

ORDER OF THE SUPREME COURT OF TEXAS

Misc Docket No. 97- 9071

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

The Supreme Court of Texas hereby appoints the Honorable L. Dee Shipman, Judge of the 211th District Court of Denton County, Texas, to preside in the Disciplinary Action styled:

The Commission for Lawyer Discipline v. William V. Wade

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,

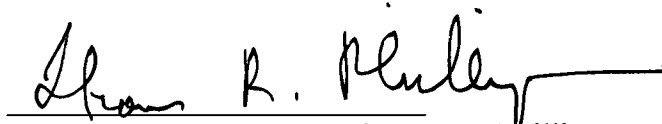
with the Seal thereof affixed at the City
of Austin, this 22nd day of April, 1997.

A handwritten signature in black ink, appearing to read 'J. Adams', is written over the typed name of the clerk.

JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 9-9071, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 22 day of April, 1997.

A handwritten signature in cursive script, reading "Thomas R. Phillips", written over a horizontal line. The signature is fluid and includes a long horizontal stroke extending to the right.

Thomas R. Phillips
Chief Justice

COPY

CAUSE NO. _____

COMMISSION FOR LAWYER DISCIPLINE §
V. §
WILLIAM V. WADE §

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, William V. Wade (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 1111 Fannin, Suite 1100, Houston, Harris County, Texas.

III.

In or around February 1993, Respondent was employed to represent Victoria and Vincent Lisinicchia (hereinafter called "the Lisinicchias") in a child custody case. Thereafter, Mrs. Lisinicchia tried on many occasions to contact Respondent, but Respondent failed to return her telephone calls.

IV.

On July 27, 1995, Respondent failed to appear for a 10:00 a.m. hearing on a Motion to Modify before the 247th Judicial District Court. Mrs. Lisinicchia was forced to represent herself at the hearing, and without benefit of her file. Mrs. Lisinicchia found out after the July 27, 1995, hearing that Respondent had been suspended from the practice of law.

V.

Respondent failed to advise Mrs. Lisinicchia in a timely manner that he would not appear on her behalf at the July 27, 1995, hearing, when at approximately 7:41 p.m. on July 26, 1995, Respondent faxed a letter to Mrs. Lisinicchia's office, claiming that she had elected to terminate Respondent's services and retain other counsel to represent her at the Motion to Modify hearing. Mrs. Lisinicchia disputes this claim.

VI.

Further, on or about May 24, 1995, a Final Judgment in Cause No. 94-56018, *Commission for Lawyer Discipline v. William V. Wade*, was entered against Respondent. Respondent's license to practice law was suspended for 90 days. Pursuant to the Final Judgment, Respondent was required to advise the Lisinicchias of his suspension within thirty days of the signing of the Judgment. Additionally, Rule 13.01 of the Texas Rules of

Disciplinary Procedure required Respondent to notify the Lisinicchias of his suspension. Respondent failed to do so until his letter of July 26, 1995. This letter mentioned that Respondent would be violating his present suspended status if he returned Mrs. Lisinicchia's telephone calls, talked with Mrs. Lisinicchia, and/or appeared at the Motion to Modify hearing as her counsel.

VII.

On or about August 17, 1995, Respondent received a State Bar of Texas subpoena commanding him to provide a copy of the Lisinicchia's file by September 19, 1995. Respondent failed to timely respond.

VIII.

The acts and/or omissions of the Respondent described in Paragraphs III - VII above, which occurred on or after January 1, 1990, constitute conduct in violation of Rules **1.01(b)(1)** [a lawyer shall not neglect a legal matter entrusted to the lawyer], **1.03(a)** [a lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information], **1.03(b)** [a lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation], **8.04(a)(8)** [a lawyer shall not fail to timely furnish a district grievance committee a response or other information as required unless he/she timely asserts a privilege or other legal ground for failure to do so], **8.04(a)(10)** [a lawyer shall not fail to comply with section 13.01 of the Texas Rules of Disciplinary Procedure relating to notification of an attorney's cessation of practice], and **8.04(a)(11)** [a lawyer shall not engage in the practice of law when the lawyer is on inactive status or when the lawyer's right to practice has been

suspended or terminated] of the Texas Disciplinary Rules of Professional Conduct.

IX.

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 Victoria Lisinicchia's filing of a complaint on or about August 9, 1995.

Prayer

WHEREFORE, PREMISES CONSIDERED, Petitioner the Commission for Lawyer Discipline respectfully prays that this Court discipline Respondent William V. Wade, 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,

Steven W. Young
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) 752-2158


STEPHEN D. STATHAM
State Bar No. 19082500

ATTORNEYS FOR THE COMMISSION
FOR LAWYER DISCIPLINE

STATE BAR OF TEXAS



Office of the General Counsel

April 7, 1997

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

Re: Commission for Lawyer Discipline v. William V. Wade

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 William V. Wade. Mr. Wade 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:

William V. Wade
1111 Fannin, Suite 1100
Houston, Texas 77002

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.

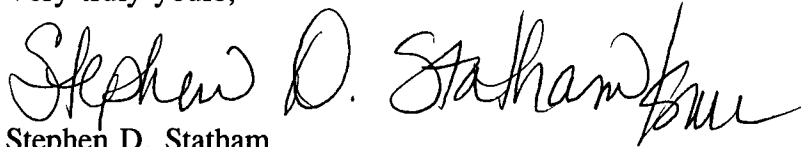
Once a trial judge has been appointed, please forward the original and two (2) copies of the Disciplinary Petition, the Civil Case Information Sheet, and the filing fee check, also enclosed herewith, and the Court's appointing order to the District Clerk of Harris County, Texas, with the request that the suit be filed, citation be issued, and citation, along with a file-stamped 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.

Mr. John T. Adams, Clerk
Supreme Court of Texas
April 7, 1997
Page 2

If you have any questions, please contact me. Thank you for your assistance.

Very truly yours,

A handwritten signature in cursive script that reads "Stephen D. Statham". The signature is written in black ink and is positioned above the typed name.

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

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

TEL: (512) 463-1312

FAX: (512) 463-1365

EXECUTIVE ASS'T
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

Mr. Stephen D. Statham
Assistant General Counsel, State Bar of Texas
1111 Fannin, Suite 1370
Houston, Texas 77002

Mr. William V. Wade
1111 Fannin, Suite 1100
Houston, Texas 77002

Dear Mr. Statham and Mr. Wade:

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 L. Dee Shipman, Judge of the 211th District Court of Denton, Texas to preside in

Commission for Lawyer Discipline v. William V. Wade

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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CRAIG ENOCH
ROSE SPECTOR
PRISCILLA R. OWEN
JAMES A. BAKER
GREG ABBOTT

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. William V. Wade, and a copy of the Supreme Court's order appointing the Honorable L. Dee Shipman, Judge of the 211th District Court of Denton, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Hon. L. Dee Shipman
Mr. Stephen D. Statham
Mr. William V. Wade



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

POST OFFICE BOX 12248 AUSTIN, TEXAS 78711

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CLERK
JOHN T. ADAMS

JUSTICES
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ROSE SPECTOR
PRISCILLA R. OWEN
JAMES A. BAKER
GREG ABBOTT

EXECUTIVE ASST
WILLIAM L. WILLIS

ADMINISTRATIVE ASST
NADINE SCHNEIDER

Honorable L. Dee Shipman
Judge, 211th District Court
Joseph Carroll Courts Building
401 W. Hickory Street
Denton, Texas 76201

Dear Judge Shipman:

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. Wade and Mr. Statham, 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