

ORDER OF THE SUPREME COURT OF TEXAS

Misc. Docket No. 97- 9053

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

The Supreme Court of Texas hereby appoints the Honorable John F. Miller, Jr., Judge of the 102nd District Court of Bowie County, Texas, to preside in the Disciplinary Action styled:

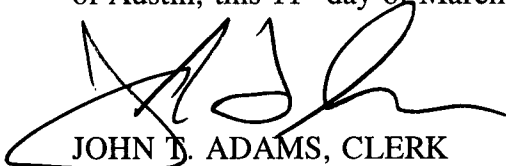
The Commission for Lawyer Discipline v. William D. Perkins

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

The Clerk of the Supreme Court shall promptly forward to the District Clerk of Angelina 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,

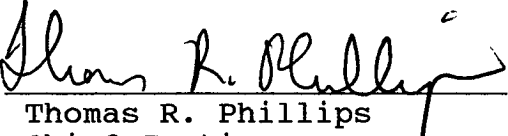
with the Seal thereof affixed at the City
of Austin, this 11th day of March, 1997.

A handwritten signature in black ink, appearing to read "John T. Adams", is written over the printed name and title.

**JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS**

This assignment, made by Misc. Docket No. 9-9053, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 11 day of March, 1997.


Thomas R. Phillips
Chief Justice

NO. _____

COMMISSION FOR LAWYER DISCIPLINE	§	IN THE DISTRICT COURT OF
	§	
V.	§	ANGELINA COUNTY, TEXAS
	§	
WILLIAM D. PERKINS	§	_____ 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, William D. Perkins, (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 Angelina County, Texas. An officer may serve citation on Respondent by and through his attorney, Wayne H. Paris, 3100 South Gessner, Suite 600, Houston, Texas 77063.

III.

In or around April 1995, Cindy Williams Diggs (hereinafter referred to as "Diggs") engaged Respondent to represent her in probating her father's will and to collect the proceeds from her father's life insurance policies. At the time of his death, Diggs' father was in the process of divorcing his second wife, but the final divorce decree had not been entered. Respondent advised Diggs that she might be able to defeat certain of her father's estranged wife's claims upon the estate, and Diggs accepted Respondent's advice and relied upon him to pursue any interest she might have. Thereafter, Respondent collected the proceeds of the life insurance policy to which Diggs was entitled as the designated beneficiary and filed pleadings on behalf of Diggs in the probate court challenging the estranged wife's claims.

IV.

Upon learning the amount of attorney's fees Respondent had assessed against Diggs, Diggs consulted another attorney about Respondent's legal advice and the course of action taken in Diggs' case. After being advised that her case was weak and would not likely prevail, Diggs directed Respondent to contact the opposing party and attempt to settle the estate. Respondent, however, failed to abide by Diggs' decision and did not make a good faith effort to settle Diggs' case, as directed.

V.

From the time Diggs had hired Respondent until the time she dismissed him and sought other counsel, about six (6) months had passed. During this time, Respondent billed Diggs approximately \$45,910.50 in legal fees. Such fee was unconscionable considering the time and labor required, the skill requisite to perform the legal services, the novelty and difficulty of the

legal issues involved, the results obtained and the fee customarily charged in the locality for similar legal services. In addition, during this time, Respondent brought no settlement proposals to Diggs nor had he filed any pleadings in court whereby the matter might be brought to trial. By taking the position he did, Respondent unreasonably increased the costs or other burdens of the case, and he unreasonably delayed resolution of the matter.

VI.

Such acts and/or omissions on the part of Respondent as are described in Paragraphs III, IV and V, hereinabove, which occurred on or after January 1, 1990, constitute conduct which violates Rules 1.02(a)(1), 1.04(a), 1.04(b)(1), 1.04(b)(3), 1.04(b)(4) and/or 3.02 of the Texas Disciplinary Rules of Professional Conduct.

VII.

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 Cindy Williams Diggs filing a complaint on or about March 29, 1996.

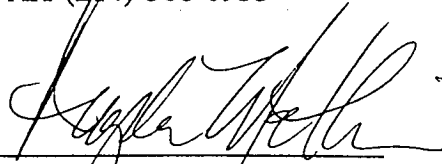
PRAYER

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

Assistant General Counsel
Angela Methvin
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

January 16, 1997

CMRRR NO. Z 742 009 870

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

RE: Commission for Lawyer Discipline v. William D. Perkins

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 D. Perkins. Mr. Perkins is a resident of Angelina 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, by and through his attorney, at the address shown below and the undersigned of the identity and address of the judge assigned:

**William D. Perkins
by and through Wayne H. Paris
3100 South Gessner
Suite 600
Houston, Texas 77063**

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 Angelina 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.

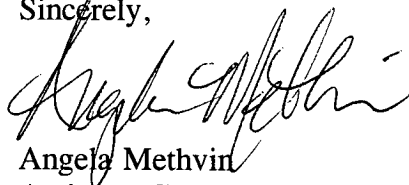
Premier Place, 5910 N. Central Expressway, Suite 920, Dallas, Texas 75206
Telephone (214)368-0083 - Fax (214)368-6953

John T. Adams, Clerk
January 16, 1997
Page 2

Also enclosed are a pre-addressed envelope for your use in transmitting the petition, etc., to the District Clerk of Angelina County, Texas, and a return envelope to be sent to the District Clerk of Angelina County, Texas, for the Clerk's use in returning a file stamped 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 ASST
WILLIAM L. WILLIS

ADMINISTRATIVE ASST
NADINE SCHNEIDER

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

MAR 17 1997

Ms. Angela Methvin
Assistant General Counsel, State Bar of Texas
5910 N. Central Expressway, Suite 920
Dallas, Texas 75206

Mr. William D. Perkins
c/o Wayne H. Paris
3100 South Gessner, Suite 600
Houston, Texas 77063

Dear Ms. Methvin and Mr. Perkins:

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 John F. Miller, Jr., Judge of the 102nd District Court of Texarkana, Texas to preside in

Commission for Lawyer Discipline v. William D. Perkins

Sincerely,

SIGNED

John T. Adams
Clerk



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

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JAMES A. BAKER
GREG ABBOTT

March 17, 1997

The Honorable Jimmie F. Robinson
District Clerk of Angelina County
P.O. Box 908
Lufkin, Texas 75902-0908

Dear Mr. Robinson:

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 D. Perkins, and a copy of the Supreme Court's order appointing the Honorable John F. Miller, Jr., Judge of the 102nd District Court, Texarkana, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Hon. John F. Miller, Jr.
Ms. Angela Methvin
Mr. William D. Perkins



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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CLERK
JOHN T. ADAMS

JUSTICES
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PRISCILLA R. OWEN
JAMES A. BAKER
GREG ABBOTT

EXECUTIVE ASS'T
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

March 17, 1997

Honorable John F. Miller, Jr.
Judge, 102nd District Court
Bi-State Justice Line Avenue, Box 10
Texarkana, Texas 75501

Dear Judge Miller:

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. Perkins and a copy of the letter to the District Clerk of Angelina County.

We then recommend that, four or five weeks after receipt of this letter, you or your coordinator contact the presiding judge or the District Clerk of Angelina County 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 date for trial, the judge or coordinator of that court 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 (409/538-8176) 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