

**ORDER OF THE SUPREME COURT OF TEXAS**

**Misc Docket No. 98- 9050**

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

The Supreme Court of Texas hereby appoints the Honorable Bradley G. Elliott, Judge of the 268th District Court of Fort Bend County, Texas, to preside in the Disciplinary Action styled:

**The Commission for Lawyer Discipline v. L. Lynn Elliott**

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,

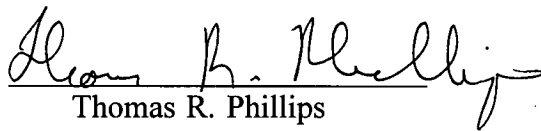
with the Seal thereof affixed at the City  
of Austin, this 9th day of March, 1998.



JOHN T. ADAMS, CLERK  
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 98-9050, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 10 day of March, 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 § IN THE DISTRICT COURT OF  
V. §  
L. LYNN ELLIOTT § 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, L. Lynn Elliott, (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 by and through his attorney, Douglas D. Mulder, at 2650 Maxus Energy Tower, 717 N. Harwood, Lock Box 126, Dallas, Texas 75201.

**III.**

In or around August 1995, Calvin Oden, Adrin Petty and Lamont Campbell (hereinafter

referred to collectively as "Complainants") were arrested in Nacogdoches County, Texas, and charged with felony drug offences. Bail was set in the amount of \$150,000.00 for each Complainant. Complainants' families, who live in Tennessee, paid a Tennessee bail bond firm \$45,000.00 in cash to post cash bonds for the release of all three (3) Complainants. The Tennessee bail bond firm wire transferred approximately \$35,000.00 of the \$45,000.00 to Rhett Stein ("Stein") in Dallas, Texas. Stein referred the cases to Respondent, who undertook to post bond to secure all three (3) Complainants' release from jail and to represent them in their criminal proceedings.

#### IV.

Thereafter, in spite of the fact that Complainants' families advanced cash funds to post cash bonds, Respondent did not secure the Complainants' release by filing cash bonds. Instead, Respondent drafted and filed attorney's bonds for two (2) of the Complainants, Calvin Oden ("Oden") and Adrin Petty ("Petty"), under his own name. A third attorney's bond was drafted and filed by Respondent for Lamont Campbell ("Campbell") under the name of another attorney, Stephen Wohr ("Wohr"). Prior to filing the attorney's bond using Wohr's name, Wohr was neither consulted, nor did he agree to represent Campbell. Wohr did not sign Campbell's bond.

#### V.

In August 1995, all three (3) Complainants were released from jail on the basis of the filing of the attorney's bonds. Thereafter, on October 13, 1995, Respondent appeared in court on behalf of all three (3) Complainants. At the hearing, Respondent failed to inform the court that Wohr was not, in fact, representing Campbell and that the attorney's bond filed for Campbell using Wohr's name was fraudulent.

## VI.

Although all three (3) Complainants were released from jail on attorney's bond in August 1995, all three (3) bonds were materially deficient, in addition to one of the bonds being fraudulent. At the October 13, 1995, hearing, the court advised Respondent that the bonds were deficient and gave Respondent an opportunity to rectify the problems. Respondent, however, failed to resubmit proper, sufficient and complete bonds to the Nacogdoches County Sheriff. As a result, the bonds for all three (3) Complainants were revoked, and Complainants were reincarcerated.

## VII.

Such acts and/or omissions on the part of Respondent as are described in Paragraphs III, IV, V, VI and VII, hereinabove, which occurred on or after January 1, 1990, constitute conduct which violates Rules 1.01(b)(1), 1.02(a)(1), 1.03(a), 3.03(a)(1)(2) and/or 8.04(a)(3) of the Texas Disciplinary Rules of Professional Conduct.

## VIII.

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 Calvin Oden, Adrin Petty and Lamont Campbell filing a complaint on or about March 4, 1997.

## PRAYER

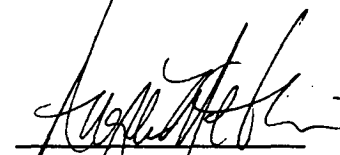
**WHEREFORE, PREMISES CONSIDERED,** Petitioner prays for judgment that Respondent be disciplined as the facts shall warrant; and that Petitioner have such other relief to which entitled, including costs of Court and attorney's fees.

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

A handwritten signature in black ink, appearing to read "Angela Methvin", written over a horizontal line.

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

ATTORNEYS FOR PETITIONER

# STATE BAR OF TEXAS



Office of the General Counsel

January 30, 1998

**CMRRR NO. P 104 073 537**

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

**RE:: Commission for Lawyer Discipline v. L. Lynn Elliott**

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 L. Lynn Elliott. Mr. Elliott has designated Dallas 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 by and through his attorney at the address shown below and the undersigned of the identity and address of the judge assigned:

**L. Lynn Elliott  
c/o Douglas D. Mulder  
2650 Maxus Energy Tower  
717 N. Harwood  
Lock Box 126  
Dallas, Texas 75201**

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 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.

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

John T. Adams, Clerk

January 30, 1998

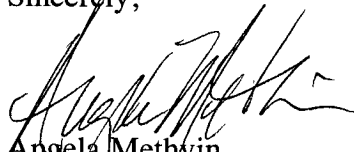
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Once a trial judge has been appointed, please forward the original and two (2) copies of the Disciplinary Petition, the filing fee check, also enclosed herewith, and the Court's appointing order to the District Clerk of Dallas County, Texas, with the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

Also enclosed are a pre-addressed envelope for your use in transmitting the petition, etc., to the District Clerk of Dallas County, Texas, and a return envelope to be sent to the District Clerk of Dallas 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,



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

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

MAR 11 1998

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. L. Lynn Elliott, and a copy of the Supreme Court's order appointing the Honorable Bradley G. Elliott, Judge of the 268<sup>th</sup> District Court, Richmond, Texas, to preside in this Disciplinary Action.

Sincerely,

**SIGNED**

John T. Adams  
Clerk

cc: Hon. Bradley G. Elliott  
Ms. Angela Methvin  
Mr. L. Lynn Elliott



## THE SUPREME COURT OF TEXAS

CHIEF JUSTICE  
THOMAS R. PHILLIPS

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GREG ABBOTT  
DEBORAH G. HANKINSON

EXECUTIVE ASS'T  
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T  
NADINE SCHNEIDER

MAR 11 1998

Honorable Bradley G. Elliott  
Judge, 268<sup>th</sup> District Court  
301 Jackson Street  
Richmond, Texas 77469

Dear Judge Elliott:

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. Elliott, 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



# THE SUPREME COURT OF TEXAS

CHIEF JUSTICE  
THOMAS R. PHILLIPS

POST OFFICE BOX 12248 AUSTIN, TEXAS 78711

TEL: (512) 463-1312

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JOHN T. ADAMS

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NATHAN L. HECHT  
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EXECUTIVE ASS'T  
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T  
NADINE SCHNEIDER

MAR 11 1998

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

Mr. L. Lynn Elliott  
c/o Douglas D. Mulder  
2650 Maxus Energy Tower  
717 N. Harwood  
Lock Box 126  
Dallas, Texas 75201

Dear Ms. Methvin and Mr. Elliott:

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 Bradley G. Elliott, Judge of the 268<sup>th</sup> District Court, Richmond, Texas to preside in

Commission for Lawyer Discipline v. L. Lynn Elliott

Sincerely,

**SIGNED**

John T. Adams  
Clerk