

**ORDER OF THE SUPREME COURT OF TEXAS**

**Misc Docket No. 96-9091**

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

The Supreme Court of Texas hereby appoints the Honorable Ray F. Grisham, Judge of the 336th District Court of Grayson County, Texas, to preside in the Disciplinary Action styled:

**The Commission for Lawyer Discipline v. Paul C. Looney**

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,

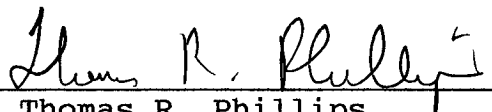
with the Seal thereof affixed at the City  
of Austin, this 29th day of March, 1996.

A handwritten signature in black ink, appearing to read "J. Adams", is written over the printed name of the clerk.

JOHN T. ADAMS, CLERK  
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 96-9091, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 1 day of April, 1996.

  
Thomas R. Phillips  
Chief Justice

COPY

CAUSE NO. \_\_\_\_\_

COMMISSION FOR LAWYER DISCIPLINE	§	IN THE DISTRICT COURT OF
v.	§	HARRIS COUNTY, TEXAS
PAUL C. LOONEY	§	_____ JUDICIAL DISTRICT

DISCIPLINARY PETITION

TO THE HONORABLE JUDGE OF THE COURT:

COMES NOW Petitioner, the COMMISSION FOR LAWYER DISCIPLINE, a committee of the State Bar of Texas (hereinafter called "Petitioner"), complaining of Respondent PAUL C. LOONEY (hereinafter called "Respondent"), showing the Court:

I.

Petitioner brings this disciplinary action pursuant to the State Bar Act, the Texas Government Code Annotated §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 this Disciplinary Petition was filed on or 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. Respondent is a resident of Harris County, Texas. Respondent's principal place of practice is Harris County, Texas, and therefore venue is appropriate in Harris County, Texas, pursuant to Rule 3.03 of the Texas Rules of Disciplinary Procedure. An officer may serve citation on Respondent at his business address located at 11767 Katy Freeway, Suite 740, Houston, Harris County, Texas, 77079.

### III.

On or about September 21, 1993, Ronald Lee Watson (hereinafter called "Watson") was convicted of the offense of possession of a controlled substance in the 179th District Court of Harris County, Texas, in Cause No. 642561, styled The State of Texas v. Ronnie Lee Watson. The punishment imposed against Watson was a fine of Five-Thousand Dollars and No/100 (\$5,000.00) and incarceration in the Texas Department of Corrections for twenty-five (25) years.

On or about November 17, 1993, Watson hired Respondent and paid him Five-Thousand Dollars and No/100 (\$5,000.00) to represent his case in the appellate process. Respondent's basis for appeal rested on whether the trial court erred in failing to sustain petitioner's objection to the admissibility of petitioner's alleged oral confession.

### IV.

The statement of facts from the 179th District Court of Harris County, Texas in Cause No. 642561, were initially due to be filed with the Court of Appeals for the First Judicial District of Texas on or before March 10, 1994. Respondent failed to timely file these documents with the Court of Appeals. Respondent alleged that the statement of facts were not timely submitted because Appellant did not have adequate funds to pay for the transcripts.

On or about June 27, 1994, over three (3) months after the statement of facts were initially due to be filed, Respondent submitted the Statement of Facts contemporaneously with Appellant's Motion for Extension of Time to File Statement of Facts.

Subsequent to the Court granting Respondent's Motion for Extension of Time to File the Statement of Facts, Respondent's appellant brief was due to be filed with the Court of Appeals on or before July 27, 1994.

On or about August 22, 1994, Respondent filed Appellant's Motion for an Extension of Time to File Brief, alleging that the extension of time was necessary due to his burdening caseload that required him to spend a significant amount of time preparing other cases for trial. The Court of Appeals granted the extension on September 1, 1994, and so ordered that the appellant brief be filed on or before September 16, 1994. Respondent failed to meet this deadline.

On or about September 16, 1994, Respondent submitted a second Motion for an Extension of Time. The Court of Appeals granted the second extension on September 29, 1994, and so ordered that the appellant brief be filed on or before October 31, 1994. The Court of Appeals finally received Watson's appellant brief on November 1, 1994.

#### V.

On or about February 9, 1995, the Court of Appeals overruled the appellant's point of error and affirmed the trial court's judgment. Respondent was immediately notified with this information from the court, however Respondent did not inform his client of the appellate decision until or around May 9, 1995. Consequently, Respondent allowed his client and his family, to wait three (3) months to learn the outcome of his appeal. Respondent was negligent in that he failed to promptly inform his client about the judgment received from the Court of Appeals. Respondent did not file a Motion for Rehearing on the appellate decision.

#### VI.

On or about April 10, 1995, after the time for filing a petition for discretionary review elapsed, Respondent filed a Petition for Discretionary Review and Petition for Writ of Habeas Corpus to the Court of Criminal Appeals for the State of Texas. The proper time to have filed

this Petition or Request for Extension of Time to File a Petition for Discretionary Review would have been on or before March 11, 1995. Respondent knew or should have known the timeframe involved for filing such petitions on the appellate level. Although Respondent had the opportunity to file for an extension of time to further review and evaluate Watson's case, Respondent neglected to do so. The Tex.R.App.P., Section Fifteen, Rule 202(b) states that:

"the original petition shall be filed with the Clerk of the Court of Appeals which delivered the decision within thirty (30) days after the day the judgment is entered or within thirty (30) days after the day the last timely motion for rehearing is overruled."

On or about May 3, 1995, consequent to Respondent's negligent handling of his client's case, the Court of Criminal Appeals dismissed Watson's petition, as a direct result of Respondent's failure to file a request for an extension of time, or in the alternative, to submit the Petition for Discretionary Review in a timely manner.

## VII.

In addition, Respondent failed to inform his client of the status of his case on appeal with the Criminal Court of Appeals despite numerous attempts by Watson and his family to get information regarding his case. Watson consequently found out that his Petition for Discretionary Review was refused as an untimely filing through the appellate updates located in the law library at the Texas Department of Corrections.

## VIII.

The acts and/or omissions of the Respondent described in Paragraphs IV, V, VI, and VII above, which occurred on or after January 1, 1990, constitute conduct in violation of Rule(s) **1.01(b)(1)** [a lawyer shall not neglect a legal matter entrusted to the lawyer]; **1.01(b)(2)** [a lawyer shall not frequently fail to carry out completely the obligations that the lawyer owes to a client];

1.03(a) [a lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable request for information]; and 8.04(a)(3) [a lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation] of the Texas Rules of Disciplinary Procedure.

## VII.

The complaint that forms the basis of this cause of action was brought to the attention of the Office of the General Counsel by Ronald Lee Watson's filing of this complaint on or about July 31, 1995.

### Prayer

WHEREFORE, PREMISES CONSIDERED, Petitioner the COMMISSION FOR LAWYER DISCIPLINE respectfully prays that this Court discipline Respondent, PAUL C. LOONEY, 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

Diego J. Vargas  
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



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DIEGO J. VARGAS  
State Bar No. 00791847

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

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

EXECUTIVE ASST  
WILLIAM L. WILLIS

ADMINISTRATIVE ASST  
NADINE SCHNEIDER

April 2, 1996

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

Mr. Paul C. Looney  
11767 Katy Freeway, Suite 740  
Houston, Texas 77079

Dear Mr. McCormack and Mr. Looney:

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 Ray R. Grisham, Judge of the 336th District Court, Sherman, Texas to preside in

Commission for Lawyer Discipline v. Paul C. Looney

Sincerely,

SIGNED

John T. Adams  
Clerk



## THE SUPREME COURT OF TEXAS

CHIEF JUSTICE  
THOMAS R. PHILLIPS

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EXECUTIVE ASST  
WILLIAM L. WILLIS

ADMINISTRATIVE ASST  
NADINE SCHNEIDER

April 2, 1996

Honorable Ray R. Grisham  
Judge, 336th District Court  
Justice Center  
200 S. Crockett Street  
Sherman, Texas 75090

Dear Judge Grisham:

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. Looney 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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ROSE SPECTOR  
PRISCILLA R. OWEN  
JAMES A. BAKER  
GREG ABBOTT

April 2, 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. Paul C. Looney and a copy of the Supreme Court's order appointing the Honorable Ray R. Grisham, Judge of the 336th District Court, Sherman, Texas, to preside in this Disciplinary Action.

Sincerely,

**SIGNED**

John T. Adams  
Clerk

cc: Hon. Ray R. Grisham  
Mr. Paul C. Looney  
Mr. James M. McCormack