

ORDER OF THE SUPREME COURT OF TEXAS

Misc Docket No. 97- 9025

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

The Supreme Court of Texas hereby appoints the Honorable Tryon D. Lewis, Judge of the 161st District Court of Ector County, Texas, to preside in the Disciplinary Action styled:

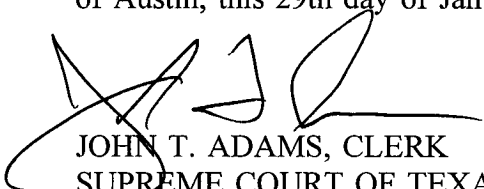
The Commission for Lawyer Discipline v. James F. Scherr

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

The Clerk of the Supreme Court shall promptly forward to the District Clerk of El Paso 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.

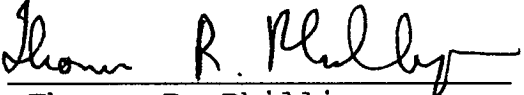
As ordered by the Supreme Court of Texas, in chambers,

with the Seal thereof affixed at the City
of Austin, this 29th day of January, 1997.


JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 97-9025, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 29 day of January, 1997.

A handwritten signature in cursive script, reading "Thomas R. Phillips", written over a horizontal line.

Thomas R. Phillips
Chief Justice

No. _____

COMMISSION FOR LAWYER DISCIPLINE	§	IN THE DISTRICT COURT OF
	§	
V.	§	EL PASO COUNTY, TEXAS
	§	
JAMES F. SCHERR	§	___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, JAMES F. SCHERR, 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, JAMES F. SCHERR, 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 El Paso County, Texas and no service is necessary at this time.

Venue

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

I.

Petitioner brings this disciplinary action pursuant to State Bar Act, Tex. Gov'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 form the basis of this action was filed on or about September 17, 1995. The acts and conduct of Respondent, as hereinafter alleged, constitute professional misconduct.

II.

Respondent is an attorney licensed to practice law in Texas and is a member of the State Bar of Texas. Respondent placed a listing for "Discount Legal Services" in the 1995, 1996, El Paso Southwestern Bell Yellow Pages. Such listing constitutes advertising under a "trade name."

III.

The conduct of Respondent described above constitutes a violation of Texas Disciplinary Rule of Professional Conduct 7.01(a) and 7.01(e) (formerly 7.04(a)).

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



JOHN J. RIVAS
State Bar No.00788285

ATTORNEYS FOR PETITIONER

STATE BAR OF TEXAS



CERTIFIED MAIL
RETURN RECEIPT REQUESTED
P 583 840 609

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 6, 1996

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

RE: Commission for Lawyer Discipline v. James F. Scherr; In the District Courts
of El Paso County, Texas

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 Jame F. Scherr. Mr. Scherr has designated El Paso 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 practices 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:

James F. Scherr
BY AND THROUGH HIS ATTORNEY OF RECORD
Jim Darnell
310 N. Mesa, Ste. 212
El Paso, Texas 79901

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 as 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 and the filing fee check, also enclosed herewith, and the Court's appointing order to the District Clerk of El Paso 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 El Paso County, Texas and a return envelope to be sent to the District Clerk of El Paso 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,

A handwritten signature in black ink, appearing to read "John J. Rivas". The signature is stylized with a large, looping initial "J" and "R".

John J. Rivas
Assistant General Counsel

Enclosures

JJR/mc



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

POST OFFICE BOX 12248 AUSTIN, TEXAS 78711

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

TEL: (512) 463-1312

FAX: (512) 463-1365

EXECUTIVE ASS'T
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

February 4, 1997

Honorable Tryon D. Lewis
Judge, 161st District Court
331 Courthouse
300 N. Grant Avenue
Odessa, Texas 79761

Dear Judge Lewis:

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. Rivas and Mr. Scherr, and a copy of the letter to the District Clerk of El Paso County.

It is recommended that, a month or six weeks after receipt of this letter, you or your coordinator contact the District Court Administrative Office (915-546-2143) 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 (915-546-8135) 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

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 ASST
WILLIAM L. WILLIS

ADMINISTRATIVE ASST
NADINE SCHNEIDER

February 4, 1997

The Honorable Edie Rubalcaba
District Clerk of El Paso County
500 East San Antonio Avenue, Room 103
El Paso, Texas 79901-2496

Dear Mr. Rubalcaba:

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. James F. Scherr, and a copy of the Supreme Court's order appointing the Honorable Tryon D. Lewis, Judge of the 161st District Court, Odessa, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Hon. Tryon D. Lewis
Mr. James F. Scherr
Mr. John J. Rivas



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 ASST
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

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

February 4, 1997

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

Mr. James F. Scherr
c/o Mr. Jim Darnell
310 N. Mesa, Suite 212
El Paso, Texas 79901

Dear Mr. Rivas and Mr. Scherr:

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 Tryon D. Lewis, Judge of the 161st District Court, Odessa, Texas to preside in

Commission for Lawyer Discipline v. James F. Scherr

Sincerely,

SIGNED

John T. Adams
Clerk