

ORDER OF THE SUPREME COURT OF TEXAS

Misc. Docket No. 00- 9074

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

The Supreme Court of Texas hereby appoints the Honorable John K. Dietz, Judge of the 250th District Court, Travis County, Texas, to preside in the Disciplinary Action styled:


The Commission for Lawyer Discipline v. Dorothy J. Mulcihy

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

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

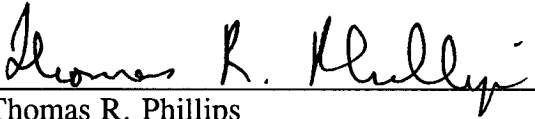
As ordered by the Supreme Court of Texas, in chambers,

With the Seal thereof affixed at the City
Austin, this 25th day of April, 2000.


JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 00-9074, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 25 day of April, 2000.



Thomas R. Phillips
Chief Justice

NO. _____

COMMISSION FOR LAWYER DISCIPLINE § IN THE DISTRICT COURT OF
V. § DALLAS COUNTY, TEXAS
DOROTHY J. MULCIHY § _____ 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, Dorothy J. Mulcihy, (hereinafter called "Respondent"), showing the Court:

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 II Discovery Control Plan.

II.

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.

III.

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 her principal place of practice in Dallas County,

Texas. An officer may serve citation on Respondent's attorney, Bob L. Warneke, Jr., at 907 S. Congress Avenue, Austin, Texas 78704.

IV.

On or about April 29, 1996, Respondent was hired to prosecute an employment discrimination lawsuit on behalf of Norma Mallory, (hereinafter referred to as "Mallory") which was filed and settled through mediation on March 31, 1998. Thereafter, a dispute arose with regards to the expenses incurred by Respondent. Respondent refused to turn over to Mallory the undisputed portion of the settlement proceeds and refused to communicate with or discuss this matter with Mallory.

V.

Such acts and/or omissions on the part of Respondent as are described in Paragraphs IV, hereinabove, which occurred on or after January 1, 1990, constitute conduct which violates Rules 1.03(a)(b) and 1.14(b) of the Texas Disciplinary Rules of Professional Conduct.

VI.

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 Norma Mallory filing a complaint on or about February 1, 1999.

PRAYER

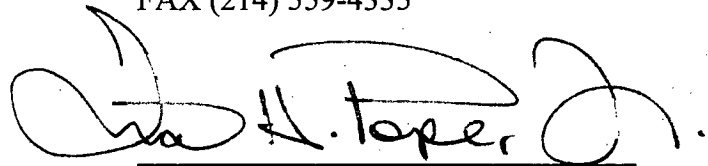
WHEREFORE, PREMISES CONSIDERED, Petitioner prays for judgment that Respondent be disciplined as the facts shall warrant; and that Petitioner have such other relief to which entitled, including costs of Court and attorney's fees.

Respectfully submitted,

Dawn Miller
Acting Chief Disciplinary Counsel

Frank H. Pope, Jr.
Assistant Disciplinary Counsel

State Bar of Texas
Litigation - Dallas
3710 Rawlins
Suite 800
Dallas, Texas 75219
(214) 559-4997
FAX (214) 559-4335

A handwritten signature in black ink, appearing to read "Frank H. Pope, Jr.", written over a horizontal line.

Frank H. Pope, Jr.
State Bar Card No. 16136000

ATTORNEYS FOR PETITIONER

STATE BAR OF TEXAS



Office of the General Counsel

March 6, 2000

CMRRR NO. Z 435 430 658

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

RE: Commission for Lawyer Discipline v. Dorothy J. Mulcihy

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 Dorothy J. Mulcihy. Ms. Mulcihy has designated Dallas County, Texas, as her 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:

**Dorothy J. Mulcihy
c/o Bob Warneke
907 S. Congress Avenue
Austin, Texas 78704**

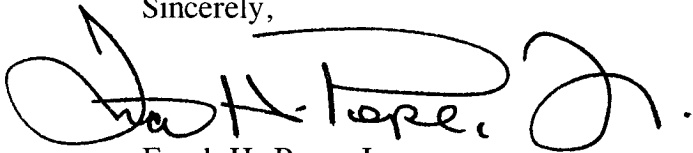
As a practical matter, I would respectfully suggest that you inquire with the judge to be appointed as to: (1) whether he or she will be able to comply with the 180 day deadline by which the case must be set for trial set forth in Section 3.07 of the Texas Rules of Disciplinary Procedure. If not, I would 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 Dallas 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.

Also enclosed are a pre-addressed envelope for your use in transmitting the petition, etc., to the District Clerk of Dallas County, Texas, and a return envelope to be sent to the District Clerk of Dallas County, Texas, for the Clerk's use in returning a file-marked 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 "Frank H. Pope, Jr.", with a large, stylized flourish at the end.

Frank H. Pope, Jr.
Assistant Disciplinary Counsel

Enclosures



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

MAY 05 2000

The Honorable Jim Hamlin
District Clerk of Dallas County
George L. Allen Courts Building
600 Commerce Street
Dallas, Texas 75202

Dear Mr. Hamlin:

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. Dorothy J. Mulcihy*, and a copy of the Supreme Court's order appointing the Honorable John K. Dietz, Judge of the 250th District Court of Austin, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Honorable John K. Dietz
Mr. Frank H. Pope, Jr.
Mr. Dorothy J. Mulcihy



The Supreme Court of Texas

CHIEF JUSTICE
THOMAS R. PHILLIPS

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JIM HUTCHESON

ADMINISTRATIVE ASSISTANT
NADINE SCHNEIDER

MAY 05 2000

Mr. Frank H. Pope, Jr.
Assistant General Counsel, State Bar of Texas
3710 Rawlins, Suite 800
Dallas, Texas 75219

Ms. Dorothy J. Mulcihy
c/o Bob Warneke
907 S. Congress Avenue
Austin, Texas 78704

Dear Mr. Pope and Ms. Mulcihy:

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 K. Dietz, Judge of the 250th District Court, Austin, Texas to preside in

Commission for Lawyer Discipline v. Dorothy J. Mulcihy

Sincerely,

SIGNED

John T. Adams
Clerk



The Supreme Court of Texas

CHIEF JUSTICE
THOMAS R. PHILLIPS

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Telephone: 512/463-1312 Facsimile: 512/463-1365

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MAY 05 2000

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JIM HUTCHESON

ADMINISTRATIVE ASSISTANT
NADINE SCHNEIDER

Honorable John K. Dietz
Judge, 250th District Court
P.O. Box 1748
Austin, Texas 78767-1748

Dear Judge Dietz:

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. Pope and Ms. Mulcihy, and a copy of the letter to the District Clerk of Dallas County.

We then recommend that, either before or immediately after you set the case for trial, the Dallas County District Court Administrative Office (214-653-6510) 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 (214-653-2943) 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