

**ORDER OF THE SUPREME COURT OF TEXAS**

**Misc Docket No. 95-9048**

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

The Supreme Court of Texas hereby appoints the Honorable Joseph Connally, Judge of the 244th District Court of Ector County, Texas, to preside in the Disciplinary Action styled:


**The Commission for Lawyer Discipline v. Franklin Y. Wright**

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

The Clerk of the Supreme Court shall promptly forward to the District Clerk of Bexar 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 10th day of February, 1995.

  
JOHN T. ADAMS, CLERK  
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 95-9048, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 10<sup>th</sup> day of February, 1995.

  
Thomas R. Phillips  
Chief Justice



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

February 10, 1995

JUSTICES  
RAUL A. GONZALEZ  
JACK HIGHTOWER  
NATHAN L. HECHT  
JOHN CORNYN  
BOB GAMMAGE  
CRAIG ENOCH  
ROSE SPECTOR  
PRISCILLA R. OWEN

CLERK  
JOHN T. ADAMS

EXECUTIVE ASS'T.  
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T.  
NADINE SCHNEIDER

Honorable Joseph Connally  
Judge, 244th District Court  
County Courthouse  
300 North Grant Avenue  
Odessa, Texas 79761

Dear Judge Connally:

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 Mr. McCormack, and a copy of the letter to the District Clerk of Bexar County.

It is recommended that, six to eight weeks after receipt of this letter, you or your coordinator contact the Bexar County Administrative Office (210 220-2300) to find out the district court to which this disciplinary case has been assigned, names and addresses of counsel, etc. We then recommend that, either before or immediately after you set the case for trial, you contact the Bexar County Administrative Office 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 (210-769-3519) to obtain claims forms for your expenses incident to presiding over this disciplinary case.

Sincerely,

SIGNED

John T. Adams  
Clerk

TO CLERK: FILE MARK THIS  
COPY AND RETURN"

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

COMMISSION FOR LAWYER DISCIPLINE § IN THE DISTRICT COURT OF  
V. §  
FRANKLIN Y. WRIGHT § BEXAR COUNTY, TEXAS  
§  
§ \_\_\_\_\_ JUDICIAL DISTRICT

**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 (hereinafter called "Petitioner"), complaining of Respondent, Franklin Y. Wright, (hereinafter called "Respondent"), showing the Court:

**I.**

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.

**II.**

Respondent is an attorney licensed to practice law in Texas and a member of the State Bar of Texas. Respondent is a resident of and has his principal place of practice in Bexar County, Texas. An officer may serve citation on Respondent at his business address located at 3107 Broadway, San Antonio, Bexar County, Texas 78209-6794.

### III.

On or about November 15, 1988, Lillie R. Duran (hereinafter called "Duran") hired Respondent to represent her in her claim for damages against two defendants after she was injured in an automobile accident in and around September, 1988.

### IV.

Respondent thereafter settled Duran's case with each of the defendants. The first case was settled in and around November, 1991, for \$6,500.00, and the second case was settled in and around June, 1992, for \$100,000.00. Although Respondent received and disbursed settlement funds on Duran's behalf, and Duran requested a settlement accounting on various occasions, Respondent did not provide Duran with an accounting detailing his receipts and disbursements until after she had filed a grievance against him with the State Bar of Texas.

### V.

Between in and around November, 1988, and in and around April, 1993, Duran referred at least fifteen (15) personal injury clients to Respondent for representation, for which Respondent paid Duran a referral or "investigative" fee. Such investigative fees were paid to Duran by Respondent although she did not actually perform any investigative services for any of the cases she referred to Respondent. Furthermore, none of the clients referred by Duran to Respondent were billed by him for investigative services purportedly performed by Duran on their behalf.

**VI.**

Such acts and/or omissions on the part of Respondent as are described in Paragraphs III., IV. and V. hereinabove which occurred on or after January 1, 1990, constitute conduct which violates Rules 1.14(b) and/or 7.01(i) 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 Lillie R. Duran filing a complaint on or about October 5, 1993.

**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,

**James M. McCormack**  
General Counsel

**E. Lynn Rodriguez**  
Assistant General Counsel

Office of the General Counsel  
State Bar of Texas  
P.O. Box 12487  
Austin, Texas 78711  
Telephone: (512) 463-1463  
Telecopier:(512) 477-4607

  
**E. LYNN RODRIGUEZ**

State Bar of Texas No. 17143880  
**ATTORNEYS FOR PETITIONER**

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THE SUPREME COURT OF TEXAS

CHIEF JUSTICE  
THOMAS R. PHILLIPS

POST OFFICE BOX 12248 AUSTIN, TEXAS 78711

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EXECUTIVE ASS'T.  
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T.  
NADINE SCHNEIDER

Mr. James M. McCormack  
General Counsel, State Bar of Texas  
P.O. Box 12487  
Austin, Texas 78711

Mr. Franklin Y. Wright  
3107 Broadway  
San Antonio, Texas 78209-6794

Dear Mr. McCormack 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 Joseph Connally, Judge of the 244th District Court, Odessa, Texas to preside in

Commission for Lawyer Discipline v. Franklin Y. Wright

Sincerely,

SIGNED

John T. Adams  
Clerk



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE  
THOMAS R. PHILLIPS

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ROSE SPECTOR  
PRISCILLA R. OWEN

The Honorable David J. Garcia  
District Clerk of Bexar County  
100 Dolorosa Street  
San Antonio, Texas 78205-1205

Dear Mr. Garcia:

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. Franklin Y. Wright, and a copy of the Supreme Court's order appointing the Honorable Joseph Connally, Judge of the 244th District Court, Odessa, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams  
Clerk

cc: Hon. Joseph Connally  
Mr. Franklin Y. Wright  
Mr. James M. McCormack