

ORDER OF THE SUPREME COURT OF TEXAS

Misc Docket No. 95-⁹¹⁵²_____

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

The Supreme Court of Texas hereby appoints the Honorable Richardo H. Garcia, Judge of the 229th District Court of Duval County, Texas, to preside in the Disciplinary Action styled:

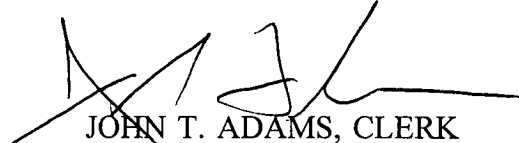
The Commission for Lawyer Discipline v. Vincent Lannie

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.

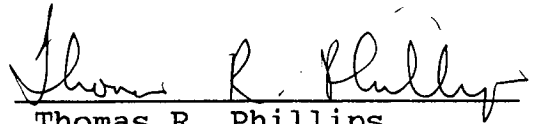
As ordered by the Supreme Court of Texas, in chambers,

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


JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 95-9052, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 13th day of February, 1995.

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

Thomas R. Phillips
Chief Justice

COPY

NO. _____

COMMISSION FOR LAWYER DISCIPLINE	§	IN THE DISTRICT COURT OF
V.	§	HARRIS COUNTY, TEXAS
VINCENT LANNIE	§	_____ 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, Vincent Lannie, (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 Harris County, Texas. An officer may serve citation on Respondent at his business address located at 3814 Highway 146, Baytown, Harris County, Texas 77520.

III.

On or about April 9, 1992, Respondent represented Josephine Greene (hereinafter called "Greene") in a personal injury matter. On that day, Greene signed a "Case Disbursement Sheet" generated by Respondent as part of the settlement of her personal injury claim.

IV.

The funds from the settlement of the personal injury matter were distributed on or about May 14, 1992. At that time, Respondent withheld Five Thousand Forty and 00/100 (\$5,040.00) for payment to Greene's medical provider, Dr. James S. Golden (hereinafter called "Golden").

V.

Golden learned of the settlement of Greene's personal injury matter on or about February 8, 1993. At that point, Respondent had failed to forward to Golden the amount withheld from the settlement for the purpose of payment of Golden's services. Golden contacted Respondent on or about February 12, 1993, regarding the settlement of Greene's case and Respondent's failure to pay his bill. Golden finally received a payment of Five Thousand Forty Dollars and 00/100 (\$5,040.00) on or about March 10, 1993.

VI.

Thereafter, it was learned that the Respondent had allowed the Internal Revenue Service (hereinafter called "IRS") to levy on his escrow account. Respondent also withdrew money from his escrow account to pay directly to the IRS. This escrow account, no. 0001953400, located at the Texas National Bank in Baytown, Texas, contained funds belonging both to third parties and to clients of Respondent. In addition, Respondent made client advances from his escrow account and paid his telephone and electric bills from the account.

VI.

Such acts and/or omissions on the part of Respondent as are described in Paragraphs III., IV., V., and VI. hereinabove which occurred on or after January 1, 1990, constitute conduct which violates Rules 1.14(b), 1.14(c), 8.04(a)(1) and/or 8.04(a)(3) of the Texas Disciplinary Rules of Professional Conduct.

VIII.

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 Joseph Greene filing a complaint on or about February 25, 1993.

SECOND CAUSE OF ACTION

IX.

By letter dated March 22, 1993 and received by Respondent on or about March 24, 1993, the Grievance Committee for State Bar District 4H urged Respondent to provide information in response to a complaint presented against him by James S. Golden, which complaint was brought to the attention of the Office of the General Counsel of the State Bar of Texas by the filing of a complaint with the State Bar of Texas on or about March 2, 1993. Respondent thereafter knowingly failed to respond to a lawful demand for information from a disciplinary authority, to wit, the Grievance Committee for State Bar District 4H, thereby engaging in professional misconduct in violation of Rule 8.01(b) of the Texas Disciplinary Rules of Professional Conduct.



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

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

Mr. Vincent Lannie
3814 Highway 146
Baytown, Texas 77520

Dear Mr. McCormack and Mr. Lannie:

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 Ricardo H. Garcia, Judge of the 229th District Court, San Diego, Texas to preside in

Commission for Lawyer Discipline v. Vincent Lannie

Sincerely,

SIGNED

John T. Adams
Clerk



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EXECUTIVE ASS'T.
WILLIAM L. WILLIS

February 10, 1995

ADMINISTRATIVE ASS'T.
NADINE SCHNEIDER

Honorable Ricardo H. Garcia
Judge, 229th District Court
County Courthouse
P. O. Drawer H
San Diego, Texas 78384

Dear Judge Garcia:

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. McCormack and Mr. Lannie, and a copy of the letter to the District Clerk of Harris County.

It is recommended that, four or five weeks after receipt of this letter, you contact the Harris County District Court Administrative Office (713-755-6576) 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

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CLERK
JOHN T. ADAMS

EXECUTIVE ASS'T.
WILLIAM L. WILLIS

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. Vincent Lannie and a copy of the Supreme Court's order appointing the Honorable Ricardo H. Garcia, Judge of the 229th District Court, San Diego, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Hon. Ricardo H. Garcia
Mr. Vincent Lannie
Mr. James M. McCormack