

**ORDER OF THE SUPREME COURT OF TEXAS**

Misc. Docket No. 00- **9029**

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

The Supreme Court of Texas hereby appoints the Honorable John H. Fostel, Judge of the 271<sup>st</sup> District Court of Wise County, Texas, to preside in the Disciplinary Action styled:

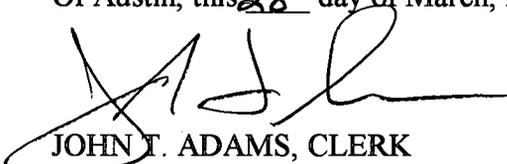
**The Commission for Lawyer Discipline v. Dan R. Young**

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.

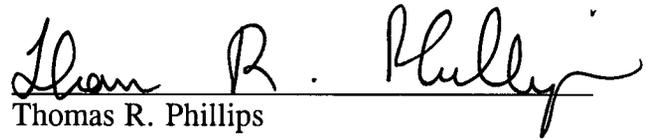
As ordered by the Supreme Court of Texas, in chambers,

With the Seal thereof affixed at the City  
Of Austin, this 28<sup>th</sup> day of March, 2000.

  
JOHN T. ADAMS, CLERK  
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 00-9029, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 28 day of March, 2000.

  
Thomas R. Phillips  
Chief Justice

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

<b>COMMISSION FOR LAWYER DISCIPLINE,</b>	§	<b>IN THE DISTRICT COURT OF</b>
	§	
<b>Petitioner</b>	§	
	§	
<b>vs.</b>	§	<b>HARRIS COUNTY, TEXAS</b>
	§	
<b>DAN R. YOUNG</b>	§	
	§	
<b>Respondent</b>	§	<b>_____ JUDICIAL DISTRICT</b>

**ORIGINAL DISCIPLINARY PETITION**

**TO THE HONORABLE JUDGE OF THE COURT:**

**COMES NOW**, Petitioner, the **COMMISSION FOR LAWYER DISCIPLINE**, a committee of the STATE BAR OF TEXAS (hereinafter referred to as "Petitioner"), complaining of Respondent, **DAN R. YOUNG** (hereinafter referred to as "Respondent"), and would respectfully show unto the Court the following:

**I. DISCOVERY CONTROL PLAN**

Pursuant to Rules 190.1 and 190.2, TEXAS RULES OF CIVIL PROCEDURE (TRCP), Petitioner intends discovery in this case to be conducted under the Level 1 Discovery Control Plan. Pursuant to Rule 190.2(a)(1), TRCP, Petitioner affirmatively pleads that it seeks only monetary relief aggregating fifty thousand and no/100 dollars (\$50,000.00) or less, excluding costs, pre-judgment interest and attorneys' fees.

## **II. NATURE OF PROCEEDING**

Petitioner brings this disciplinary action pursuant to the STATE BAR ACT, 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 *Original Disciplinary Petition* were filed on or after May 1, 1992.

## **III. VENUE**

Respondent is an attorney licensed to practice law in Texas and is a member of the STATE BAR OF TEXAS. Respondent's residence and 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. Respondent may be served at his business address, 12820 Greenwood Forest Drive, Suite 410, Houston, Harris County, Texas, 77066.

## **IV. FIRST CAUSE OF ACTION**

On or about January 26, 1999, IRVING and CAROL JENKINS (hereinafter referred to collectively as "JENKINS") hired Respondent to update their wills and to handle other probate matters on their behalf. JENKINS paid Respondent Two Thousand Five Hundred and No/100 Dollars (\$2,500.00) for legal services to be rendered.

Thereafter, JENKINS made several attempts to contact Respondent to ascertain the status of their case, but Respondent failed to respond to those requests.

On or about April 15, 1999, Respondent was administratively suspended from the practice of law for failure to comply with his Minimum Continuing Legal Education

requirements. While suspended from the practice of law, Respondent continued to represent JENKINS.

By letter dated May 16, 1999, JENKINS terminated their attorney-client relationship with Respondent and requested a full refund of monies paid, as well as the return of certain documentation. Respondent failed to comply with the requests in a timely manner. Further, Respondent charged an unconscionable fee since he failed to fulfill the obligations for which he was hired.

#### **V. RULE VIOLATIONS**

The acts and/or omissions of Respondent described in Paragraph IV above, which occurred on or after January 1, 1990, constitute conduct in violation of Rules **1.03(a)** [a lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information]; **1.03(b)** [a lawyer shall not fail to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation]; **1.04(a)** [a lawyer shall not enter into an arrangement for, charge, or collect an illegal fee or unconscionable fee]; and **8.04(a)(11)** [a lawyer shall not engage in the practice of law when the lawyer is on inactive status or when the lawyer's right to practice has been suspended or terminated, including but not limited to situations where a lawyer's right to practice has been administratively suspended for failure to timely pay required fees or assessments or for failure to comply with Article XII of the STATE BAR RULES relating to Mandatory Continuing Legal Education], of the TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT.

## VI.

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 IRVING JENKINS' filing of a complaint on June 14, 1999.

## VII. SECOND CAUSE OF ACTION

On or about November 20, 1996, Respondent signed an *Agreed Judgment of Public Reprimand*, in State Bar Case No. H0079613110. Respondent was ordered to pay restitution to the Complainant in the amount of Seven Hundred Fifty and No/100 Dollars (\$750.00) upon signing of the Judgment. Respondent failed to timely comply with the terms of the Judgment as no payment was made until on or about October 20, 1999.

Additionally, on or about May 14, 1998, Respondent signed an *Agreed Judgment of Fully Probated Suspension*, in State Bar Case No. H0079715936. Respondent was ordered to pay attorneys' fees in the amount of Three Hundred and No/100 Dollars (\$300.00) by June 20, 1998 (the end of his six (6) month fully probated suspension). Respondent wholly failed to remit the attorneys' fees.

Further, on or about February 22, 1999, Respondent signed an *Agreed Judgment of Public Reprimand*, in State Bar Case No. H0089819021. Respondent was ordered to pay attorneys' fees in the amount of Two Hundred Fifty and No/100 Dollars (\$250.00) by March 1, 1999. Respondent wholly failed to remit the attorneys' fees.

### **VIII. RULE VIOLATIONS**

The acts and/or omissions of Respondent described in Paragraph VII above, which occurred on or after January 1, 1990, constitute conduct in violation of Rule 8.04(a)(7) [a lawyer shall not violate any disciplinary or disability order or judgment] of the TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT.

### **IX.**

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 the STATE BAR OF TEXAS' filing of a complaint on June 15, 1999.

### **PRAYER FOR RELIEF**

**WHEREFORE, PREMISES CONSIDERED,** Petitioner, the **COMMISSION FOR LAWYER DISCIPLINE**, respectfully prays that this Court discipline Respondent, **DAN R. YOUNG**, by reprimand, suspension, or disbarment, as the facts shall warrant; order restitution to Complainants; and grant all other relief to which Petitioner may show itself to be justly entitled, including costs of court and attorneys' fees.

Respectfully submitted,

**DAWN MILLER**  
Acting General Counsel

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

  
\_\_\_\_\_  
**JENNIFER A. HASLEY**  
State Bar No. 00792818

**ATTORNEYS FOR PETITIONER,  
THE COMMISSION FOR  
LAWYER DISCIPLINE**

Cause No. \_\_\_\_\_

COMMISSION FOR LAWYER DISCIPLINE

Plaintiff § IN THE DISTRICT COURT OF

v. Dan R. Young §

Defendant § HARRIS COUNTY, TEXAS

§

§ \_\_\_\_\_ JUDICIAL DISTRICT

§

**CIVIL CASE INFORMATION SHEET**

This form must be completed and filed with every original petition, and a copy attached to every original petition served. The information should be the best available at the time of filing, understanding that such information may change before trial. This form does not constitute a discovery request, response, or supplementation, and is not admissible at trial.

Service must be obtained promptly. Notice is hereby given that, per Harris County Local Rule 3.6, any case in which no answer has been filed or default judgement signed SIX (6) MONTHS from filing will be eligible for DISMISSAL FOR WANT OF PROSECUTION.

Type of Action:     Commercial     Personal Injury     Death     Other

Check all claims pled:

<input type="checkbox"/> Account due	<input type="checkbox"/> Defamation	<input type="checkbox"/> Fraud	<input type="checkbox"/> Product liability
<input type="checkbox"/> Admiralty	<input checked="" type="checkbox"/> Disbarment	<input type="checkbox"/> Garnishment	<input type="checkbox"/> Post judgment
<input type="checkbox"/> Assault	<input type="checkbox"/> Discrimination	<input type="checkbox"/> Injunction/TRO	<input type="checkbox"/> Railroad
<input type="checkbox"/> Asbestos	<input type="checkbox"/> Dram shop	<input type="checkbox"/> Insurance bad faith	<input type="checkbox"/> Real estate
<input type="checkbox"/> Auto	<input type="checkbox"/> DTPA	<input type="checkbox"/> Malicious prosecution	<input type="checkbox"/> Securities fraud
<input type="checkbox"/> Bill of review	<input type="checkbox"/> Employment discharge	<input type="checkbox"/> Malpractice/Legal	<input type="checkbox"/> Sequestration
<input type="checkbox"/> Business dissolution	<input type="checkbox"/> Environmental tort	<input type="checkbox"/> Malpractice/Medical	<input type="checkbox"/> Silicone implant
<input type="checkbox"/> Conspiracy	<input type="checkbox"/> Expunction	<input type="checkbox"/> Malpractice/Other	<input type="checkbox"/> Tax
<input type="checkbox"/> Contract	<input type="checkbox"/> False imprisonment	<input type="checkbox"/> Name change	<input type="checkbox"/> Tortious interference
<input type="checkbox"/> Deed restriction	<input type="checkbox"/> Foreclosure	<input type="checkbox"/> Note	<input type="checkbox"/> Trespass
<input type="checkbox"/> Declaratory judgment	<input type="checkbox"/> Forfeiture	<input type="checkbox"/> Premises liability	<input type="checkbox"/> Workers compensation
<input type="checkbox"/> Other _____			

Has this dispute previously been in the Harris County courts?     No     Yes, in the following court: \_\_\_\_\_

Monetary damages sought:     less than \$100,000     greater than \$100,000

Estimated time needed for discovery     0-3 months     4-6 months     7-12 months     >1 year

Estimated time needed for trial:     1-2 days     3-5 days     6-10 days     >10 days

Is there a likelihood of experts other than treating physicians or experts on attorney's fees?     Yes     No

Is immediate ADR requested?     Yes     No

Name of party filing this cover sheet:    COMMISSION FOR LAWYER DISCIPLINE

Signature of attorney or pro se filing cover sheet:    Jennifer A. Hasley

Name printed:    JENNIFER A. HASLEY

Phone No.:    (713) 759-6931    Bar No.:    00792818

**FOR COURT USE ONLY:**

Track assigned:     Track 1     Track 2     Track 3

Court Coordinator \_\_\_\_\_ Date: \_\_\_\_\_

# STATE BAR OF TEXAS



## Office of the General Counsel

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

**RE: *Commission for Lawyer Discipline v. Dan R. Young***

Dear Mr. Adams:

Enclosed please find an original and two (2) copies of the *Original Disciplinary Petition* being filed by the Commission for Lawyer Discipline against Dan R. Young. Mr. Young 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 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:

Dan R. Young  
12820 Greenwood Forest Drive, Suite 410  
Houston, Texas 77066.

As a practical matter, we respectfully suggest that an inquiry be made as to whether the judge will be able to comply with the one hundred and eighty (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, we 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 *Original Disciplinary Petition*, the *Civil Case Information Sheet*, the filing fee check (all enclosed herewith), and the *Court's Appointing Order* to the District Clerk of Harris 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.

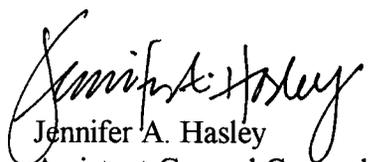
Additionally, enclosed please find a pre-addressed envelope for your use in transmitting the petition, etc., to the District Clerk of Harris County, Texas, and a return envelope to be sent to the District Clerk of Harris County, Texas, for the Clerk's use in returning a file-marked copy of the *Original Disciplinary Petition* to the undersigned.

John T. Adams, Clerk  
Supreme Court of Texas  
December 23, 1999  
Page 2

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Thank you for your courtesies in this matter.

Sincerely,

  
Jennifer A. Hasley  
Assistant General Counsel

JAH/sml

- Enclosures
1. Original Disciplinary Petition (original and two (2) copies)
  2. Civil Case Information Sheet
  3. Filing Fee Check
  4. Pre-Addressed Envelope to District Clerk
  5. Pre-Addressed Envelope to State Bar of Texas

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# The Supreme Court of Texas

CHIEF JUSTICE  
THOMAS R. PHILLIPS

201 West 14th Street Post Office Box 12248 Austin TX 78711  
Telephone: 512/463-1312 Facsimile: 512/463-1365

CLERK  
JOHN T. ADAMS

JUSTICES  
NATHAN L. HECHT  
CRAIG T. ENOCH  
PRISCILLA R. OWEN  
JAMES A. BAKER  
GREG ABBOTT  
DEBORAH G. HANKINSON  
HARRIET O'NEILL  
ALBERTO R. GONZALES

EXECUTIVE ASSISTANT  
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASST  
JIM HUTCHESON

ADMINISTRATIVE ASSISTANT  
NADINE SCHNEIDER

APR 03 2000

Ms. Jennifer A. Hasley  
Assistant General Counsel, State Bar of Texas  
1111 Fannin, Suite 1370  
Houston, Texas 77002

Mr. Dan R. Young  
12820 Greenwood Forest Drive, Suite 410  
Houston, Texas 77066

Dear Ms. Hasley and Mr. Young:

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 H. Fostel, Judge of the 271<sup>st</sup> District Court, Jacksboro, Texas to preside in

*Commission for Lawyer Discipline v. Dan R. Young*

Sincerely,

**SIGNED**

John T. Adams

Clerk



# The Supreme Court of Texas

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EXECUTIVE ASSISTANT  
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASST  
JIM HUTCHESON

ADMINISTRATIVE ASSISTANT  
NADINE SCHNEIDER

APR 03 2000

The Honorable Charles Bacarisse  
District Clerk of Harris County  
P.O. Box 4651  
Houston, Texas 77002

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. Dan R. Young*, and a copy of the Supreme Court's order appointing the Honorable John H. Fostel, Judge of the 271<sup>st</sup> District Court, Jacksboro, Texas, to preside in this Disciplinary Action.

Sincerely,

**SIGNED**

John T. Adams  
Clerk

cc: Honorable John H. Fostel  
Ms. Jennifer A. Hasley  
Mr. Dan R. Young  
Ms. Melissa Dartez



# The Supreme Court of Texas

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THOMAS R. PHILLIPS

201 West 14th Street Post Office Box 12248 Austin TX 78711  
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JOHN T. ADAMS

JUSTICES  
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JIM HUTCHESON

ADMINISTRATIVE ASSISTANT  
NADINE SCHNEIDER

APR 03 2000

Honorable John H. Fostel  
Judge, 271<sup>st</sup> District Court  
P.O. Box 805  
Decatur, Texas 76234

Dear Judge Fostel:

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. Young and Ms. Hasley, 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