

**ORDER OF THE SUPREME COURT OF TEXAS**

**Misc Docket No. 97- 9127**

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

The Supreme Court of Texas hereby appoints the Honorable John R. Carter, Judge of the 277th District Court of Williamson County, Texas, to preside in the Disciplinary Action styled:

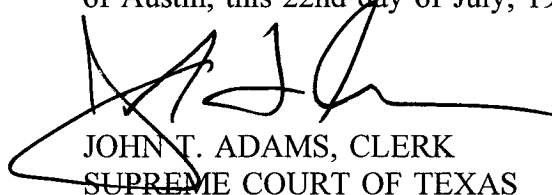
**The Commission for Lawyer Discipline v. Thomas E. Mayes**

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

The Clerk of the Supreme Court shall promptly forward to the District Clerk of Dallas 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,

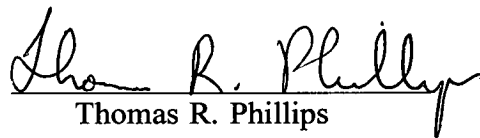
with the Seal thereof affixed at the City  
of Austin, this 22nd day of July, 1997.



JOHN T. ADAMS, CLERK  
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 97-9127, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 22 day of July, 1997.

A handwritten signature in cursive script that reads "Thomas R. Phillips". The signature is written in black ink and is positioned above the printed name and title.

Thomas R. Phillips  
Chief Justice

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

COMMISSION FOR LAWYER DISCIPLINE § IN THE DISTRICT COURT OF  
V. §  
THOMAS E. MAYES § DALLAS 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, Thomas E. Mayes (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 is a member of the State Bar of Texas. Respondent is a resident of and has his principal place of practice in Dallas County, Texas. An officer may serve citation on Respondent through his attorney of record, Tom S. McCorkle, McCorkle & Westerburg, 701 Commerce Street, Suite 500, Dallas, Texas 75202.

**III.**

In or around early December 1995, Jimmie Faye Chancey ("Chancey") hired Respondent to

represent her in connection with a homeowner's insurance claim. Chancey delivered to Respondent certain documents relating to the insurance claim.

#### IV.

On or about December 21, 1995, Chancey went to Respondent's office and asked Respondent to return her documents and to give her a copy of her file. Respondent returned certain of Chancey's documents to her but failed to provide her with her entire file. Thereafter, both Chancey and Chancey's newly engaged counsel made several written requests to Respondent, for the return of Chancey's files, but Respondent failed to comply with the requests.

#### V.

As a result of the conduct described in Paragraphs III and IV, Chancey filed a complaint against Respondent with the State Bar of Texas on or about May 15, 1996. On May 22, 1996, the State Bar of Texas sent, by certified mail return receipt requested, a letter to Respondent notifying him that a complaint alleging professional misconduct on his part had been filed against him by Chancey. In said letter, Respondent was advised that, pursuant to Rule 2.09 of the Texas Rules of Disciplinary Procedure, he was required to file a written response with the State Bar of Texas within thirty (30) days of his receipt of the letter. Respondent received the letter on May 25, 1996, and failed to furnish the State Bar of Texas a written response to the complaint within the required thirty (30) days of his receipt of the notification letter, and he failed to timely assert a privilege or other legal ground for his failure to furnish his response.

#### 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 1.15(d) and/or 8.04(a)(8) 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 Jimmie Faye Chancey filing a complaint on or about May 15, 1996.

**PRAYER**

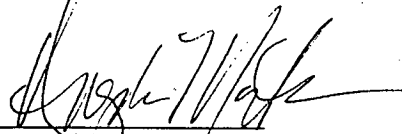
**WHEREFORE, PREMISES CONSIDERED,** Petitioner prays for judgment that Respondent be disciplined as the facts shall warrant; and that Petitioner have such other relief to which entitled, including costs of Court and attorney's fees.

Respectfully submitted,

**Steve W. Young**  
General Counsel

**Angela Methvin**  
Assistant General Counsel

State Bar of Texas  
Litigation - Dallas  
3710 Rawlins  
Suite 800  
Dallas, Texas 75219  
(214) 559-4997  
FAX (214) 559-4335



**Angela Methvin**  
State Bar Card No. 00792698

ATTORNEYS FOR PETITIONER

# STATE BAR OF TEXAS



Office of the General Counsel

June 16, 1997

**CMRRR NO. Z 339 406 504**

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

**RE: Commission for Lawyer Discipline v. Thomas E. Mayes**

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 Thomas E. Mayes. Mr. Mayes is a resident of Dallas 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 made that you notify the Respondent in care of his attorney of record at the address shown below and, also, the undersigned of the identity and address of the judge assigned:

**Tom S. McCorkle  
McCorkle & Westerburg  
701 Commerce Street, Suite 500  
Dallas, Texas 75202**

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

Regency Plaza, 3710 Rawlins, Suite 800, Dallas, Texas 75219  
Telephone: (214) 559-4353 Fax: (214) 559-4335

John T. Adams, Clerk  
June 16, 1997  
Page 2

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 documents listed above, the check for payment of the filing fees, and the Court's appointing order to the District Clerk of Dallas County, Texas, with the request that the suit be filed, service be obtained, and a file stamped copies of the documents be returned to the undersigned.

Also enclosed are a pre-addressed envelope for your use in transmitting the petition, etc., to the District Clerk of Dallas County, Texas, and return envelopes to be sent to the District Clerk of Dallas County, Texas, for the Clerk's use in returning a file stamped copies of the documents to the undersigned.

Thank you for your courtesies in this matter.

Sincerely,



Angela Methvin  
Assistant General Counsel

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

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

CLERK  
JOHN T. ADAMS

EXECUTIVE ASS'T  
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T  
NADINE SCHNEIDER

JUL 23 1997

Ms. Angela Methvin  
Assistant General Counsel, State Bar of Texas  
3710 Rawlins, Suite 800  
Dallas, Texas 75219

Mr. Thomas E. Mayes  
c/o Tom S. McCorkle  
McCorkle & Westerburg  
701 Commerce Street, Suite 500  
Dallas, Texas 75202

Dear Ms. Methvin and Mr. Mayes:

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 John R. Carter, Judge of the 277<sup>th</sup> District Court, Georgetown, Texas, to preside in

Commission for Lawyer Discipline v. Thomas E. Mayes

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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JAMES A. BAKER  
GREG ABBOTT

JUL 23 1997

The Honorable Bill Long  
District Clerk of Dallas County  
George L. Allen Courts Building  
600 Commerce Street  
Dallas, Texas 75202

Dear Mr. Long:

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. Thomas E. Mayes, and a copy of the Supreme Court's order appointing the Honorable John R. Carter, Judge of the 277<sup>th</sup> District Court, Georgetown, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams  
Clerk

cc: Hon. John R. Carter  
Mr. Thomas E. Mayes  
Ms. Angela Methvin



## THE SUPREME COURT OF TEXAS

CHIEF JUSTICE  
THOMAS R. PHILLIPS

POST OFFICE BOX 12248      AUSTIN, TEXAS 78711

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JAMES A. BAKER  
GREG ABBOTT

JUL 23 1997

Honorable John R. Carter  
Judge, 277<sup>th</sup> District Court  
405 S. Martin Luther King Street  
Box 6  
Georgetown, Texas 78626

Dear Judge Carter:

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 Ms. Methvin and Mr. Mayes, and a copy of the letter to the District Clerk of Dallas County.

We then recommend that, either before or immediately after you set the case for trial, the Dallas County District Court Administrative Office (214-653-6510) be contacted 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 (214-653-2943) 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