

ORDER OF THE SUPREME COURT OF TEXAS

Misc. Docket No. 00-**9160**

Appointment of a District Judge to Rule on a Motion
to Recuse filed in a State Bar Disciplinary Action

The Supreme Court of Texas hereby appoints the Honorable John C. Creuzot, Judge of the Criminal District Court No. 4 of Dallas County, Texas, to preside in the Disciplinary Action styled:

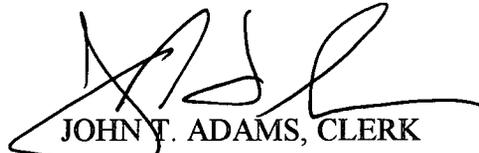
The Commission for Lawyer Discipline v. Brian C. Taylor

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 the Disciplinary Petition and this Order for filing and service pursuant to Rule 3.03, Texas Rules of Disciplinary Procedure.

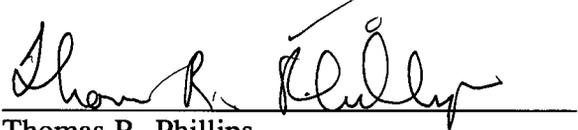
As ordered by the Supreme Court of Texas, in chambers,

With the Seal thereof affixed at the City
Of Austin, this 6th day of November, 2000.


JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 00-9160, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 7 day of November, 2000.

A handwritten signature in cursive script, appearing to read "Thomas R. Phillips", written over a horizontal line.

Thomas R. Phillips
Chief Justice

COPY

CAUSE NO. _____

COMMISSION FOR LAWYER DISCIPLINE	§	IN THE DISTRICT COURT OF
	§	
Petitioner	§	
	§	
vs.	§	HARRIS COUNTY, TEXAS
	§	
BRIAN C. TAYLOR	§	
	§	
Respondent	§	_____ JUDICIAL DISTRICT

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, BRIAN C. TAYLOR (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.

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, 401 Heights Blvd., Houston, Harris County, Texas, 77007.

IV. CAUSE OF ACTION

On or about March 28, 1991, a default *Final Judgment* was entered against Eloy F. Gonzalez and Albina P. Gonzalez for failure to pay delinquent taxes in Cause No. 90-10-6158-C, State of Texas, County of Cameron v. Eloy F. Gonzalez, Jr. and Albina P. Gonzalez, In the 197th Judicial District Court of Cameron County, Texas (hereinafter referred to as "Lawsuit").

Thereafter, Respondent contacted Albina Gonzalez (hereinafter referred to as "Gonzalez"), of San Antonio, Texas, in order to represent her in the Lawsuit to retrieve excess proceeds from a tax sale. Respondent was subsequently hired by Gonzalez in or around January 1999. On or about February 2, 1999, Respondent filed a *Claim for Excess Proceeds of Tax Sale* on behalf of Gonzalez. On or about March 15, 1999, the Court ordered that all excess funds in the amount of Three Thousand Eighty-Seven and 94/100 Dollars (\$3,087.94) be disbursed to Gonzalez and Respondent, her attorney. On or about March 19, 1999, Respondent sent Gonzalez a check in the amount of Two Thousand Fifty-Five and 62/100 Dollars (\$2,055.62) as her portion of the settlement proceeds.

However, Respondent failed to investigate the Lawsuit sufficiently to determine that Gonzalez was the correct party to the Lawsuit, when in fact, Complainant, ALBINA P. GONZALEZ, of San Benito, Texas, was the correct party and recipient of the excess proceeds. As a result of his collection and disbursement of the funds to Gonzalez, Respondent disbursed funds to a party not entitled by virtue of the law to receive them.

V. RULE VIOLATIONS

The acts and/or omissions of Respondent described in Paragraph IV, above, constitute conduct in violation of Rules 1.14(c) [a lawyer shall disburse funds in his trust or escrow account only to those persons entitled to receive them by virtue of the representation or by law]; and 8.04(a)(1) [a lawyer shall not violate the TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT], 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 Chief Disciplinary Counsel of the STATE BAR OF TEXAS by ALBINA P. GONZALEZ' filing of a complaint on or about December 21, 1999.

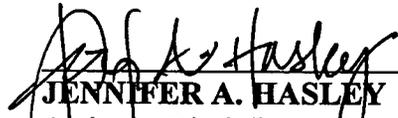
PRAYER FOR RELIEF

WHEREFORE, PREMISES CONSIDERED, Petitioner, the **COMMISSION FOR LAWYER DISCIPLINE**, respectfully prays that this Court discipline Respondent, **BRIAN C. TAYLOR**, by reprimand, suspension or disbarment, as the facts shall warrant; order restitution; 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,
Chief Disciplinary Counsel

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



JENNIFER A. HASLEY
Assistant Disciplinary Counsel
State Bar No. 00792818

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

STATE BAR OF TEXAS



OFFICE OF THE CHIEF DISCIPLINARY COUNSEL

October 4, 2000

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

RE: *Commission for Lawyer Discipline v. Brian C. Taylor*

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 Brian C. Taylor. Mr. Taylor 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:

Brian C. Taylor
401 Heights Blvd.
Houston, Texas 77007.

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

J:\TAYLOR.B\CFLD.JAH\CORRESP\C_ADAMS.01

1111 FANNIN, SUITE 1370, HOUSTON, TEXAS 77002, (713) 759-6931

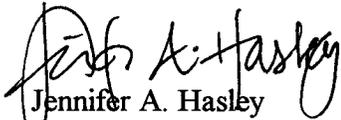
John T. Adams, Clerk
Supreme Court of Texas
October 4, 2000

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the *Original Disciplinary Petition* to the undersigned.

Thank you for your courtesies in this matter.

Sincerely,



Jennifer A. Hasley
Assistant Disciplinary 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



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

NOV 08 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. Brian C. Taylor*, and a copy of the Supreme Court's order appointing the Honorable John C. Creuzot, Judge of the Criminal District Court No. 4 of Dallas, Texas, to preside in this Disciplinary Action.

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Adams".

John T. Adams
Clerk

cc: Honorable John C. Creuzot
Ms. Jennifer A. Hasley
Mr. Brian C. Taylor
Ms. Melissa Dartez



The Supreme Court of Texas

CHIEF JUSTICE
THOMAS R. PHILLIPS

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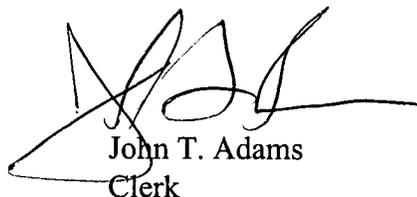
Honorable John C. Creuzot
Judge, Criminal District Court No. 4
6th Floor, Frank Crowley Courts Building
133 N. Industrial Blvd., LB 41
Dallas, Texas 75207

Dear Judge Creuzot:

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. Taylor 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,



John T. Adams
Clerk



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

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JIM HUTCHESON

ADMINISTRATIVE ASSISTANT
NADINE SCHNEIDER

NOV 08 2000

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

Mr. Brian C. Taylor
401 Heights Boulevard
Houston, Texas 77007

Dear Ms. Hasley and Mr. Taylor:

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 C. Creuzot, Judge of the Criminal District Court No. 4 of Dallas, Texas, Texas to preside in

Commission for Lawyer Discipline v. Brian C. Taylor

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Adams".

John T. Adams
Clerk