

ORDER OF THE SUPREME COURT OF TEXAS

9100

Misc. Docket No. 01-----

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

The Supreme Court of Texas hereby appoints the Honorable Bradley Elliott, Judge of the 268th District Court of Fort Bend County, Texas, to preside in the Disciplinary Action styled:

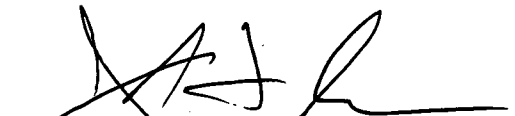
The Commission for Lawyer Discipline v. Connie Pruett

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

The Clerk of the Supreme Court shall promptly forward to the District Clerk of Dallas County, Texas, a copy of the Disciplinary Petition and this Order for filing and service pursuant to Rule 3.03, Texas Rules of Disciplinary Procedure.

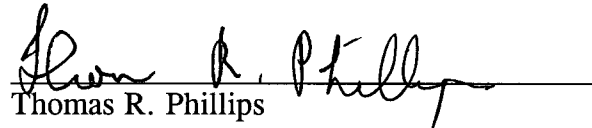
As ordered by the Supreme Court of Texas, in chambers,

With the Seal thereof affixed at the City
Of Austin, this 15th day of June, 2001.


JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 01-9100, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 14 day of June, 2001.


Thomas R. Phillips
Chief Justice

NO. _____

COMMISSION FOR LAWYER DISCIPLINE § IN THE DISTRICT COURT OF
V. §
§ DALLAS COUNTY, TEXAS
§
CONNIE A. PRUETT § _____ JUDICIAL DISTRICT

DISCIPLINARY PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

Petitioner, the Commission for Lawyer Discipline, a committee of the State Bar of Texas (hereinafter called "Petitioner"), complains of Respondent, Connie A. Pruett, (hereinafter called "Respondent"), showing the Court:

I.

Discovery Control Plan

Pursuant to Rules 190.1 and 190.3, TEXAS RULES OF CIVIL PROCEDURE (TRCP), Petitioner intends discovery in this case to be conducted under the Level II Discovery Control Plan.

II.

Petitioner brings this disciplinary action pursuant to the State Bar Act, Tex. Gov't. Code Ann. §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 the Disciplinary Petition was filed on or after May 1, 1992.

III.

Respondent is an attorney licensed to practice law in Texas and is a member of the State Bar of Texas. Respondent is a resident of and has her principal place of practice in Dallas County, Texas. An officer may serve citation on Respondent's attorney, Steven L. Lee, 3921 Steck, A-119, Austin, Texas 78759.

IV.

In or about September 1996, Robert Gallio ("Gallio") hired Respondent to prepare a Power of Attorney and to act as fiduciary for his mother, Josephine Gallio. Gallio paid Respondent a \$5,000.00 retainer to represent Mrs. Gallio in certain claims to recover funds owed to Mrs. Gallio. Respondent failed to place the retainer in an escrow or trust account. Gallio also signed over \$50,000.00 to Respondent, said amount representing the proceeds of the sale of his mother's home. Respondent deposited the \$50,000.00 into an account at Bank United under her own Social Security number, and entered into an escrow agreement with Gallio on or about March 17, 1997. In 1998, Respondent contacted Gallio about loaning funds from the escrow account to a company in which Respondent held an ownership interest. Respondent failed to explain the proposed transaction in writing and did not advise Gallio to retain independent counsel to review the proposed transaction.

V.

Gallio subsequently attempted to contact Respondent regarding the representation but received no response for approximately one year. In January 2000, Gallio sent Respondent a letter terminating her employment. Gallio received no response to his letter. Gallio went to Respondent's office on or about March 3, 2000 to obtain his mother's records and money. Gallio discovered that

Respondent had withdrawn an amount in excess of \$40,000.00, plus the interest earned on the account, for Respondent's personal use. Respondent had prepared a promissory note, dated October 1, 1998, in which she had agreed, on behalf of Life Solutions, to pay back the money. Neither Gallio, nor his mother, had agreed in writing to lend Respondent any money, and had no knowledge of the promissory note prior to March 3, 2000. Gallio never gave Respondent Power of Attorney over the account. Gallio requested an accounting of the \$5,000.00 retainer and also requested the complete records of the escrow account's activities. Respondent has failed to fully comply with Gallio's reasonable requests for information.

VI.

Such acts and/or omissions on the part of Respondent as are described in Paragraphs IV, and V, hereinabove, which occurred on or after January 1, 1990, constitute conduct which violates Rules 1.03(a), 1.08(a), 1.14(a),(c) and 8.04(a)(2),(3) of the Texas Disciplinary Rules of Professional Conduct.

VII.

The complaint which forms the basis of the Cause of Action hereinabove set forth was brought to the attention of the Office of General Counsel of the State Bar of Texas by Robert Gallio filing a complaint on or about April 21, 2000.

PRAYER

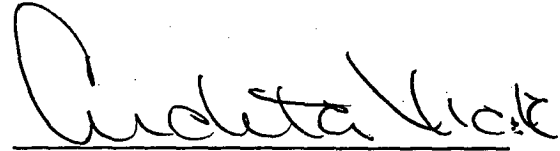
WHEREFORE, PREMISES CONSIDERED, Petitioner prays for judgment that Respondent be disciplined as the facts shall warrant; and that Petitioner have such other relief to which entitled, including costs of Court and attorney's fees.

Respectfully submitted,

Dawn Miller
Chief Disciplinary Counsel

Ardita Vick
Assistant Disciplinary Counsel

State Bar of Texas
Litigation - Dallas
3710 Rawlins
Suite 800
Dallas, Texas 75219
(214) 559-4353
FAX (214) 559-4335

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

Ardita Vick
State Bar Card No. 00786311

ATTORNEYS FOR PETITIONER

STATE BAR OF TEXAS



Office of the Chief Disciplinary Counsel

CMRRR NO. 7099 3400 0015 1895 4779

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

RE: Commission for Lawyer Discipline vs. Connie Pruett

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 Connie Pruett. Ms. Pruett has designated Dallas 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:

**Connie Pruett
c/o Steven L. Lee
3921 Steck Ave. A119
Austin, Texas 78759**

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. If not, I would respectfully request that an alternate appointment be made.

Regency Plaza, 3710 Rawlins, Suite 800, Dallas, Texas 75219
Telephone: (214) 559-4353 Fax: (214) 559-4335

John T. Adams, Clerk

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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 Dallas 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.

Also enclosed are a pre-addressed envelope for your use in transmitting the petition, etc., to the District Clerk of Dallas County, Texas, and a return envelope to be sent to the District Clerk of Dallas 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,

A handwritten signature in cursive script that reads "Ardita Vick". The signature is written in black ink and is positioned above the printed name and title.

Ardita Vick

Assistant Disciplinary Counsel

Enclosures



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
DEBORAH G. HANKINSON
HARRIET O'NEILL
WALLACE B. JEFFERSON

EXECUTIVE ASSISTANT
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASST
JIM HUTCHESON

ADMINISTRATIVE ASSISTANT
NADINE SCHNEIDER

JUN 25 2001

The Honorable Jim Hamlin
District Clerk of Dallas County
George L. Allen Courts Building
600 Commerce Street
Dallas, Texas 75202

Dear Mr. Hamlin:

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. Connie Pruett*, and a copy of the Supreme Court's order appointing the Honorable Bradley Elliott, Judge of the 268th District Court of Richmond, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Honorable Bradley Elliott
Ms. Ardita Vick
Ms. Connie Pruett



The Supreme Court of Texas

CHIEF JUSTICE
THOMAS R. PHILLIPS

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CLERK
JOHN T. ADAMS

EXECUTIVE ASSISTANT
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASST
JIM HUTCHESON

ADMINISTRATIVE ASSISTANT
NADINE SCHNEIDER

JUN 25 2001

Ms. Ardita Vick
Assistant General Counsel, State Bar of Texas
3710 Rawlins, Suite 800
Dallas, Texas 75219

Ms. Connie Pruett
c/o Steven L. Lee
3921 Steck Avenue, #A119
Austin, Texas 78759

Dear Ms. Vick and Ms. Pruett:

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 Bradley Elliott, Judge of the 268th District Court, Richmond, Texas to preside in

Commission for Lawyer Discipline v. Connie Pruett

Sincerely,

SIGNED

John T. Adams
Clerk



The Supreme Court of Texas

CHIEF JUSTICE
THOMAS R. PHILLIPS

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Telephone: 512/463-1312 Facsimile: 512/463-1365

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JIM HUTCHESON

ADMINISTRATIVE ASSISTANT
NADINE SCHNEIDER

JUN 25 2001

Honorable Bradley Elliott
Judge, 268th District Court
301 Jackson Street, Room 101
Richmond, Texas 77469

Dear Judge Elliott:

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. Pruett and Ms. Vick, and a copy of the letter to the District Clerk of Dallas County.

We then recommend that, either before or immediately after you set the case for trial, the Dallas County District Court Administrative Office (214-653-6510) 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 (214-653-2943) 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