

ORDER OF THE SUPREME COURT OF TEXAS

Misc Docket No. 98- 9187

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

The Supreme Court of Texas hereby appoints the Honorable Carter W. Tarrance, Judge of the 392nd District Court of Henderson County, Texas, to preside in the Disciplinary Action styled:


The Commission for Lawyer Discipline v. Kenneth N. Price

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

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

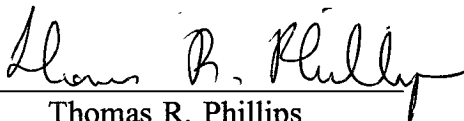
As ordered by the Supreme Court of Texas, in chambers,

with the Seal thereof affixed at the City
of Austin, this 27th day of October, 1998.


JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 98-9187, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 28 day of October, 1998.


Thomas R. Phillips
Chief Justice

STATE BAR OF TEXAS



Office of the Chief Disciplinary Counsel

September 30, 1998

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

Re: Commission for Lawyer Discipline v. Kenneth N. Price

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 Kenneth N. Price. Mr. Price has designated Parker 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 at the address shown below and the undersigned of the identity and address of the judge assigned:

Kenneth N. Price
c/o Wayne H. Paris
3100 South Gessner, Suite 600
Houston, Harris County, TX 77063

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.

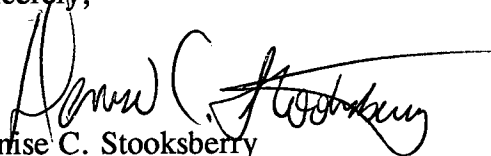
Once a trial judge has been appointed, please forward the original and two (2) copies of the Disciplinary Petition, the filing fee check, also enclosed herewith, and the Court's appointing order to the District Clerk of Parker County, Texas, with the request that the suit be filed, service be obtained,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

Mr. John Adams
September 30, 1998
Page Two

Also enclosed are a pre-addressed envelope for your use in transmitting the petition, etc., to the District Clerk of Parker County, Texas, and a return envelope to be sent to the District Clerk of Parker County, Texas, for the Clerk's use in returning a file-marked copy of the Petition to the undersigned.

Thank you for your courtesy in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Denise C. Stooksberry", with a long horizontal flourish extending to the right.

Denise C. Stooksberry
Assistant General Counsel
Office of the Chief Disciplinary Counsel
State Bar of Texas

DCS/mrc

Enclosures

NO. _____

COMMISSION FOR LAWYER DISCIPLINE	§	IN THE DISTRICT COURT OF
V.	§	PARKER COUNTY, TEXAS
KENNETH NEAL PRICE	§	_____ 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 ("Petitioner"), complaining of Respondent KENNETH NEAL PRICE ("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 a member of the State Bar of Texas. Respondent is a resident of, and has his principal place of practice in, Parker County Texas. Citation may be served on Respondent by and through his attorney, Wayne H. Paris, Attorney at Law, 3100 South Gessner, Suite 600, Houston, Harris County, Texas 77063, via certified mail, return receipt requested.

III.

In or around December 18, 1997, William Boyd ("Boyd") retained Respondent and paid him Seventy Five and No/100 Dollars (\$75.00), to file an appeal bond in order to appeal the judgment entered in a traffic citation case. The deadline to file the appeal bond was December 22, 1997. Respondent failed to file the appeal bond or to otherwise secure Respondent's right to appeal. In fact, Respondent failed to take any action on Boyd's case until December 29, 1996, after Boyd's right to appeal had already been lost.

By letter dated January 6, 1998, Respondent was notified by the Court that, due to his failure to file an appeal bond, Boyd had lost his right to appeal. Upon his receipt of the same letter on or about February 4, 1998, Boyd discovered that Respondent had failed to take timely and appropriate action in the matter for which he had been retained. Boyd then contacted Respondent regarding his remaining rights, if any. Respondent failed to return his calls. In fact, throughout his representation, Respondent failed to return Boyd's calls or to communicate to Boyd regarding the status of his appeal and case. As a result of Respondent's neglect, Boyd was arrested on the outstanding traffic citation. Further, Respondent never refunded Boyd any portion of the retainer fee.

IV.

Such acts and omissions on the part of Respondent as are described in Paragraph III occurred on or after January 1, 1990, and constitute conduct violative of Rules 1.01(b)(1); 1.02(a)(1); 1.02(a)(2); 1.03(a), 1.15(d) of the Texas Rules of Professional Conduct.

V.

The complaint which forms the basis of the claims in this cause was brought to the attention of the Office of the General Counsel of the State Bar of Texas by a complaint filed by Boyd on or about February 8, 1998.

PRAYER

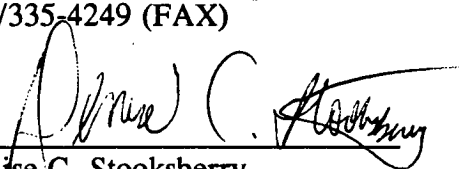
WHEREFORE, PREMISES CONSIDERED, Petitioner prays for judgment that Respondent Kenneth Neal Price be disciplined as the facts shall warrant; and that Petitioner have such other relief or sanctions to which entitled, including costs of Court, restitution and attorneys' fees.

Respectfully submitted,

Steven W. Young
General Counsel

Denise C. Stooksberry
Assistant General Counsel

Office of the General Counsel
STATE BAR OF TEXAS
201 Main Street, Suite 1150
Fort Worth, TX 76102
817/877-4993
817/335-4249 (FAX)


Denise C. Stooksberry
State Bar Card No. 04607100

ATTORNEYS FOR PETITIONER



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

October 30, 1998

Ms. Denise C. Stooksberry
Assistant General Counsel, State Bar of Texas
201 Main Street, Suite 1150
Fort Worth, Texas 76102

Mr. Kenneth N. Price
c/o Wayne H. Paris
3100 South Gessner, Suite 600
Houston, Texas 77063

Dear Ms. Stooksberry and Mr. Price:

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 Carter W. Tarrance, Judge of the 392nd District Court of Athens, Texas to preside in

Commission for Lawyer Discipline v. Kenneth N. Price

Sincerely,

SIGNED

John T. Adams
Clerk



THE SUPREME COURT OF TEXAS

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THOMAS R. PHILLIPS

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October 30, 1998

Honorable Carter W. Tarrance
Judge, 392nd District Court
207 Courthouse, Courthouse Square
Athens, Texas 75751

Dear Judge Tarrance:

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. Price and Ms. Stooksberry, and a copy of the letter to the District Clerk of Parker 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 Parker 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 case 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 (817-884-3328) 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

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GREG ABBOTT
DEBORAH G. HANKINSON

October 30, 1998

The Honorable Lana Tibbitts
District Clerk of Parker County
P.O. Box 340
Weatherford, Texas 76086-0340

Dear Ms. Tibbitts:

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 Kenneth N. Price*, and a copy of the Supreme Court's order appointing the Honorable Carter W. Tarrance, Judge of the 392nd District Court of Athens, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Hon. Carter W. Tarrance
Ms. Denise C. Stooksberry
Mr. Kenneth N. Price