to practice law in Texas and that his resignation be accepted.

*Frank L. Carrillo*  
\_\_\_\_\_  
Frank L. Carrillo  
State Bar No. 00786399

SUBSCRIBED AND SWORN to before me by the said Frank L. Carrillo this the day of ~~April, 2002~~.

*Mark June 13, 2002*

*JK*



*Kim Cruse*  
\_\_\_\_\_  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS

*Deborah Stanton Burke*  
\_\_\_\_\_  
DEBORAH STANTON BURKE  
ATTORNEY FOR FRANK CARRILLO  
SBO # 03387475

*Robert E. Kaszyuk*  
\_\_\_\_\_  
Robert E. KASZYUK  
ATTORNEY FOR PETITIONER  
SBO # 11106500

# STATE BAR OF TEXAS



Office of the Chief Disciplinary Counsel

June 13, 2002

Frank L. Carrillo  
By and Through his Attorney of Record  
Deborah S. Burke  
325 S. Main  
San Antonio, Texas 78204

**VIA HAND DELIVERY**

Re: Cause No. 99-CI-16105; *Commission for Lawyer Discipline vs. Frank L. Carrillo*, 45<sup>th</sup> District Court, Bexar County, Texas

Dear Ms. Burke:

Pursuant to Part X of the Texas Rules of Disciplinary Procedure, enclosed is a copy of the response of the Chief Disciplinary Counsel to the Motion for Acceptance of Resignation.

Sincerely,

Robert E. Kaszczuk  
Assistant Disciplinary Counsel

Enc.

Received by:

Deborah S. Burke  
Deborah S. Burke

6.13.02  
Date

STATE OF TEXAS

§

§

COUNTY OF BEXAR

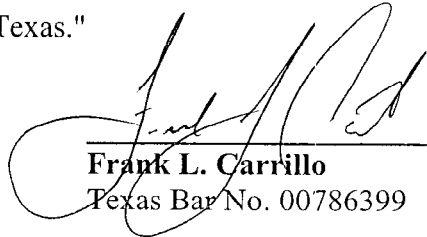
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**AFFIDAVIT OF FRANK L. CARRILLO**

On this 13th day of June, 2002, personally appeared before me, the undersigned **Frank L. Carrillo**, who, after being duly sworn, did state upon his oath:

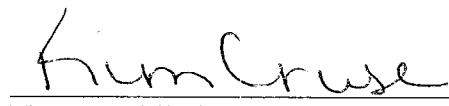
"My name is **Frank L. Carrillo**, and I am over the age of eighteen years and am competent to make this affidavit in all respects, and am personally acquainted with the facts in this Affidavit."

"I am an attorney licensed in the State of Texas. My bar card number is 007863990. I have made a diligent search for my bar card and law license and have been unable to locate the bar card or license. If my bar card and/or license is found, it will promptly be forwarded to the State Bar of Texas for delivery to the Supreme Court of Texas."

  
\_\_\_\_\_  
**Frank L. Carrillo**  
Texas Bar No. 00786399

SWORN TO AND SUBSCRIBED BEFORE ME on this the 13<sup>th</sup> day of

June, 2002.

  
\_\_\_\_\_  
Notary Public in and for the State of Texas



# STATE BAR OF TEXAS



Office of the Chief Disciplinary Counsel

June 25, 2002

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

Re: Motion for Resignation of Frank L. Carrillo, Bar Card No. 00786399

Dear Mr. Adams:

Pursuant to Part X of the Texas Rules of Disciplinary Procedure, please find enclosed the following:

- (1) Original executed Motion for Acceptance of Resignation as Attorney and Counselor at Law for the above referenced attorney (please note that this motion was presented and negotiated at the disciplinary trial of Mr. Carrillo held on June 13, 2002, before the Honorable J. Michael Wilkinson, and that is the reason for the pen and initialed changes);
- (2) Original and two (2) copies of the Response of the Chief Disciplinary Counsel to Motion for Acceptance of Resignation as Attorney and Counselor at Law for the above referenced attorney;
- (3) Affidavit of the Frank L. Carrillo; and
- (4) Original Order of Resignation for the Court's signature.

Pursuant to Rule 10.02 of the Texas Rules of Disciplinary Procedure, the required ten (10) day timeframe has passed and the above-referenced attorney has made no attempt to withdraw the Motion for Acceptance of Resignation. Therefore, the detailed statement of professional misconduct is deemed to have been conclusively established for all purposes.

John Adams, Clerk  
June 25, 2002  
Page Two

I will appreciate your bringing this to the Court's attention. Please return a fully executed copy of the Order to our office at your earliest convenience.

Sincerely,



Robert E. Kaszczuk  
Assistant Disciplinary Counsel

Encl.

cc: Deborah S. Burke (w/enclosures)  
325 S. Main  
San Antonio, Texas 78204

Hon. J. Michael Wilkinson (w/enclosures)  
179<sup>th</sup> District Court  
18040 Criminal Justice Center  
1201 Franklin St.  
Houston, Texas 77002