

**ORDER OF THE SUPREME COURT OF TEXAS**

**Misc Docket No. 989022**

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

The Supreme Court of Texas hereby appoints the Honorable James W. Mehaffy, Jr., Judge of the 58th District Court of Jefferson County, Texas, to preside in the Disciplinary Action styled:

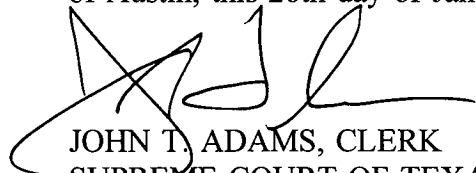
**The Commission for Lawyer Discipline v. Clyde Reece McCormick, II**

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,

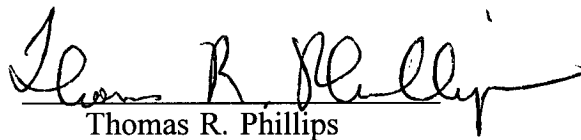
with the Seal thereof affixed at the City  
of Austin, this 26th day of January, 1998.



JOHN T. ADAMS, CLERK  
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 98-9022, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 30 day of January, 1998.

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

Thomas R. Phillips  
Chief Justice

No. \_\_\_\_\_

COMMISSION FOR LAWYER  
DISCIPLINE

V.

CLYDE R. McCORMICK II

§  
§  
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§  
§  
§

IN THE DISTRICT COURT OF

BEXAR COUNTY, TEXAS

\_\_\_TH JUDICIAL DISTRICT

**DISCIPLINARY PETITION**

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now, Petitioner, COMMISSION FOR LAWYER DISCIPLINE, a committee of the State Bar of Texas, complaining of Respondent, CLYDE R. McCORMICK II, and in support thereof would respectfully show the Court the following:

**Parties**

Petitioner is the COMMISSION FOR LAWYER DISCIPLINE, a committee of the State Bar of Texas. Respondent, CLYDE R. McCORMICK II, Texas State Bar Number 13457450, 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 Bexar County, Texas. No service is necessary at this time.

**Venue**

Respondent's principal place of law practice is in Bexar County, Texas. Accordingly, pursuant to Texas Rules of Disciplinary Procedure 3.03, venue is proper in Bexar County, Texas.

I.

Petitioner brings this disciplinary action pursuant to State Bar Act, Tex. Go v't. Code Ann., Sec. 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 this action was filed on or about April 29, 1997 by Anthony Caridi. The acts and conduct of Respondent, as hereinafter

alleged, constitute professional misconduct.

## II.

The Respondent was hired on or about July 22, 1994, by Anthony Caridi, for representation in a collection matter on a judgment rendered against the Atriums Apartments. At the time of hire, Caridi was married to the Respondent's daughter, Shawna Caridi, now Shawna Caridi McCormick. During the term of the representation, on August 26, 1996, Caridi and Shawna Caridi McCormick divorced. The final decree of divorce recognized the claim against the Atrium Apartments as an asset of the marriage and awarded an undivided one-half interest in any monetary award for damages caused by any claim of action arising during the marriage if and when such damages are paid to Caridi and Shawna Caridi McCormick. Notwithstanding the divorce, the Respondent continued to represent Caridi.

The collection matter was ultimately resolved by settlement. After payment of attorney fees to an out-of-state lawyer retained to pursue the collection case in Florida, the balance of \$3900 was remitted and placed in the Respondent's trust account. The Respondent's representation of Complainant reasonably appeared and/or became adversely limited by the Respondent's responsibilities to a third person, his daughter, at this time and at such time when the Respondent's daughter, requested legal advice, from the Respondent, regarding her claim to the settlement. Thereafter, the Respondent contacted another attorney to assist, his daughter, Shawna Caridi McCormick, in her claim against the settlement proceeds of Respondent's client, Caridi, and failed to inform Caridi of these occurrences.

## III.

The conduct of Respondent described above constitutes a violation the following Texas Disciplinary Rules of Professional Conduct:

Rule 1.06(b)(2) -- ...a lawyer shall not represent a person if the representation of that person: (2) reasonably appears to be or become(s) adversely limited by the lawyer's or law firm's responsibilities to another client or to a third person or by the lawyer's or law firm's own interests.

**PRAYER**

WHEREFORE, PREMISES CONSIDERED, Petitioner prays that a judgment of professional misconduct be entered against Respondent imposing an appropriate sanction as the facts shall warrant and that Petitioner have such other relief to which it is entitled, including costs of court and attorney's fees.

Respectfully submitted,

Steve Young  
General Counsel

John J. Rivas  
Assistant General Counsel

Office of the General Counsel  
State Bar of Texas  
425 Soledad, Suite 300  
San Antonio, Texas 78205  
Telephone: (210) 271-7881  
Telecopier: (210) 271-9642



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JOHN J. RIVAS  
State Bar No. 00788285

ATTORNEYS FOR PETITIONER

# STATE BAR OF TEXAS



**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
P 583 840 678**

Office of the General Counsel  
Regional Office  
Soledad Plaza West  
425 Soledad, Suite 300  
San Antonio, Texas 78205  
(210) 271-7881  
FAX: (210) 271-9642

December 11, 1997

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

RE: Commission for Lawyer Discipline v. Clyde Reece McCormick, II

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 Clyde Reece McCormick, II. Mr. McCormick has designated **Bexar County** 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 resides to preside in this case. Upon appointment, request is made that you notify the Respondent at the address shown below and the undersigned of the identity and address of the judge assigned:

Clyde Reece McCormick, II  
405 N. St. Mary's Street, Suite 700  
San Antonio, Texas 78205

As a practical matter, I would respectfully suggest that you inquire with the judge to be appointed as to: (1) whether he or she will be able to comply with the 180 day deadline by which the case must be set for trial as set forth in Section 3.07 of the Texas Rules of Disciplinary Procedure; and (2) whether he or she can accommodate compliance with Mellon Service Co., et al v. Touche Ross Co., 946 S.W.2d 862 (Tex.App.- Houston [14th Dist.] 1997), which requires that all proceedings incident to a case occur in the county of proper venue. 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 Bexar County, Texas, with the request that the suit be filed, service be obtained, and a filemarked copy of the petition returned to the undersigned.

Also enclosed are a pre-addressed envelope for your use in transmitting the petition, etc., to the District Clerk of Bexar County, Texas and a return envelope to be sent to the District Clerk of Bexar County, Texas, for the Clerk's use in returning a filemarked copy of the petition to the undersigned.

Thank you for your courtesies in this matter.

Sincerely,



John Rivas  
Assistant General Counsel

Enclosures

JR/ch



## 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  
CRAIG T. ENOCH  
ROSE SPECTOR  
PRISCILLA R. OWEN  
JAMES A. BAKER  
GREG ABBOTT  
DEBORAH G. HANKINSON

CLERK  
JOHN T. ADAMS

EXECUTIVE ASST  
WILLIAM L. WILLIS

ADMINISTRATIVE ASST  
NADINE SCHNEIDER

February 6, 1998

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. Clyde Reece McCormick, II and a copy of the Supreme Court's order appointing the Honorable James W. Mchaffy, Jr., Judge of the 58<sup>th</sup> District Court, Beaumont, Texas, to preside in this Disciplinary Action.

Sincerely,

**SIGNED**

John T. Adams  
Clerk

cc: Hon. James W. Mehaffy, Jr.  
Mr. John Rivas  
Mr. Clyde Reece McCormick, II





## THE SUPREME COURT OF TEXAS

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EXECUTIVE ASS'T  
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T  
NADINE SCHNEIDER

February 6, 1998

Honorable James W. Mehaffy, Jr.  
Judge, 58<sup>th</sup> District Court  
1149 Pearl Street, Room 201  
Beaumont, Texas 77701

Dear Judge Mehaffy:

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. McCormick and Mr. Rivas, 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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EXECUTIVE ASS'T  
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ADMINISTRATIVE ASS'T  
NADINE SCHNEIDER

February 6, 1998

Mr. John Rivas  
Assistant General Counsel, State Bar of Texas  
425 Soledad, Suite 300  
San Antonio, Texas 78205

Mr. Clyde Reece McCormick, II  
405 N. St. Mary's Street, Suite 700  
San Antonio, Texas 78205

Dear Mr. Rivas and Mr. McCormick:

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 James W. Mehaffy, Jr., Judge of the 58<sup>th</sup> District Court, Beaumont, Texas to preside in

Commission for Lawyer Discipline v. Clyde Reece McCormick, II

Sincerely,

**SIGNED**

John T. Adams  
Clerk