

ORDER OF THE SUPREME COURT OF TEXAS

Misc Docket No. 96-9054

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

The Supreme Court of Texas hereby appoints the Honorable John D. Gabriel, Jr., Judge of the 131st District Court of Bexar County, Texas, to preside in the Disciplinary Action styled:

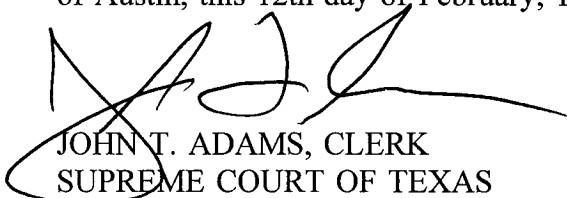
The Commission for Lawyer Discipline v. Willie J. Rhodes

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.


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

with the Seal thereof affixed at the City
of Austin, this 12th day of February, 1996.


JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 96-9054, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 12 day of February, 1996.


Thomas R. Phillips
Chief Justice

COPY

CAUSE NO. _____

COMMISSION FOR LAWYER DISCIPLINE	§	IN THE DISTRICT COURT OF
v.	§	HARRIS COUNTY, T E X A S
WILLIE J. RHODES	§	_____ JUDICIAL DISTRICT
	§	

DISCIPLINARY PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

Petitioner, the COMMISSION FOR LAWYER DISCIPLINE, a committee of the State Bar of Texas, complains of Respondent Willie J. Rhodes as follows:

I.

Petitioner brings this disciplinary action pursuant to the State Bar Act, Tex. Gov't. Code Ann. §81.001 *et seq.* (Vernon 1988 and Supp. 1994), the Texas Disciplinary Rules of Professional Conduct and the Texas Rules of Disciplinary Procedure. The complaint that 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 is a member of the State Bar of Texas. His license is currently under suspension. Respondent is a resident of Harris County, Texas. An officer may serve citation on Respondent at 2600 South Loop W, Suite 640, Houston, Harris County, Texas 77054-2644.

III.

Donald Adams retained Respondent in March 1994 to represent him in a voluntary paternity suit. Adams paid Respondent Four Hundred Eighty-five Dollars (\$485.00) toward the representation and costs. Respondent failed to respond to Mr. Adams' telephone calls, or to take

any action on his matter. Mr. Adams sent Respondent a letter dated January 17, 1995 requesting information regarding the status of the case. Respondent still failed to perform any meaningful services for Mr. Adams after receipt of the letter.

The Office of the General Counsel for the State Bar of Texas sent notice to Respondent of the complaint filed by Donald Adams by letter dated June 8, 1995. This notice was sent to Respondent by certified mail, return receipt requested. Respondent received the letter on or about June 14, 1995. The letter requested Respondent to submit a written response to the complaint to the State Bar of Texas within thirty days of receipt of the letter. Respondent did not timely file a written response. He filed a hastily prepared statement on August 2, 1995, the date of the Investigatory hearing held by the grievance committee for State Bar District 4C.

IV.

The conduct of the Respondent, Willie J. Rhodes, as alleged above in Paragraph IV constitutes a violation of Rules 1.01(b)(1) [in representing a client, a lawyer shall not neglect a legal matter entrusted to the lawyer]; 1.01(b)(2) [in representing a client, a lawyer shall not frequently fail to carry out completely the obligations that the lawyer owes to a client]; 1.04(a)(4)[a lawyer shall not enter into an arrangement for, charge, or collect an illegal fee or unconscionable fee]; and 8.01(b)(1)[a lawyer in connection with a disciplinary matter shall not knowingly fail to respond to a lawful demand for information from a disciplinary authority]; of the Texas Disciplinary Rules of Professional Conduct.

VIII.

The complaint that forms the basis of this lawsuit was brought to the attention of the

Office of the General Counsel of the State Bar of Texas by Donald Adams filing a complaint on or about June 7, 1995.

Prayer

WHEREFORE, PREMISES CONSIDERED, Petitioner the COMMISSION FOR LAWYER DISCIPLINE respectfully prays that this Court discipline Respondent Willie J. Rhodes by disbarment, suspension or reprimand as the facts shall warrant, and that the Petitioner have all other relief to which it may show itself to be justly entitled, including costs of court and attorney's fees.

Respectfully submitted,

James M. McCormack
General Counsel

Mary F. Klapperich
Assistant General Counsel

Office of the General Counsel
STATE BAR OF TEXAS
1111 Fannin, Suite 1370
Houston, Texas 77002
(713) 759-6931
Fax No. (713) 759-1932



MARY F. KLAPPERICH
State Bar No. 11550700

ATTORNEYS FOR THE COMMISSION
FOR LAWYER DISCIPLINE



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

EXECUTIVE ASS'T
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

JUSTICES
RAUL A. GONZALEZ
NATHAN L. HECHT
JOHN CORNYN
CRAIG ENOCH
ROSE SPECTOR
PRISCILLA R. OWEN
JAMES A. BAKER
GREG ABBOTT

February 14, 1996

The Honorable Charles Bacarisse
District Clerk of Harris County
P.O. Box 4651
Houston, Texas 77210

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. Willie J. Rhodes and a copy of the Supreme Court's order appointing the Honorable John D. Gabriel, Jr., Judge of the 131st District Court, San Antonio, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Hon. John D. Gabriel, Jr.
Mr. Willie J. Rhodes
Mr. James M. McCormack



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

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GREG ABBOTT

February 14, 1996

Honorable John D. Gabriel, Jr.
Judge, 131st District Court
100 Dolorosa Street
San Antonio, Texas 78205

Dear Judge Gabriel:

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. Rhodes and Mr. McCormack, 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,

SIGNED

John T. Adams
Clerk



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

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WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

February 14, 1996

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

Mr. Willie J. Rhodes
2600 South Loop W., Suite 640
Houston, Texas 77054-2644

Dear Mr. McCormack and Mr. Rhodes:

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 D. Gabriel, Jr., Judge of the 131st District Court, San Antonio, Texas to preside in

Commission for Lawyer Discipline v. Willie J. Rhodes

Sincerely,

SIGNED

John T. Adams
Clerk