

IN THE SUPREME COURT OF THE STATE OF TEXAS

Misc. Docket No. 94- 9164

IN THE MATTER OF
ALONZO VILLARREAL, JR.

ORDER

On this day came on for consideration the Motion for Acceptance of Resignation as Attorney and Counselor at Law of Alonzo Villarreal, Jr. together with the Response filed by the Chief Disciplinary Counsel of the State Bar of Texas acting through the Commission for Lawyer Discipline. The Court has reviewed said Motion and the Response and finds each to be legally sufficient. The Court, being advised that such resignation is tendered in lieu of disciplinary action, and being of the opinion that such resignation is in the best interest of the public and of the profession and will meet the ends of justice, hereby concludes that the following Order is appropriate.

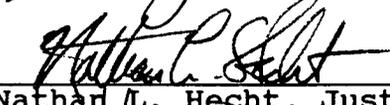
It is ORDERED that the law license of Alonzo Villarreal, Jr. heretofore issued by this court, be, and the same is hereby cancelled and revoked and his name be, and is hereby, removed and deleted from the list of persons licensed to practice law in the State of Texas. The Applicant's Motion for Acceptance of Resignation contains a notice of his lost or misplaced law license and is hereby acknowledged by the Court.

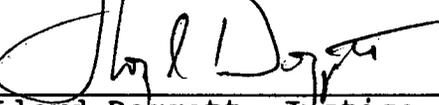
By the Court, en banc, in chambers, this the 22nd day
of November, 19 94.

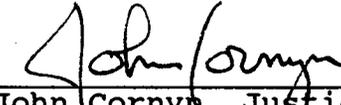

Thomas R. Phillips, Chief Justice

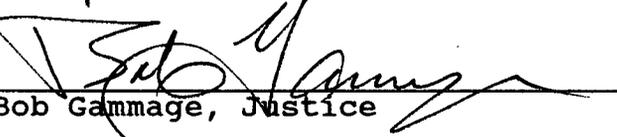

Raul A. Gonzalez, Justice


Jack Hightower, Justice

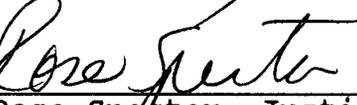

Nathan L. Hecht, Justice


Lloyd Doggett, Justice


John Cornyn, Justice


Bob Gammage, Justice


Craig Enoch, Justice


Rose Spector, Justice

Alonzo Villarreal, Jr.

Misc. Docket No. 94 - 9164

CF6-19A.PRI

STATE BAR OF TEXAS



Office of the General Counsel

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
Z 771 979 346

October 25, 1994

John Adams, Clerk
Supreme Court of Texas
201 W. 14th Street
Room 104
Austin, Texas 78701

RE: Alonzo Villarreal, Jr.
State Bar No. 20581900

Dear Mr. Adams:

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

- (1) Original executed Motion for Acceptance of Resignation as Attorney and Counselor at Law for the above-referenced attorney;
- (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; and
- (3) Original draft Order for submission to the Court.

The Respondent attorney represents in his Motion for Acceptance of Resignation that he has lost or misplaced both his license and State Bar Card and cannot produce them with his resignation.

I will appreciate your bringing this to the Court's attention.

405 N. ST. MARY'S, SUITE #600, SAN ANTONIO, TEXAS 78205, (210) 271-7881

Please return a file-stamped copy of the Response to this office at your earliest convenience.

Sincerely,

A handwritten signature in cursive script, appearing to read "Felicia A. Clemens". The signature is written in black ink and is positioned above the typed name.

Felicia A. Clemens
Assistant Disciplinary Counsel
Office of the Chief Disciplinary Counsel
State Bar of Texas

Enclosures

CF3-24R.PRI

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

OF

Alonzo Villarreal, Jr.

TO THE HONORABLE SUPREME COURT OF TEXAS:

The Commission for Lawyer Discipline ("Commission") moves the Court to accept the Resignation as Attorney and Counselor at Law of Alonzo Villarreal, Jr., showing the Court that:

I.

On August 24th, 1994, Alonzo Villarreal Jr. voluntarily executed a Motion for Acceptance of Resignation as Attorney and Counselor at Law. The Commission hereby concurs in such motion. Acceptance of such resignation in lieu of disciplinary action will protect the public.

II.

In connection with such resignation, the Commission makes the following findings of fact: Gonzalez Complaint

(1) Mr. Ricardo Gonzalez ("Gonzalez") hired Alonzo Villarreal, Jr. ("Villarreal") on March 18, 1991 to file a DTPA suit against Worthington Chevrolet of Houston. On or about May 13, 1993, Villarreal accepted a settlement from opposing counsel

without Mr. Gonzalez' knowledge or approval. On or about May 13, 1993, Villarreal received a \$4,250.00 settlement check from opposing counsel and negotiated the check the following day without the client's approval or endorsement. On September 16, 1993, the Court approved and entered a "take nothing judgment" submitted by Villarreal and opposing counsel.

(2) Mr. Gonzalez did not discover that his case had been settled or that Villarreal had entered into a final judgment until approximately September, 1993. Villarreal had frequently failed to communicate with Mr. Gonzalez about the status of his case, or return Mr. Gonzalez' numerous phone calls.

(3) Between May, 1993 and September, 1993, Villarreal made misrepresentations to Mr. Gonzalez that his case was still pending, and also to opposing counsel, advising him that Mr. Gonzalez had agreed to the settlement and would execute a release of all claims.

(4) Upon receiving the settlement funds, Villarreal failed to keep the funds in his trust account, and failed to disburse the funds to his client, or return them to Worthington Chevrolet. Villarreal knowingly misappropriated the funds for his own use without the consent of his client or opposing counsel. Villarreal was aware of the Texas Disciplinary Rules of Professional Conduct as they applied to the settlement of cases, and as they applied to the safekeeping of client settlement funds. Villarreal only later made restitution to Worthington Chevrolet for the misappropriated

settlement funds.

(5) Villarreal acknowledges that by his conduct he has violated Rule 1.02 (a); Rule 1.03 (a) & (b); Rule 1.14(a); Rule 1.14 (b); Rule 1.14 (c); Rule 8.04 (a) (1); Rule 8.04 (a) (2); and Rule 8.04 (a) (3); of the Texas Disciplinary Rules of Professional Conduct.

(6) Villarreal acknowledges that restitution is due and payable to Mr. Ricardo Gonzalez in the amount of \$750.00 by certified or cashier's check. Villarreal further acknowledges that attorney's fees in the amount of \$500.00 are due and payable by certified or cashier's check to the State Bar of Texas for the investigation and hearing of this complaint.

III.

Based on the foregoing findings of fact, the Commission concludes as a matter of law that Villarreal committed professional misconduct by violating Rule 1.02 (a) ; Rule 1.03 (a) & (b) ; Rule 1.14 (a) ; Rule 1.14 (b) ; Rule 1.14 (c) ; Rule 8.04 (a) (1) ; Rule 8.04 (a) (2) ; and Rule 8.04 (a) (3) ; of the Texas Disciplinary Rules of Professional Conduct.

IV.

The Commission prays that the Court accept the resignation as an Attorney and Counselor of Law of Alonzo Villarreal, Jr., State

Bar No. 20581900, licensed by the State of Texas as an attorney and counselor of law on May 18, 1976, and drop his name from the list of persons licensed to practice law in the State of Texas.

Respectfully submitted,

James M. McCormack
General Counsel

Felicia A. Clemens
Assistant Disciplinary Counsel
Office of the General Counsel
State Bar of Texas
405 N. St. Mary's, Suite 600
San Antonio, Texas 78205
(210) 271-7881 / (210) 271-9642 (FAX)



Felicia A. Clemens
State Bar No. 01282060

ATTORNEYS FOR COMMISSION

CF6-19.PRI

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

OF

ALONZO VILLARREAL, JR.

NOW COMES your Applicant, Alonzo Villarreal, Jr., and hereby resigns as an Attorney and Counselor in the State of Texas; and hereby submits to the Court his resignation as an Attorney and Counselor at Law; and prays that the Court accept said resignation.

I.

In support of this motion for acceptance of resignation, your Applicant would present for this Court's consideration the following:

This Applicant voluntarily began to work his practice down to zero files in March of 1993. At this time I was involved in a relationship and it became apparent that the stress that had accumulated over the years by reason of my practice had clearly reached and gone beyond the healthy limits and were desperately bordering on breakdown. With this forced realization, I deliberately began to try to close out my cases. You must understand that at the time of this voluntary effort aimed toward a cessation of my practice, I was a solo practitioner with a case load of approximately 55 cases. The majority of my cases were Plaintiff's litigation cases dealing with DTPA and "frontier" litigation. By August of 1993, I had reduced my case load down to approximately 14 cases and I began to look forward to closing out all my files by the end of the year and still be able to save my

relationship. Unfortunately, by the end of the year there were still two cases pending and I kept hoping they would settle. But by then I was not even trying to push them. The remaining cases I had were referred to other attorney's and in April I submitted my resignation to this Court. It was not until recently, that I was made to realize that the resignation was not effective since there were disciplinary proceedings pending against me.

The reason I bring up these matters is not in the way of an excuse for the actions that have resulted in the present situation but as an explanation. As I submit my resignation from the practice of law, I simply feel that it is imperative that you understand why I do this.

When I received the letter of the Chief Disciplinary Counsel that my resignation was not effective. I began to have second doubts as to whether I should not try to save or salvage my license, and as a result I have gone through a great deal of soul searching. Is it giving up to surrender my license without a fight?

I had done so in April because I was unable to fight the matter. I was so stressed out and experiencing so many anxiety attacks that I could not function and I just wanted to be rid of the pain and put all this law stuff behind me. But since that time my mental well being has really improved dramatically. A failed relationship was behind me and the law was behind me, i.e. the two greatest burdens of my life were behind me and I learning how to live like a normal human being again. Not without the stress, of course, of planning for and seeking a new career and a new life,

but nonetheless without the inner hell and turmoil I was going through inside my mind, my heart and my soul.

However, I was able to reach a decision yesterday as to what I should do in this matter and it came from shedding away the layers of rationale and justification built up over the years and accepting the basic facts. As Diane once told me: "Just because you're good at something doesn't mean you have to like it." The basic fact of the matter is that I did not like the law. I thought about how I got into this. I was a mathematics major in undergraduate school and I got burned out my senior year. So I said what the hell take the LSAT and apply to law schools and see what happens. I got accepted and I went. I did not make a career decision for myself then, as I can today. I did not make a decision, I let a admissions committee make the decision for me and I went down that path.

And as I took that path I decided to try to live close to the words of Theodore Roosevelt. "Far better it is to dare mighty things, to win glorious triumphs, though checkered with failure, than to take rank with those poor souls who neither enjoy much or suffer much, for they live in that gray twilight that knows neither victory nor defeat." The problem was that although I had the strength of will to strive to live by those words I was doing so in an environment that plagued me with many problems. It is amazing in looking back at my eighteen years of practice, and see how I truly did like so many of my clients. I would say that fully 80 to 90 percent of my clientele were truly wonderful people. And since I was a plaintiffs attorney I felt a very redeeming satisfaction

when I was able to help people who had been wronged and had suffered an injury. However, what always caused me anguish and grief through the years and which I truly could not ever come to grips with was the fact that the greatest treacheries were committed by the attorneys and judges. I never could resolve this issue in my mind and it helped to make me disgruntled with the law. But there were so many other things that made me disenchanted with the law: the adversarial process; the mechanics of dealing with the competing interests of the plaintiff and the defendant, as well as your own self-interests; impossible to please clients; and so many other things that just made it difficult to make everybody happy. That can't be done, I know, but somehow I just couldn't force myself to back away from that goal.

As the years went on, the fact that I was not happy with my life in the law and the stress of my solo practice, compounded each other and gave way to severe anxiety attacks. It reached the point where I could not make decisions until I was under the gun and I had to act.

This will explain for you why I never defended myself before the grievance committee. My only effort in my own defense in responding to the grievance was to send them a letter stating that it was my intention to resign once the cases I had left were disposed by settlement or referral. I was suffering such great anxiety attacks, I just did not want to face any conflicts, confrontations or make any decisions. Call the course of events leading up to my decision to leave the practice, the result of a disability or an impairment whatever you may wish, but it rendered

me incapable to dealing with daily matters on a daily basis. Since April I have felt a tremendous burden lifted from my shoulders and I have been able to deal with daily matters on a daily basis. Of course, the letter I received from Ms. Margaret Reaves (on the day before my birthday) sent me recoiling again. I have mentioned this to Ms. Reaves and Ms. Clemens, I would get these letters and I would physically start to shake from the panic attacks.

Well to make a long story short. I looked back over the progress that I was making as I was reducing my case load to zero and to the tremendous progress I have made since April, I know that I do not have a need or a desire to practice law again. I have before me a grand opportunity to start a new life and a new career and in a field that I will enjoy. I think it is Robert Bly who said the three things a man needs is a job he enjoys, a home and someone to share it with. Not many people have the grand and challenging opportunity to enjoy what has been given to me through 18 years of hell. That is the opportunity to make a career change (how many people are stuck in jobs that they don't enjoy but either are locked in and cannot change careers or simply don't have the courage to try); to plan that career change by evaluating my abilities and skills and marketing and selling those skills and assets; and to aim at finding a career where I'll be happy in my work.

Therefore, I hereby submit my resignation as an attorney and a counselor at law. I do so with (as expected) some bittersweet memories but also with a sense of thrill at the prospects of a new and challenging life.

I respectfully request that you allow this resignation in lieu of disciplinary action.

II.

In connection with such resignation, Applicant takes note and acknowledges the following findings of fact and conclusions of law made by the grievance committee (in which process Applicant did not participate nor seek to offer any defense):

FINDINGS OF FACT: GONZALEZ COMPLAINT

(1) Mr. Ricardo Gonzalez hired Applicant on March 18, 1991, to file a DTPA suit against Worthington Chevrolet of Houston. On or about May 13, 1993, Applicant accepted a settlement from opposing counsel without Mr. Gonzalez' knowledge or approval. On or about May 13, 1993, Applicant received a \$4,250.00 settlement check from opposing counsel and negotiated the check the following day without the client's approval or endorsement. On September 16, 1993, the Court approved and entered a "take nothing judgment" submitted by Applicant and opposing Counsel.

(2) Mr. Gonzalez did not discover that his case had been settled or that Applicant had entered into a final judgment until approximately September 1993. Applicant had failed to communicate with Mr. Gonzalez about the status of his case, or return Mr. Gonzalez numerous telephone calls.

(3) Between May 1993 and September 1993, Applicant made misrepresentations to Mr. Gonzalez that his case was still pending, and also to opposing counsel, advising him that Mr. Gonzalez had agreed to the settlement and would execute a release of all claims.

(4) Upon receiving the settlement funds, Applicant failed to keep the funds in his trust account, and failed to immediately disburse the funds to his client, or immediately return them to Worthington Chevrolet. Applicant knowingly misappropriated the funds for his own use without the consent of his client or opposing counsel. Applicant was aware of the Texas Disciplinary Rules of Professional Conduct as they applied to the settlement of the case, and as they applied to the safekeeping of client settlement funds.

(5) Applicant acknowledges that the findings of the grievance committee (in which the Applicant did not participate or seek to defend himself) do support the conclusion that Applicant by his conduct has violated Rule 1.02(a); Rule 1.03(a) & (b); Rule 1.14(a); Rule 1.14(b); Rule 1.14(c); Rule 8.04(a)(1); Rule 8.04(a)(2); and Rule 8.04(a)(3); of the Texas Disciplinary Rules of Professional Conduct.

(6) Applicant acknowledges that restitution in the way of attorney's fees is due and payable to Mr. Ricardo Gonzalez in the amount of \$750.00 by certified or cashier's check. Applicant further acknowledges that attorney's fees in the amount of \$500.00 are due and payable by certified or cashier's check to the State Bar of Texas for the investigation and hearing of this complaint.

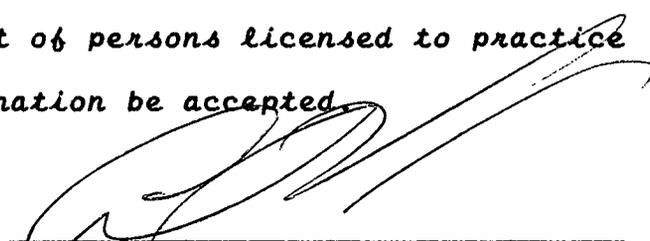
III.

Applicant has lost or misplaced his License and/or permanent State Bar card and at this time they cannot be tendered to the Court, Applicant represents to the Court that should

Applicant find his License and permanent State Bar card, Applicant will immediately surrender same to the Court.

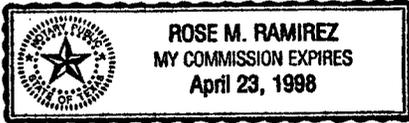
IV.

Your Applicant is voluntarily resigning and withdrawing from the practice of law; Applicant does so in lieu of discipline for professional misconduct; and 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.



Alonzo Villarreal, Jr.
State Bar No. 20581900

SUBSCRIBED AND SWORN TO before me by the said Alonzo Villarreal, Jr. this the 24th day of August, 1994.



Rose M. Ramirez
NOTARY PUBLIC in and for
the State of Texas

April 23 1998
My Commission Expires:

Rose M. Ramirez
Printed Name of Notary