

ORDER OF THE SUPREME COURT OF TEXAS

Misc Docket No. 96-9105

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

The Supreme Court of Texas hereby appoints the Honorable Dan R. Beck, Judge of the 155th District Court of Fayette County, Texas, to preside in the Disciplinary Action styled:


The Commission for Lawyer Discipline v. James E. Conley III

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.

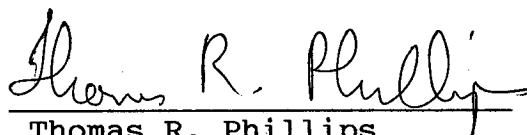
As ordered by the Supreme Court of Texas, in chambers,

with the Seal thereof affixed at the City
of Austin, this 9th day of April, 1996.


JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 96-9105, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 10 day of April, 1996.


Thomas R. Phillips
Chief Justice

NO. _____

COMMISSION FOR LAWYER DISCIPLINE § IN THE DISTRICT COURT OF
V. §
JAMES E. CONLEY III § 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, James E. Conley III, (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 were filed on or after May 1, 1992.

II.

Respondent is an attorney licensed to practice law in the State of Texas and is 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 403 South W.W. White Road, Suite 2000, Texas Bank Building, San Antonio, Texas 78219.

III.

In or around December 1992, LaSonya Evette Brown ("Brown") entered into a contingency fee contract with Respondent to represent her in an automobile accident case.

Initially, Respondent's paralegal pursued Brown's case and assisted her in finding a physical therapist in her area to treat her. After Brown completed her physical therapy treatment, she called Respondent's office, inquiring about the next steps to be taken in her matter. Brown was told that her case would have to be finalized and that she would be called as soon as everything had been completed.

IV.

Months passed, and Respondent did not contact Brown. Brown called Respondent several times, but she was unable to speak with anyone. Time passed, and on or about October 11, 1993, Brown received a letter from the Law Office of Jim Conley advising her that the office had moved from Houston, Texas, to San Antonio, Texas, and that they were still handling her case. A questionnaire was enclosed in the letter, which Brown completed and returned, as requested. Brown waited for further communication from Respondent, but when nothing was forthcoming, she called his office. Brown left several messages and telephone numbers where she might be reached and asked that her calls be returned. Neither Respondent nor personnel from his office responded to Brown and returned her telephone calls. Brown felt like Respondent was trying to avoid her.

V.

Respondent neglected a legal matter entrusted to him and failed to file a lawsuit on Brown's behalf. Respondent failed to protect Brown's interests, and the statute of limitations on her matter tolled. Respondent failed to keep Brown informed about the status of her case and failed to respond to her lawful demands for information.

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 1.01(b)(1), 1.01 (b)(2) and/or 1.03(a) 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 Brown filing a complaint on or about July 7, 1995.

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

Assistant General Counsel
Sol Villasana

State Bar of Texas
Litigation - Dallas
5910 N. Central Expressway
Suite 920
Dallas, Texas 75206
(214) 368-0083
FAX (214) 368-6953



Sol Villasana
State Bar Card No. 20585200

ATTORNEYS FOR PETITIONER



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

CLERK
JOHN T. ADAMS

EXECUTIVE ASS'T
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

JUSTICES
RAUL A. GONZALEZ
NATHAN L. HECHT
JOHN CORNYN
CRAIG ENOCH
ROSE SPECTOR
PRISCILLA R. OWEN
JAMES A. BAKER
GREG ABBOTT

April 15, 1996

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

Mr. James E. Conley, III
Texas Bank Building
403 South W.W. White Road, Suite 2000
San Antonio, Texas 78219

Dear Mr. McCormack and Mr. Conley:

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 Dan R. Beck, Judge of the 155th District Court, La Grange, Texas to preside in

Commission for Lawyer Discipline v. James E. Conley, III

Sincerely,

SIGNED

John T. Adams
Clerk



THE SUPREME COURT OF TEXAS

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THOMAS R. PHILLIPS

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April 15, 1996

Honorable Dan R. Beck
Judge, 155th District Court
151 N. Washington Street
La Grange, Texas 78945

Dear Judge Beck:

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. Conley 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 Presiding Judge of the Administrative Judicial Region into which you have been assigned (210-769-3519) to reserve a courtroom, obtain a court reporter, obtain claims forms for your expenses incident to presiding over this disciplinary case.

Sincerely,

SIGNED

John T. Adams
Clerk



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

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GREG ABBOTT

EXECUTIVE ASS'T
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

April 15, 1996

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. James E. Conley, III, and a copy of the Supreme Court's order appointing the Honorable Dan R. Beck, Judge of the 155th District Court, La Grange, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Hon. Dan R. Beck
Mr. James E. Conley, III
Mr. James M. McCormack