

ORDER OF THE SUPREME COURT OF TEXAS

Misc Docket No. 96- 9056

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

The Supreme Court of Texas hereby appoints the Honorable Michael P. Peden, Judge of the 285th District Court of Bexar County, Texas, to preside in the Disciplinary Action styled:

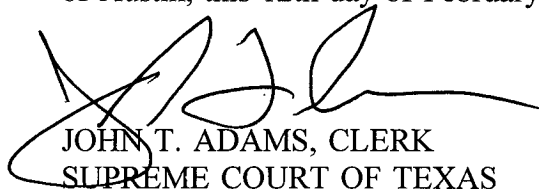
The Commission for Lawyer Discipline v. William A. Brown, Jr.

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 12th day of February, 1996.


JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 96-9056, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 12 day of February, 1996.


Thomas R. Phillips
Chief Justice

CAUSE NO. _____

COPY

COMMISSION FOR LAWYER DISCIPLINE §
v. §
WILLIAM A. BROWN, Jr. §

IN THE DISTRICT COURT OF
HARRIS COUNTY, TEXAS
_____ 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 ("Petitioner"), complaining of Respondent, WILLIAM A. BROWN, Jr. ("Respondent"), showing the Court:

I.

Petitioner brings this disciplinary action pursuant to the State Bar Act, Texas Government Code Annotated §81.001, *et seq.* (Vernon 1988 and supp. 1994), the Texas Disciplinary Rules of Professional Conduct, and the Texas Rules of Disciplinary Procedure. The complaint that forms the basis of this 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'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. Respondent may be served at his business address located at 11777 Katy Freeway, Suite 101, Houston, Texas, 77079.

III.

Kenneth R. Fontenot ("Fontenot") and Lawrence E. Snyder ("Snyder") sued their former landlord in Cause No. 643,461, *Lawrence E. Snyder and Kenneth R. Fontenot vs. E. James Babin*, in the County Civil Court at Law No. Three (3) in Harris County, Texas. Respondent represented the defendant, E. James Babin ("Babin").

IV.

On or about April 10, 1995, the depositions of Fontenot and Snyder were taken, and pursuant to Respondent's request, Fontenot and Snyder produced, in good faith, certain personal property for Respondent's inspection. These items, two pairs of leather boots and a book of presidential portraits, were marked as exhibits. Following the deposition, Respondent failed and refused to return the property. Fontenot and/or Snyder made repeated requests that Respondent return the property, but to no avail. By letter dated May 26, 1995, Dara Leigh Bloom ("Bloom"), attorney for Fontenot and Snyder, insisted that Respondent return the property by May 31, 1995, but Respondent refused to comply.

V.

Thereafter, on or about August 10, 1995, a hearing was held on the Plaintiff's Motion to Compel, Motion for Return of Property and for Sanctions (the "Motion"). The Order granting the Motion was signed that same day, August 10, 1995. Respondent was ordered to return the property, by delivering it Bloom's office on or before 5:00 p.m. on August 22, 1995. Respondent failed to comply with the Court's Order. It was further ordered that Babin/Respondent pay reasonable attorney's fees to Bloom in the amount of \$250.00 on or before 5:00 p.m. on August 22, 1995. But Babin/Respondent failed to remit the payment

to Bloom.

VI.

The acts and/or omissions of the Respondent described in Paragraphs III-V above, which occurred on or after January 1, 1990, constitute conduct in violation of Rules 1.14(b), 3.02, 3.04(d), 4.04(a), and 8.04(a)(1) of the Texas Disciplinary Rules of Professional Conduct.

VII.

The complaint that forms the basis of this cause of action was brought to the attention of the Office of the General Counsel of the State Bar of Texas by Fontenot's filing of a complaint on or about July 18, 1995.

Prayer

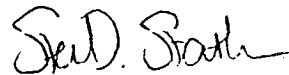
WHEREFORE, PREMISES CONSIDERED, Petitioner the COMMISSION FOR LAWYER DISCIPLINE respectfully prays that this Court discipline Respondent WILLIAM A. BROWN, Jr., as the facts shall warrant; and that the Petitioner have all other relief to which it may show itself to be justly entitled, including costs of court and attorney's fees.

Respectfully submitted,

James M. McCormack
General Counsel

Stephen D. Statham
Assistant General Counsel

Office of the General Counsel
STATE BAR OF TEXAS
1111 Fannin, Suite 1370
Houston, Texas 77002
(713) 759-6931
Fax No. (713) 759-1932



STEPHEN D. STATHAM
State Bar No. 19082500

ATTORNEYS FOR THE COMMISSION
FOR LAWYER DISCIPLINE



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
NATHAN L. HECHT
JOHN CORNYN
CRAIG ENOCH
ROSE SPECTOR
PRISCILLA R. OWEN
JAMES A. BAKER
GREG ABBOTT

EXECUTIVE ASST
WILLIAM L. WILLIS

ADMINISTRATIVE ASST
NADINE SCHNEIDER

February 14, 1996

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

Mr. William A. Brown, Jr.
11777 Katy Freeway, Suite 101
Houston, Texas 77079

Dear Mr. McCormack and Mr. Brown:

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 Michael P. Peden, Judge of the 285th District Court, San Antonio, Texas to preside in

Commission for Lawyer Discipline v. William A. Brown, Jr.

Sincerely,

SIGNED

John T. Adams
Clerk



THE SUPREME COURT OF TEXAS

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THOMAS R. PHILLIPS

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EXECUTIVE ASS'T
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

February 14, 1996

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

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. William A. Brown, Jr., and a copy of the Supreme Court's order appointing the Honorable Michael P. Peden, Judge of the 285th District Court, San Antonio, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Hon. Michael P. Peden
Mr. William A. Brown, Jr.
Mr. James M. McCormack



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

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EXECUTIVE ASS'T
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ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

February 14, 1996

Honorable Michael P. Peden
Judge, 285th District Court
100 Dolorosa Street
San Antonio, Texas 78205

Dear Judge Peden:

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. Brown and Mr. McCormack, 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 (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