

ORDER OF THE SUPREME COURT OF TEXAS

Misc Docket No. 96-9118

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

The Supreme Court of Texas hereby appoints the Honorable Donald Rae Ross, Judge of the 4th District Court of Rusk County, Texas, to preside in the Disciplinary Action styled:

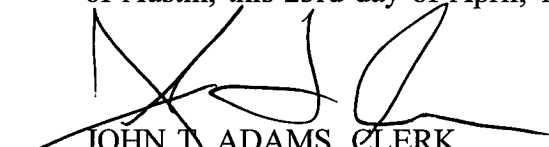
The Commission for Lawyer Discipline v. George Washington, Jr.

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.

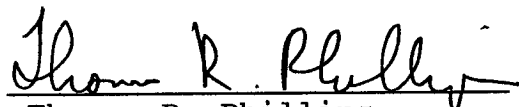
As ordered by the Supreme Court of Texas, in chambers,

with the Seal thereof affixed at the City
of Austin, this 23rd day of April, 1996.


JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 96-9118, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 24 day of April, 1996.

A handwritten signature in cursive script, reading "Thomas R. Phillips". The signature is written in black ink and is positioned above a horizontal line.

Thomas R. Phillips
Chief Justice

CAUSE NO. _____

COMMISSION FOR LAWYER DISCIPLINE	§	IN THE DISTRICT COURT OF
v.	§	HARRIS COUNTY, TEXAS
GEORGE WASHINGTON, JR.	§	_____ 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, GEORGE WASHINGTON, Jr. (hereinafter called "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 complaints that form the basis of this Disciplinary Petition were 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, 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 1808 Wheeler Avenue, Houston, Texas, 77004.

III. First Cause of Action

On October 24, 1992, the State Bar of Texas (hereinafter called "SBOT") filed a grievance against Respondent. The SBOT's grievance alleged that Respondent had engaged in conduct which violated the Texas Disciplinary Rules of Professional Conduct.

Pursuant to the Texas Rules of Disciplinary Procedure, a letter was sent to Respondent requesting a response to the SBOT grievance. The letter requesting a response from Respondent was sent November 5, 1992, and was received by Respondent on or about November 13, 1992.

Respondent's written response to the Phillips grievance was due on or about December 13, 1992. However, Respondent failed to respond to this lawful demand for information from a grievance committee.

IV.

The acts and/or omissions of the Respondent described in Paragraph III above, which occurred on or after January 1, 1990, constitute conduct in violation of Rule 8.01(b) of the Texas Disciplinary Rules of Professional Conduct.

V.

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 the State Bar of Texas' filing of a complaint on or about October 24, 1992.

VI. Second Cause of Action

On October 7, 1992, Lunetta S. Mitchell (hereinafter called "Mitchell") filed a grievance against Respondent with the State Bar of Texas. Mitchell's grievance alleged Respondent had engaged in conduct which violated the Texas Disciplinary Rules of Professional Conduct.

Pursuant to the Texas Rules of Disciplinary Procedure, a letter was sent to Respondent requesting a response to the Mitchell grievance. The letter requesting a response from Respondent was sent November 5, 1992, and was received by Respondent on or about November 13, 1992.

Respondent's written response to the Mitchell grievance was due on or about December 13, 1992. However, Respondent failed to respond to this lawful demand for information from a grievance committee.

VII.

The acts and/or omissions of the Respondent described in Paragraph VI above, which occurred on or after January 1, 1990, constitute conduct in violation of Rule 8.01(b) of the Texas Disciplinary Rules of Professional Conduct.

VIII.

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 Mitchell's filing of a complaint on or about October 7, 1992.

IX. Third Cause of Action

On or about August 10, 1987, Mrs. Gussie Denson (hereinafter called "Denson") signed a contract of employment of attorney and power of attorney, hiring Respondent to investigate the circumstances surrounding the sale of a disputed tract of land that she allegedly owned and wanted to recover.

Thereafter, Charles E. Jackson, Sr. (hereinafter called "Jackson"), grandson of Denson, made repeated requests for information on the status of Denson's case on behalf of Denson. However, Respondent failed to communicate and comply with the reasonable requests for information.

Thereafter, by letters dated December 27, 1989, and January 11, 1990, Jackson requested the return of documents relating to Denson's case, so that they could hire another attorney. Respondent failed to return the requested documents.

X.

Further, on August 18, 1992, Jackson filed a grievance with the State Bar of Texas. Jackson's grievance alleged Respondent had engaged in conduct which violated the Texas Disciplinary Rules of Professional Conduct.

Pursuant to the Texas Rules of Disciplinary Procedure, a letter was sent to Respondent requesting a response to the Jackson grievance. The letter requesting a response from Respondent was sent October 7, 1992, and was received by Respondent on or about October 13, 1992.

Respondent's written response to the Jackson grievance was due on or about October 12, 1992. However, Respondent failed to respond to this lawful demand for information from a grievance committee.

XI.

The acts and/or omissions of the Respondent described in Paragraphs IX through X above, which occurred on or after January 1, 1990, constitute conduct in violation of Rules 1.03(a), 1.14(b), and 8.01(b) of the Texas Disciplinary Rules of Professional Conduct.

XII.

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 Jackson's filing of a complaint on or about August 18, 1992.

Prayer

WHEREFORE, PREMISES CONSIDERED, Petitioner the COMMISSION FOR LAWYER DISCIPLINE respectfully prays that this Court discipline Respondent GEORGE WASHINGTON, 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

Diego J. Vargas
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



DIEGO J. VARGAS
State Bar No. 00791847

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 ASS'T
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

April 24, 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. George Washington, Jr. and a copy of the Supreme Court's order appointing the Honorable Donald Rae Ross, Judge of the 4th District Court, Henderson, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Hon. Donald R. Ross
Mr. George Washington, Jr.
Mr. James M. McCormack



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

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JAMES A. BAKER
GREG ABBOTT

April 24, 1996

Honorable Donald Rae Ross
Judge, 4th District Court
115 N. Main Street
Henderson, Texas 75652

Dear Judge Ross:

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. Washington 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



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

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WILLIAM L. WILLIS

ADMINISTRATIVE ASST
NADINE SCHNEIDER

April 24, 1996

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

Mr. George Washington, Jr.
1808 Wheeler Avenue
Houston, Texas 77004

Dear Mr. McCormack and Mr. Washington:

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 Donald Rae Ross, Judge of the 4th District Court, Henderson, Texas to preside in

Commission for Lawyer Discipline v. George Washington, Jr.

Sincerely,

~~SIGNED~~

John T. Adams
Clerk