

ORDER OF THE SUPREME COURT OF TEXAS

Misc Docket No. 96- 9144

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

The Supreme Court of Texas hereby appoints the Honorable Richard Hall, Judge of the 270th District Court of Harris County, Texas, to preside in the Disciplinary Action styled:

The Commission for Lawyer Discipline v. Michael Langley

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,

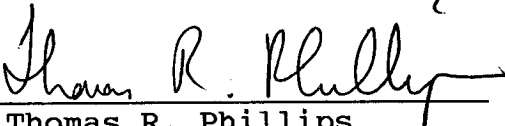
with the Seal thereof affixed at the City
of Austin, this 3rd day of June, 1996.



JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 96-9144, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 4 day of June, 1996.


Thomas R. Phillips
Chief Justice

NO. _____

COMMISSION FOR LAWYER DISCIPLINE	§	IN THE DISTRICT COURT OF
	§	
VS.	§	DALLAS COUNTY, TEXAS
	§	
MICHAEL L. LANGLEY	§	_____ 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, Michael L. Langley (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 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 at 13140 Coit Road, Suite 203, Dallas, Texas 75240-5737.

FIRST CAUSE OF ACTION

III.

In or around October 1989, Respondent was hired by Wayne Standefer (hereinafter

referred to as "Standefer") to represent him in a claim against an insurance carrier. Respondent filed a lawsuit in district court on behalf of Standefer, but soon after such filing, the defendant in that action filed for bankruptcy. As a result, Standefer's district court lawsuit was abated in March 1991.

IV.

In May 1992, the district court judge sent Respondent a letter directing him to certify that there existed an exception to the automatic stay of the district court action or that relief from the automatic stay had been requested in the bankruptcy action. The letter also advised Respondent that failure to certify to the court the requested information within fifteen (15) days would result in the case being dismissed for want of prosecution without further notice. Thereafter, Respondent failed to respond to the court's request and Standefer's lawsuit was dismissed for want of prosecution on August 31, 1992.

V.

After Standefer's district court case was dismissed, Respondent failed to inform him of such action. Instead, Respondent, over the course of the next two (2) to three (3) years, repeatedly told Standefer that the lawsuit was still pending, that settlement offers had been received and that he (Respondent) was negotiating for a larger settlement.

VI.

In June 1995, Respondent advised Standefer that a trial date had been scheduled for the district court case. Standefer then contacted the court and was informed that not only was there no trial date, the case had been dismissed for want of prosecution back in August 1992. When confronted with this information, Respondent misrepresented to Standefer that the matter had been refiled and then provided Standefer with a different cause number for the matter. In

actuality, the case had never been refiled and the cause number that Respondent provided to Standefer was actually assigned to another matter not related to Standefer's case. No further action on Standefer's case was ever taken by Respondent.

VII.

Such acts and/or omissions on the part of Respondent as are described in Paragraphs III, IV, V and VI hereinabove constitute conduct violative of Rules 1.01(b)(1), 1.03(a) and 8.04(a)(3) of the Texas Disciplinary Rules of Professional Conduct.

VIII.

The complaint which formed 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 Wayne Standefer filing a complaint on or about August 16, 1995.

SECOND CAUSE OF ACTION

IX.

On or about May 5, 1995, Respondent was hired by Chrystya Geremesz (hereinafter referred to as "Geremesz") to represent her in obtaining a modification of her original divorce decree to increase child support. Ms. Geremesz signed a contract with Respondent which provided for a payment by Geremesz of a flat fee of \$750.00 for legal services plus the payment any expenses incurred by Respondent. Ms. Geremesz ultimately paid Respondent a total of \$800.00 for his representation.

X.

During the course of Respondent's representation of Geremesz, Respondent represented to Geremesz there were a number of court settings for her case, specifically that there were

settings for July 16, 1995, October 20, 1995, November 10, 1995, November 16, 1995, December 20, 1995, January 12, 1996, and January 16, 1995. On each of these dates, Respondent represented to Geremesz that the court settings had been canceled.

XI.

After the court setting of January 16, 1996, had supposedly been canceled, Geremesz contacted the District Court in Denton County and was informed that Respondent had falsely represented to Geremesz the existence of most of these court settings. Only the July 6, 1995, and the December 20, 1995, court settings appear on the docket sheet. There are no records indicating any of the other settings had actually been set by the court.

XII.

Respondent falsely represented to Geremesz that there was a trial setting on January 12, 1996, but that it was canceled due to the judge's illness. In actuality there was not, nor had there ever been, a trial setting for January 12, 1996, and the judge was not ill and was, in fact, in his office on that date.

XIII.

In addition, Respondent failed to notify Geremesz of opposing counsel's request for mediation and he failed to return Geremesz's phone calls after January 12, 1996. In a letter dated January 15, 1996, Respondent notified Geremesz that he was withdrawing from his representation of her and refunded only \$200.00 of the \$800.00 Geremesz had paid to Respondent for him to obtain the modification of her divorce decree.

XIV.

Such acts and/or omissions on the part of Respondent as are described in Paragraphs III, IV, V and VI hereinabove constitute conduct violative of Rules 1.03(a) and 8.04(a)(3) of the

Texas Disciplinary Rules of Professional Conduct.

XV.

The complaint which formed 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 Chrystya Geremesz filing a complaint on or about January 29, 1996.

PRAYER

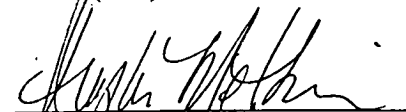
WHEREFORE, PREMISES CONSIDERED, Petitioner prays for judgment that Respondent be disciplined as the facts shall warrant, and that Petitioner be awarded such other relief to which entitled, including costs of Court and attorney's fees.

Respectfully submitted,

James M. McCormack
General Counsel

Angela Methvin
Assistant General Counsel

State Bar of Texas
Litigation - Dallas
5910 N. Central Expressway
Suite 920
Dallas, Texas 75206
(214) 368-0083
FAX (214) 368-6953



Angela Methvin
State Bar Card No. 00792698

ATTORNEYS FOR PETITIONER

STATE BAR OF TEXAS



Office of the General Counsel
Litigation - Dallas

April 1, 1996

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

RE: Commission for Lawyer Discipline v. Michael Langley

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 Michael Langley. Mr. Langley 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, through his attorney at the address shown below, and the undersigned of the identity and address of the judge assigned:

**Michael Langley
13140 Coit Road, Suite 203
Dallas, Texas 75240-5737**

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.

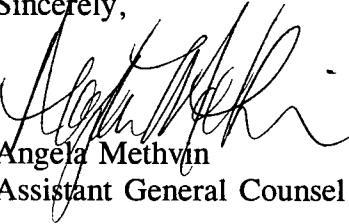
Once a trial judge has been appointed, please forward the original and two (2) copies of the Disciplinary Petition, the filing fee check, also enclosed herewith, and the Court's appointing order to the District Clerk of Dallas County, Texas, with the request that the suit be filed, service be obtained,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

Premier Place, 5910 N. Central Expressway, Suite 920, Dallas, Texas 75206 (214)368-0083

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

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

EXECUTIVE ASS'T
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

June 5, 1996

Mr. James M. McCormack
General Counsel, State Bar of Texas
P.O. Box 12487
Austin, Texas 78711

Mr. Michael Langley
13140 Coit Road, Suite 203
Dallas, Texas 75240-5737

Dear Mr. McCormack and Mr. Langley:

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 Richard Hall, Judge of the 270th District Court, Houston, Texas to preside in

Commission for Lawyer Discipline v. Michael Langley

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

CLERK
JOHN T. ADAMS

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

EXECUTIVE ASS'T
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

June 5, 1996

Honorable Richard Hall
Judge, 270th District Court
1302 Preston Street, 2nd Floor
Houston, Texas 77002

Dear Judge Hall:

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. Langley and Mr. McCormack, 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 District Court Administrator (214-653-6108) 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 claims forms for your expenses and other information 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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WILLIAM L. WILLIS

ADMINISTRATIVE ASST
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ROSE SPECTOR
PRISCILLA R. OWEN
JAMES A. BAKER
GREG ABBOTT

June 5, 1996

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. Michael Langley and a copy of the Supreme Court's order appointing the Honorable Richard Hall, Judge of the 270th District Court, Houston, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Hon. Richard Hall
Mr. Michael Langley
Mr. James M. McCormack