

**ORDER OF THE SUPREME COURT OF TEXAS**

**Misc Docket No. 97- 9116**

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

The Supreme Court of Texas hereby appoints the Honorable David Berchelmann, Jr., Judge of the 37th District Court of Bexar County, Texas, to preside in the Disciplinary Action styled:

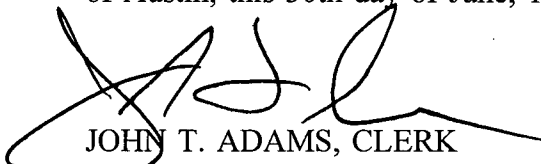
**The Commission for Lawyer Discipline v. Clifford Stuart Abel**

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,

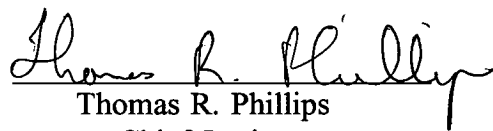
with the Seal thereof affixed at the City  
of Austin, this 30th day of June, 1997.



JOHN T. ADAMS, CLERK  
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 97-9116, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 30 day of June, 1997.

  
Thomas R. Phillips  
Chief Justice

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

COMMISSION FOR LAWYER DISCIPLINE	§	IN THE DISTRICT COURT OF
V.	§	HARRIS COUNTY, TEXAS
CLIFFORD STUART ABEL	§	_____ JUDICIAL DISTRICT

**DISCIPLINARY PETITION**

TO THE HONORABLE JUDGE OF THE COURT:

The Commission for Lawyer Discipline ("Petitioner"), a permanent committee of the State Bar of Texas, files this Disciplinary Petition against Clifford Stuart Abel ("Respondent"), an attorney licensed to practice law in the State of Texas, showing the Court as follows:

**1. THIS SUIT IS AN ATTORNEY DISCIPLINARY ACTION.**

The Petitioner brings this disciplinary action pursuant to the State Bar Act, the Texas Government Code §81.001, 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.

**2. VENUE IS PROPER IN HARRIS COUNTY, TEXAS.**

The Respondent is an attorney licensed to practice law in Texas and is a member of the State Bar of Texas. The Respondent is a resident of Harris County, Texas. The Respondent's principal place of practice is in Harris County, Texas. Therefore, venue is appropriate in Harris County, Texas.

**3. THE PETITIONER REQUESTS ISSUANCE OF CITATION AND SERVICE OF PROCESS UPON RESPONDENT.**

The Petitioner requests the Harris County District Clerk to issue citation against the

Respondent. In addition, the Petitioner requests the Harris County District Clerk to forward the citation to Petitioner's Attorney of Record so service by a private process server can be perfected. The Respondent can be served at his business address at 1301 Leeland, Suite 300, Houston, Texas 77002.

**4. PURSUANT TO PART III OF THE TEXAS RULES OF DISCIPLINARY PROCEDURE, THE PETITIONER REQUESTS THIS COURT TO DISCIPLINE THE RESPONDENT FOR ACTS OF PROFESSIONAL MISCONDUCT.**

**4.01 THE RESPONDENT VIOLATED RULE 1.03(a) OF THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT.**

4.02 On or about October 1, 1993, Franchelle Tynetta Brooks ("Brooks") retained Respondent to represent her in a civil claim against a day care center. From October 1, 1993, through July 10, 1995, Brooks made many phone calls to Respondent. Brooks made these phone calls to Respondent to ask about the status of her case. However, Respondent failed to return any of Brooks' phone calls. In addition, Respondent failed to keep Brooks reasonably informed about the status of her legal matter.

**4.03 THE RESPONDENT VIOLATED RULE 1.01(b)(1) OF THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT.**

4.04 On or about October 1, 1993, Brooks retained Respondent to represent her in a civil claim against a day care center. From October 1, 1993 through July 10, 1995, Respondent failed to take any action for Brooks.

**4.05 THE RESPONDENT VIOLATED RULE 1.01(b)(1) OF THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT.**

4.06 On or about May 28, 1995, Judy C. Peck ("Peck") retained Respondent to represent her in a claim against Gateway Homes, Inc. ("Gateway"). Peck paid

Respondent \$750.00 to begin the representation. On or about June 15, 1995, approximately two weeks after being retained by Peck, Respondent placed himself in Gulf Pines Psychiatric Center ("Gulf Pines") for drug abuse treatment. Respondent remained at Gulf Pines for forty days. During this time Respondent failed to take any action for Peck.

**4.07** On or about July 30, 1995, Respondent was discharged from Gulf Pines. After being released from Gulf Pines Respondent failed to take any actions for Peck. On or about August 9, 1995, Respondent was placed in jail for violating his conditions of bond. Respondent was placed in jail for eighty-one days. While Respondent was placed in jail, he took no actions for Peck. From May 28, 1995, through September 29, 1995, Respondent failed to take any actions for Peck. Respondent neglected Peck's legal matter entrusted to Respondent.

**4.08 THE RESPONDENT VIOLATED RULE 1.03(a) OF THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT.**

**4.09** On or about May 28, 1995, Judy C. Peck ("Peck") retained Respondent to represent her in a claim against Gateway Homes, Inc. ("Gateway"). Peck paid Respondent \$750.00 to begin the representation. After that, Peck made many reasonable requests for information to Respondent. However, Respondent failed to respond to Peck's reasonable requests for information.

**4.10 THE RESPONDENT VIOLATED RULE 1.01(b)(1) OF THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT.**

**4.11** On or about March 7, 1995, Jill Burson ("Burson") retained Respondent to represent her in a divorce. On that same date, Burson paid Respondent \$500.00 to

begin the representation. Later that same day, Respondent filed a petition for divorce for Burson. After that, Respondent failed to take any actions for Burson. Respondent neglected the legal matter entrusted to him by Burson.

**4.12 THE RESPONDENT VIOLATED RULE 1.03(a) OF THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT.**

**4.13** On or about March 7, 1995, ("Burson") retained Respondent to represent her in a divorce. On that same date, Burson paid Respondent \$500.00 to begin the representation. Later that same day, Respondent filed a petition for divorce for Burson. After that, Burson made many reasonable requests to Respondent for information. However, Respondent failed to respond to Burson's requests.

**4.14 THE RESPONDENT VIOLATED RULE 1.01(b)(1) OF THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT.**

**4.15** On or about the 9th day of December 1994, William F. Johnson ("Johnson") retained Respondent to represent him in a Deceptive Trade Practices Act ("DTPA") claim against Jay Marks Mazda ("JMM"). On that same day, Respondent received a \$2,500.00 retainer from Johnson. After that, Respondent failed to take any actions for Johnson.

**4.16 THE RESPONDENT VIOLATED RULE 1.03(a) OF THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT.**

**4.17** On or about the 9th day of December 1994, William F. Johnson ("Johnson") retained Respondent to represent him in a Deceptive Trade Practices Act ("DTPA") claim against Jay Marks Mazda ("JMM"). On that same day, Respondent received a \$2,500.00 retainer from Johnson. After that, Johnson made many reasonable requests

for information to Respondent. However, Respondent did not respond to Johnson's requests for information.

**4.18 THE RESPONDENT VIOLATED RULE 1.14(a) OF THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT.**

4.19 On or about the 9th day of December 1994, William F. Johnson ("Johnson") retained Respondent to represent him in a Deceptive Trade Practices Act ("DTPA") claim against Jay Marks Mazda ("JMM"). On that same day, Respondent received a \$2,500.00 refundable retainer from Johnson. Respondent failed to keep these funds separate from his own.

**4.20 THE RESPONDENT VIOLATED RULE 1.01(b)(1) OF THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT.**

4.21 On or about the 3rd day of August 1994, Diana M. Beall ("Beall") retained Respondent to represent her in an employment discrimination matter. On or about November 9, 1994, Respondent filed suit in the United States District Court for the Southern District of Texas on behalf of Beall. Subsequently, the Defendant in the lawsuit filed a Motion for Summary Judgment. Respondent failed to file a response to the Defendant's Motion for Summary Judgment. On or about the 12th day of July 1995, the Defendant's Motion for Summary Judgment was granted. Due to Respondent's neglect, Beall's claims were lost.

**4.22 THE RESPONDENT VIOLATED RULE 1.14(a) OF THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT.**

4.23 In and around 1991, Larry R. Anderson ("Anderson") retained Respondent to represent him in a legal claim for insurance fraud. On or about September 21, 1992,

Respondent settled Anderson's claim for \$15,000.00. Thereafter, Respondent deposited the settlement check into one of his accounts. However, Respondent failed to keep the settlement proceeds separate from his own funds.

**5. PRAYER**

The Petitioner prays that this Court disciplines Respondent by disbarment, suspension or reprimand, as the facts shall warrant. In addition, the Petitioner requests all other relief to which it may show itself to be justly entitled, including costs of court and attorney's fees.

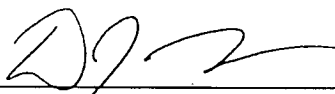


Respectfully submitted,

Steven W. Young  
General Counsel

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) 752-2158



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DIEGO J. VARGAS  
State Bar No. 00791847

ATTORNEYS FOR PETITIONER/ THE COMMISSION FOR  
LAWYER DISCIPLINE

# STATE BAR OF TEXAS



Office of the General Counsel

June 4, 1997

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

*Re: Commission for Lawyer Discipline v. Clifford Stuart Abel*

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 Clifford Stuart Abel. Mr. Abel 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:

Clifford Stuart Abel  
c/o Law Offices of Willie & Willie  
1301 Leland Street, #210  
Houston, Texas 77002

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

Mr. John T. Adams, Clerk  
Supreme Court of Texas  
June 4, 1997  
Page 2

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the District Clerk of Harris County, Texas, for the Clerk's use in returning a filemarked copy of the petition to the undersigned.

If you have any questions, please contact me. Thank you for your assistance.

Very truly yours,



Diego J. Vargas  
Assistant General Counsel

DJV/lp  
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 ASS'T  
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T  
NADINE SCHNEIDER

July 3, 1997

Mr. Diego J. Vargas  
Assistant General Counsel, State Bar of Texas  
1111 Fannin, Suite 1370  
Houston, Texas 77002

Mr. Clifford Stuart Abel  
c/o Law Offices of Willie & Willie  
1301 Leland Street, #210  
Houston, Texas 77002

Dear Mr. Vargas and Mr. Abel:

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 David Berchelmann, Judge of the 37<sup>th</sup> District Court of San Antonio, Texas to preside in

Commission for Lawyer Discipline v. Clifford Stuart Abel

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

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CLERK  
JOHN T. ADAMS

EXECUTIVE ASS'T  
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T  
NADINE SCHNEIDER

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

July 3, 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. Clifford Stuart Abel, and a copy of the Supreme Court's order appointing the Honorable David Berchermann, Jr., Judge of the 37<sup>th</sup> District Court of San Antonio, Texas, to preside in this Disciplinary Action.

Sincerely,

**SIGNED**

John T. Adams  
Clerk

cc: Hon. David Berchermann, Jr.  
Mr. Clifford Stuart Abel  
Mr. Diego J. Vargas



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE  
THOMAS R. PHILLIPS

POST OFFICE BOX 12248      AUSTIN, TEXAS 78711

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

July 3, 1997

Honorable David Berchelmann, Jr.  
Judge, 37<sup>th</sup> District Court  
100 Dolorosa Street  
San Antonio, Texas 78205

Dear Judge Berchelmann:

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. Vargas and Mr. Abel, 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