

**ORDER OF THE SUPREME COURT OF TEXAS**

**Misc Docket No. 97- 9043**

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

The Supreme Court of Texas hereby appoints the Honorable David C. Godbey, Judge of the 160th District Court of Dallas County, Texas, to preside in the Disciplinary Action styled:


**The Commission for Lawyer Discipline v. Vincent A. Lannie**

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.

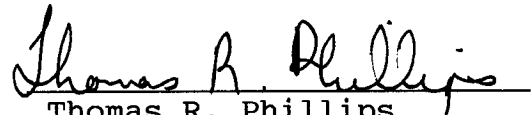
As ordered by the Supreme Court of Texas, in chambers,

with the Seal thereof affixed at the City  
of Austin, this 18th day of February, 1997.

  
JOHN T. ADAMS, CLERK  
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 97-9043, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 24 day of February, 1997.

  
Thomas R. Phillips  
Chief Justice

COPY

CAUSE NO. \_\_\_\_\_

COMMISSION FOR LAWYER DISCIPLINE	§	IN THE DISTRICT COURT OF
v.	§	HARRIS COUNTY, TEXAS
VINCENT A. LANNIE	§	_____ JUDICIAL DISTRICT

**DISCIPLINARY PETITION**

The COMMISSION FOR LAWYER DISCIPLINE ("Petitioner") complains of Vincent A. Lannie ("Respondent"), showing the Court:

**1. NATURE OF PROCEEDING**

Petitioner brings this disciplinary action pursuant to the State Bar Act, the Texas Government Code Annotated §81.001, *et seq.* (Vernon 1988 and supp. 1994), the Texas Disciplinary Rules of Professional Conduct, and the Texas Rules of Disciplinary Procedure. The complaints that form the basis of this Disciplinary Petition were filed on or after May 1, 1992.

**2. SUBJECT OF PROCEEDING**

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 Harris County, Texas. Respondent's principal place of practice is Harris County, Texas. Therefore, venue is appropriate in Harris County, Texas, pursuant to Rule 3.03 of the Texas Rules of Disciplinary Procedure. An officer may serve citation on Respondent at his business address located at 3814 Highway 14, Harris County, Baytown, Texas 77521.

### 3. HENSLEY COMPLAINT

- 3.1 In or about December, 1989, Complainants Dan & Robin Hensley ("Hensley") retained the services of the Respondent on a contractual contingency fee basis to represent their interests in a medical malpractice case. Such representation continued until their termination of the Respondent in or around June, 1994.
- 3.2 During the course of the representation, Respondent sold a lien which was part of the Complainant's settlement.
- 3.3 Respondent failed to respond to orders of the court, and failed to file various pleadings as required by the court. Further, Respondent was administratively suspended due to non-payment of dues from September 1, 1992 until on or about July 1, 1994.
- 3.4 Respondent issued a non-sufficient fund check to one of the Complainant's expert witnesses.
- 3.5 Respondent failed to provide an accounting of the costs incurred to the Complainants' when requested to do so.
- 3.6 Respondent failed to communicate with the Complainants regarding the status of their claim and failed to properly explain the Complainants' case to them, thus prohibiting them from making an informed decision regarding the representation.
- 3.7 On February 26, 1996, the Respondent was served with a State Bar of Texas subpoena duces tecum, by hand delivery, requiring him to appear and produce the Complainants' client file to the District 4 Grievance Committee on April

16, 1996. Respondent both failed to appear or to produce the Complainants' client file on April 16, 1996.

#### **4. RULE VIOLATIONS**

**4.1** The conduct of the Respondent as alleged above in paragraphs 3.1 through 3.7, which occurred on or after January 1, 1990, constitutes conduct in violation of Rules; **1.01(b)(1)** [for neglecting a legal matter entrusted to the lawyer]; **1.03(a)** [for failing to keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information]; **1.03(b)** [for failing to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation]; **1.04(d)** [a fee may be contingent on the outcome of the matter for which the service is rendered, except in a matter in which a contingent fee is prohibited. A contingent fee agreement shall be in writing and shall state the method by which the fee is to be determined]; **8.04(a)(3)** [for engaging in conduct involving dishonesty, fraud, deceit or misrepresentation]; and **8.04(a)(8)** [for failing to timely furnish a district grievance committee a response or other information as required unless he/she timely asserts a privilege or other legal ground for failure to do so] and of the Texas Rules of Professional Conduct and Part 1.06(Q) of the Texas Rules of Disciplinary Procedure.

## **5. CAUSE OF ACTION**

**5.1** The complaint that forms the basis of this cause of action was brought to the attention of the Office of the General Counsel of the State Bar of Texas by Dan & Robin Hensley filing a complaint on or about September 6, 1995.

## **6. ATTORNEY'S FEES**

**6.1** Because of Respondent's various acts of professional misconduct as alleged herein, it has been necessary for the undersigned attorney to bring this action on behalf of Petitioner herein. Pursuant to Article X, Section 8(7), State Bar Rules, Petitioner is entitled to attorneys' fees and would show that reasonable attorneys' fees should be awarded in an amount not less than Five Hundred Dollars (\$500.00).

## **7. PRAYER**

Petitioner respectfully prays that this Court discipline Respondent by disbarment, suspension or reprimand, as the facts shall warrant; and that the Petitioner have all other relief to which it may show itself to be justly entitled, including costs of court and attorney's fees.

Respectfully submitted,

Steven W. Young  
General Counsel

Jeannette M. Duer  
Assistant General Counsel

Office of the General Counsel  
STATE BAR OF TEXAS  
1111 Fannin, Suite 1370  
Houston, Texas 77002  
Phone: (713) 759-6931  
Fax No.: (713) 752-2158



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JEANNETTE M. DUER  
State Bar No. 00793645

ATTORNEYS FOR PETITIONER/THE  
COMMISSION FOR LAWYER  
DISCIPLINE

# STATE BAR OF TEXAS



Office of the General Counsel

January 6, 1997

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

*Re: Commission for Lawyer Discipline v. Vincent A. Lannie*

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 Vincent A. Lannie. Vincent A. Lannie 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 practices to preside in this case. Upon appointment, request is hereby made that you notify the Respondent at the address shown below and the undersigned of the identity and address of the judge assigned:

Vincent A. Lannie  
3814 Highway 146  
Baytown, Texas 77521

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 Civil Case Information Sheet, and the 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, citation be issued, and citation, along with a file-stamped copy of the petition be returned to the undersigned.

Also enclosed is a pre-addressed envelope for your use in transmitting the above referenced documents 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 filemarked copy of the petition to the undersigned.



Mr. John T. Adams, Clerk  
Supreme Court of Texas  
January 6, 1997  
Page 2

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If you have any questions, please contact me. Thank you for your assistance.

Very truly yours,

A handwritten signature in cursive script that reads "Jeannette Duer".

Jeannette M. Duer  
Assistant General Counsel

JMD/sr  
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  
JOHN CORNYN  
CRAIG ENOCH  
ROSE SPECTOR  
PRISCILLA R. OWEN  
JAMES A. BAKER  
GREG ABBOTT

**FEB 25 1997**

Ms. Jeannette M. Duer  
Assistant General Counsel, State Bar of Texas  
1111 Fannin, Suite 1370  
Houston, Texas 77002

Mr. Vincent A. Lannie  
3814 Highway 146  
Baytown, Texas 77521

Dear Ms. Duer and Mr. Lannie:

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 David C. Godbey, Judge of the 160<sup>th</sup> District Court of Dallas, Texas to preside in

Commission for Lawyer Discipline v. Vincent A. Lannie

Sincerely,

**SIGNED**

John T. Adams  
Clerk



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE  
THOMAS R. PHILLIPS

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

**FEB 25 1987**

The Honorable Charles Bacarisse  
District Clerk of Harris County  
P.O. Box 4651  
Houston, Texas 77210

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. Vincent A. Lannie, and a copy of the Supreme Court's order appointing the Honorable David C. Godbey, Judge of the 160<sup>th</sup> District Court of Dallas, Texas, to preside in this Disciplinary Action.

Sincerely,

**SIGNED**

John T. Adams  
Clerk

cc: Hon. David C. Godbey  
Ms. Jeannette M. Duer  
Mr. Vincent A. Lannie



# THE SUPREME COURT OF TEXAS

CHIEF JUSTICE  
THOMAS R. PHILLIPS

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GREG ABBOTT

**FEB 25 1997**

Honorable David C. Godbey  
Judge, 160<sup>th</sup> District Court  
George L. Allen Sr. Courts Building  
600 Commerce Street  
Dallas, Texas 75202

Dear Judge Godbey:

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. Duer and Mr. Lannie, 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