

ORDER OF THE SUPREME COURT OF TEXAS

Misc. Docket No. 93-0127

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

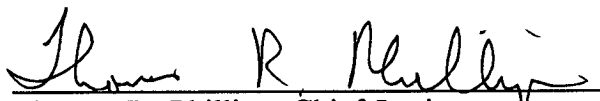
The Supreme Court of Texas hereby appoints the Honorable Stanton B. Pemberton, Judge of the 169th District Court, Bell County, Texas, to preside in the Disciplinary Action styled:

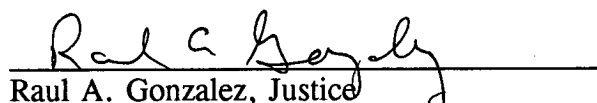
The Commission for Lawyer Discipline v. Paul Alan Lockman

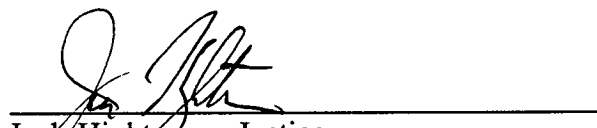
to be filed in a District Court of Dallas County, Texas.

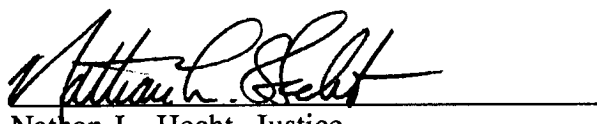
The Clerk of the Supreme Court shall promptly forward to the District Clerk of Dallas County, Texas, a copy of this Order and of the Disciplinary Petition for filing and service pursuant to Rule 3.03, Texas Rules of Disciplinary Procedure.


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

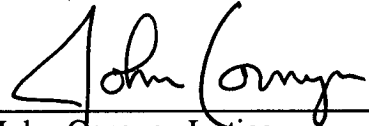

Thomas R. Phillips, Chief Justice

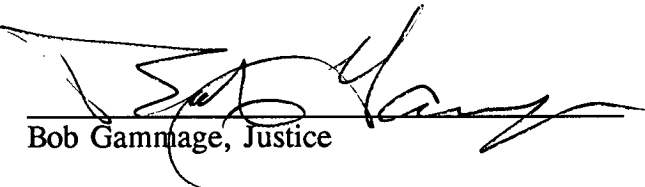

Raul A. Gonzalez, Justice


Jack Hightower, Justice



Nathan L. Hecht, Justice


Lloyd Doggett, Justice


John Cornyn, Justice


Bob Gammage, Justice


Craig Enoch, Justice


Rose Specter, Justice

NO. _____

COMMISSION FOR LAWYER DISCIPLINE § IN THE DISTRICT COURT OF
V. § DALLAS COUNTY, TEXAS
PAUL ALAN LOCKMAN § _____ 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"), and complains of Respondent, Paul Alan Lockman (hereinafter called "Respondent") showing the Court:

I.

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 subsequent to 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 and has his principal place of practice located in Dallas County, Texas. An officer may serve citation on Respondent at his business address located at 125 Centre, Dallas, Dallas County, Texas 75208.

III.

On or about April 16, 1991, Tiffany Ellison (hereinafter called "Ellison") hired Respondent to represent her in a claim for damages arising from injuries sustained in an automobile accident (hereinafter called the "accident"). At that time, she signed a contingency fee contract which provided for attorney's fees in the amount of thirty-five (35%) per cent of any recovery arising out of the accident obtained by Respondent prior to filing a lawsuit.

IV.

On or about June 28, 1991, Ellison completed the application form for benefits pursuant to the personal injury protection (hereinafter called "PIP") provisions of her mother's automobile insurance policy (hereinafter called "PIP carrier"). She sent the completed application form to Respondent, who then forwarded it to the PIP carrier.

V.

On or about August 8, 1991, the PIP carrier issued a check payable to Ellison's mother in the amount of Two Thousand Five Hundred and no\100 (\$2,500.00) Dollars (hereinafter called "PIP proceeds"). Upon receiving the check, Ellison delivered it to Respondent, instructing Respondent to utilize the entire proceeds toward the payment of her outstanding medical bills. Respondent then had the check reissued payable to him and Ellison and deposited the proceeds into his trust account. Notwithstanding Ellison's instruction and notwithstanding the fact that there was no agreement between the parties providing for payment of attorney's fees from such PIP proceeds, at the time her case was settled in or around April, 1992, Respondent withheld thirty-five (35%) per cent of the PIP proceeds as his attorney's fees. Alternatively, in

the event a contract did exist providing for payment of attorney's fees from the PIP proceeds, such fees were unconscionable and unreasonable.

VI.

Such acts and/or omissions on the part of Respondent as are described in Paragraphs III., IV. and V. hereinabove which occurred on or after January 1, 1990, constitute conduct violative of Rules 1.04(a), 1.14(b) and/or 1.14(c) of the Texas Disciplinary Rules of Professional Conduct.

VII.

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 Patricia A. Savala's filing of a complaint on or about August 24, 1992.

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,

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

lockman.dp



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 ASS'T.
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T.
MARY ANN DEFIBAUGH

July 7, 1993

**The Honorable Stanton B. Pemberton
169th District Court
Bell County Courthouse
Post Office Box 747
Belton, Texas 76513**

RE: COMMISSION FOR LAWYER DISCIPLINE v. PAUL ALAN LOCKMAN.

Dear Judge Pemberton,

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.



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THOMAS R. PHILLIPS

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EXECUTIVE ASS'T.
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T.
MARY ANN DEFIBAUGH

July 7, 1993

Hon. Bill Long
District Clerk
Dallas County Courthouse
600 Commerce
Dallas, Texas 75202

RE: COMMISSION FOR LAWYER DISCIPLINE v. PAUL ALAN LOCKMAN.

Dear Mr. Long,

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. Stanton B. Pemberton
Mr. Paul Alan Lockman
Mr. James M. McCormack



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

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ROSE SPECTOR

July 7, 1993

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

Mr. Paul Alan Lockman
125 Centre
Dallas, Texas 75208

RE: COMMISSION FOR LAWYER DISCIPLINE v. PAUL ALAN LOCKMAN.

Dear Mr. McCormack and Mr. Lockman,

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 Stanton B. Pemberton, 169th District Court, Bell County Courthouse, Post Office Box 747, Belton, Texas 76513, 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. Stanton B. Pemberton