

ORDER OF THE SUPREME COURT OF TEXAS

Misc. Docket No. 93-0126

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

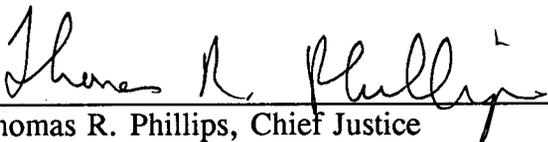
The Supreme Court of Texas hereby appoints the Honorable John J. Specia, Jr., Judge of the 225th District Court, Bexar County, Texas, to preside in the Disciplinary Action styled:

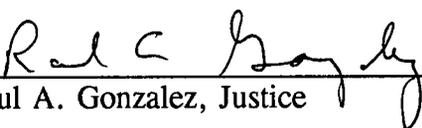
The Commission for Lawyer Discipline v. Wayman Lee Prince

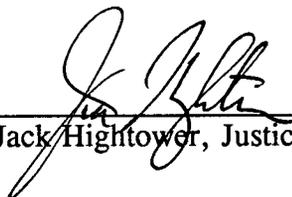
to be filed in a District Court of Harris County, Texas.

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.

In Chambers, this 28th day of June, 1993.

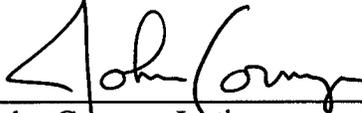

Thomas R. Phillips, Chief Justice


Raul A. Gonzalez, Justice

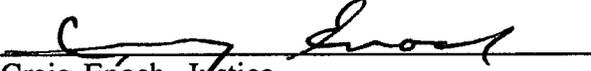

Jack Hightower, Justice

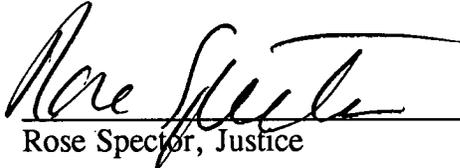

Nathan L. Hecht, Justice


Lloyd Doggett, Justice


John Cornyn, Justice


Bob Gammage, Justice


Craig Enoch, Justice


Rose Spector, Justice

NO. _____

COMMISSION FOR LAWYER DISCIPLINE	§	IN THE DISTRICT COURT OF
V.	§	HARRIS COUNTY, TEXAS
WAYMAN LEE PRINCE	§	_____ JUDICIAL DISTRICT

DISCIPLINARY PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, the Commission for Lawyer Discipline, a committee of the State Bar of Texas (hereinafter called "Petitioner") in the above entitled and numbered cause and files this its Disciplinary Petition complaining of Respondent, Wayman Lee Prince (hereinafter called "Respondent") showing the Court:

I.

Petitioner brings this disciplinary action pursuant to the State Bar Act, Texas 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 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 Harris County, Texas. An officer may serve citation on Respondent at his place of business located at 9575 Katy Freeway, Suite 150, Two Bali Park, Houston, Harris County, Texas.

III.

On or about February 18, 1992, Johnnie Lee (hereinafter called "Lee"), Richard Evans (hereinafter called "Evans"), and Edward Nelson (hereinafter called "Nelson") were involved in an automobile accident in which both sustained some injuries. While still at the scene of the accident, Lee, Evans and Nelson were approached by Duane Martin (hereinafter called "Martin") who introduced himself as an independent contractor affiliated with the law office of Respondent. At that time, Martin induced Lee, Evans and Nelson to each sign one of Respondent's form contracts. Respondent ordered, encouraged or permitted the in-person solicitation of Lee, Evans and Nelson by Martin.

IV.

Two (2) days after signing Respondent's contract having been unable to contact Respondent, Nelson, Evans and Lee consulted with Mary Edwards (hereinafter called "Edwards"), an attorney, and on February 21, 1992, retained Edwards to represent them in the matter of the automobile accident. Thereafter, Edwards immediately sent to Respondent a letter on behalf of Nelson, Evans and Lee releasing Respondent from employment. No word was heard from Respondent until on or about May 22, 1992, when Allstate Insurance Company issued a settlement check made out to Lee, Evans and Nelson and to both Edwards and Respondent. As of the time of the complaints being filed by Lee and Nelson, Respondent had refused to endorse the settlement checks until he had been reasonably compensated for his services.

V.

Such acts and/or omissions as are described in Paragraphs III. and IV. hereinabove which occurred on or after January 1, 1990, constitute conduct violative of Rules 5.03(b)(1), 7.02, 7.03, and/or 8.04(a)(8) 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 the General Counsel of the State Bar of Texas by Johnny Lee's filing of a complaint on or about June 2, 1992, by Edward Nelson's filing of a complaint on or about June 2, 1992, and by Richard Evans filing of a complaint on or about June 2, 1992.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Petitioner prays for judgment that Respondent be disbarred, suspended, or reprimanded 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,

James M. McCormack
General Counsel

Dawn Miller
Senior Assistant General Counsel

Office of the General Counsel
State Bar of Texas
P.O. Box 12487
Austin, Texas 78711
(512) 463-1381

A handwritten signature in black ink, appearing to read "Dawn Miller", written over a horizontal line.

Dawn Miller
State Bar of Texas No. 15561900

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

JUSTICES
RAUL A. GONZALEZ
JACK HIGHTOWER
NATHAN L. HECHT
LLOYD DOGGETT
JOHN CORNYN
BOB GAMMAGE
CRAIG ENOCH
ROSE SPECTOR

EXECUTIVE ASST.
WILLIAM L. WILLIS

ADMINISTRATIVE ASST.
MARY ANN DEFIBAUGH

July 7, 1993

Mr. James M. McCormack
General Counsel, State Bar of Texas
Post Office Box 12487
Austin, Texas 78711

Mr. Wayman Lee Prince
9575 Katy Freeway, Suite 150
Two Bali Park
Houston, Texas 77002

RE: COMMISSION FOR LAWYER DISCIPLINE v. WAYMAN LEE PRINCE.

Dear Mr. McCormack and Mr. Prince,

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 J. Specia, Jr., 225th District Court, Bexar County Courthouse, 100 Dolorosa Street, San Antonio, Texas 78205, to preside in the above referenced action.

Copies of pertinent documents are enclosed for your use.

Sincerely,

SIGNED
John T. Adams
Clerk

Encl.

cc: Hon. John J. Specia, Jr.



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

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JACK HIGHTOWER
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ROSE SPECTOR

EXECUTIVE ASS'T.
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T.
MARY ANN DEFIBAUGH

July 7, 1993

**Hon. Katherine Tyra
District Clerk
Harris County Courthouse
Houston, Texas 75002**

RE: COMMISSION FOR LAWYER DISCIPLINE v. WAYMAN LEE PRINCE.

Dear Ms. Tyra,

Pursuant to Rule 3.03 of the Texas Rules of Disciplinary Procedure, I am sending for filing, the State Bar of Texas Disciplinary Action referenced above and a copy of the Supreme Court's order appointing a judge to preside in this action.

Sincerely,

SIGNED

**John T. Adams
Clerk**

Encl.

**cc: Hon. John J. Specia, Jr.
Mr. Wayman Lee Prince
Mr. James M. McCormack**



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

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WILLIAM L. WILLIS
ADMINISTRATIVE ASS'T.
MARY ANN DEFIBAUGH

July 7, 1993

The Honorable John J. Specia, Jr.
225th District Court
Bexar County Courthouse
100 Dolorosa Street
San Antonio, Texas 78205

RE: COMMISSION FOR LAWYER DISCIPLINE v. WAYMAN LEE PRINCE.

Dear Judge Specia,

We enclose for your information, a copy of the order of assignment, a copy of the Disciplinary Action, a copy of the notification letters to the State Bar General Counsel and respondent's attorney, as well as to the district clerk, in the referenced case.

Sincerely,

SIGNED

John T. Adams
Clerk

Encl.