

ORDER OF THE SUPREME COURT OF TEXAS

Misc. Docket No. 00-9123

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

The Supreme Court of Texas hereby appoints the Honorable Joseph P. Kelly, Judge of the 24th District Court of Victoria County, Texas, to preside in the Disciplinary Action styled:


Dennis W. Richards v. The Commission for Lawyer Discipline,

a Petition for Bill of Review filed as No. 2000-15663 in the 165th 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 for filing pursuant to Rule 3.03, Texas Rules of Disciplinary Procedure.

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

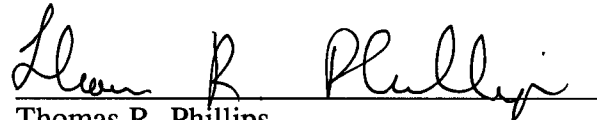
With the Seal thereof affixed at the City
Of Austin, this 9th day of August, 2000.

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

JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 00-9123, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 9 day of August, 2000.


Thomas R. Phillips
Chief Justice

DENNIS W. RICHARDS

Plaintiff,

v.

THE COMMISSION FOR LAWYER
DISCIPLINE

Defendant.

§
§
§
§
§
§
§
§
§

IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

165TH JUDICIAL DISTRICT

**DEFENDANT, THE COMMISSION FOR LAWYER DISCIPLINE'S
ORIGINAL ANSWER TO PLAINTIFF'S FIRST AMENDED PETITION FOR BILL OF
REVIEW FOR FRAUD**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Defendant **THE COMMISSION FOR LAWYER DISCIPLINE**, a permanent committee of the STATE BAR OF TEXAS and files this its *Original Answer to Plaintiff's First Amended Petition for Bill of Review for Fraud* as follows:

A. GENERAL DENIAL

Defendant generally denies the allegations in Plaintiff's First Amended Petition for Bill of Review for Fraud, and demand strict proof thereof.

B. AFFIRMATIVE DEFENSES

While still relying on its general denial, Defendant asserts that he is entitled to the following affirmative defenses:

1. Res Judicata;
2. Collateral Estoppel;

FILED
CHARLES LACANISSE
DISTRICT CLERK
HARRIS COUNTY, TEXAS

00 MAY 26 PM 3:49

BY _____
DEPUTY

3. Plaintiff failed to meet all the conditions precedent to filing this Bill of Review;
4. While Defendant alleges fraud, he fails to prove that extrinsic fraud allegations support a bill of review.

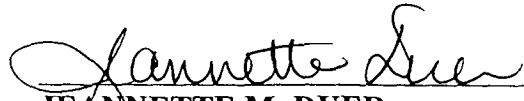
PRAYER FOR RELIEF

WHEREFORE, PREMISES CONSIDERED, Defendant, **THE COMMISSION FOR LAWYER DISCIPLINE**, asks the Court to enter judgment that plaintiff take nothing, dismiss plaintiff's bill of review with prejudice, and award defendant all other relief to which it is entitled, including reasonable costs and attorney's fees..

Respectfully submitted,

DAWN MILLER
Chief Disciplinary Counsel

STATE BAR OF TEXAS
Office of the General Counsel
1111 Fannin, Suite 1370
Houston, Texas 77002
Phone: (713) 759-6931
Fax No.: (713) 752-2158



JEANNETTE M. DUER
State Bar No. 00793645

**ATTORNEYS FOR DEFENDANT,
COMMISSION FOR LAWYER DISCIPLINE**

CERTIFICATE OF SERVICE

I certify that on the 26th of May, 2000, a true and correct copy of *Defendant's Original Answer to Plaintiff's First Amended Petition for Bill of Review for Fraud*, was delivered to Dennis W. Richards, Plaintiff, at 5177 Richmond, Suite 1250, Houston, Texas 77056, via certified mail, return receipt requested:



JEANNETTE M. DUER

STATE BAR OF TEXAS



Office of Chief Disciplinary Counsel

June 14, 2000

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

Re: *Dennis W. Richards v. The Commission for Lawyer Discipline*, Cause No. 2000-15663, In the 165th Judicial District Court of Harris County, Texas

Dear Mr. Adams:

The Commission for Lawyer Discipline would respectfully request that the Supreme Court appoint a judge to reside over this cause of action. The underlying cause is disciplinary in nature and therefore would require the assignment of an active district judge who does not reside in the Administrative Judicial Region in which Respondent resides to preside in this case.

Plaintiff has already filed its motion for Bill of Review. The Commission has filed an answer. Enclosed are copies of the documents:

1. *Plaintiff's Motion for Bill of Review for Fraud*
2. *Defendant, The Commission for Lawyer Discipline's Original Answer to Plaintiff's First Amended Petition for Bill of Review for Fraud*

Thank you for your courtesies in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Jeannette Duer".

Jeannette M. Duer
Assistant Disciplinary Counsel

JMD/lp

Enclosures



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

AUG 21 2000

The Honorable Charles Bacarisse
District Clerk of Harris County
P.O. Box 4651
Houston, Texas 77002

Dear Mr. Bacarisse:

Pursuant to Rule 3.03 of the Texas Rules of Disciplinary Procedure, I am sending for filing in Cause No. **2000-15663** styled: *Dennis W. Richards v. The Commission for Lawyer Discipline*, in the 165th District Court, a copy of the Supreme Court's order appointing the Honorable Joseph P. Kelly, Judge of the 24th District Court, Victoria, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Honorable Joseph P. Kelly
Ms. Melissa Dartez
Ms. Jeannette M.. Duer
Mr. Dennis W. Richards



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

AUG 21 2000

Ms. Jeannette M. Duer
Assistant General Counsel, State Bar of Texas
1111 Fannin, Suite 1370
Houston, Texas 77002

Mr. Dennis W. Richards
5177 Richmond, #1250
Houston, Texas 77056

Dear Ms. Duer and Mr. Richards:

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 Joseph P. Kelly, Judge of the 24th District Court, Victoria, Texas to preside in

Dennis W. Richards v. The Commission for Lawyer Discipline

Sincerely,

SIGNED

John T. Adams
Clerk



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

AUG 21 2000

Honorable Joseph P. Kelly
Judge, 24th District Court
P.O. Box 1457
Victoria, Texas 77902-1457

Dear Judge Kelly:

We enclose for your information a copy of the order of assignment, a copy of the Defendant's Original Answer (we do not have a copy of the Petition), a copy of the notification letter to Mr. Richards and Ms. Duer, and a copy of the letter to the District Clerk of Harris County.

It is recommended that, after receipt of this letter, your coordinator contact the Harris County District Court Administrative Office (713-755-7593), either before or immediately after you set the case for trial, 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 (936 538 8176) 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