

ORDER OF THE SUPREME COURT OF TEXAS

Misc Docket No. 99- 9048

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

The Supreme Court of Texas hereby appoints the Honorable Olen B. Strauss, Judge of the 81st District Court of Atascosa County, Texas, to preside in the Disciplinary Action styled:

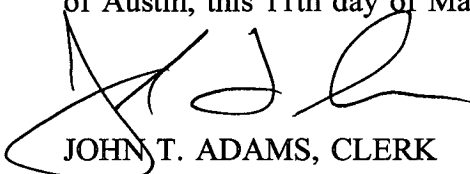
The Commission for Lawyer Discipline v. William B. Harrison

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

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

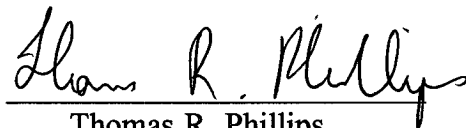
with the Seal thereof affixed at the City
of Austin, this 11th day of March, 1999.

A handwritten signature in black ink, appearing to read 'J. Adams', is written over the typed name of the clerk.

JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 99-9048, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 12 day of March, 1999.

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

Thomas R. Phillips
Chief Justice

No. _____

COMMISSION FOR LAWYER
DISCIPLINE

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§

IN THE DISTRICT COURT OF

V.

NUECES COUNTY, TEXAS

WILLIAM B. HARRISON

_____TH JUDICIAL DISTRICT

DISCIPLINARY PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now, Petitioner, COMMISSION FOR LAWYER DISCIPLINE, a committee of the State Bar of Texas, complaining of Respondent, WILLIAM B. HARRISON, and in support thereof would respectfully show the Court the following:

Parties

Petitioner is the COMMISSION FOR LAWYER DISCIPLINE, a committee of the State Bar of Texas. Respondent, WILLIAM B. HARRISON, Texas State Bar Number 09125100, is an attorney licensed to practice law in the State of Texas and is a member of the State Bar of Texas. Respondent is a resident of Nueces County, Texas. Respondent may be served with citation and a copy of this petition by serving him at the Law Offices of Guy H. Allison, 920 Leopard Street, Corpus Christi, Texas 78401.

Venue

Respondent's principal place of law practice is in Nueces County, Texas. Accordingly, pursuant to Texas Rules of Disciplinary Procedure 3.03, venue is proper in Nueces County, Texas.

Discovery Control Plan

Petitioner intends to conduct discovery under Level 2 of Rule 190.3 of the Texas Rules of Civil Procedure.

I.

Petitioner brings this disciplinary action pursuant to State Bar Act, Tex. Gov't. Code Ann., Sec. 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 this action was filed on or about January 28, 1997 by Antonio G. Hernandez. The acts and conduct of Respondent, as hereinafter alleged, constitute professional misconduct.

II.

1. On or about August 22, 1994, Complainant, Antonio G. Hernandez, hired Respondent to pursue a potential legal malpractice claim against Robert J. Gonzalez and his law firm. Complainant believed he and his brother had hired Gonzalez's firm to pursue a wrongful death action arising from the death of their natural father from injuries sustained in an automobile accident. When Complainant received a letter dated August 16, 1994 from Gonzalez stating that the firm did not, in fact, represent him, Complainant hired Respondent to pursue a malpractice action against Gonzalez.

2. Over the course of the next two (2) years, Respondent led Complainant to believe that he was going to pursue the malpractice case by investigating Complainant's claim, corresponding and communicating with the Gonzalez firm and with Complainant, and preparing a petition to be filed in Nueces County District Court against Gonzalez and his firm. Respondent also attempted to

refer the case to another attorney for handling. At no time during the course of the representation did Respondent advise Complainant that he would not pursue the case for him or that there was a deadline for filing such an action.

3. On or about August 26, 1996, Respondent sent Complainant's case file to attorney Ronald Bain to see if he would be willing to pursue Complainant's malpractice claim. Bain realized from a review of the documents in this file, particularly the August 16, 1994 letter to Complainant from Gonzalez notifying him that Gonzalez's firm did not represent him, that the statute of limitations on any such claim had already expired prior to his receiving the file.

4. During the course of the representation, which ended in January of 1997, Respondent neglected Complainant's case by failing to file suit or to refer the case to another attorney prior to the expiration of the applicable statute of limitations.

5. Respondent also failed to timely advise Complainant that suit would not be filed in order to allow Complainant time to seek other counsel if he so desired. This failure to communicate prevented Complainant from making informed decisions about the representation prior to the expiration of the statute of limitations.

III.

The conduct of Respondent described above constitutes a violation of the following Texas

Disciplinary Rules of Professional Conduct:

Rule 1.01(b)(1) -- In representing a client, a lawyer shall not neglect a legal matter entrusted to the lawyer.

Rule 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.

Rule 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.

PRAYER


WHEREFORE, PREMISES CONSIDERED, Petitioner prays that a judgment of professional misconduct be entered against Respondent imposing an appropriate sanction as the facts shall warrant and that Petitioner have such other relief to which it is entitled, including costs of court and attorney's fees.

Respectfully submitted,

Steve Young
General Counsel

Seana B. Willing
Assistant General Counsel

Office of the General Counsel
State Bar of Texas
425 Soledad, Suite 300
San Antonio, Texas 78205
Telephone: (210) 271-7881
Telecopier: (210) 271-9642



SEANA B. WILLING
State Bar No. 00787056

ATTORNEYS FOR PETITIONER

STATE BAR OF TEXAS



**CERTIFIED MAIL
RETURN RECEIPT REQUESTED
Z 292 150 120**

Office of the General Counsel
Regional Office
Soledad Plaza West
425 Soledad, Suite 300
San Antonio, Texas 78205
(210) 271-7881
FAX: (210) 271-9642

February 16, 1999

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

RE: Commission for Lawyer Discipline v. William B. Harrison

Dear Mr. Adams:

Enclosed please find an original and three (3) copies of a Disciplinary Petition being filed by the Commission for Lawyer Discipline against William B. Harrison. Mr. Harrison has designated **Nueces County** 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 B. Harrison
Law Offices of Guy H. Allison
920 Leopard Street
Corpus Christi, Texas 78401

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 as 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 three (3) copies of the Disciplinary Petition, the filing fee check, also enclosed herewith, and the Court's appointing order to the District Clerk of Nueces County, Texas, with the request that the suit be filed, service be obtained, and a filemarked copy of the petition returned to the undersigned.

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

Thank you for your courtesies in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Seana Willing".

Seana Willing
Assistant General Counsel

Enclosures

SBW/cah

cc: Richard Russell, State Bar of Texas, 500 N. Water, Ste. 604, North Tower, Corpus Christi, Texas 78471



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

POST OFFICE BOX 12248 AUSTIN, TEXAS 78711

CLERK
JOHN T. ADAMS

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

TEL: (512) 463-1312

FAX: (512) 463-1365

EXECUTIVE ASS'T
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASS'T
JIM HUTCHESON

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

MAR 23 1999

Ms. Seana Willing
Assistant General Counsel, State Bar of Texas
425 Soledad, Suite 300
San Antonio, Texas 78205

Mr. William B. Harrison
c/o Law Offices of Guy H. Allison
920 Leopard Street
Corpus Christi, Texas 78401

Dear Ms. Willing and Mr. Harrison:

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 Olen B. Strauss, Judge of the 81st District Court, Jourdanon, Texas to preside in

Commission for Lawyer Discipline v. William B. Harrison

Sincerely,

SIGNED

John T. Adams
Clerk



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

EXECUTIVE ASS'T
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASS'T
JIM HUTCHESON

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

JUSTICES

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

MAR 23 1999

Honorable Olen B. Strauss
Judge, 81st District Court
P.O. Box 161
Jourdanton, Texas 78026

Dear Judge Strauss:

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. Harrison and Ms. Willing, and a copy of the letter to the District Clerk of Nueces County.

It is recommended that, six to eight weeks after receipt of this letter, your coordinator contact the District Court Administrator (512-888-0220) to learn the names, addresses, and telephone numbers of counsel for purposes of scheduling a conference. This should also be the number to call to reserve a court room, court reporter, etc. Also, either before or immediately after you set the case for trial, you should contact the Presiding Judge of the Administrative Judicial Region into which you have been assigned (210-544-0847) to 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

POST OFFICE BOX 12248 AUSTIN, TEXAS 78711

TEL: (512) 463-1312

FAX: (512) 463-1365

CLERK
JOHN T. ADAMS

EXECUTIVE ASS'T
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASS'T
JIM HUTCHESON

ADMINISTRATIVE ASS'T
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JUSTICES
NATHAN L. HECHT
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JAMES A. BAKER
GREG ABBOTT
DEBORAH G. HANKINSON
HARRIET O'NEILL
ALBERTO R. GONZALES

MAR 23 1999

The Honorable Oscar Soliz
District Clerk of Nueces County
County Courthouse
901 Leopard
Corpus Christi, Texas 78401

Dear Mr. Soliz:

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 B. Harrison*, and a copy of the Supreme Court's order appointing the Honorable Olen B. Strauss, Judge of the 81st District Court, Jourdanton, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Hon. Olen B. Strauss
Ms. Seana Willing
Mr. William B. Harrison