

**ORDER OF THE SUPREME COURT OF TEXAS**

**Misc Docket No. 95-9047**

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

The Supreme Court of Texas hereby appoints the Honorable Jesse A. Holloway, Judge of the 350th District Court of Taylor County, Texas, to preside in the Disciplinary Action styled:


**The Commission for Lawyer Discipline v. Daniel P. Garrigan**

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.

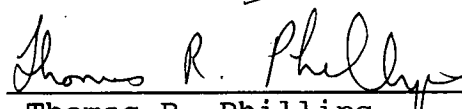
As ordered by the Supreme Court of Texas, in chambers,

with the Seal thereof affixed at the City  
of Austin, this 10th day of February, 1995.

  
JOHN T. ADAMS, CLERK  
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 95-9047, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 10<sup>th</sup> day of February, 1995.

Handwritten signature of Thomas R. Phillips in cursive script, written over a horizontal line.

Thomas R. Phillips  
Chief Justice

NO. \_\_\_\_\_

COMMISSION FOR LAWYER DISCIPLINE § IN THE DISTRICT COURT OF  
V. §  
DANIEL P. GARRIGAN § 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, Daniel P. Garrigan, (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 his principal place of practice in Dallas County, Texas. An officer may serve citation on Respondent at his business address located at 3524 Fairmount Street, Dallas, Dallas County, Texas 75219.

### III.

In and around July, 1987, Charlotte Stewart (hereinafter called "Stewart") hired Respondent to represent her in a medical malpractice case. The parties signed a contract for services wherein Stewart agreed to pay Respondent a contingency fee upon conclusion of her case. Stewart paid Respondent \$500.00 in and around December, 1987 for filing fees and litigation related expenses, and Respondent thereafter filed an original petition on her behalf.

### IV.

Stewart's case was set for trial on or about April 9, 1990. Prior to the trial, Respondent realized that he had failed to timely designate his expert witness. As a result, Respondent settled the case for \$25,000.00; however, at no time prior to settling the case did Respondent inform Stewart of his failure to timely designate the expert or of the settlement.

### V.

Upon receipt of the compromise settlement agreement, Respondent forged Stewart's name to it, and directed a notary public to notarize Stewart's forged signature on the document. Respondent thereafter received the \$25,000.00 settlement check from defendant's counsel. In and around early June, 1990, Respondent explained to Stewart that the defendant had agreed to settle the case for \$75,000.00, which was to be paid out in the form of a structured settlement, with \$25,000.00 to be paid initially and the remaining balance to be paid out during the next four (4) years. On or about June 7, 1990, Respondent paid Stewart \$16,677.00, which was purportedly her share of the initial payment of the structured settlement, but in reality was her share of the entire settlement proceeds. On or about June 29, 1990, the presiding judge signed an order dismissing the pending lawsuit.

## VI.

Respondent continued to represent to Stewart that she was to receive additional settlement proceeds pursuant to the structured settlement agreement with the defendant. On or about April 12, 1991, Respondent presented to Stewart for her signature a settlement agreement outlining the \$75,000.00 structured settlement which had purportedly been signed by defendant's counsel. However, such document was, in fact, entirely fictitious and created by Respondent to deceive Stewart. In addition, the signature of defendant's counsel on the document was a forgery.

## VII.

In his effort to convince Stewart that the case had been settled for \$75,000.00, Respondent attempted to make payments to her pursuant to the terms of the structured settlement. However, when he proved unable to continue to make the payments, Stewart reported the matter to the State Bar of Texas, at which time it was discovered that Stewart's case had been settled in 1990 for \$25,000.00.

## VIII.

Throughout the course of his representation, Respondent frequently failed to respond to Stewart's request for information. In addition, he failed to communicate with her and keep her apprised of the status of the matter.

## IX.

Such acts and/or omissions on the part of Respondent as are described in Paragraphs III., IV., V., VI., VII. and VIII. hereinabove which occurred on or after January 1, 1990, constitute conduct which violates Rules 1.01(b)(1), 1.02(a)(2), 1.03(a), 1.03(b), 3.03(a)(1), 4.01(a) and/or 8.04(a)(3) of the Texas Disciplinary Rules of Professional Conduct.

X.

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 Charlotte A. Stewart filing a complaint on or about January 25, 1994.

**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

**E. Lynn Rodriguez**  
Assistant General Counsel

Office of the General Counsel  
State Bar of Texas  
P.O. Box 12487  
Austin, Texas 78711  
Telephone: (512) 463-1463  
Telecopier:(512) 477-4607



**E. LYNN RODRIGUEZ**  
State Bar of Texas No. 17143880

**ATTORNEYS FOR PETITIONER**

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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

February 10, 1995

JUSTICES  
RAUL A. GONZALEZ  
JACK HIGHTOWER  
NATHAN L. HECHT  
JOHN CORNYN  
BOB GAMMAGE  
CRAIG ENOCH  
ROSE SPECTOR  
PRISCILLA R. OWEN

CLERK  
JOHN T. ADAMS

EXECUTIVE ASS'T.  
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T.  
NADINE SCHNEIDER

The Honorable Bill Long  
District Clerk of Dallas County  
George Allen Courts Building  
600 Commerce  
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. Daniel P. Garrigan, and a copy of the Supreme Court's order appointing the Honorable Jesse A. Holloway, Judge of the 350th District Court, Abilene, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams  
Clerk

cc: Hon. Jesse A. Holloway  
Mr. Daniel P. Garrigan  
Mr. James M. McCormack



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE  
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EXECUTIVE ASS'T.  
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T.  
NADINE SCHNEIDER

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

Mr. Daniel P. Garrigan  
3524 Fairmont Street  
Dallas, Texas 75219

Dear Mr. McCormack and Mr. Garrigan:

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 Jesse A. Holloway, Judge of the 350th District Court, Abilene, Texas to preside in

Commission for Lawyer Discipline v. Daniel P. Garrigan.

Sincerely,

SIGNED

John T. Adams  
Clerk





THE SUPREME COURT OF TEXAS

CHIEF JUSTICE  
THOMAS R. PHILLIPS

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February 10, 1995

Honorable Jesse A. Holloway  
Judge, 350th District Court  
County Courthouse  
300 Oak Street  
Abilene, Texas 79602

Dear Judge Holloway:

We enclose for your information a copy of the order of assignment, a copy of the Disciplinary Petition, a copy of the notification letter to Mr. Garrigan and Mr. McCormack, and a copy of the letter to the District Clerk of Dallas County.

We then recommend that, six to eight weeks after receipt of this letter, your coordinator call the Dallas County court administrator (214 653-6108) for assistance in learning the name, phone number, and address of counsel. Also, either just before or immediately after you set the case for trial, the County court administrator 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 (214 653-7656) to obtain claims forms for your expenses and other information incident to presiding over this disciplinary case.

Sincerely,

SIGNED

John T. Adams  
Clerk