

ORDER OF THE SUPREME COURT OF TEXAS

Misc Docket No. 97- 9054

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

The Supreme Court of Texas hereby appoints the Honorable Gerry Meier, Judge of the 291st District of Dallas County, Texas, to preside in the Disciplinary Action styled:


The Commission for Lawyer Discipline v. Dennis W. Richards

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,

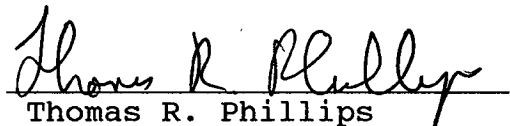
with the Seal thereof affixed at the City
of Austin, this 11th day of March, 1997.



JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 9-9054, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 11 day of March, 1997.


Thomas R. Phillips
Chief Justice

COPY

CAUSE NO. _____

COMMISSION FOR LAWYER DISCIPLINE	§	IN THE DISTRICT COURT OF
v.	§	HARRIS COUNTY, TEXAS
DENNIS W. RICHARDS	§	_____ 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, Dennis W. Richards (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 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 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 5177 Richmond Avenue, Suite 1250, Houston, Harris County, Texas, 77056.

III.

In or around May 1993, Brenda K. Gates (hereinafter called "Gates") retained Respondent to represent her in a personal injury case on a contingency basis.

IV.

In or around November 1994, Gates informed Respondent that the statute of limitations on her case would expire on November 19, 1994. Thereafter, Respondent wrote Gates a check on her settlement, dated November 23, 1994, and in the amount of \$499.75, which was returned for insufficient funds. Further, the check was written on Respondent's operating account and not a trust account.

V.

Afterwards, Gates demanded that Respondent prove that the medical providers and property damage had been paid. Respondent produced three checks to show that payment had been made: Check number 1296, dated November 23, 1994, in the amount of \$2,000.00, was made payable to G.E. Capital; check number 1297, dated November 23, 1994, in the amount of \$190.00, was made payable to the City of Houston Fire Department; and, check number 1295, dated November 23, 1994, in the amount of \$467.25, was made payable to Memorial Hospital. Again, each check was written on Respondent's operating account, and not his trust account. Thereafter, Gates called each business and was told that as of January 13, 1995, they had not been paid. On or about January 26, 1995, Respondent placed a stop payment on all three checks.

VI.

Gates demanded to know the amount of the settlement, but Respondent refused to disclose that amount to her.

VII.

In or around November 1994, Respondent finally told Gates that the case had settled in July 1994. In fact, Respondent received two settlement checks, one from State Farm on or about July 13, 1994, in the amount of \$3,000.00, and one from State Farm on or about July 29, 1994, in the amount of \$1,597.00. Additionally, Respondent did not place these funds in a separate account designated as a "trust account."

VIII.

Further, Respondent made a false statement to the State Bar of Texas District 4J Grievance Committee when, in his written response to the allegations made by Gates, he stated that he had resolved the complaint, and Gates wanted to withdraw her grievance against him.

IX.

The acts and/or omissions of the Respondent described in Paragraphs III-VIII above, which occurred on or after January 1, 1990, constitute conduct in violation of Rules 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], 1.14(a)[a lawyer shall hold funds and other property belonging in whole or in part to clients or third persons in a lawyer's possession separate from the lawyer's own property], 1.14(b)[upon receiving funds or other property in which a client or third person has an interest, a lawyer shall promptly notify the

client or third person; a lawyer shall promptly deliver to the client or third person any funds or other property that the client or third person is entitled to receive, and upon request by the client or third person, shall promptly render a full accounting regarding such property],

8.01(a)[a lawyer shall not knowingly make a false statement of material fact in connection with a disciplinary matter], and **8.04(a)(3)**[a lawyer shall not engage in conduct involving dishonesty, fraud, deceit or misrepresentation] of the Texas Disciplinary Rules of Professional Conduct.

X.

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 Brenda K. Gates' filing of a complaint on or about January 18, 1995.

Prayer

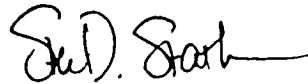
WHEREFORE, PREMISES CONSIDERED, Petitioner the Commission for Lawyer Discipline respectfully prays that this Court discipline Respondent Dennis W. Richards, as the facts shall warrant; and that the Petitioner have all other relief to which it may show itself to be justly entitled, including costs of court and attorney's fees.

Respectfully submitted,

Steven W. Young
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) 752-2158



STEPHEN D. STATHAM
State Bar No. 19082500

ATTORNEYS FOR THE COMMISSION
FOR LAWYER DISCIPLINE

STATE BAR OF TEXAS



Office of the General Counsel

February 4, 1997

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

Re: Commission for Lawyer Discipline v. Dennis W. Richards

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 Dennis W. Richards. Mr. Richards has designated Harris County, Texas 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 hereby made that you notify the Respondent at the address shown below and the undersigned of the identity and address of the judge assigned:

Dennis W. Richards
5177 Richmond Avenue, Suite 1250
Houston, Texas 77056.

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 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, the Civil Case Information Sheet, and the filing fee check, also enclosed herewith, and the Court's appointing order to the District Clerk of Harris County, Texas, with the request that the suit be filed, citation be issued, and citation, along with a file-stamped copy of the petition be returned to the undersigned.

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

Mr. John T. Adams, Clerk
Supreme Court of Texas
February 4, 1997
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If you have any questions, please contact me. Thank you for your assistance.

Very truly yours,

A handwritten signature in cursive script, appearing to read "S.D. Statham".

Stephen D. Statham
Assistant General Counsel

SDS/sml
enclosures



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 ASS'T
NADINE SCHNEIDER

MAR 17 1997

Mr. Stephen D. Statham
Assistant General Counsel, State Bar of Texas
1111 Fannin, Suite 1370
Houston, Texas 77002.

Mr. Dennis W. Richards
5177 Richmond Avenue, Suite 1250
Houston, Texas 77056

Dear Mr. Statham and Mr. Richards:

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 Gerry Meier, Judge of the 291st District Court of Dallas, Texas to preside in

Commission for Lawyer Discipline v. Dennis W. Richards

Sincerely,

SIGNED

John T. Adams
Clerk



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

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JAMES A. BAKER
GREG ABBOTT

EXECUTIVE ASS'T
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

MAR 17 1997

Honorable Gerry Meier
Judge, 291st District Court
133 N. Industrial Blvd., LB 34
Dallas, Texas 75207

Dear Judge Meier:

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. Statham and Mr. Richards 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

POST OFFICE BOX 12248 AUSTIN, TEXAS 78711

CLERK
JOHN T. ADAMS

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TEL: (512) 463-1312

FAX: (512) 463-1365

EXECUTIVE ASS'T
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

MAR 17 1997

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. Dennis W. Richards, and a copy of the Supreme Court's order appointing the Honorable Gerry Meier, Judge of the 291st District Court of Dallas, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Hon. Gerry Meier
Mr. Stephen D. Statham
Mr. Dennis W. Richards