

ORDER OF THE SUPREME COURT OF TEXAS

Misc Docket No. 97- 9191

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

The Supreme Court of Texas hereby appoints the Honorable Frank T. Carmona, Judge of the 122nd District Court of Galveston County, Texas, to preside in the Disciplinary Action styled:

The Commission for Lawyer Discipline v. William D. Herron

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

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

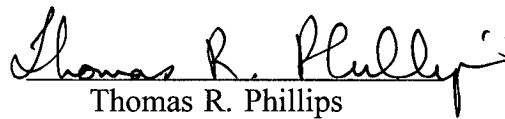
As ordered by the Supreme Court of Texas, in chambers,

with the Seal thereof affixed at the City
of Austin, this 6th day of November, 1997.


JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 97-9191, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 13 day of November, 1997.

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

Thomas R. Phillips
Chief Justice

NO. _____

COMMISSION FOR LAWYER DISCIPLINE § IN THE DISTRICT COURT OF
V. §
WILLIAM D. HERRON § TARRANT 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, William D. Herron (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, Tarrant County, Texas. An officer may serve citation on Respondent at 1103 River Plaza Tower, 1701 River Run Road, Fort Worth, Tarrant County, Texas 76107.

FIRST CAUSE OF ACTION

III.

Respondent was retained by Carolyn Patton (hereinafter referred to as "Complainant") on August 3, 1995, to represent her in a divorce. At that time, Respondent was paid \$2,260.00 (\$2,000.00 in attorney's fees and \$260.00 in court costs). On August 26, 1996, the final hearing

was held on Complainant's divorce. At the hearing, Complainant learned that the wage withholding form was not filled out completely with the employer's name and address. Respondent informed the Judge he would forward that information to the clerk. Respondent informed Complainant she would receive a certified copy of the final decree the next day. After the hearing, Complainant phoned Respondent's office and made numerous requests for a certified copy of her divorce decree, as well as an itemized billing statement. Respondent did not accept or return her telephone calls. Complainant did not receive a certified copy of the final decree from Respondent until November, 1997. To date, Complainant has not received an itemized billing statement from Respondent. Further, Respondent never filed the wage withholding information.

IV.

Such acts and/or omissions on the part of Respondent as are described in Paragraph III hereinabove which occurred on or after January 1, 1990, constitute conduct violative of Rules 1.01(b)(1), 3.03(a) and 8.04(a)(3) of the Texas Rules of Professional Conduct.

V.

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 a complaint filed by Carolyn Patton on or about October 4, 1996.

SECOND CAUSE OF ACTION

VI.

By letter dated November 4, 1996 and received by Respondent on or about November 5, 1996, the Grievance Committee for State Bar District 07A urged Respondent to provide a written response to a complaint presented against him by Carolyn Patton, 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 October 4, 1996. Respondent thereafter failed

to timely furnish a written response to a disciplinary authority, to wit: the Grievance Committee for State Bar District 07A, thereby engaging in professional misconduct in violation of Rule 8.04(a)(8) of the Texas Disciplinary Rules of Professional Conduct.

PRAYER

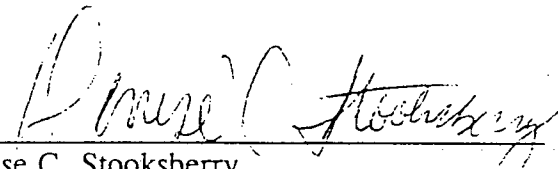
WHEREFORE, PREMISES CONSIDERED, Petitioner prays for judgment that Respondent be disciplined as the facts shall warrant; and that Petitioner have such other relief to which entitled, including costs of Court and attorney's fees.

Respectfully submitted,

Steven W. Young
General Counsel

Denise C. Stooksberry
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)


Denise C. Stooksberry
State Bar Card No. 04607100

ATTORNEYS FOR PETITIONER

STATE BAR OF TEXAS



Office of the Chief Disciplinary Counsel

August 7, 1997

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

Re: Commission for Lawyer Discipline v. William D. Herron

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 William D. Herron. Mr. Herron is a resident of Tarrant 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:

William D. Herron
1701 River Run, #1103
Fort Worth, Texas 76107

As a practical matter, I would respectfully suggest that you inquire with the judge to be appointed whether he or she will be able to comply with the 180 day deadline by which the case must be set for trial pursuant to 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 Tarrant 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. Further, please provide the undersigned a copy of the Court's appointing order in the pre-addressed envelope enclosed.



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
JOHN CORNYN
CRAIG ENOCH
ROSE SPECTOR
PRISCILLA R. OWEN
JAMES A. BAKER
GREG ABBOTT

NOV 21 1997

Honorable Frank T. Carmona
Judge, 122nd District Court
722 Moody Avenue
Galveston, Texas 77550

Dear Judge Carmona:

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. Herron and Ms. Stooksberry, and a copy of the letter to the District Clerk of Tarrant County.

It is recommended that, six to eight weeks after receipt of this letter, your coordinator contact the District Clerk (817-884-1574) to learn the names, addresses, and telephone numbers of counsel for purposes of scheduling a conference. Also, either before or immediately after you set the case for trial, you should contact the Presiding Judge of the Administrative Judicial Region into which you have been assigned (817-884-1558) to reserve a courtroom, provide for a court reporter, etc., and to obtain claims forms for your expenses incident to presiding over this disciplinary case.

Sincerely,

A stylized signature of John T. Adams, appearing as a series of connected loops and lines.

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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CLERK
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EXECUTIVE ASS'T
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

JUSTICES

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

NOV 21 1997

The Honorable Thomas A. Wilder
District Clerk of Tarrant County
401 West Belknap
Fort Worth, Texas 76196-0402

Dear Mr. Wilder:

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. William D. Herron, and a copy of the Supreme Court's order appointing the Honorable Frank T. Carmona, Judge of the 122nd District Court, Galveston, Texas, to preside in this Disciplinary Action.

Sincerely,

A stylized signature of John T. Adams, appearing as a series of connected loops and lines.

John T. Adams
Clerk

cc: Hon. Frank T. Carmona
Mr. William D. Herron
Ms. Denise C. Stooksberry



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

POST OFFICE BOX 12248 AUSTIN, TEXAS 78711

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GREG ABBOTT

NOV 21 1997

Ms. Denise C. Stooksberry
Assistant General Counsel, State Bar of Texas
201 W. Main Street, Suite 1150
Fort Worth, Texas 76102

Mr. William D. Herron
1701 River Run, #1103
Fort Worth, Texas 76107

Dear Ms. Stooksberry and Mr. Herron:

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 Frank T. Carmona, Judge of the 122nd District Court, Galveston, Texas to preside in

Commission for Lawyer Discipline v. William D. Herron

Sincerely,

GA AD

John T. Adams
Clerk