

ORDER OF THE SUPREME COURT OF TEXAS

Misc Docket No. 97- 9220

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

The Supreme Court of Texas hereby appoints the Honorable Bascom W. Bentley, Judge of the 369th District Court of Anderson County, Texas, to preside in the Disciplinary Action styled:


The Commission for Lawyer Discipline v. Robert D. Clements, Jr.

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

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

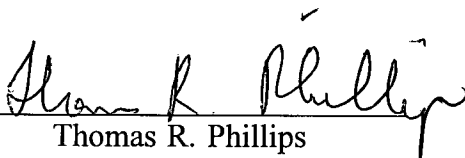
As ordered by the Supreme Court of Texas, in chambers,

with the Seal thereof affixed at the City
of Austin, this 10th day of December, 1997.


JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 97-9220, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 11 day of December, 1997.


Thomas R. Phillips
Chief Justice

COPY

CAUSE NO. _____

COMMISSION FOR LAWYER DISCIPLINE §
v. §
ROBERT D. CLEMENTS, JR. §

IN THE DISTRICT COURT OF
GALVESTON COUNTY, TEXAS
_____ JUDICIAL DISTRICT

PETITIONER'S ORIGINAL DISCIPLINARY PETITION

TO THE HONORABLE JUDGE OF THE COURT:

COMES NOW Petitioner, the COMMISSION FOR LAWYER DISCIPLINE, a committee of the State Bar of Texas (hereinafter called "Petitioner"), complaining of Respondent, ROBERT D. CLEMENTS, JR. (hereinafter called "Respondent"), showing the Court:

**I.
Nature of Proceeding**

Petitioner brings this disciplinary action pursuant to the State Bar Act, the Texas Government Code Annotated §81.001, *et seq.* (Vernon 1988 and supp. 1994), the Texas Disciplinary Rules of Professional Conduct, and the Texas Rules of Disciplinary Procedure. The complaint that forms the basis of this Disciplinary Petition was filed on or after May 1, 1992.

**II.
Venue**

Respondent is an attorney licensed to practice law in Texas and is a member of the State Bar of Texas. Respondent's principal place of practice is Galveston County, Texas, and therefore venue is appropriate in Galveston County, Texas, pursuant to Rule 3.03 of the Texas Rules of Disciplinary Procedure. An officer may serve citation on Respondent at his business address located at First National Bank Building, 1600 E. Highway 6, Suite 318, Alvin, Texas

III.
Cause of Action

Bruce K. Watkins (hereinafter called "Watkins") represented the defendant in a civil matter filed by Respondent. The parties negotiated a settlement. On or about April 13, 1995, Watkins forwarded a check in the amount of Ten Thousand Dollars (\$10,000.00) to Respondent. The check was conditionally tendered to Respondent, with the express instructions that Respondent was to hold the funds in escrow and not deliver the funds to Respondent's clients or to permit the check to be negotiated until Respondent returned the executed settlement agreement to Watkins. Respondent's clients did not accept the terms of the settlement agreement, and Respondent failed to deposit the check into a separate account until the matter could be resolved. Respondent delivered the check to his clients and permitted them to negotiate it. On or about November 1, 1995, Watkins demanded the return of the check. On or about November 7, 1995, Respondent refused to return the check.

IV.

The acts and/or omissions of the Respondent described in Paragraph III above, which occurred on or after January 1, 1990, constitute conduct in violation of rule 1.14(c) [all funds in a trust or escrow account shall be disbursed only to those persons entitled to receive them by virtue of the representation or by law] of the Texas Disciplinary Rules of Professional Conduct.

V.

The complaint that forms the basis of this cause of action was brought to the attention of the Office of the General Counsel of the State Bar of Texas by Bruce K. Watkins' filing of a complaint on or about August 28, 1996.

Prayer

WHEREFORE, PREMISES CONSIDERED, Petitioner, the COMMISSION FOR LAWYER DISCIPLINE, respectfully prays that this Court discipline Respondent, ROBERT D. CLEMENTS, JR., by reprimand, suspension or disbarment, as the facts shall warrant; and that the Petitioner have all other relief to which it may show itself to be justly entitled, including costs of court and attorneys' fees.

Respectfully submitted,

Steven W. Young
General Counsel

Stephen D. Statham
Assistant General Counsel

Office of the General Counsel
STATE BAR OF TEXAS
1111 Fannin, Suite 1370
Houston, Texas 77002
(713) 759-6931
Fax No. (713) 759-1932



STEPHEN D. STATHAM
State Bar No. 19082500

ATTORNEYS FOR THE COMMISSION
FOR LAWYER DISCIPLINE



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

POST OFFICE BOX 12248 AUSTIN, TEXAS 78711

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

TEL: (512) 463-1312
FAX: (512) 463-1365

EXECUTIVE ASST
WILLIAM L. WILLIS

ADMINISTRATIVE ASST
NADINE SCHNEIDER

DEC 18 1997

Mr. Stephen D. Statham
Assistant General Counsel, State Bar of Texas
1111 Fannin, Suite 1370
Houston, Texas 77002

Mr. Robert D. Clements, Jr. -
First National Bank Building
1600 E. Highway 6, Suite 318
Alvin, Texas 77511

Dear Mr. Statham and Mr. Clements:

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 Bascom W. Bentley, III, Judge of the 369th District Court, Palestine, Texas to preside in

Commission for Lawyer Discipline v. Robert D. Clements, Jr.

Sincerely,

SIGNED

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
JOHN T. ADAMS

EXECUTIVE ASS'T
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

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

The Honorable Evelyn Wells Robison
District Clerk of Galveston County
722 Moody Avenue
Galveston, Texas 77550

Dear Ms. Robison:

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. Robert D. Clements, Jr. and a copy of the Supreme Court's order appointing the Honorable Bascom W. Bentley, Judge of the 369th District Court, Palestine, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Hon. Bascom W. Bentley
Mr. Stephen D. Statham
Mr. Robert D. Clements, Jr.



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

POST OFFICE BOX 12248 AUSTIN, TEXAS 78711

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EXECUTIVE ASS'T
WILLIAM L. WILLIS

DEC 18 1997

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

Honorable Bascom W. Bentley, III
Judge, 369th District Court
P.O. Box 221
Palestine, Texas 75802-0221

Dear Judge Bentley:

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. Clements and Mr. Statham, and a copy of the letter to the District Clerk of Galveston County.

We then recommend that, four or five weeks after receipt of this letter, you or your coordinator contact the presiding judge or the District Clerk of Galveston County 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 date for trial, the judge or coordinator of that court 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 (713-655-2700) 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