

ORDER OF THE SUPREME COURT OF TEXAS

Misc Docket No. 97- 9101

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

The Supreme Court of Texas hereby appoints the Honorable Blair Cherry, Jr., Judge of the 72nd District Court of Lubbock County, Texas, to preside in the Disciplinary Action styled:


The Commission for Lawyer Discipline v. Larry Gene McMillon

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

The Clerk of the Supreme Court shall promptly forward to the District Clerk of Midland 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 June, 1997.


JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 97-9101, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 10 day of June, 1997.

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

Thomas R. Phillips
Chief Justice

CAUSE NO. _____

COMMISSION FOR LAWYER DISCIPLINE	§	IN THE DISTRICT COURT OF
	§	
	§	
V.	§	MIDLAND COUNTY, TEXAS
	§	
LARRY GENE MCMILLON	§	_____ 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, Larry Gene McMillon (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 October 11, 1996.

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 Midland County, Texas. An officer may serve citation on Respondent at Wilco Building, 415 W. Wall, Suite 820, Midland, Midland County, Texas.

III.

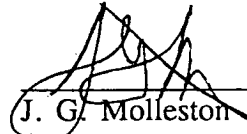
Respondent was retained on October 16, 1995, by Oscar Rodriguez (hereinafter referred to as "Complainant") to represent him in a DTPA and/or breach of contract case. Complainant paid Respondent \$850.00 on October 16, 1995, as a filing and suit fee. Respondent informed

Respectfully submitted,

Steven W. Young
General Counsel

J. G. Molleston
Assistant General Counsel

Office of the General Counsel
State Bar of Texas
201 Main Street, Suite 1150
Fort Worth, Texas 76102
817/877-4993
817/335-4249 (fax)



J. G. Molleston
State Bar Card No. 00795924

ATTORNEYS FOR PETITIONER

Complainant that it would take at least sixty (60) days to investigate the case and file suit. After not hearing from Respondent regarding the status of the case, Complainant sent Respondent a letter on March 31, 1996, requesting an update on his case. Respondent telephoned Complainant and informed him that he was going to start working on the case. To date, no work has been completed on Complainant's case due to the fact that Respondent has misplaced the file.

IV.

Such acts and/or omissions on the part of Respondent as are described in Paragraphs III hereinabove constitute conduct violative of Rules 1.01(b)(1), 1.01(b)(2), 1.03(a), and 1.14 of the Texas Disciplinary Rules of Professional Conduct.

V.

The complaint which forms the basis of the cause of action hereinabove set forth was brought to the attention of the Office of the General Counsel of the State Bar of Texas by a complaint filed by Oscar Rodriguez on or about November 11, 1996.

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.

STATE BAR OF TEXAS



Office of the Chief Disciplinary Counsel

April 29, 1997

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

Re: Commission for Lawyer Discipline v. Larry Gene McMillon

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 Larry Gene McMillon. Mr. McMillon is a resident of Midland County, Texas. 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 hereby made that you notify the Respondent at the address shown below and the undersigned of the identity and address of the judge assigned:

Larry Gene McMillon
Wilco Building
415 W. Wall #820
Midland, TX 79701

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.

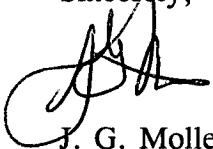
Once a trial judge has been appointed, please forward the original and two (2) copies of the Disciplinary Petition, the filing fee check, also enclosed herewith, and the Court's appointing order to the District Clerk of Midland County, Texas, with the request that the suit be filed, service be obtained, and a filemarked copy of the petition be returned to the undersigned. Further, please provide the undersigned a copy of the Court's appointing order in the pre-addressed envelope enclosed.

John T. Adams, Clerk
April 29, 1997
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Also enclosed is a pre-addressed envelope for your use in transmitting the petition, etc., to the District Clerk of Midland County, Texas, and a return envelope to be sent to the District Clerk of Midland County, Texas, for the Clerk's use in returning a filemarked copy of the petition to the undersigned.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'J. G. Molleston', written in a cursive style.

J. G. Molleston
Assistant General Counsel
Office of the Chief Disciplinary Counsel
State Bar of Texas

JGM/mm

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 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

June 11, 1997

Honorable Blair Cherry, Jr.
Judge, 72nd District Court
307 Courthouse
904 Broadway Street
Lubbock, Texas 79401

Dear Judge Cherry:

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. McMillon and Mr. Molleston, and a copy of the letter to the District Clerk of Midland County.

It is recommended that, four or five weeks after receipt of this letter, you contact the District Clerk of Midland County 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 contact the Presiding Judge of the Administrative Judicial Region into which you have been assigned (915-236-6944) 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

June 11, 1997

The Honorable Vivian Wood
District Clerk of Midland County
200 W. Wall Street
Midland, Texas 79701

Dear Ms. Wood:

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. Larry Gene McMillon, and a copy of the Supreme Court's order appointing the Honorable Blair Cherry, Jr., Judge of the 72nd District Court, Lubbock, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Hon. Blair Cherry
Mr. Larry Gene McMillon
Mr. J.G. Molleston



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

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JOHN T. ADAMS

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NADINE SCHNEIDER

June 11, 1997

Mr. J. G. Molleston
Assistant General Counsel, State Bar of Texas
201 Main Street, Suite 1150
Fort Worth, Texas 76102

Mr. Larry Gene McMillon
Wilco Building
415 W. Wall, #820
Midland, Texas 79701

Dear Mr. Molleston and Mr. McMillon:

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 Blair Cherry, Jr., Judge of the 72nd District Court, Lubbock, Texas to preside in

Commission for Lawyer Discipline v. Larry Gene McMillon

Sincerely,

SIGNED

John T. Adams
Clerk