

ORDER OF THE SUPREME COURT OF TEXAS

Misc Docket No. 97-9236

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

The Supreme Court of Texas hereby appoints the Honorable Cynthia Stevens Kent, Judge of the 114th District Court of Smith County, Texas, to preside in the Disciplinary Action styled:

The Commission for Lawyer Discipline v. W. Torrance Fides, 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,

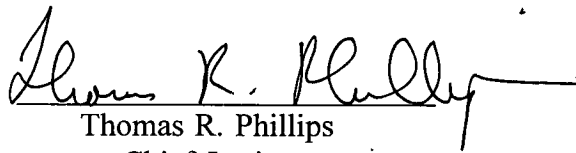
with the Seal thereof affixed at the City
of Austin, this 30th day of December, 1997.

A handwritten signature in black ink, appearing to read "J. Adams", written over a circular stamp or seal.

JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 97-9236, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 5 day of January, 1998.

A handwritten signature in cursive script, reading "Thomas R. Phillips", with a long horizontal flourish extending to the right.

Thomas R. Phillips
Chief Justice

NO. _____

COMMISSION FOR LAWYER DISCIPLINE	§	IN THE DISTRICT COURT OF
	§	
VS	§	HARRIS COUNTY, TEXAS
	§	
W. TORRANCE FIDDES, JR.	§	_____ JUDICIAL DISTRICT

ORIGINAL 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, W. Torrance Fiddes, Jr., 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 320 Main @ Preston, Suite 300, Houston, Harris County, Texas 77002.

III.

Pearlie F. Burton, hired Respondent, W. Torrance Fiddes, Jr., on or about June

2, 1994 to represent her in an employment related lawsuit against the Harris County, Texas Sheriff's Department. Ms. Burton paid Respondent Three Thousand Dollars (\$3,000.00) for attorneys' fees and Two Thousand Dollars (\$2,000.00) for expert witness fees. Ms. Burton complained that Respondent would not communicate with her about the status of her lawsuit.

On or about March 15, 1996, the Court entered judgment against Ms. Burton when it granted the Motion for Summary Judgment filed by the Defendant, the Harris County Sheriff's Department. Respondent failed to notify his client, Pearlie F. Burton, that the Motion for Summary Judgment had been filed. She was not aware of the hearing on the Motion. Respondent then failed to notify his client and tell her, her case had been dismissed by the Court when it granted the Motion for Summary Judgment. Ms. Burton learned of the dismissal on or about September 24, 1996 when she called the court to check on the status of her lawsuit.

Ms. Burton sent a letter to the Respondent demanding the return of her file. Respondent received the letter on or about October 4, 1996. Respondent has not returned Ms. Burton's client file to her.

After receiving the complaint filed against Respondent by Ms. Burton, the State Bar of Texas sent a letter to the Respondent notifying him of the complaint, and instructing him to file a written response to the allegations contained in the complaint within thirty (30) days of his receipt of the notice of the complaint. Respondent received the notice on or about December 4, 1996. Respondent wholly failed to respond to that notice.

IV.

By failing to pursue the prosecution of his client's lawsuit, and by failing to keep his client, Pearlie Burton, advised of the status of her legal matter, Respondent engaged in conduct in violation of Rules **1.01(b)(1)**[in representing a client, a lawyer shall not neglect a legal matter entrusted to the lawyer]; **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 or clients]; **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]; **1.03(b)**[a lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation]; **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 giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled]; and **8.04(a)(1)**[a lawyer shall not knowingly violate the Texas Disciplinary Rules of Professional Conduct] of the Texas Disciplinary Rules of Professional Conduct, and of Rule 1.06(Q) of the Texas Rules of Disciplinary Procedure.

By failing to respond to the request for information sent to him by the State Bar of Texas, Respondent engaged in conduct in violation of Rule **8.04(a)(8)**[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]of the Texas Disciplinary Rules of Professional

Conduct, and of Rule 1.06(Q) of the Texas Rules of Disciplinary Procedure.

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 by Pearlie F. Burton on or about November 12, 1996.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Petitioner prays for judgment that Respondent, W. Torrance Fiddes, Jr., 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.

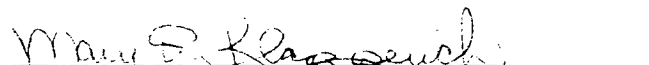
Respectfully submitted,

Steven W. Young
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) 752-2158 FAX



MARY F. KLAPPERICH
State Bar of Texas No. 11550700

ATTORNEYS FOR PETITIONER

STATE BAR OF TEXAS



Office of the General Counsel

November 24, 1997

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

Re: Commission for Lawyer Discipline v. W. Torrance Fiddes, Jr.

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 W. Torrance Fiddes, Jr. Mr. Fiddes 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:

W. Torrance Fiddes, Jr.
320 Main at Preston, Suite 300
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.

Mr. John T. Adams, Clerk
Supreme Court of Texas

DATE

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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.

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

Very truly yours,



Mary F. Klapperich
Assistant General Counsel

MFK/rr
enclosures



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

POST OFFICE BOX 12248 AUSTIN, TEXAS 78711

CLERK
JOHN T. ADAMS

JUSTICES
RAUL A. GONZALEZ
NATHAN L. HECHT
CRAIG T. ENOCH
ROSE SPECTOR
PRISCILLA R. OWEN
JAMES A. BAKER
GREG ABBOTT
DEBORAH G. HANKINSON

TEL: (512) 463-1312

FAX: (512) 463-1365

EXECUTIVE ASS'T
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

JAN 09 1998

Honorable Cynthia Stevens Kent
Judge, 114th District Court
P.O. Box 488
Quitman, Texas 75783

Dear Judge Kent:

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. Fiddes and Ms. Klapperich, 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

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CLERK
JOHN T. ADAMS

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EXECUTIVE ASST
WILLIAM L. WILLIS

ADMINISTRATIVE ASST
NADINE SCHNEIDER

JAN 09 1998

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

Mr. W. Torrance Fiddes, Jr.
320 Main at Preston, Suite 300
Houston, Texas 77002

Dear Ms. Klapperich and Mr. Fiddes:

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 Cynthia Stevens Kent, Judge of the 114th District Court of Quitman, Texas to preside in

Commission for Lawyer Discipline v. W. Torrance Fiddes, Jr.

Sincerely,

SIGNED

John T. Adams
Clerk



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

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JOHN T. ADAMS

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GREG ABBOTT
DEBORAH G. HANKINSON

EXECUTIVE ASS'T
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

JAN 09 1998

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. W. Torrance Fiddes, Jr. and a copy of the Supreme Court's order appointing the Honorable Cynthia Stevens Kent, Judge of the 114th District Court of Quitman, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Hon. Cynthia Stevens Kent
Ms. Mary F. Klapperich
Mr. W. Torrance Fiddes, Jr.