

ORDER OF THE SUPREME COURT OF TEXAS

Misc Docket No. 98- 9183

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

The Supreme Court of Texas hereby appoints the Honorable Joseph "Tad" Halbach, Jr., Judge of the 333rd District Court of Harris County, Texas, to preside in the Disciplinary Action styled:


The Commission for Lawyer Discipline v. Julia A. Adams

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

The Clerk of the Supreme Court shall promptly forward to the District Clerk of McLennan 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.

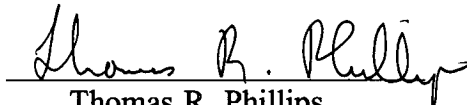
As ordered by the Supreme Court of Texas, in chambers,

with the Seal thereof affixed at the City
of Austin, this 27th day of October, 1998.


JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 98-9183, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 28 day of October, 1998.


Thomas R. Phillips
Chief Justice

NO. _____

COMMISSION FOR LAWYER DISCIPLINE § IN THE DISTRICT COURT OF
V. §
JULIA A. ADAMS § McLENNAN 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, Julia A. Adams (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 her principal place of practice in, McLennan County, Texas. An officer may serve citation on Respondent by and through her attorney Pat Beard, Central Tower #301, 5400 Bosque Blvd, Waco, Texas 76701-1006.

III.

In or around October, 1997, Judy Lynn Uptmor (hereinafter referred to as Complainant) filed a complaint with the State Bar of Texas against Julia A. Adams (hereinafter referred to as Respondent). In the course of representing her client, Respondent communicated or caused another, namely Steve Pickens, to communicate with Complainant about the subject of

Complainant's divorce case when she knew Complainant was represented by another lawyer in the divorce case. This conduct constitutes a violation of Rules 4.02, and 8.04(a)(1) of the Texas Disciplinary Rules of Professional Conduct.

IV.

Respondent represented Complainant's husband in a divorce case. Respondent threatened to file criminal charges against the Complainant solely to gain an advantage in the civil matter of the said divorce case. This conduct constitutes a violation of Rules 4.04(b), and 8.04(a)(1) of the Texas Disciplinary Rules of Professional Conduct.

V.

Respondent's representation of her client, the opposing party to Judy Lynn Uptmor reasonably appeared to be or become adversely limited by Respondent's own interest in pursuing a personal relationship with said client in that Respondent's personal relationship with said client caused her to become desperate, to use poor judgment in the representation, and to violate the Texas Rules of Professional Conduct. This conduct constitutes a violation of Rules 1.06 and 8.04(a)(1) of the Texas Disciplinary Rules of Professional Conduct.

VI.

On September 29, 1997, Respondent filed Petitioner's Third Amended Petition for Divorce, Fraud and Personal Injury, Answer to Counterpetition and Claims of Counterpetitioner filed September 26, 1997, and Petitioner's Second Amended Answer to Intervenor's Petition adding Complainant, Steve R. Pickens as a Defendant in a divorce case pending in the 74th District Court of McLennan County, Texas, docket No. 97-1576-3. It was not reasonable for Respondent to believe that there was a basis for filing the said Third Amended Petition for Divorce, Fraud, and Personal Injury that was not frivolous. This conduct constitutes a violation of Rules 1.06, 3.01, 4.02 and 8.04(a)(1) of the Texas Disciplinary Rules of Professional Conduct.

VII.

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 complaints filed by Judy Uptmor and Steve Randall Pickens on or about September 30, 1997.

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,

Steven W. Young
General Counsel

J.G. Molleston
Assistant General Counsel

Office of the General Counsel
STATE BAR OF TEXAS
201 Main Street, Suite 1150
Fort Worth, TX 76102
817/877-4993
817/335-4249 (FAX)

J.G. Molleston
State Bar Card No. 00795924

ATTORNEYS FOR PETITIONER

STATE BAR OF TEXAS



Office of the Chief Disciplinary Counsel

October 5, 1998

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

Re: Commission for Lawyer Discipline v. Julia A. Adams

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 Julia Adams. Ms. Adams has designated McLennan County, Texas, as her principal place of practice. 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:

Julia A. Adams
c/o Pat Beard
Central Tower, Suite 301
5400 Bosque Blvd.
Waco, TX 76710

As a practical matter, I would respectfully suggest that you inquire with the judge to be appointed as to: (1) 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; and (2) whether he or she can accommodate compliance with *Mellon Service Co., et al v. Touche Ross Co.*, 946 S.W.2d 862 (Tex. App. - Houston [14th Dist.] 1997), which requires that all proceedings incident to a case occur in the county of proper venue. If not, I would respectfully request that an alternate appointment be made.

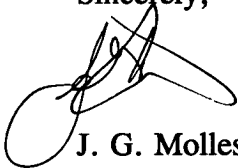
Once a trial judge has been appointed, please forward the original and two (2) copies of the Disciplinary Petition, the filing fee check, also enclosed herewith, and the Court's appointing order to the District Clerk of McLennan County, Texas, with the request that the suit be filed, service be obtained,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

Mr. John Adams
October 5, 1998
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Also enclosed are a pre-addressed envelope for your use in transmitting the petition, etc., to the District Clerk of McLennan County, Texas, and a return envelope to be sent to the District Clerk of McLennan County, Texas, for the Clerk's use in returning a file-marked copy of the Petition to the undersigned.

Thank you for your courtesies in this matter.

Sincerely,



J. G. Molleston
Assistant General Counsel
Office of the Chief Disciplinary Counsel
State Bar of Texas

JGM/mc

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

EXECUTIVE ASST
WILLIAM L. WILLIS

ADMINISTRATIVE ASST
NADINE SCHNEIDER

JUSTICES
RAUL A. GONZALEZ
NATHAN L. HECHT
CRAIG T. ENOCH
ROSE SPECTOR
PRISCILLA R. OWEN
JAMES A. BAKER
GREG ABBOTT
DEBORAH G. HANKINSON

October 30, 1998

Mr. J. G. Molleston
Assistant General Counsel, State Bar of Texas
201 Main Street, Suite 1150
Fort Worth, Texas 76102

Ms. Julia A. Adams
c/o Pat Beard
Central Tower, Suite 301
5400 Bosque Boulevard
Waco, Texas 76710

Dear Mr. Molleston and Ms. Adams:

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 'Tad' Halbach, Jr., Judge of the 333rd District Court, Houston, Texas to preside in

Commission for Lawyer Discipline v. Julia A. Adams

Sincerely,

SIGNED

John T. Adams
Clerk



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

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GREG ABBOTT
DEBORAH G. HANKINSON

October 30, 1998

Honorable Joseph 'Tad' Halbach, Jr.
Judge, 333rd District Court
604 Civil Courts Building
301 Fannin Street
Houston, Texas 77002

Dear Judge Halbach:

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. Adams and Mr. Molleston, and a copy of the letter to the District Clerk of McLennan County.

It is recommended that, four or five weeks after receipt of this letter, you contact the District Clerk of McLennan 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 (210-379-8556) 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

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JAMES A. BAKER
GREG ABBOTT
DEBORAH G. HANKINSON

October 30, 1998

The Honorable Joe Johnson
District Clerk of McLennan County
P.O. Box 2451
Waco, Texas 76703-2451

Dear Mr. Johnson:

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. Julia A. Adams*, and a copy of the Supreme Court's order appointing the Honorable Joseph 'Tad' Halbach, Jr., Judge of the 333rd District Court, Houston, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Hon. Joseph 'Tad' Halbach, Jr.
Mr. J. G. Molleston
Ms. Julia A. Adams