

ORDER OF THE SUPREME COURT OF TEXAS

Misc Docket No. 96-9220

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

The Supreme Court of Texas hereby appoints the Honorable Roger E. Towery, Judge of the 97th District Court of Clay County, Texas, to preside in the Disciplinary Action styled:

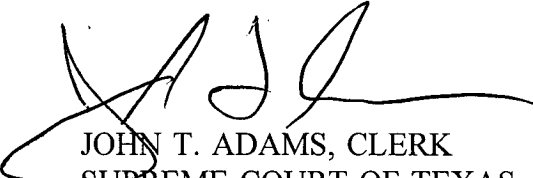
The Commission for Lawyer Discipline v. Richard Alan Kahn

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.

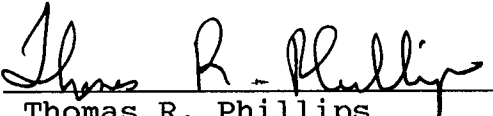
As ordered by the Supreme Court of Texas, in chambers,

with the Seal thereof affixed at the City
of Austin, this 18th day of September, 1996.


JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 96-9220, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 20 day of September, 1996.


Thomas R. Phillips
Chief Justice

NO: _____

COMMISSION FOR LAWYER
DISCIPLINE

VS.

RICHARD ALAN KAHN

§
§
§
§
§
§

IN THE DISTRICT COURT OF
DALLAS COUNTY, TEXAS
____ 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, Richard Alan Kahn (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 an has his principal place of practice in Dallas County, Texas. An officer may serve citation on Respondent at 8300 Douglas, Suite 800, Dallas, Texas 75225.

III.

On or about September 13, 1995, Brenda Hall, (hereinafter referred to as "Hall"), Ann

Carlson (hereinafter referred to as "Carlson"), and Betty Wages (hereinafter referred to as "Wages") retained the services of Respondent to represent them in probating their father's will. Thereafter, by letter dated November 15, 1995, Hall, Carlson, and Wages fired Respondent and requested the return of their file. Respondent refused to release the file, which included the original will, claiming he had an attorney's lien on the file for unpaid legal fees. Since Respondent retained the original will, Hall, Carlson, and Wages were delayed in their ability to file the will for probate. Therefore, Respondent's actions prejudiced his clients.

IV.

Such acts and/or omissions on the part of Respondent are described in Paragraph III, hereinabove, which occurred on or after January 1, 1990, constitute conduct which violates Rule 1.15(d) of the Texas Disciplinary Rules of Professional Conduct.

V.

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 Hall's filing a complaint on or about December 20, 1995.

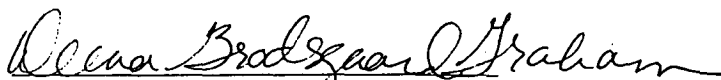
PRAYER

WHEREFORE, PREMISES CONSIDERED, Petitioner prays for judgment that Respondent will 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,

Steve W. Young
Interim General Counsel

Assistant General Counsel
Deena Brodsgaard Graham
State Bar of Texas
Litigation - Dallas
5910 N. Central Expressway
Suite 920
Dallas, Texas 75206
(214) 368-0083
FAX (214) 368-6953



Deena Brodsgaard Graham
Bar Card No: 00790375

ATTORNEYS FOR PETITIONER

STATE BAR OF TEXAS



Office of the General Counsel
Litigation - Dallas

August 8, 1996

CMRRR NO. P 378 167 458

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

RE: Commission for Lawyer Discipline v. Richard Alan Kahn

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 Richard Alan Kahn. Mr. Kahn a resident of Dallas 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 made that you notify the Respondent at the address shown below and the undersigned of the identity and address of the judge assigned:

**Richard Alan Kahn
8300 Douglas Avenue
Suite 800
Dallas, Texas 75225**

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 Dallas County, Texas, with the request that the suit be filed, service be obtained, and a file stamped copy of the petition be returned to the undersigned.

Also enclosed are a pre-addressed envelope for your use in transmitting the petition, etc., to the

Premier Place, 5910 N. Central Expressway, Suite 920, Dallas, Texas 75206
Telephone (214)368-0083 - Fax (214)368-6953

Mr. John T. Adams, Clerk
August 8, 1996
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District Clerk of Dallas County, Texas, and a return envelope to be sent to the District Clerk of Dallas County, Texas, for the Clerk's use in returning a file stamped copy of the petition to the undersigned.

Thank you for your courtesies in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Deena Brodsgaard Graham". The signature is written in dark ink and is positioned above the printed name and title.

Deena Brodsgaard Graham
Assistant General Counsel

Enclosures



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

September 23, 1996

Honorable Roger E. Towery
Judge, 97th District Court
100 N. Bridge Street
Henrietta, Texas 76365

Dear Judge Towery:

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. Kahn and Mr. Young and a copy of the letter to the District Clerk of Dallas County.

We then recommend that, either before or immediately after you set the case for trial, the District Court Administrator (214-653-6108) be contacted 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 (214-653-2943) to obtain claims forms for your expenses and other information 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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JAMES A. BAKER
GREG ABBOTT

EXECUTIVE ASS'T
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

September 23, 1996

The Honorable Bill Long
District Clerk of Dallas County
George L. Allen Courts Building
600 Commerce Street
Dallas, Texas 75202

Dear Mr. Long:

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. Richard Alan Kahn, and a copy of the Supreme Court's order appointing the Honorable Roger E. Towery, Judge of the 97th District Court, Henrietta, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Hon. Roger E. Towery
Mr. Richard Alan Kahn
Mr. Steve Young



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

POST OFFICE BOX 12248 AUSTIN, TEXAS 78711

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FAX: (512) 463-1365

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PRISCILLA R. OWEN
JAMES A. BAKER
GREG ABBOTT

September 23, 1996

Mr. Steve Young
General Counsel, State Bar of Texas
P.O. Box 12487
Austin, Texas 78711

Mr. Richard Alan Kahn
8300 Douglas Avenue, Suite 800
Dallas, Texas 75225

Dear Mr. Young and Mr. Kahn:

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 Roger E. Towery, Judge of the 97th District Court, Henrietta, Texas to preside in

Commission for Lawyer Discipline v. Richard Alan Kahn

Sincerely,

SIGNED

John T. Adams
Clerk