

ORDER OF THE SUPREME COURT OF TEXAS

Misc Docket No. 98-9197

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

The Supreme Court of Texas hereby appoints the Honorable Jon Barton, Judge of the 67th District Court of Tarrant County, Texas, to preside in the Disciplinary Action styled:


The Commission for Lawyer Discipline v. Loren A. Detamore

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.

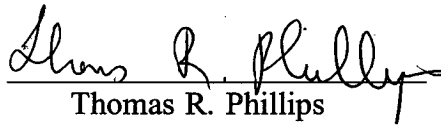
As ordered by the Supreme Court of Texas, in chambers,

with the Seal thereof affixed at the City
of Austin, this ^{18th} 16th day of November, 1998.


JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 98-9197, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 18 day of November, 1998.


Thomas R. Phillips
Chief Justice

COPY

NO. _____

COMMISSION FOR LAWYER DISCIPLINE

IN THE DISTRICT COURT OF

VS

§
§
§
§

HARRIS COUNTY, TEXAS

LOREN A. DETAMORE

____ 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, complaining of Respondent, **Loren A. Detamore**, showing the following to 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 April 24, 1997.

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 405 Main Street, Suite 601, Houston, Texas 77002-1813.

III.

Respondent, Loren A. Detamore, was appointed to represent Alfred W. Wilson in an appeal of Wilson's criminal conviction. Mr. Wilson was sentenced on May 11, 1995, and Respondent was appointed to represent Mr. Wilson on May 12, 1995. Respondent visited Mr. Wilson in the Harris County, Texas jail one time before Wilson was transferred to a prison. During the course of the visit, Respondent discussed Wilson's appeal with him.

Respondent drafted and filed a brief with the Court of Appeals. However, he did not send a copy of the brief to his client, although Wilson had asked for it and had expressed an interest in helping with the preparation of his case. Both Wilson and Wilson's mother attempted to contact Respondent about the status of his case, and Respondent did not respond to these contacts.

Wilson's conviction was affirmed by the Court of Appeals for the Fourteenth District of Texas in 1997. Respondent did not notify his client of the decision of the Court of Appeals. Respondent did not explain the decision of the Court of Appeals to his client because he felt notification of the decision could have caused depression and an uninformed and wrong decision regarding how to proceed. Respondent did not consult with his client to determine if his client was interested in pursuing a Petition for Discretionary Review to the Court of Criminal Appeals of Texas. On his own, without consent from nor consultation with his client, Respondent filed a Petition for Discretionary Review with the Court of Criminal Appeals. After the initial consultation with his client in the Harris County, Texas jail, Respondent did not communicate with his client, and he did not consult with him or allow his client to make decisions affecting the appeal of his

conviction.

IV.

By failing to inform his client of the status of his appeal, and by failing to communicate with his client with respect to the appeal, Respondent engaged in 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]; and 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] of the Texas Disciplinary Rules of Professional Conduct and Rule 1.06(Q) of the Texas Rules of Disciplinary Procedure.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Petitioner prays for judgment that Respondent 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.

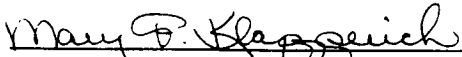
Respectfully submitted,

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 No. 11550700

ATTORNEYS FOR PETITIONER

STATE BAR OF TEXAS



Office of the General Counsel

October 23, 1998

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

Re: Commission for Lawyer Discipline v. Loren a. Detamore

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 Loren A. Detamore. Mr. Detamore 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 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:

Loren A. Detamore
Attorney-at-Law
405 Main Street, Suite 601
Houston, Texas 77002-1813

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.

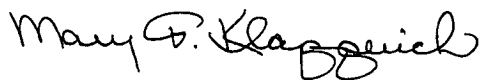
Once a trial judge has been appointed, please forward the original and two (2) copies of the Disciplinary Petition, the filing fee check, also enclosed herewith, and the Court's appointing order to the District Clerk of Harris County, Texas, with the request that the suit be filed, service be obtained, and a file-marked copy of the petition be returned to the undersigned.

Mr. John Adams
Supreme Court of Texas
October 23, 1998
Page Two

Also enclosed are two (2) pre-addressed envelopes for your use in transmitting the Disciplinary Petition, etc., 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 file-marked copy of the Disciplinary Petition to the undersigned.

Thank you for your courtesies in this matter.

Sincerely,



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

TEL: (512) 463-1312

FAX: (512) 463-1365

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

CLERK
JOHN T. ADAMS

EXECUTIVE ASS'T
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

NOV 23 1998

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

Ms. Loren A. Detamore
Attorney at Law
405 Main Street, Suite 601
Houston, Texas 77002-1813

Dear Ms. Klapperich and Ms. Detamore:

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 Jon Barton, Judge of the 67th District Court of Fort Worth, Texas to preside in

Commission for Lawyer Discipline v. Loren A. Detamore

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

EXECUTIVE ASST
WILLIAM L. WILLIS

ADMINISTRATIVE ASST
NADINE SCHNEIDER

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GREG ABBOTT
DEBORAH G. HANKINSON

NOV 23 1998

Honorable Jon Barton
Judge, 67th District Court
401 W. Belknap Street
Fort Worth, Texas 76196-0222

Dear Judge Barton:

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 Ms. Detamore 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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JAMES A. BAKER
GREG ABBOTT
DEBORAH G. HANKINSON

NOV 23 1998

The Honorable Charles Bacarisse
District Clerk of Harris County
P.O. Box 4651
Houston, Texas 77002

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. Loren A. Detamore*, and a copy of the Supreme Court's order appointing the Honorable Jon Barton, Judge of the 67th District Court of Fort Worth, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Honorable Jon Barton
 Ms. Mary F. Klapperich
 Ms. Loren A. Detamore
 Ms. Melissa Dartez