

ORDER OF THE SUPREME COURT OF TEXAS

Misc Docket No. 96-9170

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

The Supreme Court of Texas hereby appoints the Honorable George M. Thurmond, Judge of the 63rd District Court of Val Verde County, Texas, to preside in the Disciplinary Action styled:

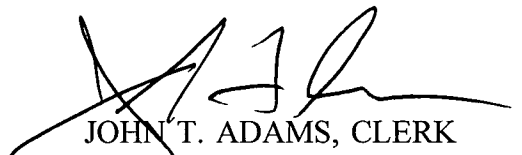
The Commission for Lawyer Discipline v. Allan R. Hawkins

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

The Clerk of the Supreme Court shall promptly forward to the District Clerk of Midland 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 26th day of June, 1996.


JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 96-9170, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 27 day of June, 1996.


Thomas R. Phillips
Chief Justice

NO. _____

COMMISSION FOR LAWYER DISCIPLINE § IN THE DISTRICT COURT OF
V. § MIDLAND COUNTY, TEXAS
ALLAN R. HAWKINS § ____ 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"), complaining of Respondent, Allan R. Hawkins (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 on or 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 and has his principal place of practice in Midland County, Texas. An officer may serve citation on Respondent at Century Plaza, Suite 800, Midland, TX 79702.

FIRST CAUSE OF ACTION

III.

On or about August 8, 1994, County Court Judge Fitz-Gerald signed an Order appointing Respondent to represent Daniel Wayne Sundy (hereinafter referred to as "Sundy") in a

possession of marijuana case; Cause No. 66,911; In the County Court of Midland County, Texas. Thereafter, Respondent filed a Motion for Appointment of an Effective and Competent Attorney. On or about October 11, 1994, County Court Judge Fitz-Gerald conducted a hearing on the Motion in which Respondent appeared. The Court having conducted a hearing on the Motion for Appointment of an Effective and Competent Attorney entered an Order on November 29, 1994, stating "The Court having considered Defendant's Motion for Appointment of an Effective and Competent Attorney and having heard the arguments of counsel concerning same, hereby finds Mr. Allan Hawkins is a qualified and competent attorney and is fully capable of representing this Defendant and his appointment to represent Defendant is [sic] this case shall continue." Respondent was provided a copy of the November 29, 1994, Court Order. Contrary to the Court's Order, by letter dated December 6, 1994, Respondent advised Sundry that he did not represent Sundry and that the Court had determined Sundry was not entitled to a lawyer. By letters dated January 31, 1995, addressed to the County Clerk, and February 2, 1995, addressed to Judge Al Walvoord, Respondent stated that he did not represent Sundry. On January 6, 1995, Sundry's case was set for docket call. At the January 6, 1995, docket call, neither Sundry nor Respondent appeared. On January 23, 1995, Sundry's case was set for trial. At the January 23, 1995, trial date neither Sundry or Respondent appeared. The failure of Respondent to appear on such dates resulted in a bond forfeiture against Sundry. On January 31, 1995, the court coordinator contacted Respondent informing him of Sundry's February 1, 1995, bond forfeiture hearing. On February 1, 1995, Sundry appeared for the hearing, however Respondent did not. Not until a March 1, 1995, letter from Judge Walvoord to Respondent was Respondent removed as the attorney of record on Sundry's case.

IV.

On March 1, 1995, a show cause hearing was held before Judge Walvoord and Respondent was found to be in contempt of court. On June 19, 1995, another show cause hearing for contempt was held before Judge Bobo. Judge Bobo also found Respondent to be in contempt of court on four counts and Respondent was sentenced to 150 days in jail on each count to run concurrently. Judge Bobo allowed Respondent to purge his contempt by giving Respondent credit for 9 days served in jail and by Respondent agreeing to pay \$250.00 for participation in the Midland County Bar Plan for the year of 1995 to be removed from the list of attorneys to receive court appointments. Respondent further purged himself of contempt by executing a memorandum stating that in all future years in which the said Respondent, Allan Hawkins, practices law in Midland County, he will either pay the fee on or before October 1 of each year to participate in the Midland County Bar Plan or he will accept all court-appointments and represent said court-appointed defendants in the defendants' case on the entry of the order appointing Allan Hawkins to represent the defendant to the completion of the defendant's case including appeal if necessary.

V.

Such acts and/or omissions on the part of Respondent as are described in Paragraphs III and IV hereinabove which occurred on or after January 1, 1990, constitute conduct violative of Rules 1.01(b)(1), 1.15(c), 1.15(d), and 3.04(d) of the Texas 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 a complaint filed by the State Bar of Texas on or about May 4, 1995.

PRAYER

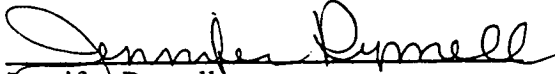
WHEREFORE, PREMISES CONSIDERED, Petitioner prays for judgment that Respondent be disciplined as the facts shall warrant; and that Petitioner have such other relief to which entitled, including costs of Court and attorney's fees.

Respectfully submitted,

James M. McCormack
General Counsel

Jennifer Rymell
Assistant General Counsel

Office of the General Counsel
State Bar of Texas
201 Main Street, Suite 1150
Fort Worth, Texas 76102
817-877-4993
817-335-4249


Jennifer Rymell
State Bar of Texas No. 18043750

ATTORNEYS FOR PETITIONER

STATE BAR OF TEXAS



Office of the Chief Disciplinary Counsel

May 14, 1996

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

Re: Commission for Lawyer Discipline v. Allan R. Hawkins

Dear Mr. Adams:

Enclosed please find an original and two (2) copies of a Disciplinary Petition being filed by the Commission for Lawyer Discipline against Allan R. Hawkins. Mr. Hawkins is a resident of Midland County, Texas. Request is hereby made that the Court appoint an active District Judge who does not reside in the Administrative Judicial Region in which Respondent resides to preside in this case. Upon appointment, request is hereby made that you notify the Respondent at the address shown below and the undersigned of the identity and address of the judge assigned:

Allan R. Hawkins
Century Plaza
Suite 800
Midland, TX 79702

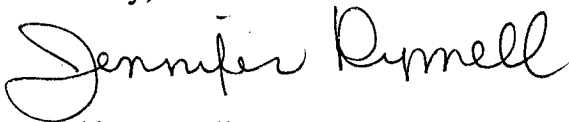
As a practical matter, I would respectfully suggest that you inquire with the judge to be appointed as to whether he or she will be able to comply with the 180 day deadline by which the case must be set for trial set forth in Section 3.07 of the Texas Rules of Disciplinary Procedure. If not, I would respectfully request that an alternate appointment be made.

Once a trial judge has been appointed, please forward the original and two (2) copies of the Disciplinary Petition, the filing fee check, also enclosed herewith, and the Court's appointing order to the District Clerk of Midland County, Texas, with the request that the suit be filed, service be obtained, and a filemarked copy of the petition be returned to the undersigned. Further, please provide the undersigned a copy of the Court's appointing order in the pre-addressed envelope enclosed.

Also enclosed is a pre-addressed envelope for your use in transmitting the petition, etc., to the District Clerk of Midland County, Texas, and a return envelope to be sent to the District Clerk of Midland County, Texas, for the Clerk's use in returning a filemarked copy of the petition to the undersigned.

If you have any questions, please contact me. Thank you for your assistance.

Sincerely,

A handwritten signature in black ink that reads "Jennifer Rymell". The signature is written in a cursive style with a large, looped initial "J".

Jennifer Rymell
Assistant General Counsel
Office of the Chief Disciplinary Counsel
State Bar of Texas

JSR/am

Enclosure



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

POST OFFICE BOX 12248 AUSTIN, TEXAS 78711

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

TEL: (512) 463-1312

FAX: (512) 463-1365

EXECUTIVE ASST
WILLIAM L. WILLIS

ADMINISTRATIVE ASST
NADINE SCHNEIDER

July 3, 1996

Honorable George M. Thurmond
Judge, 63rd District Court
P.O. Box 1089
Del Rio, Texas 78841-1089

Dear Judge Thurmond:

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. Hawkins and Mr. McCormack, and a copy of the letter to the District Clerk of Midland County.

It is recommended that, four or five weeks after receipt of this letter, you contact the District Clerk of Midland County 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 contact the Presiding Judge of the Administrative Judicial Region into which you have been assigned (915-236-6944) to reserve a courtroom, obtain a court reporter, obtain 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

POST OFFICE BOX 12248 AUSTIN, TEXAS 78711

CLERK
JOHN T. ADAMS

JUSTICES
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CRAIG ENOCH
ROSE SPECTOR
PRISCILLA R. OWEN
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GREG ABBOTT

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FAX: (512) 463-1365

EXECUTIVE ASST
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

July 3, 1996

The Honorable Vivian Wood
District Clerk of Midland County
200 W. Wall Street
Midland, Texas 79701

Dear Ms. Wood:

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. Allan R. Hawkins, and a copy of the Supreme Court's order appointing the Honorable George M. Thurmond, Judge of the 63rd District Court, Del Rio, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Hon. George M. Thurmond
Mr. Allan R. Hawkins
Mr. James M. McCormack



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

POST OFFICE BOX 12248 AUSTIN, TEXAS 78711

CLERK
JOHN T. ADAMS

JUSTICES
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EXECUTIVE ASST
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

July 3, 1996

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

Mr. Allan R. Hawkins
Century Plaza, Suite 800
Midland, Texas 79702

Dear Mr. McCormack and Mr. Hawkins:

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 George M. Thurmond, Judge of the 63rd District Court, Del Rio, Texas to preside in

Commission for Lawyer Discipline v. Allan R. Hawkins

Sincerely,

SIGNED

John T. Adams
Clerk