

# ORDER OF THE SUPREME COURT OF TEXAS

Misc. Docket No. 00- 9006

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

The Supreme Court of Texas hereby assigns the Honorable Sam Bill Bournias, Judge of the 87<sup>th</sup> District Court of Freestone County, Texas, to preside in the Disciplinary Action styled:

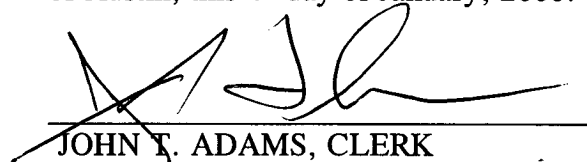
**The Commission for Lawyer Discipline v. Karen D. Whitt**

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 4<sup>th</sup> day of January, 2000.

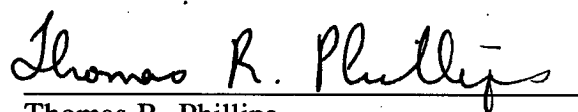


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JOHN T. ADAMS, CLERK  
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 00-9006, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code, §74.057.

Signed this 7 day of January, 2000.

  
Thomas R. Phillips  
Chief Justice

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

COMMISSION FOR LAWYER DISCIPLINE § IN THE DISTRICT COURT OF  
V. § DALLAS COUNTY, TEXAS  
KAREN D. WHITT § \_\_\_\_\_ 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, Karen D. Whitt, (hereinafter called "Respondent"), showing the Court:

**I.**

**Discovery Control Plan**

Pursuant to Rules 190.1 and 190.2, TEXAS RULES OF CIVIL PROCEDURE (TRCP), Petitioner intends discovery in this case to be conducted under the Level II Discovery Control Plan.

**II.**

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.

**III.**

Respondent is an attorney licensed to practice law in Texas and is a member of the State Bar of Texas. Respondent is a resident of and has her principal place of practice in Dallas County,

Texas. An officer may serve citation on Respondent by and through her attorney of record, Bob O'Donnell, Bank One Building - 5th Floor, 111 South Garland Avenue, Garland, Texas 75040.

#### IV.

On or about March 1998, Barbee Jones ("Jones") hired Respondent to represent her in a divorce matter. Thereafter, Respondent filed a Divorce Petition and Motion for Temporary Orders on behalf of Complainant. Temporary orders were entered. In or about July 1998, while the matter was still pending, Respondent was diagnosed with a condition which materially impaired her ability to represent Complainant. Although this condition prevented Respondent from properly representing Complainant, Respondent failed to withdraw from Complainant's matter until on or about April 27, 1999.

#### V.

Such acts and/or omissions on the part of Respondent as are described in Paragraphs IV, hereinabove, which occurred on or after January 1, 1990, constitute conduct which violates Rules 1.15(a)(2) and 1.15 (d) of the Texas Disciplinary Rules of Professional Conduct.

#### VI.

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 Barbee Jones filing a complaint on or about April 1, 1999.

#### 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

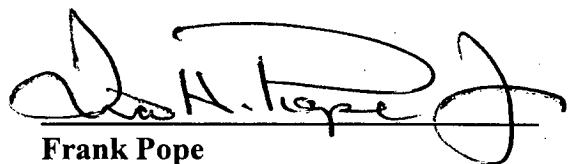
which entitled, including costs of Court and attorney's fees.

Respectfully submitted,

**Dawn Miller**  
Acting General Counsel and  
Chief Disciplinary Counsel

**Frank H. Pope, Jr.**  
Assistant General Counsel

State Bar of Texas  
Litigation - Dallas  
3710 Rawlins  
Suite 800  
Dallas, Texas 75219  
(214) 559-4997  
FAX (214) 559-4335

A handwritten signature in black ink, appearing to read "Frank H. Pope, Jr.", written over a horizontal line.

**Frank Pope**  
State Bar Card No. 16136000

ATTORNEYS FOR PETITIONER

# STATE BAR OF TEXAS



Office of the General Counsel

October 14, 1999

**CMRRR NO. Z 359 598 086**

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

**RE: *Commission for Lawyer Discipline v. Karen D. Whitt***

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 Karen D. Whitt. Ms. Whitt has designated Dallas County, Texas, as her principal place of practice. 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 made that you notify the Respondent's attorney at the address shown below and the undersigned of the identity and address of the judge assigned:

**Karen D. Whitt  
c/o Bob O'Donnell  
Bank One Building  
5th Floor  
111 South Garland Avenue  
Garland, Texas 75040**

As a practical matter, I would respectfully suggest that you inquire with the judge to be appointed as to: (1) 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.

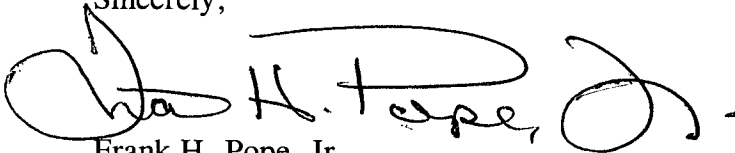
Regency Plaza, 3710 Rawlins, Suite 800, Dallas, Texas 75219  
Telephone: (214) 559-4353 Fax: (214) 559-4335

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 Dallas 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.

Also enclosed are a pre-addressed envelope for your use in transmitting the petition, etc., to the District Clerk of Dallas County, Texas, and a return envelope to be sent to the District Clerk of Dallas County, Texas, for the Clerk's use in returning a file-marked copy of the Petition to the undersigned.

Thank you for your courtesies in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Frank H. Pope, Jr.", with a large, stylized flourish at the end.

Frank H. Pope, Jr.  
Assistant General Counsel

Enclosures: As stated



# The Supreme Court of Texas

CHIEF JUSTICE  
THOMAS R. PHILLIPS

201 West 14th Street Post Office Box 12248 Austin TX 78711  
Telephone: 512/463-1312 Facsimile: 512/463-1365

CLERK  
JOHN T. ADAMS

JUSTICES  
NATHAN L. HECHT  
CRAIG T. ENOCH  
PRISCILLA R. OWEN  
JAMES A. BAKER  
GREG ABBOTT  
DEBORAH G. HANKINSON  
HARRIET O'NEILL  
ALBERTO R. GONZALES

EXECUTIVE ASSISTANT  
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASST  
JIM HUTCHESON

ADMINISTRATIVE ASSISTANT  
NADINE SCHNEIDER

JAN 14 2000

Mr. Frank H. Pope, Jr.  
Assistant General Counsel, State Bar of Texas  
3710 Rawlins, Suite 800  
Dallas, Texas 75219

Ms. Karen D. Whitt  
c/o Bob O'Donnell  
Bank One Building, 5<sup>th</sup> Floor  
111 South Garland Avenue  
Garland, Texas 75040

Dear Mr. Pope and Ms. Whitt:

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 San Bill Bournias, Judge of the 87<sup>th</sup> District Court, Fairfield, Texas to preside in

*Commission for Lawyer Discipline v. Karen D. Whitt*

Sincerely,

**SIGNED**

John T. Adams  
Clerk





# The Supreme Court of Texas

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WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASST  
JIM HUTCHESON

ADMINISTRATIVE ASSISTANT  
NADINE SCHNEIDER

JAN 14 2000

The Honorable Jim Hamlin  
District Clerk of Dallas County  
George L. Allen Courts Building  
600 Commerce Street  
Dallas, Texas 75202

Dear Mr. Hamlin:

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. Karen D. Whitt*, and a copy of the Supreme Court's order appointing the Honorable Sam Bill Bournias, Judge of the 87<sup>th</sup> District Court of Fairfield, Texas, to preside in this Disciplinary Action.

Sincerely,

**SIGNED**

John T. Adams  
Clerk

cc: Honorable Sam Bill Bournias  
Mr. Frank H. Pope, Jr.  
Ms. Karen D. Whitt



# The Supreme Court of Texas

CHIEF JUSTICE  
THOMAS R. PHILLIPS

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NADINE SCHNEIDER

JAN 14 2000

Honorable Sam Bill Bournias  
Judge, 87<sup>th</sup> District Court  
P.O. Box 722  
Fairfield, Texas 75840

Dear Judge Bournias:

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. Pope and Ms. Whitt, and a copy of the letter to the District Clerk of Dallas County.

We then recommend that, either before or immediately after you set the case for trial, the Dallas County District Court Administrative Office (214-653-6510) 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 (214-653-2943) 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