

**ORDER OF THE SUPREME COURT OF TEXAS**

**Misc Docket No. 96- 9098**

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

The Supreme Court of Texas hereby appoints the Honorable Gary Hall, Judge of the 68th District Court of Dallas County, Texas, to preside in the Disciplinary Action styled:

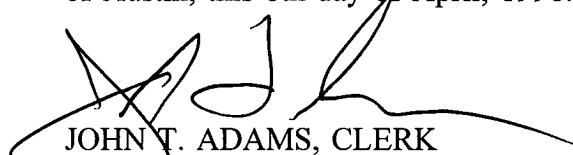
**The Commission for Lawyer Discipline v. Vaughn B. Venters**

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.

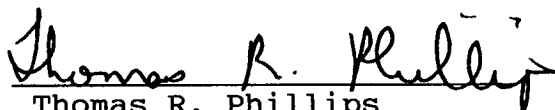
As ordered by the Supreme Court of Texas, in chambers,

with the Seal thereof affixed at the City  
of Austin, this 8th day of April, 1996.

  
JOHN T. ADAMS, CLERK  
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 96-9098, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 9 day of April, 1996.

  
Thomas R. Phillips  
Chief Justice

NO. \_\_\_\_\_

COMMISSION FOR LAWYER DISCIPLINE	§	IN THE DISTRICT COURT OF
V.	§	HARRIS COUNTY, TEXAS
VAUGHN B. VENTERS	§	_____ 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, Vaughn B. Venters (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 practice in Harris County, Texas. An officer may serve citation on Respondent at 10100 East Freeway, Suite 205, Houston, Harris County, Texas 77029.

III.

In and around November 28, 1994, Respondent was retained by Bonita B. Sharpe, hereinafter referred to as "Complainant," to assist her in the preparation of documents as the

guardian of the estate of Richard Morrison, Jr. A contract for legal services was executed on November 28, 1994, which provided for the Complainant to pay to Respondent, a One Thousand Five Hundred Dollars (\$1,500.00) retainer fee for the preparation of "an annual accounting and to straighten out any outstanding matters that needed attention." The retainer fee was intended to cover, compensate, and insure the Respondent for the initial five (5) hours of his services with regards to the guardianship. The Respondent's contract also provided that he be compensated Two Hundred Dollars (\$200.00) per hour for any services in excess of the initial five (5) hours and be paid Two Hundred and Fifty Dollars (\$250.00) to cover costs. On the day the Contract was executed, Complainant paid Respondent One Thousand Seven Hundred Fifty Dollars (\$1,750.00) and gave Respondent the original Guardian Bond to be filed.

#### IV.

On or about December 15, 1994, the Complainant paid the Respondent Two Thousand Five Hundred Dollars (\$2,500.00) for the inventory, annual accounting, and documentation. Complainant also paid Respondent an additional Seven Hundred Dollars (\$700.00) in attorney's fees on May 11, 1995.

On July 3, 1995, Complainant conferred with Respondent regarding the annual accounting and Respondent demanded an additional One Thousand Seven Hundred Fifty Dollars (\$1,750.00) to complete the accounting. The annual accounting was supposed to have been completed and filed in Probate Court by May, 1995. The Complainant had already paid the Respondent \$4,950.00 in the guardianship matter. At this point, Complainant requested a full accounting of the time spent on her case and requested that Respondent withdraw as her counsel.

V.

On or about July 12, 1995, Complainant informed the probate Court that she was in possession of a blank annual accounting that Respondent had not completed. Also, upon review of her file, Complainant found that the original Guardian Bond had not been filed and that there were discrepancies in attorney's fees charged for the Inventory and Appraisement. By correspondence dated July 17, 1995, Complainant made a written request to Respondent that he withdraw as her counsel and the Complainant again requested an itemized accounting from Respondent. The Respondent failed to promptly render an itemized accounting of the work he completed on the case to the Complainant. After Respondent's withdrawal, Complainant had to retain a second attorney to complete the work on the guardianship.

VI.

Such acts and/or omissions on the part of Respondent as are described in Paragraphs III-V hereinabove which occurred on or after January 1, 1990, constitute conduct violative of Rules 1.01(b)(1), 1.03(a), and 1.04(a) of the Texas Rules of Professional Conduct.

VII.

The complaint which forms the basis of these cause of actions hereinabove set forth was brought to the attention of the Office of the General Counsel of the State Bar of Texas by complaints filed by Bonita W. Sharpe on or about September 25, 1995.

**PRAYER**

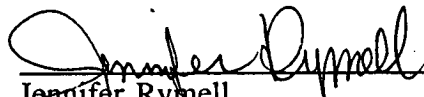
WHEREFORE, PREMISES CONSIDERED, Petitioner prays for judgment that Respondent be disciplined as the facts shall warrant; and that Petitioner have such other relief to which entitled, including costs of Court and attorney's fees.

Respectfully submitted,

James M. McCormack  
General Counsel

Jennifer Rymell  
Assistant General Counsel

Office of the General Counsel  
State Bar of Texas  
201 Main Street, Suite 1150  
Fort Worth, Texas 76102  
817-877-4993  
817-335-4249

  
\_\_\_\_\_  
Jennifer Rymell  
State Bar of Texas No. 18043750

ATTORNEYS FOR PETITIONER



# 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

EXECUTIVE ASS'T  
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T  
NADINE SCHNEIDER

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

April 15, 1996

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

Mr. Vaughn B. Venters  
10100 East Freeway, Suite 205  
Houston, Texas 77029

Dear Mr. McCormack and Mr. Venters:

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 Gary Hall, Judge of the 68th District Court, Dallas, Texas to preside in

Commission for Lawyer Discipline v. Vaughn B. Venters

Sincerely,

SIGNED

John T. Adams  
Clerk



THE SUPREME COURT OF TEXAS

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THOMAS R. PHILLIPS

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JAMES A. BAKER  
GREG ABBOTT

April 15, 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 Lawver Discipline v. Vaughn B. Venters and a copy of the Supreme Court's order appointing the Honorable Gary Hall, Judge of the 68th District Court, Dallas, Texas, to preside in this Disciplinary Action.

Sincerely,

**SIGNED**

John T. Adams  
Clerk

cc: Hon. Gary Hall  
Mr. Vaughn B. Venters  
Mr. James M. McCormack





## THE SUPREME COURT OF TEXAS

CHIEF JUSTICE  
THOMAS R. PHILLIPS

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JAMES A. BAKER  
GREG ABBOTT

April 15, 1996

Honorable Gary Hall  
Judge, 68th District Court  
George L. Allen Sr. Courts Building  
600 Commerce Street  
Dallas, Texas 75202

Dear Judge Hall:

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. Venters 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