

ORDER OF THE SUPREME COURT OF TEXAS

Misc Docket No. 94-9154

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

The Supreme Court of Texas hereby appoints the Honorable Fidencio M. Guerra, Judge of the 370th District Court of Hidalgo County, Texas, to preside in the Disciplinary Action styled:

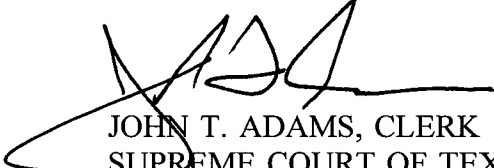
The Commission for Lawyer Discipline v. Stanley F. Swenson

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

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

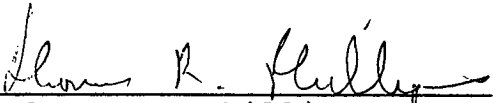
As ordered by the Supreme Court of Texas, in chambers,

with the Seal thereof affixed at the City
of Austin, this 13th day of October, 1994.


JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 94-9154 , is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 13th day of October , 1994.



Thomas R. Phillips
Chief Justice

NO. _____

COMMISSION FOR LAWYER DISCIPLINE	§	IN THE DISTRICT COURT OF
V.	§	HARRIS COUNTY, TEXAS
STANLEY F. SWENSON	§	_____ JUDICIAL DISTRICT

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, Stanley F. Swenson, (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 May 1, 1992.

II.

Respondent is an attorney licensed to practice law in Texas and a member of the State Bar of Texas. Respondent is a resident of and has his principal place of business in Harris County, Texas. An officer may serve citation on Respondent at 609 Fannin, Suite 326, Houston, Harris County, Texas 77002.

III.

On or about September 11, 1985, Respondent was retained by the family members of Marva Mae Mitchell (hereinafter called "Mitchell") to pursue on their behalf, a lawsuit against Harris County, Texas, based on the alleged wrongful death of Mitchell.

IV.

Thereafter, various family members would periodically contact the Respondent to inquire about any progress made in the lawsuit. After several of the family members expressed frustration over Respondent's inaction, on or about May 14, 1991, Respondent scheduled a meeting with Mitchell's heirs in his office to discuss the matter. At that time, Respondent informed the heirs a lawsuit was never filed on their behalf, and that it was too late to do so given that the statute of limitations had expired. During this meeting, Respondent admitted to the heirs he had "goofed up" by not filing a lawsuit. He further offered to make some settlement to them as a result of the damage they incurred due to his failure to file a lawsuit. The Respondent, however, never followed through with the payment or an offer of any specific amount.

V.

Such acts and/or omissions on the part of Respondent as are described in Paragraphs III., and IV. hereinabove which occurred prior to January 1, 1990, constitute conduct violative of Rule 6-101(A)(3) of the Texas Code of Professional Responsibility. Such acts and/or omissions on the part of Respondent as are described in Paragraphs III., and IV., hereinabove which occurred on or after January 1, 1990, constitute conduct violative of Rule 1.01(b)(1) of the Texas Disciplinary Rules of Professional Conduct.

VII.

The complaint which forms the basis of the Cause of Action hereinabove set forth was brought to the attention of the Office of General Counsel of the State Bar of Texas by Minnie Holt's filing of a complaint on or about July 29, 1993.

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,

James M. McCormack
General Counsel

Bob L. Warneke, Jr.
Assistant General Counsel

Office of the General Counsel
State Bar of Texas
P.O. Box 12487
Austin, Texas 78711
Telephone: (512) 463-1463
Telecopier:(512) 477-4607


BOB L. WARNEKE, JR.
State Bar of Texas No. 20868600

ATTORNEYS FOR PETITIONER

u:\users\catherin\Bob\swenson.dp



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

CLERK
JOHN T. ADAMS

JUSTICES
RAUL A. GONZALEZ
JACK HIGHTOWER
NATHAN L. HECHT
LLOYD DOGGETT
JOHN CORNYN
BOB GAMMAGE
CRAIG ENOCH
ROSE SPECTOR

EXECUTIVE ASST.
WILLIAM L. WILLIS

ADMINISTRATIVE ASST.
NADINE SCHNEIDER

October 13, 1994

Mr. James M. McCormack
General Counsel, State Bar of Texas
P.O. Box 12487
Austin, Texas 78711

Mr. Stanley F. Swenson
609 Fannin, Suite 326
Houston, Texas 77002

Dear Mr. McCormack and Mr. Swenson:

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 Fidencio M. Guerra, Judge of the 370th District Court, Edinburg, Texas to preside in

Commission for Lawyer Discipline v. Stanley F. Swenson

Sincerely,

SIGNED

John T. Adams
Clerk



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

CLERK
JOHN T. ADAMS

JUSTICES
RAUL A. GONZALEZ
JACK HIGHTOWER
NATHAN L. HECHT
LLOYD DOGGETT
JOHN CORNYN
BOB GAMMAGE
CRAIG ENOCH
ROSE SPECTOR

EXECUTIVE ASS'T.
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T.
NADINE SCHNEIDER

October 13, 1994

Honorable Fidencio M. Guerra
Judge, 370th District Court
County Courthouse
100 North Closner
Edinburg, Texas 78539

Dear Judge Guerra:

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. Swenson and Mr. McCormack, and a copy of the letter to the District Clerk of Harris County.

We then recommend that, two or three weeks after receipt of this notice, and again, either before or immediately after you set the case for trial, you contact the Harris County District Court Administrative Office (713-755-6576) to find out in which district court the case has been filed, 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 [713-471-3911] to obtain information on lodging, allowable expenses, and 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

POST OFFICE BOX 12248 AUSTIN, TEXAS 78711

TEL: (512) 463-1312

FAX: (512) 463-1365

CLERK
JOHN T. ADAMS

JUSTICES
RAULA GONZALEZ
JACK HIGHTOWER
NATHAN L. HECHT
LLOYD DOGGETT
JOHN CORNYN
BOB GAMMAGE
CRAIG ENOCH
ROSE SPECTOR

EXECUTIVE ASS'T.
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T.
NADINE SCHNEIDER

October 13, 1994

The Honorable Katherine Tyra
District Clerk of Harris County
P.O. Box 4651
Houston, Texas 77210

Dear Ms. Tyra:

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. Stanley F. Swenson. and a copy of the Supreme Court's order appointing the Honorable Fidencio M. Guerra, Judge of the 370th District Court, Edinburg, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Hon. Fidencio M. Guerra
Mr. Stanley F. Swenson
Mr. James M. McCormack