

ORDER OF THE SUPREME COURT OF TEXAS

Misc Docket No. 98- 9033

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

The Supreme Court of Texas hereby appoints the Honorable Faith Johnson, Judge of the 363rd District Court of Dallas County, Texas, to preside in the Disciplinary Action styled:

The Commission for Lawyer Discipline v. William B. Portis, Jr.

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,

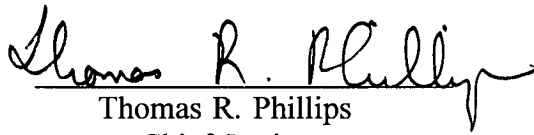
with the Seal thereof affixed at the City
of Austin, this 11th day of February, 1998.

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

JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 98-9033, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 12 day of February, 1998.

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

NO. _____

COMMISSION FOR LAWYER DISCIPLINES §
VS §
WILLIAM B. PORTIS, JR. §

IN THE DISTRICT COURT OF
____ 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, complaining of Respondent, William B. Portis, Jr., 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 with the State Bar of Texas 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. An officer may serve citation on Respondent at 1001 Texas Avenue, Suite 230, Houston, Texas 77002.

III.

Stacey Gonzalez was in an automobile accident. Another person was with her in the car at the time of the accident. The other person settled with the insurance company, but Stacey Gonzalez did not because she was pregnant at the time and concerned about complications. Ms. Gonzalez hired the Respondent, William Portis, Jr., to represent her in her personal injury claim resulting from that automobile accident.

Respondent sent Ms. Gonzalez to a doctor, Alfonso Gonzales. Dr. Gonzales informed Ms. Gonzalez that all he could do for her was put hot packs on her because she was pregnant, so she only appeared for treatment from Dr. Gonzales once. Later, she began to see Dr. Michael Stokes, a chiropractor.

Respondent's office contacted Ms. Gonzalez because Respondent wanted to settle the claim. Ms. Gonzalez informed Respondent's office that she did not want to settle until her baby was born because she was having complications with her pregnancy. Respondent tried to force Ms. Gonzalez to settle, but she would not agree. Ms. Gonzalez informed Respondent she was seeing a chiropractor. Respondent attempted to get Ms. Gonzalez to stop seeing the Dr. Stokes and to receive treatment from one of his chiropractors, but she declined.

Ms. Gonzalez decided to terminate Respondent's services and to hire another attorney. After she hired another attorney, Respondent contacted the claims adjuster with the insurance company to try to settle. At that time, Ms. Gonzalez learned that bills in the amount of One Thousand Two Hundred Dollars (\$1,200.00) had been submitted to the claims adjuster on behalf of Dr. Alfonso Gonzales.

Ms. Gonzalez has demanded the return of her file from the Respondent after terminating his services on numerous occasions, but Respondent has not returned the file.

IV.

By failing to return the file to his client, Respondent has engaged in conduct in violation of Rule 1.15(d)[upon termination or representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, and surrendering papers and property to which the client is entitled] of the Texas Disciplinary Rules of Professional Conduct, and of Rule 1.06(Q) of the Texas Rules of Disciplinary Procedure.

By submitting fraudulent medical bills to the insurance company in an attempt to settle his client's claim, Respondent engaged in conduct in violation of Rules 1.02(a)(1)[a lawyer shall abide by a client's decisions concerning the objectives and general methods of representation]; 4.01(a)[in the course of representing a client a lawyer shall not knowingly make a false statement of material fact or law to a third person]; 8.04(a)(1)[a lawyer shall not violate these rules, knowingly assist or induce another to do so, or do so through the acts of another, whether or not such violation occurred in the course of a client-lawyer relationship]; and 8.04(a)(3)[a lawyer shall not engage in conduct involving dishonesty, fraud, deceit or misrepresentation] of the Texas Disciplinary Rules of Professional Conduct, and of Rule 1.06(Q) of the Texas Rules of Disciplinary Procedure.

V.

The complaint which forms the basis of this lawsuit as hereinabove set forth was brought to the attention of the Office of the General Counsel of the State Bar of Texas by the filing of a complaint by Stacey Gonzalez on or about March 21, 1996.


PRAYER

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

Respectfully submitted,

Steven W. Young
General Counsel

Mary F. Klapperich
Assistant General Counsel
Office of the General Counsel
STATE BAR OF TEXAS
1111 Fannin, Suite 1370
Houston, Texas 77002
(713) 759-6932
(713) 752-2158 FAX


MARY F. KLAPPERICH
State Bar No. 11550700

ATTORNEYS FOR PETITIONER

STATE BAR OF TEXAS



Office of the General Counsel

January 9, 1998

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

Re: Commission for Lawyer Discipline v. William B. Portis, Jr.

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 B. Portis, Jr. Mr. Portis 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 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:

William B. Portis, Jr.
1001 Texas Street, Suite 230
Houston, TX 77002-3130

As a practical matter, I would respectfully suggest that you inquire with the judge to be appointed: (1) 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; 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 \$168.00 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 file-marked copy of the petition be returned to the undersigned.

John T. Adams, Clerk
Supreme Court of Texas
January 9, 1998
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Also enclosed are two (2) pre-addressed envelopes for your use in transmitting the petition, etc., 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 file-marked copy of the Petition to the undersigned.

Thank you for your courtesies in this matter.

Sincerely,



Mary F. Klapperich
Assistant General Counsel

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

FEB 19 1998

The Honorable Charles Bacarisse
District Clerk of Harris County
P.O. Box 4651
Houston, Texas 77002

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 B. Portis, Jr., and a copy of the Supreme Court's order appointing the Honorable Faith Johnson, Judge of the 363rd District Court of Dallas, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Hon. Faith Johnson
Ms. Mary F. Klapperich
Mr. William B. Portis, Jr.



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

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GREG ABBOTT
DEBORAH G. HANKINSON

FEB 19 1998

Honorable Faith Johnson
Judge, 363rd District Court
Frank Crowley Courts Building
133 N. Industrial Blvd.
Dallas, Texas 75207

Dear Judge Johnson:

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. Portis and Ms. Klapperich, 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

TEL: (512) 463-1312

FAX: (512) 463-1365

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CLERK
JOHN T. ADAMS

EXECUTIVE ASS'T
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

FEB 19 1998

Ms. Mary F. Klapperich
Assistant General Counsel, State Bar of Texas
1111 Fannin, Suite 1370
Houston, Texas 77002

Mr. William B. Portis, Jr.
1001 Texas Street, Suite 230
Houston, Texas 77002-3130

Dear Ms. Klapperich and Mr. Portis:

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 Faith Johnson, Judge of the 363rd District Court of Dallas, Texas to preside in

Commission for Lawyer Discipline v. William B. Portis, Jr.

Sincerely,

SIGNED

John T. Adams
Clerk