

**ORDER OF THE SUPREME COURT OF TEXAS**

**Misc Docket No. 99-9121**

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

The Supreme Court of Texas hereby appoints the Honorable Catharina Haynes, Judge of the 191st District Court of Dallas County, Texas, to preside in the Disciplinary Action styled:

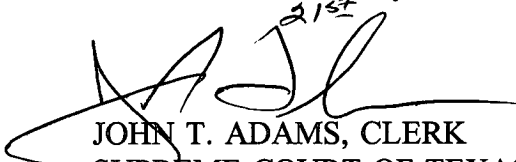
**The Commission for Lawyer Discipline v. Shelton Sparks**

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.

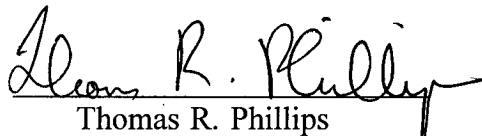
As ordered by the Supreme Court of Texas, in chambers,

with the Seal thereof affixed at the City  
of Austin, this ~~18th~~<sup>21st</sup> day of June, 1999.

  
JOHN T. ADAMS, CLERK  
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 99-9121, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 21 day of June, 1999.

  
Thomas R. Phillips  
Chief Justice

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

COMMISSION FOR LAWYER DISCIPLINE §  
v. §  
SHELTON SPARKS §  
§  
§  
IN THE DISTRICT COURT OF  
HARRIS COUNTY, TEXAS  
\_\_\_\_\_ JUDICIAL DISTRICT

**ORIGINAL DISCIPLINARY PETITION**

**TO THE HONORABLE JUDGE OF THE COURT:**

COMES NOW, Petitioner, the COMMISSION FOR LAWYER DISCIPLINE, a committee of the STATE BAR OF TEXAS (hereinafter referred to as "Petitioner"), complaining of Respondent, SHELTON SPARKS (hereinafter referred to as "Respondent"), and would respectfully show unto the Court the following:

**I. DISCOVERY CONTROL PLAN**

Pursuant to Rules 190.1 and 190.2, TEXAS RULES OF CIVIL PROCEDURE (TRCP), Petitioner intends discovery in this case to be conducted under the Level 2 Discovery Control Plan. Pursuant to Rule 190.3 (a), TRCP, Petitioner affirmatively pleads that it seeks only monetary relief, excluding costs, pre-judgment interest and attorney's fees.

**II. NATURE OF PROCEEDING**

Petitioner 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 *Original Disciplinary Petition* was filed on or after May 1, 1992. Petitioner is also serving Respondent with discovery requests attached hereto.

### III. VENUE

Shelton Sparks is an attorney licensed to practice law in Texas and is a member of the STATE BAR OF TEXAS. Respondent's residence and principal place of practice is Harris County, Texas; therefore, venue is appropriate in Harris County, Texas, pursuant to Rule 3.03 of the TEXAS RULES OF DISCIPLINARY PROCEDURE. He may be served through his attorney of record Arthur Washington, at 2323 S. Shepherd, Suite 1002, Houston, Texas 77019.

### IV. CAUSE OF ACTION

On or about June 1993, Shelton Sparks (hereinafter referred to as "Sparks") was appointed by the Honorable Denise Collins, Judge, 208th Criminal District Court of Harris County, Texas to represent Ronald Taylor (hereinafter referred to as "Taylor") in a criminal matter.

On the day of Taylor's arraignment, Taylor learned that the prosecution had physical evidence which could be used for DNA purposes. According to the Houston Police Department evidence reports, the complaining witness' clothing and bed sheets contained evidence of male semen. Taylor asked Sparks to file a motion allowing Taylor to provide samples to be DNA tested and compared to the evidence obtained by the Houston Police Department.

Sparks filed a Motion For DNA Testing of Hair, Blood and Semen and Order for Taylor with the Court on October 5, 1993. On the 5th day of October, Judge Collins granted and signed the Order granting Taylor's Motion For DNA Testing. Thereafter, Sparks failed to ensure Taylor took a DNA test ordered by the Court neglecting Taylor's case.

On May 2, 1995, Taylor was convicted for the felony offense of aggravated sexual assault by a jury. Taylor appealed the trial court's decision and Sparks was again appointed by the Court to represent Taylor in his Appeal. On May 4, 1995, a Notice of Appeal was given and records were

with the Court of Appeals.

On December 17, 1996, a letter was sent to Sparks and John B. Holmes, District Attorney of Harris County from the First Court of Appeals, Houston, Texas informing them that the First Court of Appeals had set the Taylor case against the State of Texas for submission on January 21, 1997.

In June of 1997, Taylor wrote Sparks requesting information concerning the status of his appeal. Sparks failed to reply. On March 2, 1998, Taylor wrote directly to the Court of Appeals seeking information concerning the outcome of his appeal. On March 10, 1998, Taylor received a response from the Court of Appeals which advised him that his appeal was affirmed on April 10, 1997, and the mandate was issued June 6, 1997. Sparks neglect in Taylor's case as well as failure to communicate the status of the matter to Taylor caused Taylor to miss filing deadlines litigating his case on the federal level.

On or about June 8, 1998, Sparks received notice of the Taylor complaint which directed him to file a written response thereto by on or about July 8, 1998. Sparks failed to file a response to Taylor's complaint.

#### **V. RULE VIOLATIONS**

The acts and/or omissions of Respondent described in Paragraph IV above, which occurred on or after January 1, 1990, constitute conduct in violation of Rules **1.01(b) (1)** [for neglecting a legal matter entrusted to the lawyer]; **1.03(a)** [for failing to keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information]; and **8.04(a)(8)** [for failing to timely furnish to the Chief Disciplinary Counsel's office or a district grievance committee a response or other information as required by the Texas Rules of Disciplinary Procedure].

## VIII.

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 RONALD TAYLOR' S filing of a complaint on or about May 26, 1998.

### PRAYER FOR RELIEF


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

Respectfully submitted,

**STEVEN W. YOUNG**  
General Counsel

**KIMBERLY M. GAMBLE**  
Assistant General Counsel

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

  
\_\_\_\_\_  
**KIMBERLY M. GAMBLE**  
State Bar No. 00789804

**ATTORNEYS FOR PETITIONER,  
THE COMMISSION FOR  
LAWYER DISCIPLINE**

# STATE BAR OF TEXAS



Office of the General Counsel

May 6, 1999

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

**Re: Commission for Lawyer Discipline v. Shelton Sparks**

Dear Mr. Adams:

Enclosed please find an original and two (2) copies of a Disciplinary Petition and discovery requests being filed by the Commission for Lawyer Discipline against Shelton Sparks. Shelton Sparks 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:

Mr. Shelton Sparks  
c/o Arthur Washington  
2323 S. Shepherd Drive, Suite 1002  
Houston, Texas 77019

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

**1111 Fannin, Suite 1370, Houston, Texas 77002, (713)759-6931**



Mr. John Adams

May 6, 1999

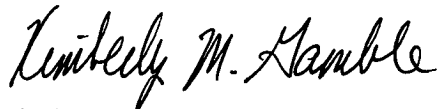
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order to the District Clerk of Harris County, Texas, with the request that the suit be filed, service be obtained, and a file-marked copy of the petition be returned to the undersigned.

I have enclosed 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,



Kimberly M. Gamble  
Assistant General Counsel

KMG/lp

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

CLERK  
JOHN T. ADAMS

EXECUTIVE ASS'T  
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASS'T  
JIM HUTCHESON

ADMINISTRATIVE ASS'T  
NADINE SCHNEIDER

JUN 24 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. Shelton Sparks*, and a copy of the Supreme Court's order appointing the Honorable Catharina Haynes, Judge of the 191<sup>st</sup> District Court, Dallas, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams  
Clerk

cc: Honorable Catharina Haynes  
Ms. Kimberly M. Gamble  
Mr. Shelton Sparks  
Ms. Melissa Dartez



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JUN 24 1999

CLERK  
JOHN T. ADAMS

EXECUTIVE ASS'T  
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASS'T  
JIM HUTCHESON

ADMINISTRATIVE ASS'T  
NADINE SCHNEIDER

Ms. Kimberly M. Gamble  
Assistant General Counsel, State Bar of Texas  
1111 Fannin, Suite 1370  
Houston, Texas 77002

Mr. Shelton Sparks  
c/o Arthur Washington  
2323 S. Shepherd Drive, Suite 1002  
Houston, Texas 77019

Dear Ms. Gamble and Mr. Sparks:

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 Catharina Haynes, Judge of the 191<sup>st</sup> District Court, Dallas, Texas to preside in

*Commission for Lawyer Discipline v. Shelton Sparks*

Sincerely,

SIGNED

John T. Adams  
Clerk



## THE SUPREME COURT OF TEXAS

CHIEF JUSTICE  
THOMAS R. PHILLIPS

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NADINE SCHNEIDER

JUN 24 1999

Honorable Catharina Haynes  
Judge, 191<sup>st</sup> District Court  
George L. Allen Sr. Courts Building  
600 Commerce Street  
Dallas, Texas 75202

Dear Judge Haynes:

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. Sparks and Ms. Gamble, 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