

**ORDER OF THE SUPREME COURT OF TEXAS**

**Misc Docket No. 98- 9096**

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

The Supreme Court of Texas hereby appoints the Honorable J. Keith Nelson, Judge of the 78th District Court of Wichita County, Texas, to preside in the Disciplinary Action styled:

**The Commission for Lawyer Discipline v. Paul J. Harris**

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

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

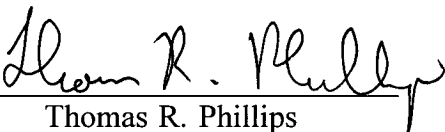
with the Seal thereof affixed at the City  
of Austin, this 17th day of June, 1998.

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

JOHN T. ADAMS, CLERK  
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 98-9096, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 19 day of June, 1998.

  
\_\_\_\_\_  
Thomas R. Phillips  
Chief Justice

TO CLERK FILE MARK  
THIS CASE AND RETURN

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

COMMISSION FOR LAWYER DISCIPLINE	§	IN THE DISTRICT COURT OF
	§	
V.	§	TAYLOR COUNTY, TEXAS
	§	
PAUL J. HARRIS	§	_____ 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, PAUL J. HARRIS (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 Taylor County Texas. An officer may serve citation on Respondent at 465 Cypress St., Suite 2, Abilene, Taylor County, Texas 79601-5124

## FIRST CAUSE OF ACTION

### III.

In or around February 1997, Respondent was retained by Deborah Perry (hereinafter referred to as "Complainant") to write a Deceptive Trade Practices demand letter requesting a refund of money she had sent to a Colorado Company. Complainant paid the Respondent a total of \$1,550.00 to write the letter. Complainant's investment in the company was \$1,400.00. Between February, 1997 and July, 1997, Respondent frequently told Complainant that he would send the letter in the near future but never sent the letter. Near the end of July, 1997, Respondent told the Complainant that the said letter had been sent when Respondent knew in fact that the letter had not been sent. When the Complainant requested proof that the letter had been sent, Respondent was unable to provide such proof. Respondent had a responsibility to the Complainant to draft and send the described demand but consciously disregarded this responsibility and frequently failed to carry out this responsibility despite acknowledging his responsibility to do so. Further, Respondent engaged in conduct involving dishonesty, deceit, fraud or misrepresentation.

### 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 Rule(s) 1.01(b) (1), 1.01(b)(2), and 8.04 (a)(1) and 8.04 (a)(3) of the Texas Disciplinary Rules of Professional Conduct, Article X, Section 9, State Bar Rules.

## SECOND CAUSE OF ACTION

V.

On or about the 1st day of October, 1997, A representative of Respondent's office signed a green postal receipt for a letter dated September 3rd, 1997 which notified Respondent that he was required to respond to a complaint filed with the State Bar of Texas within 30 days of receiving the said letter. The letter and the complaint attached to it were in proper form according to Rule 2.09 of the Texas Rules of Disciplinary Procedure. Respondent failed to file a written response to the allegations of the complaint attached to the said letter of September 29, 1997 until November 5, 1997.

VI.

Such acts and/or omissions on the part of Respondent as are described in Paragraph V hereinabove which occurred on or after January 1, 1990, constitute conduct violative of Rule 8.04(a)(8) 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 Deborah Perry on or about September 24, 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 cost of Court and Attorney 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, Texas 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

May 22, 1998

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

Re: Commission for Lawyer Discipline v. Paul J. Harris

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 Paul J. Harris. Mr. Harris has designated Taylor 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:

Paul J. Harris  
465 Cypress Street, Ste. 2  
Abilene, Texas 79601-5124

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 Taylor 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  
May 22, 1998  
Page Two

Also enclosed are a pre-addressed envelope for your use in transmitting the petition, etc., to the District Clerk of Taylor County, Texas, and a return envelope to be sent to the District Clerk of Taylor 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 read 'J.G. Molleston', with a stylized flourish at the end.

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

/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 ASST  
WILLIAM L. WILLIS

ADMINISTRATIVE ASST  
NADINE SCHNEIDER

JUN 30 1998

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

Mr. Paul J. Harris  
465 Cypress Street, Suite 2  
Abilene, Texas 79601-5124

Dear Mr. Molleston and Mr. Harris:

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. Keith Nelson, Judge of the 78<sup>th</sup> District Court, Wichita Falls, Texas to preside in

*Commission for Lawyer Discipline v. Paul J. Harris*

Sincerely,

**SIGNED**

John T. Adams  
Clerk



# THE SUPREME COURT OF TEXAS

CHIEF JUSTICE  
THOMAS R. PHILLIPS

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GREG ABBOTT  
DEBORAH G. HANKINSON

EXECUTIVE ASS'T  
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T  
NADINE SCHNEIDER

JUN 30 1998

The Honorable JoAnn Lackey  
District Clerk of Taylor County  
300 Oak Street  
Abilene, Texas 79602

Dear Ms. Lackey:

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. Paul J. Harris* and a copy of the Supreme Court's order appointing the Honorable J. Keith Nelson, Judge of the 78<sup>th</sup> District Court, Wichita Falls, Texas, to preside in this Disciplinary Action.

Sincerely,

**SIGNED**

John T. Adams  
Clerk

cc: Hon. J. Keith Nelson  
Mr. J.G. Molleston  
Mr. Paul J. Harris



# THE SUPREME COURT OF TEXAS

CHIEF JUSTICE  
THOMAS R. PHILLIPS

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GREG ABBOTT  
DEBORAH G. HANKINSON

JUN 30 1998

Honorable J. Keith Nelson  
Judge, 78<sup>th</sup> District Court  
316 Courthouse  
900 7<sup>th</sup> Street  
Wichita Falls, Texas 76301

Dear Judge Nelson:

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. Harris and Mr. Nelson, and a copy of the letter to the District Clerk of Taylor County.

It is recommended that, four or five weeks after receipt of this letter, you contact the District Clerk of Taylor 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, the judge or coordinator of that court be contacted 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 (915-236-6944) to obtain claims forms for your expenses and other information incident to presiding over this disciplinary case.

Sincerely,

**SIGNED**

John T. Adams  
Clerk