

**ORDER OF THE SUPREME COURT OF TEXAS**

**Misc Docket No. 96- 9146**

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

The Supreme Court of Texas hereby appoints the Honorable Dwight E. Peschel, Judge of the 25th District Court of Guadalupe County, Texas, to preside in the Disciplinary Action styled:

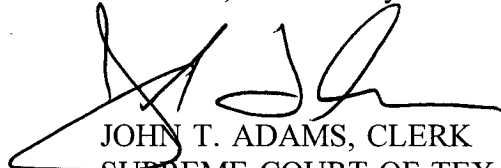
**The Commission for Lawyer Discipline v. Hugh T. Echols, Sr.**

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

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

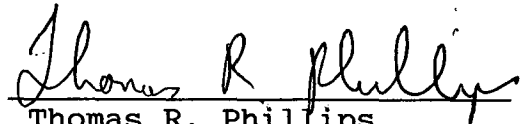
As ordered by the Supreme Court of Texas, in chambers,

with the Seal thereof affixed at the City  
of Austin, this 3rd day of June, 1996.

  
JOHN T. ADAMS, CLERK  
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 96-9146, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 4 day of June, 1996.

  
Thomas R. Phillips  
Chief Justice

COPY

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

COMMISSION FOR LAWYER DISCIPLINE §  
v. §  
HUGH T. ECHOLS, Sr. §

IN THE DISTRICT COURT OF  
HARRIS 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, Hugh T. Echols, Sr. (hereinafter called "Respondent"), showing the Court:

I.

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 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 Harris County, Texas, and 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 business address located at 6223 Richmond, Suite 302, Houston, Harris County, Texas,

77057.

III.

On or about October 14, 1993, Larry Reed Deen (hereinafter called "Deen") hired Respondent, through Respondent's legal assistant, Paul Kelley (hereinafter called "Kelley"), to represent him in a paternity suit, styled *In the Interest of La Shayvia A. Deen, a Minor Child*, Cause No. 93-37759, In the 246th Judicial District Court of Harris County, Texas. Deen paid Respondent \$700.00 for services to be rendered.

IV.

Kelley advised Deen that Respondent would file an answer denying the allegations and the judge would then order a blood test to establish paternity. Kelley further advised Deen that he did not have to attend the hearing that was scheduled for November 3, 1993, and that if a hearing did indeed take place, Deen would be notified.

V.

Based on that advice and the fact that he did not hear from Respondent or anyone at Respondent's office, Deen did not make an appearance at the November 3, 1993 hearing. As a result, a Default Order to Establish Parent-Child Relationship was signed on November 10, 1993. Pursuant to the Default Order, income was withheld from Deen's paychecks to pay for child support.

VI.

Respondent had direct supervisory authority over Kelley and failed to make reasonable efforts to ensure that Kelley's conduct was compatible with Respondent's professional obligations as a lawyer. Respondent had direct supervisory authority over

Kelley at the time of the conduct in question. Respondent had knowledge of Kelley's conduct and/or misconduct and knowingly failed to take reasonable remedial action to avoid or mitigate the consequences of Kelley's conduct and/or misconduct. Respondent violated the Texas Disciplinary Rules of Professional Conduct ("TDRPC") and/or knowingly assisted or induced Kelley to do so and/or violated the TDRPC through the acts of Kelley.

#### VII.

The acts and/or omissions of the Respondent described in Paragraphs III - VI above, which occurred on or after January 1, 1990, constitute conduct in violation of Rules 5.03(a), 5.03(b)(2)(i), 5.03(b)(2)(ii), and 8.04(a)(1) of the TDRPC.

#### VIII.

The complaint that forms the basis of this cause of action was brought to the attention of the Office of the General Counsel of the State Bar of Texas by Constance Deen's filing of a complaint on or about May 11, 1994.

#### Prayer

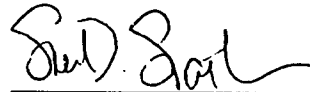
WHEREFORE, PREMISES CONSIDERED, Petitioner the Commission for Lawyer Discipline respectfully prays that this Court discipline Respondent Hugh T. Echols, Sr., as the facts shall warrant; and that the Petitioner have all other relief to which it may show itself to be justly entitled, including costs of court and attorney's fees.

Respectfully submitted,

James M. McCormack  
General Counsel

Stephen D. Statham  
Assistant General Counsel

Office of the General Counsel  
STATE BAR OF TEXAS  
1111 Fannin, Suite 1370  
Houston, Texas 77002  
(713) 759-6931  
Fax No. (713) 759-1932



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STEPHEN D. STATHAM  
State Bar No. 19082500

ATTORNEYS FOR THE COMMISSION  
FOR LAWYER DISCIPLINE

# STATE BAR OF TEXAS



Office of the General Counsel

March 26, 1996

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

*Re: Commission for Lawyer Discipline v. Hugh T. Echols, Sr.*

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 Mr. Hugh T. Echols, Sr. Mr. Echols has designated Harris 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 practices to preside in this case. Upon appointment, request is hereby made that you notify the Respondent at the address shown below and the undersigned of the identity and address of the judge assigned:

Mr. Hugh T. Echols, Sr.  
6223 Richmond, Suite 302  
Houston, Texas 77057

As a practical matter, I would respectfully suggest that you inquire with the judge to be appointed as to 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.

Once a trial judge has been appointed, please forward the original and two (2) copies of the Disciplinary Petition, the Civil Case Information Sheet, and the filing fee check, also 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 filemarked copy of the petition be returned to the undersigned.

Also enclosed is a pre-addressed envelope for your use in transmitting the above referenced documents 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 filemarked copy of the petition to the undersigned.

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

Mr. John T. Adams, Clerk  
Supreme Court of Texas  
March 26, 1996  
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If you have any questions, please contact me. Thank you for your assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "Stephen D. Statham". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Stephen D. Statham  
Assistant General Counsel

SDS/sml  
enclosures





## 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 ASST  
WILLIAM L. WILLIS

ADMINISTRATIVE ASST  
NADINE SCHNEIDER

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

June 5, 1996

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

Mr. Hugh T. Echols, Sr.  
6223 Richmond, Suite 302  
Houston, Texas 77057

Dear Mr. McCormack and Mr. Echols:

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 Dwight E. Peschel, Judge of the 25th District Court, Seguin, Texas to preside in

Commission for Lawyer Discipline v. Hugh T. Echols, Sr.

Sincerely,

**SIGNED**

John T. Adams  
Clerk



## THE SUPREME COURT OF TEXAS

CHIEF JUSTICE  
THOMAS R. PHILLIPS

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GREG ABBOTT

June 5, 1996

Honorable Dwight E. Peschel  
Judge, 25th District Court  
203 Courthouse  
101 E. Court Street  
Seguin, Texas 77964-0511

Dear Judge Peschel:

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

It is recommended that, six to eight weeks after receipt of this letter, you contact the Harris County District Court Administrative Office (713-755-7593) 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 case for trial, you again contact the Harris County District Court Administrative Office (713-755-6593) 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 (713-471-3911) 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



# THE SUPREME COURT OF TEXAS

CHIEF JUSTICE  
THOMAS R. PHILLIPS

POST OFFICE BOX 12248      AUSTIN, TEXAS 78711

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FAX: (512) 463-1365

CLERK  
JOHN T. ADAMS

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

EXECUTIVE ASS'T  
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T  
NADINE SCHNEIDER

June 5, 1996

The Honorable Charles Bacarisse  
District Clerk of Harris County  
P.O. Box 4651  
Houston, Texas 77210

Dear Mr. Bacarisse:

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. Hugh T. Echols, Sr. and a copy of the Supreme Court's order appointing the Honorable Dwight E. Peschel, Judge of the 25th District Court, Seguin, Texas, to preside in this Disciplinary Action.

Sincerely,

**SIGNED**

John T. Adams  
Clerk

cc: Hon. Dwight E. Peschel  
Mr. Hugh T. Echols, Sr.  
Mr. James M. McCormack