

ORDER OF THE SUPREME COURT OF TEXAS

Misc Docket No. 99- 9025

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

The Supreme Court of Texas hereby appoints the Honorable Bob Parks, Judge of the 143rd District Court of Ward County, Texas, to preside in the Disciplinary Action styled:

The Commission for Lawyer Discipline v. Stephen A. Himes

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

The Clerk of the Supreme Court shall promptly forward to the District Clerk of El Paso 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.

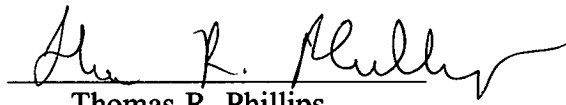
As ordered by the Supreme Court of Texas, in chambers,

with the Seal thereof affixed at the City
of Austin, this 8th day of February, 1999.


JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 99-9025, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 9 day of February, 1999.

A handwritten signature in cursive script, reading "Thomas R. Phillips", written over a horizontal line.

Thomas R. Phillips
Chief Justice

NO. _____

COMMISSION FOR LAWYER DISCIPLINE § IN THE DISTRICT COURT OF
 § §
V. § EL PASO COUNTY, TEXAS
 § §
STEPHEN A. HINES § ____ 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, Stephen A. Hines (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, El Paso County, Texas. An officer may serve citation on Respondent at 5959 Gateway West, El Paso, El Paso County, Texas 79925.

FIRST CAUSE OF ACTION

III.

Stephen A Hines publicly held himself out as Board Certified in Personal Injury, Civil Trial and Family Law at a time when he knew, or should have known that his certifications of special competence in Personal Injury Law and Civil Trial Law been revoked by the Texas Board

of Legal Specialization on May 23, 1994. The Family Law certification was revoked by the Texas Board of Legal Specialization on June 4, 1994. Respondent publicly held himself out in court proceedings, on business cards, stationery letterhead, and telephone directory, as Board Certified in Personal Injury Law, Civil Trial Law, and Family Law after June 4, 1994. Respondent has not obtained reinstatement of the described certificates of special competence.

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 7.02(a)(1), 7.02(c), and 7.04(b)(2) of the Texas Disciplinary Rules of Professional Conduct.

V.

The complaint which forms the basis of the First 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 the State Bar of Texas on or about March 4, 1997.

VI.

SECOND CAUSE OF ACTION

Lloyd Sowles (hereinafter referred to as Complainant) retained Stephen Hines to represent him in against involving attorney malpractice. In representing the Complainant, Respondent had a responsibility to bring suit on the malpractice claim prior to expiration of the applicable statute of limitations. Respondent consciously disregarded his duty to file suit on the said malpractice claim within the applicable statute of limitations.

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 Rule 1.01(b)(1) of the Texas Disciplinary Rules of Professional Conduct, Article X, Section

9, State Bar Rules, effective January 1, 1990.

VIII.

The complaint which forms the basis of the Second 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 David George Lightbourn on or about March 19, 1997.

PRAYER

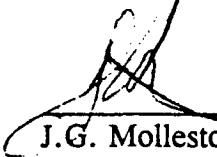
WHEREFORE, PREMISES CONSIDERED, Petitioner prays for judgment that Respondent be disciplined as the facts shall warrant; and that Petitioner have such other relief to which entitled, including costs of Court and attorney's fees.

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

January 4, 1999

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

Re: Commission for Lawyer Discipline v. Stephen A. Hines

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 Stephen A. Hines. Mr. Hines has designated El Paso 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:

Stephen A. Hines
5959 Gateway West, Suite 655
El Paso, Tx 79925

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 El Paso 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
January 4, 1999
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Also enclosed are a pre-addressed envelope for your use in transmitting the petition, etc., to the District Clerk of El Paso County, Texas, and a return envelope to be sent to the District Clerk of El Paso 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,



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

JGM/mc

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
NATHAN L. HECHT
CRAIG T. ENOCH
PRISCILLA R. OWEN
JAMES A. BAKER
GREG ABBOTT
DEBORAH G. HANKINSON
HARRIET O'NEILL
ALBERTO R. GONZALES

FEB 17 1999

CLERK
JOHN T. ADAMS

EXECUTIVE ASS'T
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASS'T
JIM HUTCHESON

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

The Honorable Edie Rubalcaba
District Clerk of El Paso County
500 East San Antonio Avenue, Room 103
El Paso, Texas 79901-2496

Dear Mr. Rubalcaba:

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. Stephen A. Hines*, and a copy of the Supreme Court's order appointing the Honorable Bob Parks, Judge of the 143rd District Court, Monahans, Texas, to preside in this Disciplinary Action.

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Adams".

John T. Adams
Clerk

cc: Hon. Bob Parks
Mr. Stephen A. Hines
Mr. J.G. Molleston



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

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FEB 17 1999

CLERK
JOHN T. ADAMS

EXECUTIVE ASS'T
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASS'T
JIM HUTCHESON

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

Honorable Bob Parks
Judge, 143rd District Court
P.O. Box 205
Monahans, Texas 79756-0205

Dear Judge Parks:

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. Hines and Mr. Molleston, and a copy of the letter to the District Clerk of El Paso County.

It is recommended that, a month or six weeks after receipt of this letter, you or your coordinator contact the District Court Administrative Office (915-546-2143) to find out the district court to which this disciplinary case has been assigned, names and addresses of counsel, etc. 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 (915-546-8135) to reserve a courtroom, obtain a court reporter, obtain claims forms for your expenses incident to presiding over this disciplinary case.

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Adams".

John T. Adams
Clerk



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

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JIM HUTCHESON

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

FEB 17 1999

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

Mr. Stephen A. Hines
5959 Gateway West, Suite 655
El Paso, Texas 79925

Dear Mr. Molleston and Mr. Hines:

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 Bob Parks, Judge of the 143rd District Court, Monahans, Texas to preside in

Commission for Lawyer Discipline v. Stephen A. Hines

Sincerely,

A handwritten signature in black ink, appearing to be "John T. Adams", written over a printed name and title.

John T. Adams
Clerk