

ORDER OF THE SUPREME COURT OF TEXAS

Misc Docket No. 96- 9120

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

The Supreme Court of Texas hereby appoints the Honorable Robert Garza, Judge of the 138th District Court of Cameron County, Texas, to preside in the Disciplinary Action styled:


The Commission for Lawyer Discipline v. Morgan H. Johnson

filed as no. 95-35518 in the 234th 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 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. 96-9120, 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.


Thomas R. Phillips
Chief Justice

COPY

CAUSE NO. _____

COMMISSION FOR LAWYER DISCIPLINE	§	IN THE DISTRICT COURT OF
v.	§	HARRIS COUNTY, TEXAS
MORGAN H. JOHNSON	§	_____ 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, complaining of Respondent, Morgan H. Johnson, 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 with the State Bar of Texas 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 his business address located at 1418 Washington Avenue, Houston, Harris County, Texas 77002.

III.

Respondent, Morgan H. Johnson, represented Be Van Duong in a paternity suit. After paternity testing was completed, Respondent gave Elba Monterroza, the plaintiff in the suit, and

mother of the child in question, an affidavit to execute. Respondent told Ms. Monterroza that the affidavit was only to give his client, Be Van Duong, visitation rights to the child. The affidavit was written in English. Ms. Monterroza cannot read English and did not understand that the affidavit gave full custody of the child the subject of the lawsuit to the father, Respondent's client. At the time he had Ms. Monterroza sign the affidavit, Respondent knew or should have known that she did not understand the affidavit.

IV.

By misrepresenting the contents of the affidavit to Elba Monterroza, Respondent engaged in conduct involving deceit, dishonesty, fraud and misrepresentation in violation of Rule 8.04(a)(3) of the Texas Disciplinary Rules of Professional Conduct.

V.

The complaint which forms the basis of this lawsuit as hereinabove set forth was brought to the attention of the Office of the General Counsel of the State Bar of Texas by the filing of a complaint February 9, 1993.

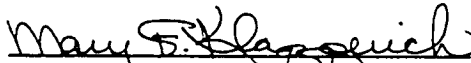
PRAYER

WHEREFORE, PREMISES CONSIDERED, Petitioner prays for judgment that Respondent, Morgan H. Johnson, be disciplined by reprimand, suspension, or disbarment, as the facts shall warrant; and that Petitioner have such other and further relief to which entitled, including costs of Court and attorney's fees.

Respectfully submitted,

James M. McCormack
General Counsel

Mary F. Klapperich
Assistant General Counsel
Office of the General Counsel
State Bar of Texas
1111 Fannin, Suite 1370
Houston, Texas 77002
(713) 759-6932
(713) 759-1932 FAX


MARY F. KLAPPERICH
State Bar No. 11550700

**ATTORNEYS FOR THE COMMISSION
FOR LAWYER DISCIPLINE**

95-35518
234th Ct

ORDER OF THE SUPREME COURT OF TEXAS

Misc Docket No. 95- 9164

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

The Supreme Court of Texas hereby appoints the Honorable Bill Bender, Judge of the 274th District Court of Guadalupe County, Texas, to preside in the Disciplinary Action styled:

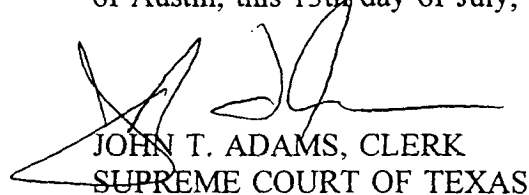
The Commission for Lawyer Discipline v. Morgan H. Johnson

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 13th day of July, 1995.


JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

3/29/96

Dear Mr. Willis,

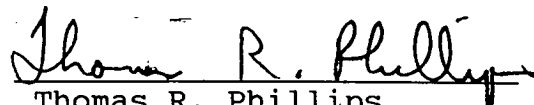
Judge Bender recused himself on this case last
Oct. Any word on a re-appointment?

Thank you,
Madeline

(713) 755-7593

This assignment, made by Misc. Docket No. 95-9164, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 17 day of July, 1995.


Thomas R. Phillips
Chief Justice

STATE BAR OF TEXAS



Office of the General Counsel

April 3, 1996

Mr. William L. Willis
Executive Assistant
The Supreme Court of Texas
Post Office Box 12248
Austin, Texas 78711

**RE: Commission for Lawyer Discipline v. Morgan H. Johnson; In the 234th
Judicial District Court of Harris County, Texas.**

Dear Mr. Willis:

I am writing to request that the court appoint another active district court judge who does not reside in the Administrative Judicial Region in which the Respondent, Morgan H. Johnson resides to preside in this case.

Honorable Bill Bender, Judge of the 274th Judicial District Court was originally appointed on July 17, 1995 by the Supreme Court. On September 5, 1995, I received a letter from Judge Bender stating that he was recusing himself from this case due to a judicial grievance complaint pending against him. On September 6, 1995, I responded to his letter by informing him that because he was appointed by the Supreme Court, he would need to contact your office regarding his recusal, so that the Court could then appoint another judge to preside over this matter. I am unaware if Judge Bender followed procedure to have another judge appointed; however, our office has not received notice of another district court judge appointment by the Supreme Court for this case.

As you know, Part III, Section 3.07 of the Texas Rules of Disciplinary Procedure, states that the courts shall set each Disciplinary Action to commence trial no later than 180 days after the date the Disciplinary Petition is filed with the District Clerk. This particular case was filed with the Harris County District Clerk on July 24, 1995, discovery has been completed and a trial date has been requested. Therefore, our office is requesting that the Supreme Court advise at your earliest convenience the status of a replacement judge to preside in this case.

If you have any questions or comments, please do not hesitate to contact me or my legal assistant, Giovanna C. Phillips at the telephone number listed. Thank you for your assistance in this matter.

Mr. William L. Willis, Executive Assistant
The Supreme Court of Texas
April 3, 1996
Page 2

Sincerely yours,



Mary F. Klapperich
Assistant General Counsel

MFK/gcp
enclosures

cc: Mr. Samuel R. Wilson
Attorney for Respondent
800 Gessner, Suite 254
Houston, Texas 77024

Madeleine Clifton
Alternate Trial Coordinator
Civil District Courts
301 Fannin, Room 510A
Houston, Texas 77002

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

STATE BAR OF TEXAS



Office of the General Counsel

September 6, 1995

Honorable Bill Bender
274th Judicial District Court
101 E. Court St.
Seguin, Texas 78155-5779

RE: Commission for Lawyer Discipline v. Morgan H. Johnson;
Cause No. 95-35518; in the 234th District Court of Harris
County, Texas

Dear Judge Bender:

I am in receipt of your letter dated September 1, 1995 referencing the above-styled cause of action in which you stated you were recusing yourself from this case. Since you were appointed by the Supreme Court of Texas to preside over this case, please contact them and inform them of your recusal from this case. The Court will then appoint another judge to preside over this matter.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Mary F. Klapperich".

Mary F. Klapperich
Assistant General Counsel

MFK/rr

cc: Sam R. Wilson
800 Gessner, Suite 254
Houston, Texas 77024



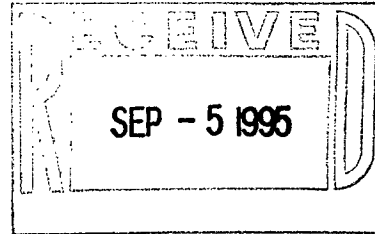
274th JUDICIAL DISTRICT
BILL BENDER
DISTRICT JUDGE
101 E. COURT ST.
SEGUIN, TEXAS 78155-5779
(210) 379-4188

COUNTIES OF:
GUADALUPE
COMAL
HAYS
CALDWELL

BONNIE C. MINATRA
OFFICIAL COURT REPORTER

KATHY PAPE
COURT COORDINATOR

Sept. 1, 1995



Ms. Mary F. Klapperich
Assistant General Counsel
State Bar of Texas
1111 Fannin, Suite 1370
Houston, Tx. 77002

Re: Cause #95-35518; Commission for Lawyer Discipline v. Morgan H. Johnson; in the 234th Judicial District Court of Harris Co., Texas

Dear Mrs. Klapperich,

I am in receipt of your letter dated 8-21-95 with reference to the above. I would like to point out that I presently have a grievance complaint pending against myself, therefore I feel it would be proper for me to reclude myself from the above referenced case.

Sincerely yours,

A handwritten signature in black ink that reads "Bill Bender". The signature is stylized and written in a cursive-like font.

Bill Bender
274th District Judge

BB:kp

cc: Harold W. Newell, Assistant Regional Counsel, Office of the Chief Disciplinary Counsel, State Bar of Texas, The 600 Building, 600 Leopard Street, Suite 1304, Corpus Christi, Tx. 78473

STATE BAR OF TEXAS



Office of the General Counsel

August 21, 1995

*Certified Mail No. Z-160 863 268,
Return Receipt Requested*

Honorable Bill Bender
Judge, 274th District Court
Guadalupe County Courthouse
101 East Court Street
Sequin, Texas 78155

Re: Cause No. 95-35518; Commission for Lawyer Discipline v. Morgan H. Johnson;
In the 234th Judicial District Court of Harris County, Texas

Dear Judge Bender:

I have received notice that you have been appointed by the Supreme Court of Texas to preside over this case. This is an attorney disciplinary action brought pursuant to the Texas Rules of Disciplinary Procedure. Part 3.07 requires a trial setting no later than 180 days after the date the Disciplinary Petition is filed with the District Clerk. This case was filed with the District Clerk on July 24, 1995. My calculations indicate that this case must be set for trial before January 23, 1996.

Please set this case for trial sometime before that date. Please be advised that I have a vacation letter on file with Harris County for the weeks of October 16 and October 23, 1995.

I am attaching copies of all the documents which have been filed in this case.

By copy of this letter, I am notifying Samuel R. Wilson, attorney for the Respondent, of my request for a trial setting, and I ask that he forward to you within three days of receipt of this letter his vacation schedule to help you determine a time to set this for trial.

Sincerely,

Mary F. Klapperich
Assistant General Counsel

The Honorable Bill Bender
Judge, 274 District Court
August 21, 1995
Page 2

MFK/gcp
Enclosures

cc: Madeleine Clifton
Alternate Trial Coordinator
Civil District Courts
301 Fannin, Room 510A
Houston, Texas 77002

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

Mr. Samuel R. Wilson
800 Gessner, Suite 254
Houston, Texas 77024
*Via Certified Mail No. Z-160 863 269,
Return Receipt Requested*



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

July 17, 1995

JUSTICES
RAUL A. GONZALEZ
JACK HIGHTOWER
NATHAN L. HECHT
JOHN CORNYN
BOB GAMMAGE
CRAIG ENOCH
ROSE SPECTOR
PRISCILLA R. OWEN

CLERK
JOHN T. ADAMS

EXECUTIVE ASS'T.
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T.
NADINE SCHNEIDER

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

Mr. Morgan H. Johnson
1418 Washington Ave.
Houston, Texas 77002

Dear Mr. McCormack and Mr. Johnson:

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 ~~Morgan H. Johnson~~, Judge of the 274th District Court, Seguin, Texas to preside in *Bill Bender*

Commission for Lawyer Discipline v. Morgan H. Johnson

Sincerely,

John T. Adams
(845)

John T. Adams
Clerk

*Should read
Bill Bender*



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

April 24, 1996

CLERK
JOHN T. ADAMS

EXECUTIVE ASST
WILLIAM L. WILLIS

ADMINISTRATIVE ASST
NADINE SCHNEIDER

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

Honorable Robert Garza
Judge, 138th District Court
Cameron County Courthouse
974 East Harrison Street
Brownsville, Texas 78520

Dear Judge Garza:

We enclose for your information a copy of the order of assignment, a copy of the notification letter to Mr. Johnson and Mr. McCormack, and a copy of the letter to the District Clerk of Harris County.

It is recommended that, soon after receipt of this letter, your coordinator contact the parties for a scheduling conference. At some point thereafter, your coordinator should contact the Harris County District Court Administrative Office (713-755-6576) 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

POST OFFICE BOX 12248 AUSTIN, TEXAS 78711

TEL: (512) 463-1312

FAX: (512) 463-1365

April 24, 1996

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

CLERK
JOHN T. ADAMS

EXECUTIVE ASS'T
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

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

Mr. Morgan H. Johnson
Attorney at Law
1418 Washington Avenue
Houston, Texas 77002

Dear Mr. McCormack and Mr. Johnson:

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 Robert Garza, Judge of the 138th District Court, Brownsville, Texas to preside in

Commission for Lawyer Discipline v. Morgan H. Johnson

Sincerely,

SIGNED

John T. Adams
Clerk



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: Docket No. 95-35518 The Commission for Lawyer Discipline v. Morgan H. Johnson, filed in the 234th District Court of Harris County, a copy of the Supreme Court's order appointing the Honorable Robert Garza, Judge of the 138th District Court, Brownsville, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Hon. Robert Garza
Mr. Morgan H. Johnson
Mr. James M. McCormack