

ORDER OF THE SUPREME COURT OF TEXAS

Misc Docket No. 96- 9252

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

The Supreme Court of Texas hereby appoints the Honorable Joseph H. Hart, Judge of the 126th District Court of Travis County, Texas, to preside in the Disciplinary Action styled:

The Commission for Lawyer Discipline v. Senfronia Thompson

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,

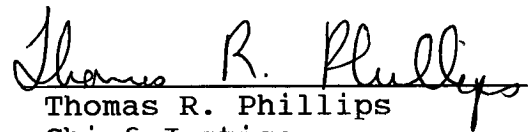
with the Seal thereof affixed at the City
of Austin, this 25th day of November, 1996.

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. 96-9252, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 3 day of December, 1996.


Thomas R. Phillips
Chief Justice

CAUSE NO. _____

COPY

COMMISSION FOR LAWYER DISCIPLINE §
v. §
SENFRONIA THOMPSON §

IN THE DISTRICT COURT OF
HARRIS COUNTY, TEXAS
_____ 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, SENFRONIA THOMPSON 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 the State Bar Rules. 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. Respondent is a resident of Harris County, Texas. An officer may serve citation on Respondent at her address located at 440 Louisiana St., Suite 525, Houston, Texas 77002-1634.

III.

On or about September 27, 1994, Abelardo Campos employed Respondent to gain parole of his son, who had been convicted on a federal drug charge. The son was serving time in a federal penitentiary. Mr. Campos paid the Respondent Twenty Thousand Dollars (\$20,000.00) of a stated legal fee of Forty Thousand Dollars (\$40,000.00) and expenses of One Thousand

Two Hundred Dollars (\$1,200.00). Upon receipt of the Twenty Thousand Dollars (\$20,000.00), Respondent failed to deposit the funds into an attorney trust or escrow account. Further, Respondent failed to notify the Internal Revenue Service of the receipt of the Twenty Thousand Dollars (\$20,000.00), as required by law. Respondent notified the Internal Revenue Service of the receipt of the Twenty Thousand Dollars (\$20,000.00) in September, 1995, after receiving a subpoena duces tecum from the State Bar of Texas requiring her to produce to the State Bar of Texas a copy of the notice she sent to the IRS.

At the time of accepting the employment, Respondent failed to inform the Campos of the actions she could legally take to effectuate the possible release of Campos' son. Further, Respondent lead Campos to believe that she could influence federal corrections authorities because of her position as a member of the Texas State Legislature, and misrepresented to Campos that the federal corrections authorities could be influenced.

Respondent's lack of action and progress in obtaining the parole caused Mr. Campos to terminate Respondent's representation in June 1995. Campos requested a refund of the Twenty Thousand Dollars (\$20,000.00). Respondent failed to return the unearned portion of the fee upon termination and instead delayed until October 1995, after Campos filed a complaint against her with the State Bar of Texas, to refund Seven Thousand Nine Hundred Seventy-eight Dollars and Twenty-six Cents (\$7,978.26), the amount Respondent claimed to be the unearned fees and expenses.

IV.

By her conduct of failing to deposit the Twenty Thousand Dollars (\$20,000.00) into an attorney trust or escrow account, Respondent committed professional misconduct in violation of

Rule 1.14(a) [a lawyer shall hold funds and other property belonging in whole or in part to clients or third persons that are in a lawyer's possession in connection with a representation separate from the lawyer's own property. Such funds shall be kept in a separate account, designated as a "trust" or "escrow" account] of the Texas Disciplinary Rules of Professional Conduct and of Part 1.06(Q) of the Texas Rules of Disciplinary Procedure.

By her conduct in failing to explain the legal actions necessary to effectuate the parole of his Campos' son, Respondent has committed professional misconduct in violation of Rule 1.03(b) [failure to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation] of the Texas Disciplinary Rules of Professional Conduct and of Part 1.06(Q) of the Texas Rules of Disciplinary Procedure.

By her conduct in failing to promptly refund any unearned fees or expenses, Respondent has committed professional misconduct in violation of Rule 1.15(d) [upon termination of representation, a lawyer shall take the steps to the extent reasonably practicable to protect a client's interests, such as refunding any advance payments of a fee that has not been earned] of the Texas Disciplinary Rules of Professional Conduct and of Part 1.06(Q) of the Texas Rules of Disciplinary Procedure.

By her conduct in stating or implying she had the ability to improperly influence the officials at the federal prisons, Respondent has committed professional misconduct in violation of Rule 8.04(a)(5) [a lawyer shall not state or imply an ability to improperly influence a government agency or official] of the Texas Disciplinary Rules of Professional Conduct and of Part 1.06(Q) of the Texas Rules of Disciplinary Procedure.

By her conduct in stating or implying she had the ability to improperly influence the

officials at the federal prisons; in failing to promptly refund any advance payments of fees or expenses; in failing to notify the Internal Revenue Service of the receipt of at least Ten Thousand Dollars (\$10,000.00) in case; and in failing to hold funds belonging in whole or in part to her client in a trust or escrow account, Respondent has committed professional misconduct in violation of Rule 8.04(a)(3) [a lawyer shall not engage in conduct involving dishonesty, fraud, deceit or misrepresentation] of the Texas Disciplinary Rules of Professional Conduct and of Part 1.06(Q) of the Texas Rules of Disciplinary Procedure.

V.

The complaint that forms the basis of this cause of action was brought to the attention of the Office of the General Counsel of the State Bar of Texas by Abelardo Campos filing a complaint on or about July 17, 1995.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Petitioner the COMMISSION FOR LAWYER DISCIPLINE respectfully prays that this Court discipline Respondent Senfronia Thompson 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.

STATE BAR OF TEXAS



Office of the General Counsel

October 9, 1996

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

Re: Commission for Lawyer Discipline v. Senfronia Thompson

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 Senfronia Thompson. Ms. Thompson is a resident of Harris 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:

Ms. Senfronia Thompson
c/o Mr. William G. King
P.O. Box 309
101 Raider Street
Kemah, Texas 77565

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

Mr. John T. Adams, Clerk
Supreme Court of Texas
October 8, 1996
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Also enclosed are a pre-addressed envelope for your use in transmitting the above reference documents, to the District Clerk of Harris County, Texas, and a return envelope to be sent to the District Clerk of Harris County, Texas, for the Clerk's use in returning a file marked copy of the petition to the undersigned.

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

Very truly yours,



Mary F. Klapperich
Assistant General Counsel

MFK/gcp
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 ASS'T
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

December 16, 1996

Honorable Joseph H. Hart
Judge, 126th District Court
P.O. Box 1748
Austin, Texas 78767-1748

Dear Judge Hart:

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 Ms. Thompson and Ms. Klapperich, 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

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

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CRAIG ENOCH
ROSE SPECTOR
PRISCILLA R. OWEN
JAMES A. BAKER
GREG ABBOTT

December 16, 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. Senfronia Thompson, and a copy of the Supreme Court's order appointing the Honorable Joseph H. Hart, Judge of the 126th District Court, Austin, Texas, to preside in this Disciplinary Action.

Sincerely,

A handwritten signature in dark ink, appearing to read "JOHN T. ADAMS".

John T. Adams
Clerk

cc: Hon. Joseph H. Hart
Ms. Senfronia Thompson
Ms. Mary F. Klapperich



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

POST OFFICE BOX 12248 AUSTIN, TEXAS 78711

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PRISCILLA R. OWEN
JAMES A. BAKER
GREG ABBOTT

December 16, 1996

Ms. Mary F. Klapperich
Assistant General Counsel, State Bar of Texas
1111 Fannin, Suite 1370
Houston, Texas 77002

Ms. Senfronia Thompson
c/o Mr. William G. King
P.O. Box 309
101 Raider Street
Kemah, Texas 77565

Dear Ms. Klapperich and Ms. Thompson:

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 Joseph H. Hart, Judge of the 126th District Court, Austin, Texas to preside in

Commission for Lawyer Discipline v. Senfronia Thompson

Sincerely,

SIGNED

John T. Adams
Clerk