

ORDER OF THE SUPREME COURT OF TEXAS

Misc. Docket No. 97- 9173

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

The Supreme Court of Texas hereby appoints the Honorable J. Manuel Banales, Judge of the 105th District Court of Nueces County, Texas, to preside in the Disciplinary Action styled:

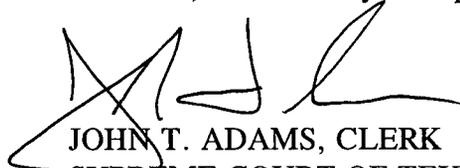
The Commission for Lawyer Discipline v. Burnell L. Jones, Jr.

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.

A handwritten signature in black ink, appearing to read 'J. Adams', is written over the printed name of John T. Adams.

**JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS**

This assignment, made by Misc. Docket No. 97-9173, 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
	§	
BURNELL L. JONES, JR.	§	_____ 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, Burnell Jones, Jr., 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 29, 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 at his business address located at 7134 Finch, Houston, Texas 77028.

III.

On or about October 22, 1990, Respondent, Burnell Jones, Jr., was suspended from the practice of law in the State of Texas by order of the 165th Judicial District Court located in Houston, Harris County, Texas. The order of suspension was issued in Cause No. 89-30246, styled The State Bar of Texas v. Burnell L. Jones, Jr. The suspension was ordered to run from on or about December 21, 1990 through December 20, 1993. The suspension became an indefinite suspension because Respondent failed to pay restitution to former clients, as ordered by the Court. The suspension was ultimately lifted and Respondent's license to practice law was restored on or about October 9, 1996 after he paid the restitution.

During the above-referenced suspension, Respondent was enjoined by the Court from the following:

1. practicing law in Texas;
2. holding himself out as an attorney at law;
3. performing any legal services for others;
4. accepting any fee either directly or indirectly for legal services;
5. appearing as counsel or in any representative capacity in any proceeding in any Texas court or before any Texas administrative body; or
6. holding himself out to others or using his name, in any manner, in conjunction with the words "attorney at law," "attorney," "counselor at law," or "lawyer."

On or about July 30, 1996, and while Respondent's license to practice law in the State of Texas was still under suspension, Respondent accepted employment from

Michelle Norris, to represent her in a legal matter before the Houston Municipal Court, in violation of the Court's Order Assessing Discipline in Cause No. 89-30246, and in violation of Section 38.122 of the Texas Penal Code.

On or about July 30, 1996, and while Respondent's license to practice law in the State of Texas was still under suspension, Respondent accepted a check in the amount of One Hundred Dollars (\$100.00) from Michelle Norris, as payment for his legal services to her before the Houston Municipal Court, in violation of the Court's Order Assessing Discipline in Cause No. 89-30246, and in violation of Section 38.122 of the Texas Penal Code.

On or about July 30, 1996, and while Respondent's license to practice law in the State of Texas was still under suspension, Respondent cashed the check in the amount of One Hundred Dollars (\$100.00) which he received from Michelle Norris. Respondent did not place the money into an attorney trust account or into an operating account, in violation of the Court's Order Assessing Discipline in Cause No. 89-30246, and in violation of Section 38.122 of the Texas Penal Code.

On or about July 30, 1996, and while Respondent's license to practice law in the State of Texas was still under suspension, and while Respondent was enjoined by the Court from appearing as counsel or in any representative capacity in any proceeding before any court or administrative body, Respondent went to the Houston Municipal Court representing Michelle Norris in her legal matter with the Houston Municipal Court, in violation of the Court's Order Assessing Discipline in Cause No. 89-30246, and in violation of Section 38.122 of the Texas Penal Code.

On or about July 31, 1996, and while Respondent's license to practice law in the State of Texas was still under suspension, and while Respondent was enjoined by the Court from appearing as counsel or in any representative capacity in any proceeding before any court or administrative body, Respondent went to the Houston Municipal Court representing Michelle Norris in her legal matter with the Houston Municipal Court, in violation of the Court's Order Assessing Discipline in Cause No. 89-30246, and in violation of Section 38.122 of the Texas Penal Code.

Thereafter, Respondent neglected Ms. Norris' legal matter by failing to complete the tasks he was hired and paid to do. Ms. Norris finally had to pay a bonding company to post bond for her and have her legal matter placed back on the Municipal Court's trial docket.

Respondent failed to communicate with his client, Ms. Norris, by failing to return her telephone calls, and failing to keep her informed as to the status of her matter, specifically that her case had been removed from the Court's trial docket.

IV.

By accepting employment from Michelle Norris while his license to practice law in the State of Texas was under suspension, 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)(7)[a lawyer shall not violate any disciplinary or disability order or judgment]; 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 accepting money for legal services from Michelle Norris while his license to practice law in the State of Texas was under suspension, 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)(7)[a lawyer shall not violate any disciplinary or disability order or judgment]; 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 failing to deposit the money he accepted for legal services from Michelle Norris into an attorney trust account or attorney operating account while his license to practice law in the State of Texas was under suspension, Respondent engaged in conduct in violation of Rules 8.04(a)(7)[a lawyer shall not violate any disciplinary or disability order or judgment]; 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 representing Michelle Norris in Houston Municipal Court on July 30, 1996, while his license to practice law in the State of Texas was under suspension, 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)(7)[a lawyer shall not violate any disciplinary or disability order or judgment]; 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 representing Michelle Norris in Houston Municipal Court on July 31, 1996, while his license to practice law in the State of Texas was under suspension, 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)(7)[a lawyer shall not violate any disciplinary or disability order or judgment]; 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 failing to complete the tasks for which he was hired by his client, Michelle Norris, Respondent engaged in conduct in violation of Rule 1.01(b)(1)[neglecting a legal matter entrusted to the lawyer] of the Texas Disciplinary Rules of Professional Conduct and Rule 1.06(Q) of the Texas Rules of Disciplinary Procedure.

By failing to return his client's telephone calls and to keep her informed of the status of her legal matter before the Houston Municipal Court, Respondent engaged in conduct in violation of Rule 1.03(b)[a lawyer shall explain a matter to the extent reasonable necessary to permit the client to make informed decisions regarding the representation] 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. Burnell L. Jones, Jr.

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 Burnell L. Jones, Jr. Mr. Jones 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. Burnell L. Jones, Jr.
7134 Finch
Houston, Texas 77028

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.

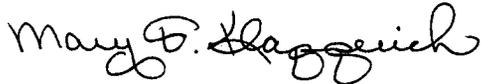
Once a trial judge has been appointed, please forward the original and two (2) copies of the Disciplinary Petition, the filing fee check, also enclosed herewith, and the Court's appointing order to the District Clerk of Harris County, Texas, with the request that the suit be filed, citation be issued, 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
Page 2

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

CLERK
JOHN T. ADAMS

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

EXECUTIVE ASS'T
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

OCT 02 1997

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

Mr. Burnell L. Jones, Jr.
7134 Finch
Houston, Texas 77028

Dear Ms. Klapperich and Mr. Jones:

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 J. Manuel Banales, Judge of the 105th District Court in Corpus Christi, Texas to preside in

Commission for Lawyer Discipline v. Burnell L. Jones, Jr.

Sincerely,

SIGNED

John T. Adams
Clerk



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

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CLERK
JOHN T. ADAMS

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ROSE SPECTOR
PRISCILLA R. OWEN
JAMES A. BAKER
GREG ABBOTT

EXECUTIVE ASST
WILLIAM L. WILLIS

ADMINISTRATIVE ASST
NADINE SCHNEIDER

OCT 02 1997

Honorable J. Manuel Banales
Judge, 105th District Court
901 Leopard Street
Corpus Christi, Texas 78401

Dear Judge Banales:

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. Jones 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



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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EXECUTIVE ASS'T
WILLIAM L. WILLIS

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NADINE SCHNEIDER

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

OCT 02 1997

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. Burnell L. Jones, Jr., and a copy of the Supreme Court's order appointing the Honorable J. Manuel Banales, Judge of the 105th District Court in Corpus Christi, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Hon. J. Manuel Banales
Ms. Mary F. Klapperich
Mr. Burnell L. Jones, Jr.