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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.

III. VENUE

Respondent is an attorney licensed to practice law in Texas and is a member of the STATE BAR OF TEXAS. Respondent's residence is Harris County, Texas; therefore, venue is appropriate in Harris County, Texas, pursuant to Rule 3.03 of the TEXAS RULES OF DISCIPLINARY PROCEDURE. Respondent may be served at his residence, [REDACTED]
[REDACTED]

IV. CAUSE OF ACTION

On or about November 28, 1994, ERROL HOWERY (hereinafter referred to as "HOWERY") hired Respondent to initiate a lawsuit against the Texas Department of Human Services based on an EEOC charge previously filed for age discrimination. On or about November 28, 1994, HOWERY paid Respondent a retainer of One Thousand Five Hundred and No/100 Dollars (\$1,500.00), with the understanding that an additional One Thousand Five Hundred and No/100 Dollars (\$1,500.00) was due before trial.

On or about January 6, 1995, Respondent filed the *Complaint* in Civil Action No. H-95-0032, *Errol P. Howery v. Jewell Garrett, Individually and Officially as Regional FSS Program*



STATE BAR OF TEXAS



OFFICE OF THE GENERAL COUNSEL

November 15, 1999

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

RE: *Commission for Lawyer Discipline v. Michael Cato*

Dear Mr. Adams:

Enclosed please find an original and two (2) copies of the *Original Disciplinary Petition* being filed by the Commission for Lawyer Discipline against Michael Cato. Harris County, Texas, is the county of Mr. Cato's residence. 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:

Michael Cato
[REDACTED]
[REDACTED]

As a practical matter, we respectfully suggest that an inquiry be made as to whether the judge will be able to comply with the one hundred and eighty (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. If not, we 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 *Original Disciplinary Petition*, the *Civil Case Information Sheet*, the filing fee check (all 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.

Additionally, enclosed please find 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 *Original Disciplinary Petition* to the undersigned.

J:\CATO\CFLD3.JAH\CLERK1.SCT

1111 FANNIN, SUITE 1370, HOUSTON, TEXAS 77002, (713) 759-6931





The Supreme Court of Texas

CHIEF JUSTICE
THOMAS R. PHILLIPS

201 West 14th Street Post Office Box 12248 Austin TX 78711
Telephone: 512/463-1312 Facsimile: 512/463-1365

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

EXECUTIVE ASSISTANT
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASST
JIM HUTCHESON

ADMINISTRATIVE ASSISTANT
NADINE SCHNEIDER

JAN 14 2000

Ms. Jennifer A. Hasley
Assistant General Counsel, State Bar of Texas
1111 Fannin, Suite 1370
Houston, Texas 77002

Mr. Michael Cato
[REDACTED]
[REDACTED]

Dear Ms. Hasley and Mr. Cato:

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 Wil Flowers, Judge of the 147th District Court, Austin, Texas to preside in

Commission for Lawyer Discipline v. Michael Cato

Sincerely,

SIGNED

John T. Adams
Clerk



