

**BEFORE THE BOARD OF DISCIPLINARY APPEALS  
APPOINTED BY  
THE SUPREME COURT OF TEXAS**

IN THE MATTER OF

ROSENDO RODRIGUEZ, JR.

STATE BAR CARD NO. 17151500

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CAUSE NO. 34580

**AGREED ORDER OF DISABILITY SUSPENSION**

The Chief Disciplinary Counsel (hereinafter referred to as "CDC"), upon investigation of case numbers D0010410134, D0010410465, D0040423506, D0100424916, D0100425067, D0050423772, D0050423748, D0060423929, D0050423688, D0060424068, D0110425376, D0090424821, D0010525701, D0020526017, and D0020526061, reasonably believes that Rosendo Rodriguez, Jr. (hereinafter referred to as "Respondent") is suffering from a Disability and has been authorized by the Commission for Lawyer Discipline to enter into this Agreed Order of Disciplinary Suspension.

*Agreed R.R.*  
There are currently fifteen disciplinary complaints pending against the Respondent. *Valenzuela, R.R.*  
They are summarized as follows:

**Case No. D0010410134 - Lleymi Valenzuela**

On or about December 20, 2002, Complainant Lleymi Valenzuela ("Valenzuela") hired Respondent to represent her brother-in-law, Marco Antonio Viruel, in a criminal matter. Valenzuela paid a retainer of \$1,000 toward the representation. Thereafter, Respondent failed to perform any meaningful work on the case. Further, Respondent failed to communicate with Valenzuela or his client, Mr. Viruel, even after the Client Attorney Assistance Program made written requests for Respondent to do so. In addition, despite assurances made to Valenzuela, Respondent failed to respond to her request for an accounting and a refund of the unearned portion of the \$1,000 retainer. The foregoing facts constitute violations of Rules 1.01(b)(1), 1.01(b)(2), 1.03(a) and 1.15(d) of the Texas Disciplinary Rules of Professional Conduct.

*Rosendo Rodriguez Jr.*

**Case No. D0010410465 - Ronnie Boren**

On or about October 14, 2000, Ronnie Boren ("Boren") hired Respondent to file suit on behalf of his two minor children alleging civil rights violations. Boren signed a hand-written contingency fee contract, and pursuant to the contract, paid Respondent a \$5,000 retainer. Respondent filed the lawsuit on November 3, 2000. On January 23, 2002, the defendants filed a no-evidence motion for summary judgment. The trial court issued a partial summary judgment on April 11, 2002. Subsequently, the trial court held a hearing on September 3, 2002, in regard to defendants request for an award of attorney's fees. On October 2, 2002, the trial court issued a final summary judgment in favor of the defendants and awarded the requested fees. Respondent filed a notice of appeal on November 1, 2002. Ultimately, on June 5, 2003, the court of appeals affirmed the trial court.

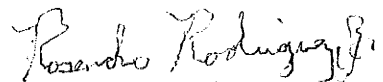
During the period of representation, Respondent failed to keep Boren apprised of the status of the case. Respondent failed to inform Boren of the summary judgment hearing dates; that the appeal was filed and denied; and that attorney's fees in the amount of \$7,389 had been assessed against Boren. Further, Respondent failed to respond to Boren's October 2003 written demand for a return of his file. The foregoing facts constitute violations of Rules 1.03(a)(b) and 1.15(d) of the Texas Disciplinary Rules of Professional Conduct.

**Case No. D0040423506 - David and Ruth Garcia**

David Garcia and his wife Ruth Garcia (the "Garcias") hired the Respondent on or about May 23, 2001, to handle a potential wrongful termination and discrimination case on their behalf. The Garcias paid Respondent a \$3,500 retainer for expenses and agreed that Respondent would receive a one-third contingency fee, however, no written contract was entered into. Thereafter, Respondent performed no meaningful legal services on behalf of the Garcias and it is likely that the statute of limitations has run on these matters. Further, Respondent failed to keep the Garcias adequately informed about the status of the cases and failed to explain the matters so that the Garcias could make informed decisions regarding the representation. The foregoing facts constitute violations of Rules 1.01(b)(1), 1.01(b)(2), 1.03(a), 1.03(b), 1.04(a), 1.04(d), 1.15(d) and 8.04(a)(8) of the Texas Disciplinary Rules of Professional Conduct.

**Case No. D0100424916 - Justin Brock Campbell**

On or about December 30, 2003, Justin Brock Campbell ("Campbell") hired Respondent to represent him in a claim for unemployment wages that



had been denied. Pursuant to a written contract, Campbell paid Respondent a \$2,500 non-refundable retainer and a one-third contingent fee interest in any recovery. Thereafter, when Campbell called Respondent's office to check on the status of the case Respondent would assure Campbell that he had filed the appropriate documents. However, Respondent never provided Campbell with anything to confirm that he had actually filed the case. Respondent then closed his office and disconnected his telephone without notice to Campbell. Respondent failed to return Campbell's file or any of the unearned retainer. Further, Respondent failed to respond to the complaint in writing as required. The foregoing facts constitute violations of Rules 1.01(b)(1), 1.01(b)(2), 1.03(a), 1.03(a)(b), 1.15(d), and 8.04(a)(8) of the Texas Disciplinary Rules of Professional Conduct.

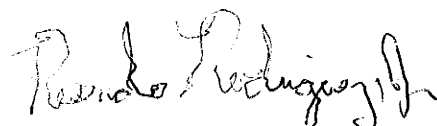
**Case No. D0100425067 - Jose Hernandez**

Jose Hernandez ("Hernandez") hired Respondent in August 2002, to handle legal matters associated with the school Hernandez's daughter attended. Respondent was paid \$2,500 for the representation. Respondent told Hernandez he would file suit against the school, the school district and the state. Thereafter, Respondent failed to perform any meaningful work on behalf of Hernandez. Respondent failed to return Hernandez's phone calls and Hernandez's attempts to meet with Respondent were unsuccessful. Further, Respondent failed to respond to the complaint in writing as required. The foregoing facts constitute violations of Rules 1.01(b)(1), 1.01(b)(2), 1.03(a), 1.03(b) and 8.04(a)(8) of the Texas Disciplinary Rules of Professional Conduct.

**Case No. D0050423772 - Mary Salazar Mendoza**

On or about September 19, 2002, Mary Salazar Mendoza ("Mendoza") hired Respondent to represent her in a discrimination claim. Mendoza paid Respondent a \$2,500 retainer and agreed to pay Respondent a contingent fee. Respondent represented to Mendoza that he would provide her with a contingency fee contract for her signature within two weeks but failed provide one. Thereafter, Respondent failed to provide any meaningful legal services on behalf of Mendoza and failed to respond to Mendoza's requests for information about the status of her legal matter. Mendoza fired Respondent in April 2004, and demanded an accounting and refund of the unearned portion of her retainer. Respondent failed to respond to her request. Further, Respondent failed to respond in writing to the complaint as required. The foregoing facts constitute violations of Rules 1.01(b)(1), 1.01(b)(2), 1.03(a), 1.03(b), 1.15(d) and 8.04(a)(8) of the Texas Disciplinary Rules of Professional Conduct.

**Case No. D0050423748 - Joe Robert Bernal**



On or about April 6, 2004, Respondent was hired to represent Joe Robert Bernal ("Bernal") in a criminal matter and to also obtain a bond. Respondent was paid a retainer of \$3,400 for the representation. Ten days later, when it was apparent that Respondent was not pursuing the matter, Bernal fired Respondent and requested a return of the unearned fees. However, Respondent refused to refund any portion of the fees. Further, Respondent failed to respond in writing to the complaint in writing as required. The foregoing facts constitute violations of Rules 1.01(b)(1), 1.01(b)(2), 1.03(b), 1.15(d) and 8.04(a)(8) of the Texas Disciplinary Rules of Professional Conduct.

**Case No. D0060423929 - Rosa Maria Lizama**

On or about June 15, 2002, Rosa Maria Lizama ("Lizama") hired Respondent to represent her in a child custody case. Lizama paid Respondent \$5,000 for the representation. Thereafter, Respondent performed no meaningful legal work on behalf of Lizama and failed to respond to Lizama's phone calls. The foregoing facts constitute violations of Rules 1.01(b)(1), 1.01(b)(2), 1.03(a) and 1.03(b) of the Texas Disciplinary Rules of Professional Conduct.

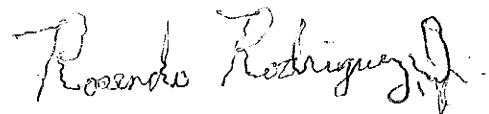
**Case No. D0050423688 - Jose Salazar Torres**

On or about September 23, 2003, Jose Salazar Torres ("Torres") hired Respondent to represent him in a discrimination case. Torres paid Respondent a retainer of \$2,500 and agreed to pay Respondent a one-third contingency fee. However, Respondent did not provide a contingent fee contract to Torres as required. Thereafter, Respondent failed to pursue the matter on behalf of Torres, failed to respond to phone calls or to letters, and failed to return the file as requested. Further, Respondent failed to return unearned attorney's fees. The foregoing facts constitute violations of Rules 1.01(b)(1), 1.01(b)(2), 1.03(a), 1.03(b), 1.04(d) and 1.15(d) of the Texas Disciplinary Rules of Professional Conduct.

**Case No. D006024068 - Travis Don Bales**

On or about October 2, 2003, Travis Don Bales ("Bales") hired Respondent to represent him in a divorce matter. Bales paid Respondent a \$2,000 non-refundable retainer and signed a one-third contingency fee contract. Respondent failed to keep Bales informed regarding the status of his case and failed to complete the divorce matter on behalf of Bales. Further, Respondent closed his office in June 2004 without notice to Bales and has failed to return Bales' file upon termination of his representation. The foregoing facts constitute violations of Rules 1.01(b)(1), 1.01(b)(2), 1.03(a), 1.03(b) and 1.15(d)] of the Texas Disciplinary Rules of Professional Conduct.

**Case No. D0110425276 - Gilbert Rojas**



On or about October 6, 2003, Gilbert Rojas ("Rojas") hired Respondent to defend Rojas's son in a criminal matter. Rojas paid Respondent \$7,000 for the representation. Thereafter, Respondent performed no meaningful work on behalf of his client. Respondent failed to appear at hearings and failed to respond to reasonable requests for information. Further, Respondent failed to respond in writing to the complaint as required. The foregoing facts constitute violations of Rules 1.01(b)(1), 1.01(b)(2), 1.03(a), 1.03(b) and 8.04(a)(8) of the Texas Disciplinary Rules of Professional Conduct.

**Case No. D0090424821 - James Michael Brewer**

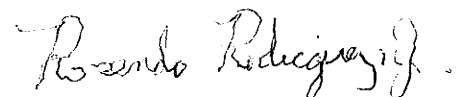
On or about October 9, 2002, James Michael Brewer ("Brewer") hired Respondent to prosecute a whistle blower case against a state agency. Brewer paid Respondent \$5,000 for the representation. Respondent indicated that he would send Brewer a contract but never did. Thereafter, Respondent failed to perform any meaningful services on behalf of Brewer. Respondent failed to keep Brewer informed about the status of the case. When Brewer was able to reach Respondent approximately six months before the statute of limitations ran, Respondent indicated that he had health problems and that he would get back in touch with Brewer. However, Respondent never contacted Brewer again. Respondent closed his office and moved from Wichita Falls to San Antonio without providing notice to Brewer. Further, Respondent failed to protect the statute of limitations by filing suit on behalf of Brewer and to date has failed to the unearned fee to Brewer. Further, Respondent failed to respond to the complaint in writing as required. The foregoing facts constitute violations of Rules 1.01(b)(1), 1.01(b)(2), 1.03(a), 1.03(b), 1.15(d) and 8.04(a)(8) of the Texas Disciplinary Rules of Professional Conduct.

**Case No. D0010525701 – George Thomas Martin**

On or about April 9, 2003, George Thomas Martin ("Martin") hired Respondent to recoup lawyer/legal fees on a foreclosure and paid Respondent \$3,500.00. Thereafter, Respondent failed to perform any meaningful legal work on the case. Despite repeated requests for a return of the unearned fees as well as return of Martin's paperwork, Respondent failed to comply. The foregoing facts constitute violations of Rules 1.01(b)(1), 1.01(b)(2), 1.03(a), 1.03(b) and 1.15(d) of the Texas Disciplinary Rules of Professional Conduct.

**Case No. D0020526017 – John Christopher Alambar**

On or about February 20, 2001, John Christopher Alambar ("Alambar") hired Respondent for representation in a child custody matter. Alambar paid Respondent \$5,147.00 in attorneys' fees and filing fees. Thereafter,



Respondent failed to perform any meaningful legal work on the case and failed to respond to Alambar's numerous requests for information. Respondent closed his San Antonio office with no notice to Alambar. The foregoing facts constitute violations of Rules 1.01(b)(1), 1.01(b)(2), 1.03(a), and 1.03(b) of the Texas Disciplinary Rules of Professional Conduct.

**Case No. D0020526061 – Phillip Mark Coheley**

In or around July 2002, Phillip Mark Coheley ("Coheley") hired Respondent to represent him in a lawsuit against the Wichita Falls Independent School District and Daniel Edelman. Respondent was paid \$10,000.00 for the representation. Thereafter, Coheley was unable to contact Respondent. Respondent failed to completely fulfill the obligations owed to Coheley. The foregoing facts constitute violations of Rules 1.01(b)(1), 1.01(b)(2), 1.03(a) and 1.03(b) of the Texas Disciplinary Rules of Professional Conduct.

Respondent agrees to the CDC's findings of Disability (attached hereto as Exhibit "A") and submitted ~~an Affidavit~~ <sup>a statement R.R.J.</sup> (attached hereto as Exhibit "B"), in which he specifically waives the following rights: (1) the right to be separately noticed of a Disability complaint; (2) the right to any disciplinary hearing resulting there from; (3) the right to have the Board of Disciplinary Appeals review the record and findings of the CDC; and (4) the right to have a District Disability Committee appointed as provided in Rule 12.02 of the Texas Rules of Disciplinary Procedure and the right to have counsel appointed. Respondent also stipulated to the facts and existence of the disability from which he suffers and requested that the Board of Disciplinary Appeals enter an order of his indefinite suspension from the practice of law.

**IT IS THEREFORE ORDERED, ADJUDGED AND DECREED** that Respondent Rosendo Rodriguez, Jr. be suspended from the practice of law until further order of this Board.

It is further **ORDERED, ADJUDGED, AND DECREED** that Respondent Rosendo Rodriguez, Jr., during said suspension, is hereby enjoined from practicing law in Texas,

*Rosendo Rodriguez Jr.*

holding himself out as an attorney at law, performing any legal services, appearing as counsel in any representative capacity in any proceeding in any Texas court or before any Texas administrative body, 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".

It is further **ORDERED** that Respondent Rosendo Rodriguez, Jr. shall immediately notify each of his current clients in writing of this suspension. In addition to such notification, the Respondent is **ORDERED** to return all files, papers, monies and other property belonging to clients and former clients or to another attorney at the client's or former client's request within thirty (30) days of the signing of this Order by Board of Disciplinary Appeals Chairperson S. Jack Balagia, Jr. Respondent, Rosendo Rodriguez, Jr. is **ORDERED** to file within the same thirty (30) days with the Office of the Chief Disciplinary Counsel, State Bar of Texas, One Lincoln Centre, 5400 LBJ Freeway, Suite 1280, Dallas, Texas 75240 an affidavit stating that all current clients have been notified of the Respondent's suspension, and that all files, papers, monies and other property belonging to each current and former client have been returned as ordered herein, and showing in the case where it was not possible to notify clients or return their property that due diligence was used to do so. Respondent is also **ORDERED** to mail a copy of said affidavit to the Board of Disciplinary Appeals at P.O. Box 12426, Capitol Station, Austin, Texas 78711.


It is further **ORDERED** that Respondent Rosendo Rodriguez, Jr. shall, on or before thirty (30) days from the date of Board of Disciplinary Appeal Chairperson's signing of this Order, notify in writing each and every justice of the peace, judge, magistrate, and chief justice of each and every court in which Respondent has any matter pending of the terms of this suspension, the style and cause number of the pending matter(s), and the name,

A handwritten signature in black ink, appearing to read "Rosendo Rodriguez Jr.", is written over the page number and agreement text.

address and telephone number of the client(s) Respondent is representing in that court. Respondent is also **ORDERED** to mail copies of all such notifications to the State Bar of Texas, Dallas Regional Office, One Lincoln Centre, 5400 LBJ Freeway, Suite 1280, Dallas, Texas 75240 on or before thirty (30) days from the date of Board of Disciplinary Appeals Chairperson's signing of this Order.

It is further **ORDERED** that Respondent Rosendo Rodriguez, Jr. shall immediately surrender his Texas law license and permanent State Bar Card to the Regional Counsel of the State Bar of Texas, One Lincoln Centre, 5400 LBJ Freeway, Suite 1280, Dallas, Texas 75240.

Signed this 3rd day of May, 2005.

  
S. Jack Balagia, Jr., CHAIRMAN  
BOARD OF DISCIPLINARY APPEALS





AGREED AS TO BOTH FORM  
AND SUBSTANCE:

William R. Garrett

William R. Garrett  
Assistant Disciplinary Counsel  
State Bar of Texas  
State Bar No. 07700200

DATE: 4/28/05

**CONSENT TO AGREED ORDER OF DISABILITY SUSPENSION**

In connection with the Disability finding by the Chief Disciplinary Counsel, I hereby consent to entry of the Agreed Order of Disability Suspension in the form submitted to me, pursuant to Article X, Section 14 of the State Bar Rules.

Rosendo Rodriguez, Jr.

Rosendo Rodriguez, Jr., Respondent  
State Bar No. 17151500

*not signed under oath or  
affirmation - no notarization  
required*

DATE: 4-23-05

STATE OF TEXAS

COUNTY OF \_\_\_\_\_

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BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared Rosendo Rodriguez, Jr. known to me to be the person whose name is subscribed to the foregoing instrument, and being by me first duly sworn, acknowledged to me that the same was executed for the purposes and considerations therein expressed, and that the facts stated in the Agreed Order of Disability Suspension are true in every respect.

GIVEN UNDER my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_,

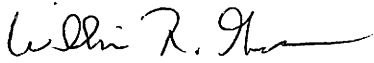
\_\_\_\_\_  
Notary Public in and for the State of Texas

Rosendo Rodriguez, Jr.

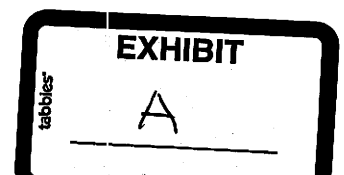
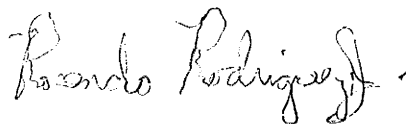
**Disability Findings of Fact**  
**Rosendo Rodriguez, Jr.**

The Respondent, Rosendo Rodriguez, Jr., Bar Card No. 17151500, was served with Complaint No. D001040134, filed by Lleydi Valenzuela, on January 24, 2004. Respondent filed a timely response on February 23, 2004. By correspondence dated March 3, 2004, to Bill Reese, Investigator for the State Bar of Texas, Respondent asserted that his physical ailments had impaired his ability to practice law. Subsequently, Bar Counsel received correspondence from Gene Douglas, attorney at law, which notified the State Bar of Texas that Respondent had closed his law practice in Wichita Falls, Texas, on or about May 15, 2004. Enclosed was a letter from Respondent's physician, Paul J. Parkey, M.D., confirming that Respondent is unable to work in the foreseeable future due to his medical and physical condition. Respondent has relocated to San Antonio where he currently resides.

Based upon the foregoing information, the Office of the Chief Disciplinary Counsel reasonably believes that Respondent suffers from a disability. The Commission for Lawyer Discipline has authorized the Chief Disciplinary Counsel to forward the Valenzuela Complaint as well as the other fourteen Complaints that are set forth in the Agreed Order of Disability Suspension and the information regarding Respondent's disability to the Board of Disciplinary Appeals.



William R. Garrett  
Assistant Disciplinary Counsel  
State Bar of Texas



**AFFIDAVIT OF ROSENDO RODRIGUEZ, JR.**

On this            day of           , 2005, personally appeared before me, the undersigned authority, Rosendo Rodriguez, Jr., who after being duly sworn, did state upon his oath:

"I, Rosendo Rodriguez, Jr., am over the age of eighteen years and am competent to make this Affidavit in all respects, and am personally acquainted with the facts herein stated: State in court

It is my understanding that the Chief Disciplinary Counsel is willing to stipulate to the facts and existence of the disability from which I suffer. I hereby stipulate to same.

I hereby waive the right to be separately noticed of a disability complaint by the Chief Disciplinary Counsel, and I waive the right to any disciplinary hearing resulting therefrom. I further waive the right to have the Board of Disciplinary Appeals review the record and findings of the Chief Disciplinary Counsel regarding the disability from which I suffer, and waive the right to the appointment of a District Disability Committee as provided in Rule 12.02 of the Texas Rules of Disciplinary Procedure. I further waive the right to have counsel appointed to represent me in this matter.

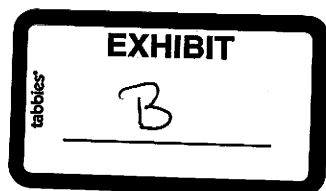
I accept and stipulate to the Chief Disciplinary Counsel's findings in Case Nos. D0010410134, D0010410465, D0040423506, D0100424916, D0100425067, D0050423772, D0050423748, D0060423929, D0050423688, D0060424068, D0110425376 D0090424821, D0010525701, D0020526017 and D0020526061 that I suffer from a disability and request that the Board of Disciplinary Appeals enter an Order of my indefinite suspension from the practice of law.

State  
I swear or affirm that I currently am handling no pending cases, so there is no need for the State Bar of Texas to file a Motion for the Assumption of Jurisdiction of my files.

I acknowledge the above to be true and correct."

Rosendo Rodriguez Jr. 4-23-05  
Rosendo Rodriguez, Jr. Affiant  
not signed under oath or  
affirmation, no notarization required R.R.J.

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned authority, this  
day of           , 2005.



Notary Public for and in the State of Texas

Rosendo Rodriguez, Jr.