

**ORDER OF THE SUPREME COURT OF TEXAS**

**Misc Docket No. 98-9024**

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

The Supreme Court of Texas hereby appoints the Honorable J. Richard Hall, Judge of the 270th District Court of Harris County, Texas, to preside in the Disciplinary Action styled:

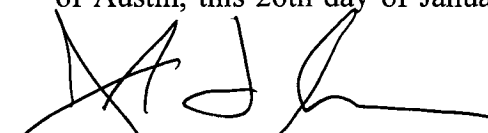
**The Commission for Lawyer Discipline v. William E. Stallings**

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

The Clerk of the Supreme Court shall promptly forward to the District Clerk of McLennan 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,

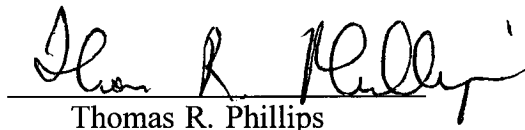
with the Seal thereof affixed at the City  
of Austin, this 26th day of January, 1998.



JOHN T. ADAMS, CLERK  
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 98-9024, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 30 day of January, 1998.

A handwritten signature in cursive script, reading "Thomas R. Phillips". The signature is written in black ink and is positioned above a horizontal line.

Thomas R. Phillips  
Chief Justice

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

TO CLERK: "FILE MARK  
THIS COPY AND RETURN"

COMMISSION FOR LAWYER DISCIPLINE	§	IN THE DISTRICT COURT OF
V.	§	McLENNAN COUNTY, TEXAS
WILLIAM E. STALLINGS	§	_____ 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, William E. Stallings (hereinafter called "Respondent"), 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 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, McLennan County, Texas. An officer may serve citation on Respondent at 600 Austin Avenue, Suite 12, Waco, McLennan County, Texas 76703.

**FIRST CAUSE OF ACTION**

**III.**

On or about April 5, 1995, William E. Stallings (hereinafter referred to as the "Respondent") wrote two (2) trust account checks each in the amount of \$4,500.00 to R.D. Plunkett knowing at the time that there were insufficient funds in his trust account to cover the

checks and knowing that neither Respondent nor R.D. Plunkett were the owner of funds contained in the trust account. On Friday, April 7, 1995, R.D. Plunkett went to Chapman's Check Cashing Service and cashed the checks. Therefore, Respondent knowingly wrote checks totaling \$9,000.00 with insufficient funds in the account to cover the same.

#### IV.

Such acts and/or omissions on the part of Respondent as are described in Paragraph III hereinabove which occurred on or after January 1, 1990, constitute conduct violative of Rules 1.14 and 8.04(a)(1), 8.04(a)(2), and 8.04(a)(3) of the Texas Rules of Professional Conduct.

#### V.

The complaint which forms the basis of the cause of action hereinabove set forth was brought to the attention of the Office of the General Counsel of the State Bar of Texas by a complaint filed by Doris Heard or about January 31, 1997.

### **SECOND CAUSE OF ACTION**

#### VI.

Respondent failed to comply with the conditions detailed in paragraph 12 of the Agreed Judgment of Partially Probated Suspension accepted by Respondent on August 22, 1996. Said Judgment requires Respondent to perform a monthly reconciliation of his IOLTA bank account and to submit a copy to the Chief Disciplinary Counsel, State Bar of Texas. No such reconciliations were performed or submitted as required for the period September 1996 through March 1997.

#### VII.

Such acts and/or omissions on the part of Respondent as are described in Paragraph VI hereinabove which occurred on or after January 1, 1990, constitute conduct violative of Rules 8.04(a)(1) and 8.04(a)(7) of the Texas Rules of Professional Conduct.

**VIII.**

The complaint which forms the basis of the cause of action hereinabove set forth was brought to the attention of the Office of the General Counsel of the State Bar of Texas by a complaint filed by State Bar of Texas or about May 27, 1997.

**PRAYER**


WHEREFORE, PREMISES CONSIDERED, Petitioner prays for judgment that Respondent be disciplined as the facts shall warrant; and that Petitioner have such other relief to which entitled, including costs of Court and attorney's fees.

Respectfully submitted,

Steven W. Young  
General Counsel

J.G. Molleston  
Assistant General Counsel

Office of the General Counsel  
STATE BAR OF TEXAS  
201 Main Street, Suite 1150  
Fort Worth, TX 76102  
817/877-4993  
817/335-4249 (FAX)

  
\_\_\_\_\_  
J.G. Molleston  
State Bar Card No. 00795924

ATTORNEYS FOR PETITIONER

# STATE BAR OF TEXAS



Office of the Chief Disciplinary Counsel

December 19, 1997

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

Re: Commission for Lawyer Discipline v. William E. Stallings

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 William E. Stallings. Mr. Stallings has designated McClennan 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 resides 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:

William Earl Stallings  
P.O. Box 2127  
Waco, McClennan County, Texas

As a practical matter, I would respectfully suggest that you inquire with the judge to be appointed as to: (1) 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; and (2) whether he or she can accommodate compliance with *Mellon Service Co., et al v. Touche Ross Co.*, 946 S.W.2d 862 (Tex. App. - Houston [14th Dist.] 1997), which requires that all proceedings incident to a case occur in the county of proper venue. 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 filing fee check, also enclosed herewith, and the Court's appointing order to the District Clerk of McClennan County, Texas, with the request that the suit be filed, service be obtained, and a file-marked copy of the petition be returned to the undersigned.

Mr. John Adams  
December 19, 1997  
Page Two

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

Thank you for your courtesies in this matter.

Sincerely,

A handwritten signature in black ink, appearing to be 'J.G. Molleston', written over a horizontal line.

J.G. Molleston  
Assistant General Counsel  
Office of the Chief Disciplinary Counsel  
State Bar of Texas

JGM/sg

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  
CRAIG T. ENOCH  
ROSE SPECTOR  
PRISCILLA R. OWEN  
JAMES A. BAKER  
GREG ABBOTT  
DEBORAH G. HANKINSON

EXECUTIVE ASS'T  
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T  
NADINE SCHNEIDER

February 6, 1998

The Honorable Joe Johnson  
District Clerk of McLennan County  
P.O. Box 2451  
Waco, Texas 76703-2451

Dear Mr. Johnson:

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. William E. Stallings and a copy of the Supreme Court's order appointing the Honorable J. Richard Hall, Judge of the 270<sup>th</sup> District Court, Houston, Texas, to preside in this Disciplinary Action.

Sincerely,

**SIGNED**

John T. Adams  
Clerk

cc: Hon. J. Richard Hall  
Mr. J. G. Molleston  
Mr. William E. Stallings





## THE SUPREME COURT OF TEXAS

CHIEF JUSTICE  
THOMAS R. PHILLIPS

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EXECUTIVE ASST  
WILLIAM L. WILLIS

ADMINISTRATIVE ASST  
NADINE SCHNEIDER

February 6, 1998

Honorable J. Richard Hall  
Judge, 270<sup>th</sup> District Court  
1019 Congress Street, 16<sup>th</sup> Fl.  
Houston, Texas 77002

Dear Judge Hall:

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. Stallings and Mr. Molleston, and a copy of the letter to the District Clerk of McLennan County.

It is recommended that, four or five weeks after receipt of this letter, you contact the District Clerk of McLennan County 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 contact the Presiding Judge of the Administrative Judicial Region into which you have been assigned (210-379-8556) 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



## THE SUPREME COURT OF TEXAS

CHIEF JUSTICE  
THOMAS R. PHILLIPS

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EXECUTIVE ASS'T  
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T  
NADINE SCHNEIDER

February 6, 1998

Mr. J. G. Molleston  
Assistant General Counsel, State Bar of Texas  
201 Main Street, Suite 1150  
Fort Worth, Texas 76102

Mr. William Earl Stallings  
P.O. Box 2127  
Waco, Texas 76703

Dear Mr. Molleston and Mr. Stallings:

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 J. Richard Hall, Judge of the 270<sup>th</sup> District Court, Houston, Texas to preside in

Commission for Lawyer Discipline v. William E. Stallings

Sincerely,

**SIGNED**

John T. Adams  
Clerk