

ORDER OF THE SUPREME COURT OF TEXAS

Misc. Docket No. 02- **9104**

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

The Supreme Court of Texas hereby appoints the Honorable Karen Pozza, Judge of the 407<sup>th</sup> District Court of Nueces County, Texas, to preside in the Disciplinary Action styled:

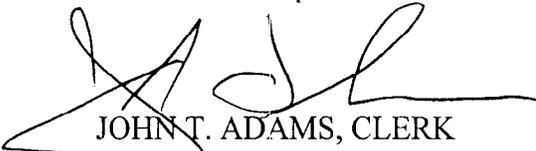
**The Commission for Lawyer Discipline v. Eric Dean Perkins**

filed in the District Court of Nueces County, Texas.

The Clerk of the Supreme Court shall promptly forward to the District Clerk of Nueces County, Texas, a copy of the Disciplinary Petition and this Order for filing pursuant to Rule 3.03, Texas Rules of Disciplinary Procedure.

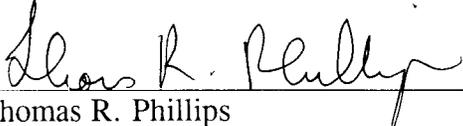
As ordered by the Supreme Court of Texas, in chambers,

With the Seal thereof affixed at the City  
of Austin, this 7<sup>th</sup> day of June, 2002.

  
JOHN T. ADAMS, CLERK  
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 02-9104, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code, §74.057.

Signed this 10 day of June, 2002.

  
\_\_\_\_\_  
Thomas R. Phillips  
Chief Justice



# 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  
DEBORAH G. HANKINSON  
HARRIET O'NEILL  
WALLACE B. JEFFERSON  
XAVIER RODRIGUEZ

EXECUTIVE ASSISTANT  
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASST  
JIM HUTCHESON

ADMINISTRATIVE ASSISTANT  
NADINE SCHNEIDER

JUN 14 2002

Mr. Robert E. Kaszczuk  
Assistant General Counsel, State Bar of Texas  
425 Soledad, Suite 300  
San Antonio, Texas 78205

Mr. Eric D. Perkins  
5334 Everhart, Suite 202  
Corpus Christi, Texas 78411

Dear Mr. Kaszczuk 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 Karen Pozza, Judge of the 407<sup>th</sup> District Court, San Antonio, Texas to preside in

*Commission for Lawyer Discipline v. Eric Dean Perkins*

Sincerely,

**SIGNED**

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

CLERK  
JOHN T. ADAMS

JUSTICES  
NATHAN L. HECHT  
CRAIG T. ENOCH  
PRISCILLA R. OWEN  
JAMES A. BAKER  
DEBORAH G. HANKINSON  
HARRIET O'NEILL  
WALLACE B. JEFFERSON  
XAVIER RODRIGUEZ

EXECUTIVE ASSISTANT  
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASST  
JIM HUTCHESON

ADMINISTRATIVE ASSISTANT  
NADINE SCHNEIDER

JUN 14 2002

Honorable Karen Pozza  
Judge, 407<sup>th</sup> District Court  
100 Dolorosa Street  
San Antonio, Texas 78205

Dear Judge Pozza:

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. Perkins and Mr. Kaszczuk, and a copy of the letter to the District Clerk of Nueces County.

It is recommended that, six to eight weeks after receipt of this letter, your coordinator contact the District Court Administrator (512-888-0220) to learn the names, addresses, and telephone numbers of counsel for purposes of scheduling a conference. This should also be the number to call to reserve a court room, court reporter, etc. Also, either before or immediately after you set the case for trial, you should contact the Presiding Judge of the Administrative Judicial Region into which you have been assigned (210-544-0847) to obtain claims forms for your expenses incident to presiding over this disciplinary case.

Sincerely,

SIGNED

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

JUSTICES  
NATHAN L. HECHT  
CRAIG T. ENOCH  
PRISCILLA R. OWEN  
JAMES A. BAKER  
DEBORAH G. HANKINSON  
HARRIET O'NEILL  
WALLACE B. JEFFERSON  
XAVIER RODRIGUEZ

CLERK  
JOHN T. ADAMS

EXECUTIVE ASSISTANT  
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASST  
JIM HUTCHESON

ADMINISTRATIVE ASSISTANT  
NADINE SCHNEIDER

JUN 14 2002

The Honorable Oscar Soliz  
District Clerk of Nueces County  
County Courthouse  
901 Leopard  
Corpus Christi, Texas 78401

Dear Mr. Soliz:

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. Eric Dean Perkins*, and a copy of the Supreme Court's order appointing the Honorable Karen Pozza, Judge of the 407<sup>th</sup> District Court, San Antonio, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams  
Clerk

cc: Honorable Karen Pozza  
Mr. Robert E. Kaszczuk  
Mr. Eric Dean Perkins

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

COMMISSION FOR LAWYER  
DISCIPLINE

V.

ERIC DEAN PERKINS

§  
§  
§  
§  
§  
§  
§

IN THE DISTRICT COURT OF

NUECES COUNTY, TEXAS

\_\_\_\_\_TH 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, complaining of Respondent, ERIC DEAN PERKINS, and in support thereof would respectfully show the Court the following:

**Parties**

Petitioner is the COMMISSION FOR LAWYER DISCIPLINE, a committee of the State Bar of Texas. Respondent, ERIC DEAN PERKINS, Texas State Bar Number 15785060, is an attorney licensed to practice law in the State of Texas and is a member of the State Bar of Texas. Respondent is a resident of Nueces County, Texas. Respondent may be served with citation and a copy of this petition by serving him at the Law Offices of Eric Dean Perkins, 5334 Everhart, Suite 202, Corpus Christi, Texas 78411.

**Venue**

Respondent's principal place of law practice is in Nueces County, Texas. Accordingly, pursuant to Texas Rules of Disciplinary Procedure 3.03, venue is proper in Nueces County, Texas.

**Discovery Control Plan**

Petitioner intends to conduct discovery under Level 2 of Rule 190.3 of the Texas Rules of Civil

Procedure.

I.

Petitioner brings this disciplinary action pursuant to State Bar Act, Tex. Gov't. Code Ann., Sec. 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 this action was filed on or about April 30, 2001 by The State Bar of Texas. The acts and conduct of Respondent, as hereinafter alleged, constitute professional misconduct.

II.

1. On or about September 8, 2000, An Agreed Judgment of Private Reprimand was entered against Respondent in grievance number S1010002447, styled Miguel Cervantes v. Eric Dean Perkins. This Agreed Judgment required Respondent to make restitution to Mr. Cervantes in the amount of \$3,000.00 by certified or cashier's check on or before Friday, November 10, 2000.
2. Respondent failed to comply with the terms of the Agreed Judgment in that he failed to make the restitution payment that was required.
3. Respondent received official notice of the complaint filed by the State Bar of Texas on May 7, 2001. That official notice advised Respondent that a written response to the allegations made in the complaint must be filed within thirty (30) days and that failure to timely file a written response or timely assert legal ground for failure to do so, constitutes professional misconduct. Respondent's written response was due on or before June 6, 2001.
4. Respondent failed to timely file a response and failed to timely assert legal ground for his failure to file the required written response.

III.

The conduct of Respondent described above constitutes a violation of the following Texas Disciplinary Rules of Professional Conduct:

Rule 8.04(a)(7) -- A lawyer shall not violate any disciplinary or disability order or judgment.

Rule 8.04(a)(8) -- A lawyer shall not fail to timely furnish the Chief Disciplinary Counsel's office or a district grievance committee a response or other information as required by the Texas Rules of Disciplinary Procedure, unless he or she in good faith timely asserts a privilege or other legal ground for failure to do so.

**PRAYER**

WHEREFORE, PREMISES CONSIDERED, Petitioner prays that a judgment of professional misconduct be entered against Respondent imposing an appropriate sanction as the facts shall warrant and that Petitioner have such other relief to which it is entitled, including costs of court and attorney's fees.

Respectfully submitted,

Dawn Miller  
Chief Disciplinary Counsel

Robert E. Kaszczuk  
Assistant Disciplinary Counsel

Office of the Chief Disciplinary Counsel  
State Bar of Texas  
425 Soledad, Suite 300  
San Antonio, Texas 78205  
Telephone: (210) 271-7881  
Telecopier: (210) 271-9642

  
ROBERT E. KASZCZUK  
State Bar No. 11106300  
ATTORNEYS FOR PETITIONER