

**ORDER OF THE SUPREME COURT OF TEXAS**

**Misc Docket No. 99- 9090**

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

The Supreme Court of Texas hereby appoints the Honorable Joe M. Leonard, Judge of the 196th District Court of Hunt County, Texas, to preside in the Disciplinary Action styled:


**The Commission for Lawyer Discipline v. Mary E. Conn**

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 30th day of April, 1999.

  
JOHN T. ADAMS, CLERK  
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 99-9090, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 11 day of May, 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.

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Thomas R. Phillips  
Chief Justice

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

COMMISSION FOR LAWYER DISCIPLINE §  
VS. §  
MARY E. CONN §  
§  
§  
IN THE DISTRICT COURT OF  
HARRIS COUNTY, TEXAS  
\_\_\_\_\_ JUDICIAL DISTRICT

**ORIGINAL DISCIPLINARY PETITION**

TO THE HONORABLE JUDGE OF THE COURT:

Petitioner the COMMISSION FOR LAWYER DISCIPLINE, a committee of the State Bar of Texas (hereinafter referred to as the "CFLD"), complains of MARY E. CONN ("hereinafter referred to as "Respondent") as follows:

**I.  
DISCOVERY CONTROL PLAN**

Pursuant to Rule 190.1 of the Texas Rules of Civil Procedure, CFLD intends discovery in this case to be conducted under Discovery Control Plan - Level 2 as provided in Rule 190.3 of the Texas Rules of Civil Procedure.

**II.  
PROCEDURAL BASIS FOR SUIT**

The CFLD brings this disciplinary action pursuant to the State Bar Act, Texas Government Code Annotated §81.001, *et seq.* (Vernon 1988 and supp. 1994), the Texas Disciplinary Rules of Professional Conduct, and the Texas Rules of Disciplinary Procedure. The complaint that forms the basis of this Disciplinary Petition was filed on or after May 1, 1992.

**III.  
VENUE AND SERVICE**

Respondent is an attorney licensed to practice law in Texas and is a member of the State Bar of Texas. Respondent's principal place of practice is Harris County, Texas, and therefore venue is appropriate in Harris County, Texas, pursuant to Rule 3.03 of the Texas Rules of Disciplinary Procedure. An officer may service citation upon Respondent, by and through her attorney of record, Anthony Griffin, located at 1115 Moody, Galveston, Texas 77550.

**IV.  
FIRST CAUSE OF ACTION**

On or about June 8, 1997, J. W. McCowan (hereinafter referred to as "Complainant") received a lifetime prison sentence for a criminal matter. On this same day, Complainant signed an appeal request and Respondent was appointed to Represent Complainant in his appeal. Complainant was informed by the Judge that Respondent would be in touch with him within ten to fourteen days. Complainant was transferred to another prison facility ten days later and had not received any form of communication(s) from Respondent during this time.

During late June 1997, Complainant wrote his trial counsel to obtain Respondent's name and address. After receiving the information, Complainant wrote Respondent a letter during August 1997 for information and a status on the brief to be filed. Respondent did not reply. During January 1998 and June 1998, Complainant again wrote Respondent letters requesting information and Respondent did not reply.

On or about September 2, 1998, Respondent received notice of Complainant's grievance filed against her and her obligation to provide a written response within 30 days. Respondent's deadline to file a response was October 4, 1998. As of that date, Respondent had not responded to the

grievance. Respondent did not file a response to the grievance until November 13, 1998. In her response, Respondent did not assert a privilege or legal ground for failing to timely respond to the grievance

In a letter dated September 13, 1998 to Complainant, Respondent acknowledged that she had received notice of Complainant's grievance. She also indicated to Complainant that his brief had been filed.

Complainant inquired and thereafter received a notice from the First Court of Appeals dated September 23, 1998. The notice informed Complainant that the brief in his appellate matter should have been filed by May 16, 1998. The brief was not filed with the Court of Appeals until October 30, 1998.

Respondent violated the Texas Disciplinary Rules of Professional Conduct in that she neglected Complainant's legal matter by not filing the necessary brief in a timely manner. She further failed to keep Complainant informed of the status of his appeal, did not comply with reasonable requests for information, and failed to explain matter to Complainant to allow him to make informed decisions regarding her representation. Respondent was dishonest and misrepresented to Complainant that his brief had been filed when in fact she had not. Respondent failed to timely respond to the grievance or provide a legal ground for failure to timely respond to the State Bar of Texas' demand for information.

The acts and/or omissions of the Respondent described in Paragraph III(A) above, which occurred on or after January 1, 1990, constitute conduct in violation of the following Rules of the Texas Disciplinary Rules of Professional Conduct ("TDRPC"):

**1.01(b)(1) neglecting a legal matter entrusted to the lawyer;**

**1.01(c)** “neglect” signifies inattentiveness involving a conscious disregard for the responsibilities owed to a client or clients.

**1.03(a)** failing to keep a client reasonably informed about the status of a matter and to promptly comply with reasonable requests for information;

**1.03(b)** failing to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation;

**8.04(a)(1)** violating these rules, knowingly assisting or inducing another to do so, or doing so through the acts of another, whether or not such violation occurred in the course of a client-lawyer relationship;

**8.04(a)(3)** engaging in conduct involving dishonesty, fraud, deceit or misrepresentation; and

**8.04(a)(8)** failing to timely furnish a district grievance committee a response or other information as required and failing to timely assert a privilege or other legal ground for failure to do so.

The complaint that forms the basis of this cause of action was brought to the attention of the Office of the General Counsel of the State Bar of Texas by J. W. McCowan filing a complaint on or about August 23, 1998.

#### **Prayer**

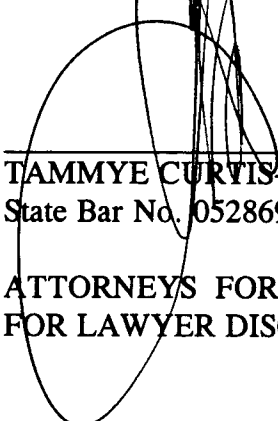
WHEREFORE, PREMISES CONSIDERED, Petitioner the COMMISSION FOR LAWYER DISCIPLINE respectfully prays that this Court discipline Respondent by reprimand, suspension or disbarment, as the facts shall warrant; and that the Petitioner have all other relief to which it may show itself to be justly entitled, including costs of court and attorneys' fees.

Respectfully submitted,

Steven W. Young  
General Counsel

Tammye Curtis-Jones  
Assistant General Counsel

Office of the General Counsel  
STATE BAR OF TEXAS  
1111 Fannin, Suite 1370  
Houston, Texas 77002  
(713) 759-6931  
Fax No. (713) 752-2158



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TAMMYE CURTIS-JONES  
State Bar No. 05286900

ATTORNEYS FOR THE COMMISSION  
FOR LAWYER DISCIPLINE

J:\CONN\CFLD2.TSC\MECONN.DP

# STATE BAR OF TEXAS



## Office of the General Counsel

March 30, 1999

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

Re: Commission for Lawyer Discipline v. Mary E. Conn

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 Mary E. Conn. Ms. Conn has designated Harris County, Texas, as her 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:

Mary E. Conn  
C/O Anthony Griffin  
1115 Moody  
Galveston, Texas 77550

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  
March 230, 1999  
Page Two

Also enclosed are a pre-addressed envelope for your use in transmitting the 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 Petition to the undersigned.

Thank you for your courtesies in this matter.

Sincerely,



Tammye S. Curtis-Jones  
Assistant General Counsel

TCJ/vr

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

EXECUTIVE ASST  
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASST  
JIM HUTCHESON

ADMINISTRATIVE ASST  
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

MAY 12 1999

Honorable Joe M. Leonard  
Judge, 196<sup>th</sup> District Court  
P.O. Box 1097  
Greenville, Texas 75403-1097

Dear Judge Leonard:

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. Conn and Ms. Curtis-Jones, 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

CLERK  
JOHN T. ADAMS

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EXECUTIVE ASS'T  
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASS'T  
JIM HUTCHESON

ADMINISTRATIVE ASS'T  
NADINE SCHNEIDER

MAY 12 1999

Ms. Tammye S. Curtis-Jones  
Assistant General Counsel, State Bar of Texas  
1111 Fannin, Suite 1370  
Houston, Texas 77002

Ms. Mary E. Conn  
c/o Anthony Griffin  
1115 Moody  
Galveston, Texas 77550

Dear Ms. Curtis-Jones and Ms. Conn:

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 Joe M. Leonard, Judge of the 196<sup>th</sup> District Court, Greenville, Texas to preside in

*Commission for Lawyer Discipline v. Mary E. Conn*

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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DEBORAH G. HANKINSON  
HARRIET O'NEILL  
ALBERTO R. GONZALES

MAY 12 1999

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. Mary E. Conn, and a copy of the Supreme Court's order appointing the Honorable Joe M. Leonard, Judge of the 196<sup>th</sup> District Court, Greenville, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams  
Clerk

cc: Honorable Joe M. Leonard  
Ms. Tammye S. Curtis-Jones  
Ms. Mary E. Conn  
Ms. Melissa Dartez