

ORDER OF THE SUPREME COURT OF TEXAS

Misc. Docket No. 93-0120

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

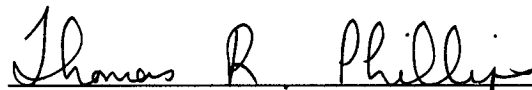
The Supreme Court of Texas hereby appoints the Honorable Andy Kupper, Judge of the 286th District Court, to preside in the Disciplinary Action styled:

The Commission on Lawyer Discipline v. Clarence Ed Keys

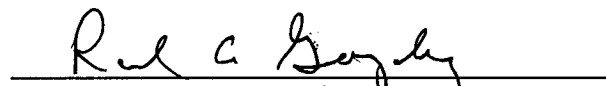
to be filed in a District Court of Ector, Texas.

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

In Chambers, this 28th day of June, 1993.



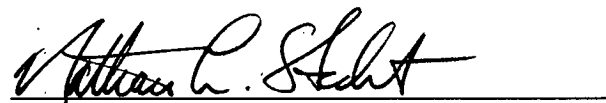
Thomas R. Phillips, Chief Justice



Raul A. Gonzalez, Justice



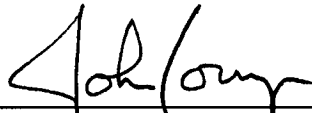
Jack Hightower, Justice



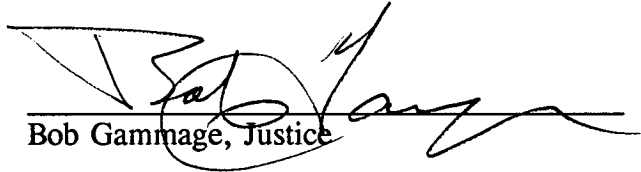
Nathan L. Hecht, Justice



Lloyd Doggett, Justice



John Cornyn, Justice



Bob Gammage, Justice



Craig Enoch, Justice



Rose Spector, Justice

NO. _____

COMMISSION FOR LAWYER DISCIPLINE § IN THE DISTRICT COURT OF
V. § ECTOR COUNTY, TEXAS
CLARENCE ED KEYS § ____ 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 (hereinafter called "Petitioner"), complaining of Clarence Ed Keys (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 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 business in Ector County, Texas. An officer may serve citation on Respondent at his business address at 3936 Monclair Avenue, Odessa, Ector County, Texas 79762.

III.

In or around May, 1991, Woodrow W. Randolph (hereinafter called "Randolph") hired Respondent to probate his brother's will.

IV.

After the will was probated, Randolph arranged to purchase a home which was part of the probated estate. Randolph purchased such home on or about December 1, 1990, and requested that Respondent prepare a deed for the property. Upon receiving the deed from Respondent, Randolph recorded it with the county clerk. He then proceeded to remodel the home and sold it to a third party.

V.

After the sale of the property, Randolph discovered that the description of the property in the deed prepared by Respondent was incorrect. Respondent advised Randolph that he would correct the mistake in the deed. He also agreed to handle the paperwork for transferring the title of the house from Randolph to the buyer, and Randolph gave Respondent monies with which to pay the various fees involved in transferring the title. Respondent subsequently failed to take any action whatsoever to correct the deed on file or to transfer the title of the house to the buyer of the property, and has failed return the monies for fees paid to him by Randolph.

VI.

Such acts and/or omissions on the part of Respondent as are described in Paragraphs III., IV. and V. hereinabove which occurred on or after January 1, 1990, constitute conduct violative of Rules 1.01(b)(1) and/or 1.14(b) 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 General Counsel of the State Bar of Texas by Randolph's filing of a complaint on or about August 31, 1992.

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

Dawn Miller
Senior Assistant General Counsel

Office of the General Counsel
State Bar of Texas
P.O. Box 12487
Austin, Texas 78711
(512) 463-1381



Dawn Miller
State Bar of Texas No. 15561900

ATTORNEYS FOR PETITIONER

keys.2dp



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
JACK HIGHTOWER
NATHAN L. HECHT
LLOYD DOGGETT
JOHN CORNYN
BOB GAMMAGE
CRAIG ENOCH
ROSE SPECTOR

EXECUTIVE ASS'T.
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T.
MARY ANN DEFIBAUGH

July 6, 1993

The Honorable Andy Kupper
286th District Court
Hockley County Courthouse
Post Office Box 15
Levelland, Texas 79336

RE: COMMISSION FOR LAWYER DISCIPLINE v. CLARENCE ED KEYS.

Dear Judge Kupper,

We enclose for your information, a copy of the order of assignment, a copy of the Disciplinary Action, a copy of the notification letters to the State Bar General Counsel and respondent's attorney, as well as to the district clerk, in the referenced case.

Sincerely,

SIGNED

John T. Adams
Clerk

Encl.



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THOMAS R. PHILLIPS

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July 6, 1993

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

Mr. Clarence Ed Keys
3936 Monclair Avenue
Odessa, Texas 79762

RE: COMMISSION FOR LAWYER DISCIPLINE v. CLARENCE ED KEYS.

Dear Mr. McCormack and Mr. Keys,

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 Mark Davidson, 11th District Court, Harris County Courthouse, 301 Commerce, Houston, Texas 77002 to preside in the above referenced action.

Copies of pertinent documents are enclosed for your use.

Sincerely,

SIGNED

John T. Adams
Clerk

Encl.

cc: Hon. Andy Kupper



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

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July 6, 1993

**Hon. Jackie Sue Barnes
District Clerk
Ector County Courthouse
Post Office Box 966
Odessa, Texas 79760**

RE: COMMISSION FOR LAWYER DISCIPLINE v. CLARENCE ED KEYS.

Dear Ms. Barnes,

Pursuant to Rule 3.03 of the Texas Rules of Disciplinary Procedure, I am sending for filing, the State Bar of Texas Disciplinary Action referenced above and a copy of the Supreme Court's order appointing a judge to preside in this action.

Sincerely,

SIGNED

**John T. Adams
Clerk**

Encl.

**cc: Hon. Andy Kupper
Mr. Clarence Ed Keys
Mr. James M. McCormack**