

ORDER OF THE SUPREME COURT OF TEXAS

Misc Docket No. 99- 9208

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

The Supreme Court of Texas hereby appoints the Honorable Bob McCoy, Judge of the 48th District Court of Tarrant County, Texas, to preside in the Disciplinary Action styled:


The Commission for Lawyer Discipline v. John E. Wright

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

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

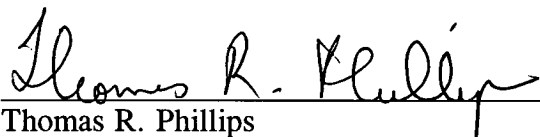
As ordered by the Supreme Court of Texas, in chambers,

with the Seal thereof affixed at the City
of Austin, this 26th day of October, 1999.


JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 99-9208, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code, §74.057.

Signed this 1 day of November, 1999.



Thomas R. Phillips
Chief Justice

COPY

CAUSE NO. _____

COMMISSION FOR LAWYER
DISCIPLINE

V.

JOHN E. WRIGHT

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§

IN THE DISTRICT COURT OF

WALKER COUNTY, TEXAS

_____ JUDICIAL DISTRICT

ORIGINAL 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, **JOHN E. WRIGHT**, and would respectfully show unto the Court the following:

I.

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

II.

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.

III.

Respondent is an attorney licensed to practice law in Texas and a member of the State Bar of Texas. Respondent's residence and principal place of practice is in Walker County, Texas. Respondent can be served with citation at his business located at 1214 Sam Houston Avenue, Suite 5, Huntsville, Texas 77342-6547.

IV.

Respondent, John E. Wright, was hired to represent Henry Skinner in May, 1998 on some legal matters. At the time Respondent was hired to represent Henry Skinner, Skinner was incarcerated on death row in the Institutional Division of the Texas Department of Criminal Justice. Both Respondent and Skinner entered into a written employment agreement whereby Respondent was retained to perform certain legal services, including the following:

1. Obtain a "free world" doctor to see Skinner; and
2. Draft a section of a Section 1983 complaint against the Texas Department of Criminal Justice and some of its employees for violation of his civil rights.

The Hank Skinner Defense Fund paid a total of Six Thousand Dollars (\$6,000.00) to Respondent for his representation of Henry Skinner. Five Thousand dollars (\$5,000.00) were for Respondent's attorney's fees, and One Thousand dollars (\$1,000.00) were for the cost of an investigator to investigate Skinner's claims his civil rights were violated. Respondent did not obtain a doctor to see Skinner. Neither did he draft the Section 1983 complaint for Skinner. Skinner was forced to act on his own.

As a result of Respondent's inaction, Skinner demanded the return of his file in November 1998. Respondent did not return it until after Skinner filed a complaint against

Respondent with the State Bar of Texas. Even then, Respondent only returned a portion of the file to Skinner.

V.

By failing to provide legal services as agreed with his client, Henry Skinner, Respondent engaged in conduct in violation of Rules **1.01(b)**[neglecting a legal matter entrusted to the lawyer]; and **1.01(b)(2)**[frequently failing to carry out the obligations owed to a client] of the Texas Disciplinary Rules of Professional Conduct, and engaged in professional misconduct as defined in Part 1.06(Q) of the Texas Rules of Disciplinary Procedure.

By accepting legal fees in the amount of Six Thousand Dollars (\$6,000.00) and failing to provide legal services as agreed with his client, Henry Skinner, Respondent engaged in conduct in violation of Rule **1.04(a)**[charging an unconscionable fee] of the Texas Disciplinary Rules of Professional Conduct , and engaged in professional misconduct as defined in Part 1.06(Q) of the Texas Rules of Disciplinary Procedure.

By failing to return the file to his client, Respondent engaged in conduct in violation of Rule **1.15(d)**[failing, upon termination of employment, to take steps reasonably practicable to protect his clients interests, such as surrendering papers/property to which the client is entitled, and refunding unearned advance payment] of the Texas Disciplinary Rules of Professional Conduct, and engaged in professional misconduct as defined in Part 1.06(Q) of the Texas Rules of Professional Conduct.

VI.

The complaint which forms the basis of this action was brought to the attention of the Office of the General Counsel of the State Bar of Texas by Henry Skinner filing a complaint on or about February 4, 1999.

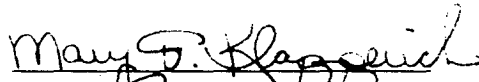
PRAYER

WHEREFORE, PREMISES CONSIDERED, Petitioner, the Commission For Lawyer Discipline, respectfully prays that this Court discipline Respondent, **JOHN E. WRIGHT**, by reprimand, suspension, or disbarment, as the facts shall warrant; and grant all other relief to which Petitioner may show itself to be justly entitled, including costs of Court and attorney's fees.

Respectfully submitted,

Dawn Miller
Acting 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) 759-6931
(713) 752-2158 Facsimile


MARY F. KLAPPERICH
State Bar No. 11550700

ATTORNEYS FOR PETITIONER

STATE BAR OF TEXAS



Office of the General Counsel

September 1, 1999

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

Re: Commission for Lawyer Discipline v. John E. Wright

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 John E. Wright. John E. Wright has designated Walker 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:

**John E. Wright
1214 Sam Houston Avenue
Suite 5
Huntsville, Texas 77342-6547**

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 Walker 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.

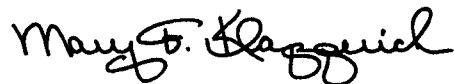
1111 Fannin, Suite 1370, Houston, Texas 77002, (713)759-6931

Mr. John T. Adams, Clerk
Supreme Court of Texas
September 1, 1999
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I have enclosed a pre-addressed envelope for your use in transmitting the petition, etc., to the District Clerk of Walker County, Texas, and a return envelope to be sent to the District Clerk of Walker 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,



Mary F. Klapperich
Assistant General Counsel

MFK/mac

Enclosures

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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

NOV 08 1999

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

Mr. John E. Wright
1214 Sam Houston Avenue, Suite 5
Huntsville, Texas 77342-6547

Dear Ms. Klapperich and Mr. Wright:

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 McCoy, Judge of the 48th District Court, Fort Worth, Texas to preside in

Commission for Lawyer Discipline v. John E. Wright

Sincerely,

SIGNED

John T. Adams
Clerk



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
JEROMAS R. PHILLIPS

POST OFFICE BOX 12248 • AUSTIN, TEXAS 78711

TEL: (512) 465-1312

FAX: (512) 465-1365

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CLERK
JOHN T. ADAMS

EXECUTIVE ASS'T
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASS'T
JIM HUTCHESON

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

The Honorable Bernice Coleman
District Clerk of Walker County
1100 University Avenue
Huntsville, Texas 77340

Dear Ms. Coleman:

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. John E. Wright*, and a copy of the Supreme Court's order appointing the Honorable Bob McCoy, Judge of the 48th District Court, Fort Worth, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Hon. Bob McCoy
Ms. Mary F. Klapperich
Mr. John E. Wright



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

POST OFFICE BOX 12248

AUSTIN, TEXAS 78711

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CLERK
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EXECUTIVE ASST
WILLIAM L. WILLIS

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JIM HUTCHESON

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NADINE SCHNEIDER

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

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Honorable Bob McCoy
Judge, 48th District Court
401 W. Belknap Street
Fort Worth, Texas 76196-0221

Dear Judge McCoy:

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. Wright and Ms. Klapperich, and a copy of the letter to the District Clerk of Walker County.

We then recommend that, four or five weeks after receipt of this letter, you or your coordinator contact the presiding judge or the District Clerk of Walker County 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 date for trial, the judge or coordinator of that court be contacted 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 (915-546-2143) 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