

ORDER OF THE SUPREME COURT OF TEXAS

Misc. Docket No. 02 - 1072

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

The Supreme Court of Texas hereby appoints the Honorable Gus J. Strauss, Judge of the 2nd 25th District Court of Lavaca County, Texas, to preside in the Disciplinary Action styled

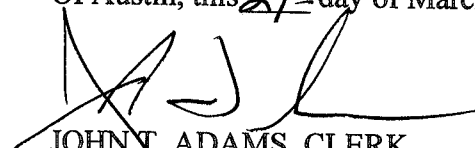
The Commission for Lawyer Discipline v. Burnell L. Jones, Jr.

filed as No. **2002-03272** in the **125th** 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 the Disciplinary Petition and this Order for filing pursuant to Rule 3.03, Texas Rules of Disciplinary Procedure. This assignment replaces that of Judge Robert T. Dry, Jr., 199th District Court, excused for medical reasons.


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

With the Seal thereof affixed at the City
Of Austin, this 27th day of March, 2002.


JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 02-9072 is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 27 day of March, 2002.



Thomas R. Phillips
Chief Justice



The Supreme Court of Texas

CHIEF JUSTICE
THOMAS R. PHILLIPS

201 West 14th Street Post Office Box 12248 Austin TX 78711
Telephone: 512/463-1312 Facsimile: 512/463-1365

CLERK
JOHN T. ADAMS

JUSTICES
NATHAN L. HECHT
CRAIG T. ENOCH
PRISCILLA R. OWEN
JAMES A. BAKER
DEBORAH G. HANKINSON
HARRIET O'NEILL
WALLACE B. JEFFERSON
XAVIER RODRIGUEZ

EXECUTIVE ASSISTANT
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASST
JIM HUTCHESON

ADMINISTRATIVE ASSISTANT
NADINE SCHNEIDER

APR 19 2002

The Honorable Charles Bacarisse
District Clerk of Harris County
P.O. Box 4651
Houston, Texas 77002

Dear Mr. Bacarisse:

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. Burnell L. Jones, Jr.* and a copy of the Supreme Court's order appointing the Honorable Gus J. Strauss, Judge of the 2nd 25th District Court, Hallettsville, Texas.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Honorable Gus J. Strauss
Ms. Leigh Arnemann
Mr. Burnell L. Jones, Jr.
Ms. Melissa Dartez



The Supreme Court of Texas

CHIEF JUSTICE
THOMAS R. PHILLIPS

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CRAIG T. ENOCH
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APR 19 2002

CLERK
JOHN T. ADAMS
EXECUTIVE ASSISTANT
WILLIAM L. WILLIS
DEPUTY EXECUTIVE ASST
JIM HUTCHESON
ADMINISTRATIVE ASSISTANT
NADINE SCHNEIDER

The Honorable Gus J. Strauss
Judge, 2nd 25th District Court
P.O. Box 511
Hallettsville, Texas 77964-0511

Dear Judge Strauss:

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. Jones and Ms. Arnemann, and a copy of the letter to the District Clerk of Harris County.

It is recommended that, six to eight weeks after receipt of this letter, you contact the Harris County District Court Administrative Office (713-755-7593) 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, you again contact the Harris County District Court Administrative Office (713-755-6593) 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 (936-538-8176) 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

201 West 14th Street Post Office Box 12248 Austin TX 78711
Telephone: 512/463-1312 Facsimile: 512/463-1365

CLERK
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JUSTICES
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EXECUTIVE ASSISTANT
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASST
JIM HUTCHESON

ADMINISTRATIVE ASSISTANT
NADINE SCHNEIDER

Ms. Leigh Arnemann
Assistant Disciplinary Counsel, State Bar of Texas
1111 Fannin, Suite 1370
Houston, Texas 77002

Mr. Burnell L. Jones, Jr.
9018 Winnsboro
Houston, Texas 77088

Dear Ms. Arnemann and Mr. Jones:

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 Gus J. Strauss, Judge of the 25-2 District Court, Hallettsville, Texas to preside in

Commission for Lawyer Discipline v. Burnell L. Jones, Jr.

Sincerely,

SIGNED

John T. Adams
Clerk

Cause No.

COMMISSION FOR LAWYER
DISCIPLINE

Petitioner

v.

BURNELL L. JONES, JR.

Respondent

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IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

_____ JUDICIAL DISTRICT

ORIGINAL DISCIPLINARY PETITION

TO THE HONORABLE JUDGE OF THE COURT:

COMES NOW Petitioner, the COMMISSION FOR LAWYER DISCIPLINE, a committee of the STATE BAR OF TEXAS (hereinafter "Petitioner"), files this Disciplinary Petition, complaining of Respondent, BURNELL L. JONES, JR. (hereinafter "Respondent"), showing the Court:

1. DISCOVERY CONTROL PLAN

1.1 Pursuant to Rules 190.1 and 190.2, TEXAS RULES OF CIVIL PROCEDURE (TRCP), Petitioner intends discovery in this case to be conducted under the Level 1 Discovery Control Plan. Pursuant to Rule 190.2(a)(1), TRCP, Petitioner affirmatively pleads that it seeks only monetary relief aggregating fifty thousand and 00/100 dollars (\$50,000.00) or less, excluding costs, pre-judgment interest and attorney's fees.

2. NATURE OF PROCEEDING

2.1 Petitioner brings this disciplinary action pursuant to the State Bar Act, the Texas Government Code Annotated §81.001, *et seq.* (Vernon 1988 and supp. 1994), the TEXAS DISCIPLINARY RULES

OF PROFESSIONAL CONDUCT (TDRPC), and the TEXAS RULES OF DISCIPLINARY PROCEDURE (TRDP).

3. VENUE

3.1 Respondent is an attorney licensed to practice law in Texas and is a member of the STATE BAR OF TEXAS, bar number 10862800. Respondent is a resident of Houston, Texas. Respondent's principal place of practice is Harris County, Texas, and therefore venue is appropriate in Harris County, Texas, pursuant to Rule 3.03 of the TEXAS RULES OF DISCIPLINARY PROCEDURE. An officer may serve citation on Respondent at his home address located at 9018 Winnsbro, Houston, Texas 77088.

4. CAUSE OF ACTION (HARPER)

4.1 On or about July 30, 1998, Complainant hired Respondent to handle her daughter's appeal of a six (6) day jail sentence. Respondent was paid Five Hundred and 00/100 Dollars (\$500.00) to complete this matter and was to be paid an additional Two Hundred Eighty and 00/100 Dollars (\$280.00) to post a bail bond for Complainant's daughter.

4.2 On or about July 31, 1998, Complainant's daughter began her six (6) day sentence. Respondent phoned Complainant and knowingly misrepresented that he had worked out an arrangement with the judge for the release of Complainant's daughter on bail. In fact, this agreement was not made. In addition, Respondent stated that he needed an additional Forty Dollars, (\$40.00) (for a total of \$320.00) to arrange for a bail bond. Respondent assured Complainant that the arrangements regarding her daughter's release on bail had been made. Respondent accepted monetary compensation for legal services which were never initiated nor completed. As a result of Respondent's inaction and neglect, Complainant's daughter served her full jail sentence.

5.

5.1 The acts and/or omissions of the Respondent described in Paragraph IV above, which occurred on or after January 1, 1990, constitute conduct in violation of Rule(s) **1.01(b)(1)** [for neglecting a legal matter entrusted to the lawyer]; **1.01(c)** [as used in this Rule "neglect" signifies inattentiveness involving a conscious disregard for the responsibilities owed to a client or clients]; **1.04(a)** [a lawyer shall not enter into an arrangement for, charge or collect an illegal fee or unconscionable fee]; and **8.04(a)(3)** [for engaging in conduct involving dishonesty, fraud, deceit or misrepresentation of the TDRPC.

6.

6.1 The complaint that forms the basis of this cause of action was brought to the attention of the Office of the Chief Disciplinary Counsel of the STATE BAR OF TEXAS by Evelyn S. Harper filing of a complaint on or about August 26, 1998.

PRAYER

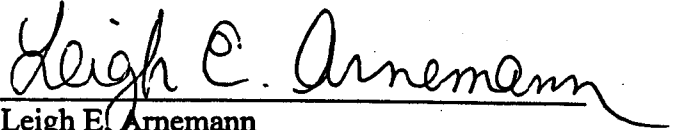
WHEREFORE, PREMISES CONSIDERED, Petitioner, the COMMISSION FOR LAWYER DISCIPLINE, respectfully prays that this Court discipline Respondent, **BURNELL L. JONES, JR.**, by reprimand, suspension or disbarment, as the facts shall warrant; and that the Petitioner have all other relief to which it may show itself to be justly entitled, including costs of court and attorneys' fees.

Respectfully submitted,

Dawn Miller
Chief Disciplinary Counsel

Leigh E. Arnemann
Assistant Disciplinary Counsel

Office of the Chief Disciplinary Counsel
STATE BAR OF TEXAS
1111 Fannin, Suite 1370
Houston, Texas 77002
Telephone (713) 759-6931
Facsimile (713) 752-2158



Leigh E. Arnemann
State Bar No. 24025229

**ATTORNEYS FOR THE COMMISSION
FOR LAWYER DISCIPLINE**