

**ORDER OF THE SUPREME COURT OF TEXAS**

**Misc Docket No. 96- 9192**

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

The Supreme Court of Texas hereby appoints the Honorable Ogden Bass, Judge of the 300th District Court of Brazoria County, Texas, to preside in the Disciplinary Action styled:

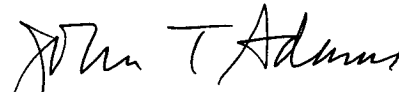
**The Commission for Lawyer Discipline v. Clarence C. Felder**

to be filed in a District Court of Bexar County, Texas.

The Clerk of the Supreme Court shall promptly forward to the District Clerk of Bexar 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 20th day of August, 1996.



JOHN T. ADAMS, CLERK<sub>ST</sub>  
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 96-9192, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 22 day of August, 1996.

  
Thomas R. Phillips  
Chief Justice

COPY

No. \_\_\_\_\_

COMMISSION FOR LAWYER  
DISCIPLINE

V.

CLARENCE C. FELDER

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§

IN THE DISTRICT COURT OF

BEXAR COUNTY, T E X A S

\_\_\_TH JUDICIAL DISTRICT

**DISCIPLINARY PETITION**

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now, Petitioner, COMMISSION FOR LAWYER DISCIPLINE, a committee of the State Bar of Texas, complaining of Respondent, CLARENCE C. FELDER, and in support thereof would respectfully show the Court the following:

**Parties**

Petitioner is the COMMISSION FOR LAWYER DISCIPLINE, a committee of the State Bar of Texas. Respondent, CLARENCE C. FELDER, State Bar Number 06884100, is an attorney licensed to practice law in the State of Texas and is a member of the State Bar of Texas. Respondent is a resident of Bexar County, Texas and may be served with process at 15227 San Pedro, San Antonio, Bexar County, Texas 78232, his usual place of business.

**Venue**

Respondent resides in and maintains his principal place of practice in Bexar County, Texas. The alleged professional misconduct occurred in Bexar County, Texas. Accordingly, pursuant to Texas Rules of Disciplinary Procedure 3.03, venue is proper in Bexar County, Texas.

## Professional Misconduct

### I.

Petitioner brings this disciplinary action pursuant to State Bar Act, Tex. Gov't. Code Ann., Sec. 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 this action was filed by Richard Franklin III on or about June 26, 1995. The acts and conduct of Respondent, as hereinafter alleged, constitute professional misconduct.

### II.

Respondent was retained by Richard Franklin III on or about December 5, 1992 regarding an employment dispute against Kentucky Fried Chicken and subsequently was retained on a real estate matter related to the sale of Mr. Franklin's home in Bexar County. Mr. Franklin paid Respondent \$4,000.00 to cover litigation expenses.

### III.

Respondent neglected the real estate matter by failing to complete and file the Deed of Trust and Warranty Deed in time to complete the sale of the real estate prior to foreclosure. As a result of Respondent's failure to complete the work on the real estate transaction, the real estate was sold at a foreclosure sale on or about November 1, 1994. After accepting employment on the real estate sale, Respondent failed to keep Mr. Franklin informed of the status of the matter and failed to explain matters to Mr. Franklin to the extent necessary for Mr. Franklin to make informed decisions regarding the representation. As a result of the foreclosure, Mr. Franklin was also subjected to a deficiency action in the amount of \$13,000.00.

IV.

Related to the employment law case against Kentucky Fried Chicken, Respondent failed to keep Mr. Franklin reasonably informed as to the status of case to the extent necessary to permit Mr. Franklin to make informed decisions regarding the representation.

V.

Respondent failed to keep safe Mr. Franklin's property and documents which were intrusted to him during the course of the representation by misplacing the majority of Mr. Franklin's file and original documents. Respondent has failed to provide to Mr. Franklin his entire file after having been requested to do so.

VI.

Upon receipt of the settlement proceeds from the Kentucky Fried Chicken case, Respondent failed to deposit the funds into a "trust" or "escrow" account or an account qualifying as an IOLTA account. Respondent further failed to safe keep the settlement proceeds by giving to Mr. Franklin a check for his share of the settlement proceeds which was returned by the bank for insufficient funds.

VII.

During the investigation of Mr. Franklin's account, the District 10A Grievance Committee subpoenaed certain documents necessary for the review of this complaint. Respondent failed to timely produce the documents and failed to respond to the Grievance Committee's request for information. Further, Respondent failed to appear before the Grievance Committee at its hearing set for March 13, 1996 despite a subpoena commanding his appearance.

## VIII.

The conduct of Respondent described above constitutes a violation of the following Texas Disciplinary Rules of Professional Conduct:

Rule 1.01(b)(1) -- In representing a client, a lawyer shall not neglect a legal matter entrusted to the lawyer.

Rule 1.01(b)(2) -- In representing a client, a lawyer shall not frequently fail to carry out completely the obligations that the lawyer owes to a client.

Rule 1.03(a) -- A lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.

Rule 1.03(b) -- A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

Rule 1.14(a) -- A lawyer shall hold funds and other property belonging in whole or in part to clients or third persons that are in a lawyer's possession in connection with a representation separate from the lawyer's own property. Such funds shall be kept in a separate account, designated as a "trust" or "escrow" account \* \* \* \*

Rule 1.15(d) -- Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as \* \* \* surrendering papers and property (client's file) to which the client is entitled.

Rule 8.04(a)(10) -- A lawyer shall not fail to timely furnish to the Chief Disciplinary Counsel's office or a district grievance committee a response or other information as required by the Texas Rules of Disciplinary Procedure, unless he or she in good faith timely asserts a privilege or other legal ground for failure to do so.

### PRAYER


WHEREFORE, PREMISES CONSIDERED, Petitioner prays that a judgment of professional misconduct be entered against Respondent imposing an appropriate sanction as the facts shall warrant and that Petitioner have such other relief to which it is entitled, including costs of court and attorney's fees.

Respectfully submitted,

James M. McCormack  
General Counsel

James Ehler  
Assistant General Counsel

Office of the General Counsel  
State Bar of Texas  
425 Soledad, Suite 300  
San Antonio, Texas 78205  
Telephone: (210) 271-7881  
Telecopier: (210) 271-9642

A handwritten signature in black ink, appearing to read "James Ehler", written over a horizontal line.

James Ehler  
State Bar No. 06484650  
ATTORNEYS FOR PETITIONER

# STATE BAR OF TEXAS



CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
P 426 178 013

Office of the General Counsel  
Regional Office  
Soledad Plaza West  
425 Soledad, Suite 300  
San Antonio, Texas 78205  
(210) 271-7881  
FAX: (210) 271-9642

July 8, 1996

John T. Adams, Clerk  
Supreme Court of Texas  
P.O. Box 12248  
Austin, Texas 78711

RE: Commission for Lawyer Discipline v. Clarence C. Felder; In the District Courts  
of Bexar County, Texas

Dear Mr. Adams:

Enclosed please find an original and two (2) copies of a Disciplinary Petition being filed by the Commission for Lawyer Discipline against Clarence C. Felder. Mr. Felder has designated Bexar County as his principal place of practice. Request is hereby made that the Court appoint an active District Judge who does not reside in the Administrative Judicial Region in which Respondent practices to preside in this case. Upon appointment, request is made that you notify the Respondent at the address shown below and the undersigned of the identity and address of the judge assigned:

Clarence C. Felder  
15227 San Pedro Ave.  
San Antonio, Texas 78232-3717

As a practical matter, I would respectfully suggest that you inquire with the judge to be appointed as to whether he or she will be able to comply with the 180 day deadline by which the case must be set for trial as set forth in Section 3.07 of the Texas Rules of Disciplinary Procedure. If not, I would respectfully request that an alternate appointment be made.

Once a trial judge has been appointed, please forward the original and two (2) copies of the Disciplinary Petition and the filing fee check, also enclosed herewith, and the Court's appointing order to the District Clerk of Bexar County, Texas, with the request that the suit be filed, service be obtained, and a filemarked copy of the petition returned to the undersigned.



Also enclosed are a pre-addressed envelope for your use in transmitting the petition, etc., to the District Clerk of Bexar County, Texas and a return envelope to be sent to the District Clerk of Bexar County, Texas, for the Clerk's use in returning a filemarked copy of the petition to the undersigned.

Thank you for your courtesies in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Ehler". The signature is written in a cursive style with a large initial "J" and a long, sweeping underline.

James Ehler  
Assistant General Counsel

Enclosures

JE/mc



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

September 13, 1996

Mr. Steve Young  
General Counsel, State Bar of Texas  
P.O. Box 12487  
Austin, Texas 78711

Mr. Clarence C. Felder  
15227 San Pedro Avenue  
San Antonio, Texas 78232-3717

Dear Mr. Young and Mr. Felder:

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 Ogden Bass, Judge of the 300th District Court, Angleton, Texas to preside in

Commission for Lawyer Discipline v. Clarence C. Felder

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

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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

September 13, 1996

The Honorable David J. Garcia  
District Clerk of Bexar County  
100 Dolorosa Street  
San Antonio, Texas 78205-1205

Dear Mr. Garcia:

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. Clarence C. Felder, and a copy of the Supreme Court's order appointing the Honorable Ogden Bass, Judge of the 300th District Court, Angleton, Texas, to preside in this Disciplinary Action.

Sincerely,

**SIGNED**

John T. Adams  
Clerk

cc: Hon. Ogden Bass  
Mr. Clarence C. Felder  
Mr. Steve Young



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

September 13, 1996

Honorable Ogden Bass  
Judge, 300th District Court  
111 E Locust Street. #404  
Angleton, Texas 77515-4678

Dear Judge Bass:

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. Felder and Mr. Young and a copy of the letter to the District Clerk of Bexar County.

It is recommended that, six to eight weeks after receipt of this letter, you or your coordinator contact the Bexar County Administrative Office (210-220-2300) to find out the district court to which this disciplinary case has been assigned, names and addresses of counsel, etc. We then recommend that, either before or immediately after you set the case for trial, you contact the Presiding Judge of the Administrative Judicial Region into which you have been assigned (210-769-3519) to reserve a courtroom, obtain a court reporter, obtain claims forms for your expenses incident to presiding over this disciplinary case.

Sincerely,

**SIGNED**

John T. Adams  
Clerk