

ORDER OF THE SUPREME COURT OF TEXAS

Misc. Docket No. 97- 9162

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

The Supreme Court of Texas hereby appoints the Honorable James R. Fry, Judge of the 15th District Court of Grayson County, Texas, to preside in the Disciplinary Action styled:

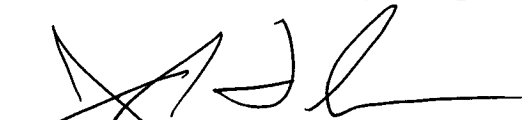
The Commission for Lawyer Discipline v. Donald G. Havlick

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.

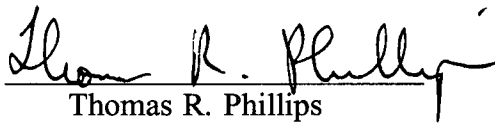
As ordered by the Supreme Court of Texas, in chambers.

with the Seal thereof affixed at the City
of Austin, this 18th day of September, 1997.


JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 97-9162, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 22 day of September, 1997.

A handwritten signature in cursive script, reading "Thomas R. Phillips". The signature is written in dark ink and is positioned above a horizontal line.

Thomas R. Phillips
Chief Justice

NO. _____

COMMISSION FOR LAWYER DISCIPLINE §

IN THE DISTRICT COURT OF

VS §

_____ COUNTY, TEXAS

DONALD G. HAVLICK §

_____ 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, complaining of Respondent, Donald G. Havlick, showing the following to 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 with the State Bar of Texas on or after August 6, 1996.

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 Harris County, Texas. An officer may serve citation on Respondent, by and through his attorney of record, Althea M. Bailey, 1 Houston Center, 1221 McKinney, Suite 1050, Houston, Texas 77010.

III.

Respondent, Donald Havlick's, license to practice law in the State of Texas was suspended on or about September 1, 1994 for non-payment of State Bar dues. Respondent's license to practice law was not reinstated until on or about July 9, 1996.

On or about April 24, 1996, while Respondent's license to practice law in the State of Texas was suspended, Respondent represented himself to be a lawyer when he filed or caused to be filed a Petition for Expunction of Records in Cause No. 96-020632, styled, Ex Parte Ivon Lee, IV in the 129th Judicial District Court of Harris County, Texas.

On or about February 22, 1996, while his license to practice law in the State of Texas was suspended, Respondent represented himself to be a lawyer when he filed or caused to be filed, Plaintiff's Original Petition in Cause No. 96-09940, styled David Lavene v. Anheuser-Busch, Inc., in the 125th Judicial District Court of Harris County, Texas.

IV.

By filing the Petition for Expunction of Records in Cause No. 96-020632, styled, Ex Parte Ivon Lee, IV in the 129th Judicial District Court of Harris County, Texas, Respondent engaged in conduct in violation of Rules 8.04(a)(2)[a lawyer shall not commit a serious crime or commit any other criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects]; 8.04(a)(11)[a lawyer shall not engage in the practice of law when the lawyer is on

inactive status or when the lawyer's right to practice has been suspended or terminated]; and 8.04(a)(12)[a lawyer shall not violate any other laws of this state relating to the professional conduct of lawyers and to the practice of law] of the Texas Disciplinary Rules of Professional Conduct and Rule 1.06(Q) of the Texas Rules of Disciplinary Procedure.

By filing the Plaintiff's Original Petition in Cause No. 96-09940, styled David Lavene v. Anheuser-Busch, Inc., in the 125th Judicial District Court of Harris County, Texas, Respondent engaged in conduct in violation of Rules 8.04(a)(2)[a lawyer shall not commit a serious crime or commit any other criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects]; 8.04(a)(11)[a lawyer shall not engage in the practice of law when the lawyer is on inactive status or when the lawyer's right to practice has been suspended or terminated]; and 8.04(a)(12)[a lawyer shall not violate any other laws of this state relating to the professional conduct of lawyers and to the practice of law] of the Texas Disciplinary Rules of Professional Conduct and Rule 1.06(Q) of the Texas Rules of Disciplinary Procedure.

PRAYER

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

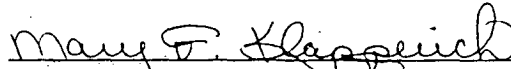
Respectfully submitted,

Steven W. Young
General Counsel

Mary F. Klapperich
Assistant General Counsel

Office of the General Counsel
State Bar of Texas

1111 Fannin, Suite 1370
Houston, Texas 77002
(713) 759-6932
(713) 752-2158 FAX



MARY F. KLAPPERICH
State Bar No. 11550700

ATTORNEYS FOR PETITIONER

STATE BAR OF TEXAS



Office of the General Counsel

July 28, 1997

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

Re: Commission for Lawyer Discipline v. Donald G. Havlick

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 Donald G. Havlick. Mr. Havlick 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:

Mr. Donald G. Havlick
c/o Althea M. Bailey
Attorney-at-Law
1 Houston Center
1221 McKinney, Suite 1050
Houston, TX 77010

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, citation be issued, and the citation, alone with a file-stamped copy of the petition, be returned to the undersigned.

Mr. John T. Adams, Clerk
Supreme Court of Texas
July 28, 1997
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I have enclosed 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-stamped 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/rr
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

OCT 02 1997

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

CLERK
JOHN T. ADAMS

EXECUTIVE ASST
WILLIAM L. WILLIS

ADMINISTRATIVE ASST
NADINE SCHNEIDER

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

Mr. Donald G. Havlick
c/o Althea M. Bailey
1 Houston Center
1221 McKinney, Suite 1050
Houston, Texas 77010

Dear Ms. Klapperich and Mr. Havlick:

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 James R. Fry, Judge of the 15th District Court of Sherman, Texas to preside in

Commission for Lawyer Discipline v. Donald G. Havlick

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

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TEL: (512) 463-1312

FAX: (512) 463-1365

EXECUTIVE ASS'T
WILLIAM L. WILLIS

OCT 02 1997

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

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. Donald G. Havlick, and a copy of the Supreme Court's order appointing the Honorable James R. Fry, Judge of the 15th District Court in Sherman, Texas, to preside in this Disciplinary Action.

Sincerely,

A handwritten signature in blue ink that reads "John T. Adams".

John T. Adams
Clerk

cc: Hon. James R. Fry
Ms. Mary F. Klapperich
Mr. Donald G. Havlick



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

POST OFFICE BOX 12248 AUSTIN, TEXAS 78711

TEL: (512) 463-1312

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OCT 02 1997

JUSTICES
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CRAIG ENOCH
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JAMES A. BAKER
GREG ABBOTT

CLERK
JOHN T. ADAMS

EXECUTIVE ASST
WILLIAM L. WILLIS

ADMINISTRATIVE ASST
NADINE SCHNEIDER

Honorable James R. Fry
Judge, 15th District Court
200 S. Crockett
Sherman, Texas 75090

Dear Judge Fry:

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. Havlick 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,

JOHN T. ADAMS

John T. Adams
Clerk