

IN THE
SUPREME COURT OF TEXAS
IN THE MATTER OF
HENRY MARVIN WILLIAMS, JR.

MISC. DOCKET NO. 96-9083

ORDER

On this day, the Court considered the Motion for Acceptance of Resignation as Attorney and Counselor at Law of Henry Marvin Williams, Jr., together with the Response of the Chief Disciplinary Counsel to the Motion for Acceptance of Resignation as Attorney and Counselor at Law of Henry Marvin Williams, Jr. The Court has reviewed said Motion and Response and finds that each meets the requirements of Part X of the Texas Rules of Disciplinary Procedure. In conformity with Part X, Section 10.02 of the Texas Rules of Disciplinary Procedure, the Court considers the detailed statement of professional misconduct contained within the Response of the Chief Disciplinary Counsel to be deemed conclusively established for all purposes. The Court, being advised that the acceptance of the resignation is in the best interest of the public and the profession, hereby concludes that the following Order is appropriate:

IT IS ORDERED that the law license of Henry Marvin Williams, Jr., of Houston, Texas, State Bar Card Number 21540300, heretofore issued by the Court, be cancelled and his name be dropped and deleted from the list of persons licensed to practice law in Texas.

IT IS FURTHER ORDERED that should Henry Marvin Williams, Jr. locate, his State Bar Card and/or Texas Law License that he immediately surrender it to the Clerk of the Supreme Court of Texas. The Court acknowledges the receipt from Henry Marvin

Williams, Jr. of an affidavit stating he is unable to locate either his Texas State Bar Card or his Texas Law License.

IT IS FURTHER ORDERED that Henry Marvin Williams, Jr., be, and he is hereby, permanently enjoined and prohibited from practicing law in the State of Texas, holding himself out as an attorney at law, performing any legal services for others, giving legal advice to others, accepting any fee directly or indirectly for legal services, appearing as counsel or in any representative capacity in any proceeding in any Texas court or before any Texas administrative body (whether state, county, municipal or other), or holding himself out to others or using his name in any manner in conjunction with the words "Attorney at Law," "Counselor at Law," "Attorney," or "Lawyer."

IT IS FURTHER ORDERED that Henry Marvin Williams, Jr. shall within thirty (30) days after the date on which this Order is signed by the Court, notify in writing each and every justice of the peace, judge, magistrate, and chief justice of each and every Texas court in which Henry Marvin Williams, Jr. may have any client matter pending in that court, and of the name, address and telephone number of the client(s) he is representing in that court. Henry Marvin Williams, Jr. is ORDERED to send copies of all such notifications to the Office of the General Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711.

IT IS FURTHER ORDERED that Henry Marvin Williams, Jr. shall make restitution to Ivette Susuki Alanis in the amount of Two Thousand Four Hundred Eight Dollars and Seventy-four Cents

(\$2,408.74) by cashier's check or money order payable to Ivette Susuki Alanis and delivered by certified mail, return receipt requested, care of the Office of the General Counsel, State Bar of Texas, P.O. Box 12487, Austin, Texas 78711, as an absolute condition precedent to making application for reinstatement to admission to the State Bar of Texas.

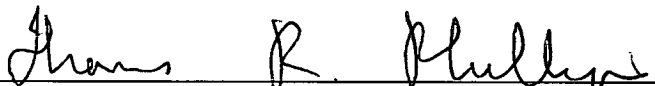
IT IS FURTHER ORDERED that Henry Marvin Williams, Jr. shall make restitution to Edward T. Brown in the amount of Two Hundred Seventy Dollars (\$270.00) by cashier's check or money order payable to Edward T. Brown and delivered by certified mail, return receipt requested, care of the Office of the General Counsel, State Bar of Texas, P.O. Box 12487, Austin, Texas 78711, as an absolute condition precedent to making application for reinstatement to admission to the State Bar of Texas.


IT IS FURTHER ORDERED that Henry Marvin Williams, Jr. shall make restitution to Kenneth G. Ro in the amount of Seventy Two Thousand, Nine Hundred Two Dollars (\$72,902.00) by cashier's check or money order payable to Kenneth G. Ro and delivered by certified mail, return receipt requested, care of the Office of the General Counsel, State Bar of Texas, P.O. Box 12487, Austin, Texas 78711, as an absolute condition precedent to making application for reinstatement to admission to the State Bar of Texas.

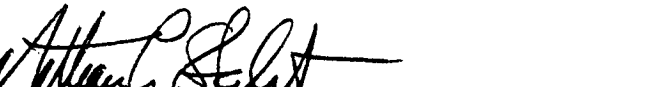
IT IS FURTHER ORDERED that Henry Marvin Williams, Jr. shall make restitution to H Nguyen in the amount of Two Thousand Two Hundred Thirty One Dollars (\$2,231.00) by cashier's check or money


order payable to H Nyugen and delivered by certified mail, return receipt requested, care of the Office of the General Counsel, State Bar of Texas, P.O. Box 12487, Austin, Texas 78711, as an absolute condition precedent to making application for reinstatement to admission to the State Bar of Texas.

By the Court, en banc, in chambers, on this the 20th day of March, 1996.



Thomas R. Phillips, Chief Justice


Raul A. Gonzalez, Justice


Nathan L. Hecht, Justice


John Cornyn, Justice


Craig Enoch, Justice

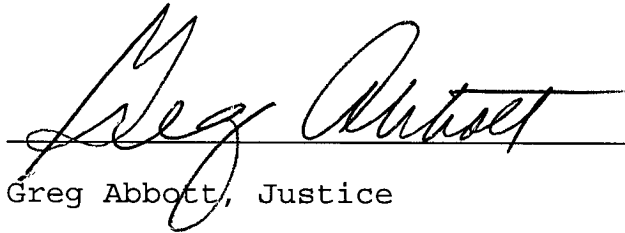

Rose Spector, Justice



Priscilla R. Owen, Justice



James A. Baker, Justice



Greg Abbott, Justice

MISC. DOCKET NO. 96- 9083

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STATE BAR OF TEXAS



Office of the General Counsel

March 12, 1996

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


Re: Resignation of Henry Marvin Williams, Jr.

Dear Mr. Adams:

Enclosed are the documents previously submitted to you for the consideration of the resignation of Henry Marvin Williams, Jr. I have also enclosed the affidavit of Charles Booth, investigator with the State Bar of Texas, who has been involved with the investigation of disciplinary cases against Mr. Williams for the past three (3) years. As far as we can tell, Mr. Williams was practicing law from the back of his car before he was placed in the Harris County jail on criminal charges. I hope the affidavit is sufficient with regard to the location of Mr. Williams' law license.

Please let me know if you need any other information.

Very truly yours,


Mary F. Klapperich
Assistant General Counsel

MFK/rr
enclosure

cc: Pat Strickland
Office of the General Counsel
STATE BAR OF TEXAS
400 W. 15th, Suite 1530
Austin, TX 78701

STATE BAR OF TEXAS



Office of the General Counsel

February 26, 1996

John Adams, Clerk
Supreme Court of Texas
Supreme Court Building
P.O. Box 12248
Austin, Texas 78711

Re: Resignation of Henry Marvin Williams, Jr.; Bar Car No. 21540300

Dear Mr. Adams:

Pursuant to Part X of the Texas Rules of Disciplinary Procedure, please find enclosed herewith the following:

- (1) Motion for Acceptance of Resignation as Attorney and Counselor at Law of Henry Marvin Williams, Jr., dated February 13, 1996;
- (2) Response of Chief Disciplinary Counsel to Motion for Acceptance of Resignation as Attorney and Counselor at Law of Henry Marvin Williams, Jr.;
- (3) Original and one (1) copy of proposed Order for review and entry by the Court accepting the resignation of Henry Marvin Williams, Jr. as Attorney and Counselor at Law;
- (4) Permanent State Bar Card of Henry Marvin Williams, Jr., or affidavit stating whereabouts of the card;

Upon entry of the Order by the Court, please transmit a true and correct copy of same to the undersigned so that this office may properly give notice to Applicant, the Districts 4 and 5 Grievance Committees, the Commission for Lawyer Discipline and the complainants of the Court's disposition of such motion.

Sincerely,

A handwritten signature in cursive script that reads "Mary F. Klapperich".

Mary F. Klapperich
Assistant Disciplinary Counsel
Office of the Chief Disciplinary Counsel
State Bar of Texas

Enclosures

cc: Henry Marvin Williams, Jr., %Harris County Jail, 1301 Franklin St,
Houston, Texas, 77002
CMRRR #Z-160 863 751

IN THE SUPREME COURT OF THE STATE OF TEXAS
RESPONSE OF THE CHIEF DISCIPLINARY COUNSEL
OF THE
STATE BAR OF TEXAS
REGARDING
HENRY MARVIN WILLIAMS, JR

TO THE HONORABLE SUPREME COURT OF TEXAS:

I, James M. McCormack, Chief Disciplinary Counsel of the State Bar of Texas, in accordance with Part X of the Texas Rules of Disciplinary Procedure, hereby file a response on behalf of the State Bar of Texas, acting by and through the Commission for Lawyer Discipline, to the Motion for Acceptance of Resignation as Attorney and Counselor at law of Henry Marvin Williams, Jr, dated February 13, 1996. The acceptance of the resignation of Henry Marvin Williams, Jr., is in the best interests of the public and the profession.

I.

There is currently pending a disciplinary action against Henry Marvin Williams, Jr., numbered 95-015172 and styled Commission for Lawyer Discipline v. Henry Marvin Williams, Jr., in the District Court of Harris County, 133rd Judicial District. The above-referenced disciplinary action charges Henry Marvin Williams, Jr. with professional misconduct as follows:

Ivette Susuki Alanis suffered bodily injury in an auto accident on or about June 4, 1991 and retained Henry Marvin Williams, Jr. to represent her in a personal injury claim. During the course of representation Respondent moved his office numerous times without notifying Ms. Alanis or the insurance carrier of any such changes. Ms. Alanis was unable to contact Respondent for a

period of time that subsequently resulted in derogatory information in her credit file for nonpayment of extensive medical bills.

On or about October 29, 1992, Respondent received and endorsed a check from Allstate Insurance Company in the amount of Two Thousand Four Hundred Eight Dollars and Seventy-four Cents (\$2,408.74) which represented partial settlement of claim to Ms. Alanis pursuant to the personal injury protection provisions of the liability insurance policy. The check was endorsed and deposited into an unknown bank account by Respondent.

Such acts and/or omissions described above constitute conduct in violation of Rules 1.01(b)(1), 1.03(a), 1.14(a), 8.04(a)(2) and/or 8.04(a)(3) of the Texas Disciplinary Rules of Professional Conduct.

By separate letters dated January 7, 1994 and August 18, 1994 and received by Henry Marvin Williams on or about January 9, 1994 and on or about September 5, 1994, the State Bar of Texas asked Henry Marvin Williams to provide information in response to the complaint presented against him by Ivette Susuki Alanis. Respondent thereafter knowingly failed to respond to a lawful demand for information from a disciplinary authority, thereby violating Rule 8.01(b) of the Texas Disciplinary Rules of Professional Conduct.

II.

The professional misconduct with which Henry Marvin Williams is charged as a result of complaints voted out for prosecution by the State Bar of Texas District 4 Grievance Committee but not included in the disciplinary action are as follows:

A. *H0039405862 Dewanda Wilson - Henry Marvin Williams, Jr.*
In or about July 1992, Dewanda Wilson retained Henry Marvin Williams to represent her in a personal injury action. After employing Williams, Wilson was unable to locate Applicant's office and communicate with him regarding the status of her case.

On or about March 29, 1994, Henry Marvin Williams, Jr. received a letter from the State Bar of Texas giving notice of the complaint against him and demanding a written response within thirty (30) days. Williams failed to timely respond.

The acts and/or omissions of Henry Marvin Williams, Jr. constitute violations of Rules 1.03(a) [failing to keep a client reasonably informed about the status of a matter and to promptly comply with reasonable requests for information]; and 8.01(b) [knowingly failing to respond to a lawful demand for information from a disciplinary authority] of the Texas Disciplinary Rules of Professional Conduct.

B. *H0079303859 Edward T. Brown - Henry Marvin Williams, Jr.*
On or about September 2, 1992, Edward Brown retained Henry Marvin Williams, Jr. to represent him in a divorce action. Brown paid Williams Two Hundred Seventy dollars (\$270.00) for the representation. Thereafter, Williams failed to actively pursue

Brown's divorce and took no legal action on Brown's behalf.

The acts and/or omissions committed by Williams as alleged above constitute conduct in violation of Rule 1.01(b)(1) [neglecting a legal matter entrusted to him] of the Texas Disciplinary Rules of Professional Conduct.

C. H0079303975 Ruby J. Adams - Henry Marvin Williams, Jr:
On or about August 4, 1993, Henry Marvin Williams received a letter from the State Bar of Texas giving notice of the complaint filed against him by Ruby J. Adams. The State Bar of Texas requested that Williams provide to the State Bar of Texas a written response within thirty (30) days of receipt of the notice. Applicant failed to timely respond.

The acts and/or omissions committed by Williams as alleged above constitute conduct in violation of Rules 1.01(b)(1) [neglecting a legal matter entrusted to him]; 1.03(a) [failing to keep Ruby Adams reasonably informed about the status of her divorce and not complying with Adam's reasonable requests for information]; and 8.01(b) [failing to respond to a lawful demand for information from a disciplinary authority] of the Texas Disciplinary Rules of Professional Conduct.

D. H0069406501 Kenneth G. Ro - Henry Marvin Williams, Jr:
Kenneth G. Ro is a medical care provider who provided medical care for several of Henry Marvin Williams' clients. Williams had issued letters of protection for Ro's fees. After settling numerous cases on behalf of his clients, Williams failed to remit payment to Ro on several outstanding medical bills.

On or about July 7, 1994, Williams received a letter from the State Bar of Texas giving notice of the complaint filed against him by Kenneth Ro, and requesting a written response within thirty (30) days of receipt of the notice. Williams failed to timely respond.

The acts and/or omissions as alleged above constitute conduct in violation of Rules 1.14(b) [failing, upon receipt of funds in which a third person has an interest, to remit those funds]; and 8.01(b) [failing to respond to a lawful demand for information from a disciplinary authority] of the Texas Disciplinary Rules of Professional Conduct.

E. H0079406774 Gracie L. Cains - Henry Marvin Williams, Jr:
In or about October 1992, Gracie Cains retained Henry Marvin Williams, Jr. to represent her in a personal injury action. Williams did not communicate with Ms. Cains regarding the status of her case, subsequently closed his office, and failed to give notice to Cains of his new address. Gracie Cains has since been unable to contact Williams.

On or about July 21, 1994, Williams received a letter from the State Bar of Texas giving notice of the complaint filed against him by Gracie Cains and requesting a written response within thirty (30) days of receipt of the notice. Williams failed to timely respond.

The acts and/or omissions by Henry Marvin Williams as alleged above constitute conduct in violation of Rules 1.03(a) [failing to keep a client reasonably informed about the status of a matter and to promptly comply with reasonable requests for information]; and

8.01(b) [knowingly failing to respond to a lawful demand for information from a disciplinary authority] of the Texas Disciplinary Rules of Professional Conduct.

F. H0029405547 H Nguyen - Henry Marvin Williams, Jr.


In February 1993, H Nguyen retained Henry Marvin Williams, Jr. to represent him in a personal injury action. Williams received a check from Nguyen's insurance carrier for payment under the Personal Injury Protection provision of his policy. Williams failed to notify Nguyen that he was in receipt of the funds. Williams cashed the check but failed to place the funds in a trust account, and failed to disburse any of these funds to Nguyen.

The acts and/or omissions of Henry Marvin Williams, Jr. as alleged above constitute conduct in violation of Rules 1.14(a) [failing to hold funds belonging in whole or in part to clients or third persons that were in Williams' possession, separate from his own property by placing them in a trust account]; and 8.04(a)(3) [engaging in conduct involving dishonesty, fraud, deceit or misrepresentation] of the Texas Disciplinary Rules of Professional Conduct.

III.

WHEREFORE, in view of the execution by Henry Marvin Williams, Jr. of his resignation as an attorney and counselor at law, and in anticipation of the Court's acceptance of same, the Chief Disciplinary Counsel does not anticipate going forward with the pending disciplinary lawsuit and intends to obtain an Order of Non-Suit in the disciplinary lawsuit upon entry of Order by the

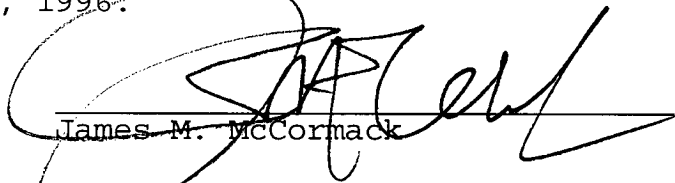
Supreme Court of Texas deleting Henry Marvin Williams, Jr., from the list of persons licensed to practice law in the State of Texas.



James M. McCormack
Chief Disciplinary Counsel
State Bar of Texas

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the Response of the Chief Disciplinary Counsel of the State Bar of Texas Regarding Henry Marvin Williams, Jr has been served on Henry Marvin Williams, Jr, at the Harris County, Texas jail, 1301 Franklin St., Houston, Texas 77002 by hand delivery on the 4th of March, 1996.



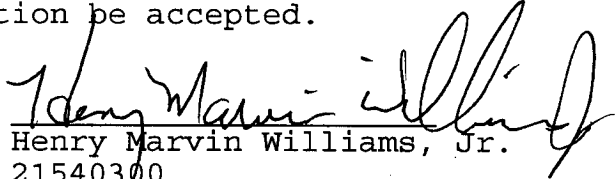
James M. McCormack

IN THE SUPREME COURT OF TEXAS
MOTION FOR ACCEPTANCE OF RESIGNATION AS
ATTORNEY AND COUNSELOR AT LAW
OF
HENRY MARVIN WILLIAMS, JR.

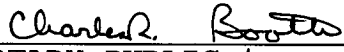
NOW COMES your Applicant, Henry Marvin Williams, Jr., and hereby resigns as an Attorney and Counselor at Law in the State of Texas; and hereby submits to the Court his resignation as an Attorney and Counselor at Law; and prays that the Court accept said resignation.

The License and permanent State Bar card issued by this Court to the Applicant, Henry Marvin Williams, Jr., as an Attorney and Counselor at Law are not attached hereto. Said License and permanent State Bar card are not surrendered by the Applicant. Affidavit of movant is attached in support of lost bar card and license.

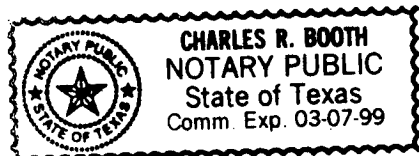
Your applicant is voluntarily resigning and withdrawing from the practice of law; Applicant does so in lieu of discipline for professional misconduct; and Applicant prays that his name be dropped and deleted from the list of persons licensed to practice law in Texas; and that his resignation be accepted.


Henry Marvin Williams, Jr.
21540300

SUBSCRIBED AND SWORN to before me by the said Henry Marvin Williams, Jr. this the 13 day of February, 1996.


NOTARY PUBLIC in and for
the State of Texas

Henry Marvin Williams, Jr.
P.O. Box 88084
Houston, Texas 77288-0084



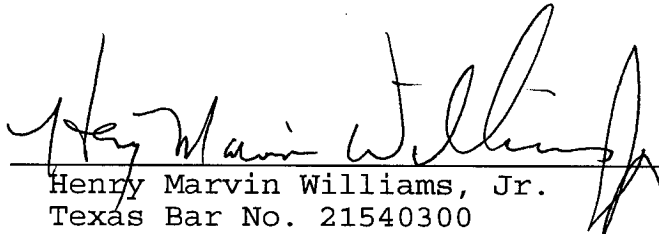
CF6-17.PRI

AFFIDAVIT OF
HENRY MARVIN WILLIAMS, JR.

On this 13 day of February, 1996,
personally appeared before me, the undersigned **Henry Marvin Williams, Jr.**, who, after being duly sworn, did state upon his oath:

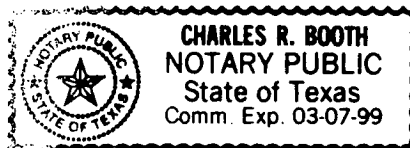
"My name is **Henry Marvin Williams, Jr.**, and I am over the age of eighteen years and am competent to make this affidavit in all respects, and am personally acquainted with the facts in this Affidavit."

"I am an attorney licensed in the State of Texas. My bar card number is 21540300. I am unable to locate my permanent State Bar Card and license."


Henry Marvin Williams, Jr.
Texas Bar No. 21540300

SWORN TO AND SUBSCRIBED BEFORE ME on this the 13 day of
February, 1996.

Charles R. Booth
Notary Public in and for the State of Texas



STATE BAR OF TEXAS



Office of the General Counsel

AFFIDAVIT OF CHARLES R. BOOTH,
INVESTIGATOR FOR THE STATE BAR OF TEXAS

BEFORE ME, the undersigned authority, on this day personally appeared Charles R. Booth, who after being duly sworn, did upon oath state the following:

1. "My name is Charles R. Booth; I am over the age of eighteen (18) years, and am fully competent to testify to the matters stated in this affidavit. I have personal knowledge of the facts and statements contained in this affidavit and each is true and correct."
2. "I am a investigator employed by the State Bar of Texas in Office of the Houston Regional Disciplinary Counsel. I am a retired Federal Agent of the of the U.S. Secret Service, with experience in locating, and apprehension of felon criminals. Because of this experience, I have the duty of locating attorneys that have abandoned their practice; that are suffering from substance abuse; that are targets of investigations by law enforcement agencies; that have multiple cases of misconduct; and that are avoiding contact with State Bar personnel."
3. "For over one year I have conducted investigation of sixteen complaints of misconduct by Attorney Henry Marvin Williams Jr., Bar # 21540300. During this period Mr. Williams had three offices, numerous residences, and left Houston to avoid service. On Feb. 9, 1996, I located relatives in Luling, Texas, and learned that Mr. Williams was in the Harris Co. jail for possession of cocaine. I determined that Mr. Williams bar card, and bar license were not in his possession. I could not locate the documents at any other location in Houston, or Luling."
4. "On Feb. 13, 1996, I interviewed Mr. Williams for several hours at the Harris Co. jail, and accepted his signed resignation as a attorney. Mr. Williams did not have his license or bar card in his possession in jail."

FURTHER , AFFIANT SAITH NOT.

Charles R. Booth
Charles R. Booth

SUBSCRIBED AND SWORN TO BEFORE ME BY the said Charles R. Booth
on this 13th day of March, 1996.

Lucy E. Poffenberger
NOTARY PUBLIC in and for the
State of Texas

