

ORDER OF THE SUPREME COURT OF TEXAS

Misc. Docket No. 00-**9162**

Appointment of a District Judge to Rule on a Motion  
to Recuse filed in a State Bar Disciplinary Action

The Supreme Court of Texas hereby appoints the Honorable Patrick J. Boone, Judge of the 57th District Court of Bexar County, Texas, to preside in the Disciplinary Action styled:

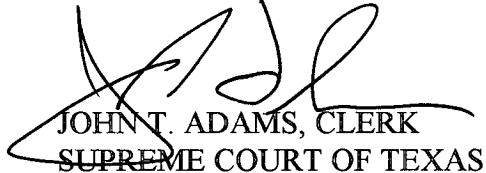
**The Commission for Lawyer Discipline v. Randy S. Brooks**

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

The Clerk of the Supreme Court shall promptly forward to the District Clerk of Denton County, Texas, a copy of the Disciplinary Petition and this Order for filing and service pursuant to Rule 3.03, Texas Rules of Disciplinary Procedure.

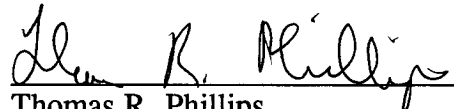
As ordered by the Supreme Court of Texas, in chambers,

With the Seal thereof affixed at the City  
Of Austin, this 6<sup>th</sup> day of November, 2000.

  
JOHN T. ADAMS, CLERK  
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 00-9162, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 7 day of November, 2000.

  
\_\_\_\_\_  
Thomas R. Phillips  
Chief Justice

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

COMMISSION FOR LAWYER DISCIPLINE	§	IN THE DISTRICT COURT OF
	§	
V.	§	DENTON COUNTY, TEXAS
	§	
RANDY S. BROOKS	§	____ 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, Randy S. Brooks (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. Pursuant to Rule 190.1, Texas Rules of Civil Procedure (TRCP), Petitioner intends that discovery in this case be conducted under Discovery Control Plan - Level 2, as provided in Rule 190.3, TRCP.

**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, Denton County, Texas. An officer may serve citation on Respondent at 1540 E. McKinney, Suite 400, Denton, Texas 76201.

## FIRST CAUSE OF ACTION

### III.

In or around November 1997, Respondent was retained by Marion Ragsdale to represent him regarding a traffic violation. During the course of the representation, a number of questions arose regarding Respondent's handling of the case. A complaint was filed and Respondent was properly notified of the complaint by certified mail, return receipt requested. Thereafter, on February 23, 1999, Respondent contacted the assigned investigator and requested an extension of time to respond in writing to the complaint. The Respondent requested a due date of March 5, 1999. Respondent's request, having been timely made, was granted. Thereafter, Respondent failed to respond timely, as the written response was not received until March 17, 1999.

### IV.

The conduct described in the above paragraph constitutes a violation of Rule 8.04(a)(8) of the Texas Disciplinary Rules of Professional Conduct, Article X, Section 9, State Bar Rules, effective January 1, 1990.

### 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 Chief Disciplinary Counsel of the State Bar of Texas by a complaint filed by Marion E. Ragsdale on or about January 7, 1999.

## SECOND CAUSE OF ACTION

### VI.

On or about June 1996, Respondent was retained by William B. Pierce to research and handle a Writ of Habeas Corpus. During the course of the representation certain questions arose concerning Respondent's handling of the case. The Complainant filed a complaint with the State

Bar of Texas. Respondent was properly notified of the complaint by certified mail, return receipt requested. Respondent failed to timely respond to the complaint as required and failed to assert grounds for the failure to timely respond.

**VII.**

The conduct described in the above paragraph constitutes a violation of Rule(s) 8.04(a)(8) of the Texas Disciplinary Rules of Professional Conduct, Article X, Section 9, State Bar Rules, effective January 1, 1990.

**VIII.**

The complaint which forms the basis of the cause of action hereinabove set forth was brought to the attention of the Office of the Chief Disciplinary Counsel of the State Bar of Texas by a complaint filed by William B. Pierce on or about March 29, 1999.

**PRAYER**

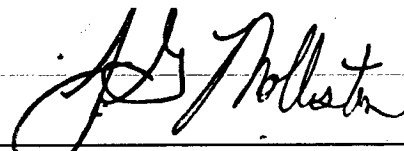
WHEREFORE, PREMISES CONSIDERED, Petitioner prays for judgment that Respondent be disciplined as the facts shall warrant; and that Petitioner have such other relief to which entitled, including costs of Court and attorneys' fees.

Respectfully submitted,

Dawn Miller  
Chief Disciplinary Counsel

J.G. Molleston  
Assistant Disciplinary Counsel

Office of the Chief Disciplinary Counsel  
STATE BAR OF TEXAS  
500 Throckmorton Street, Suite 2600  
Fort Worth, TX 76102  
817/877-4993  
817/335-4249 (FAX)



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J.G. Molleston

State Bar Card No. 00795924

ATTORNEYS FOR PETITIONER

# STATE BAR OF TEXAS



Office of the Chief Disciplinary Counsel

October 3, 2000

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

Re: Commission for Lawyer Discipline v. Randy S. Brooks

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 Randy S. Brooks. Mr. Brooks has designated Denton County, Texas, as his 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 at the address shown below and the undersigned of the identity and address of the judge assigned:

Randy S. Brooks  
c/o Steven Lee  
3921 Steck Ave., Ste A-119  
Austin, Texas 78759

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; and (2) whether he or she can accommodate compliance with *Mellon Service Co., et al v. Touche Ross Co.*, 946 S.W.2d 862 (Tex. App. - Houston [14th Dist.] 1997), which requires that all proceedings incident to a case occur in the county of proper venue. 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 Denton 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.

Mr. John Adams

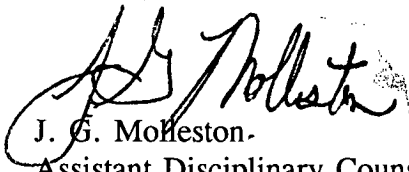
October 3, 2000

Page Two

Also enclosed are a pre-addressed envelope for your use in transmitting the petition, etc., to the District Clerk of Denton County, Texas, and a return envelope to be sent to the District Clerk of Denton 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 cursive script, appearing to read "J. G. Mollerton". The signature is written in dark ink and is positioned above the printed name.

J. G. Mollerton

Assistant Disciplinary Counsel

Office of the Chief Disciplinary Counsel

State Bar of Texas

JGM/





# 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

NOV 08 2000

The Honorable Sherri Adelstein  
District Clerk, Denton County  
1450 E. McKinney Street  
Denton, Texas 76201-4524

Dear Ms. Adelstein:

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. Randy S. Brooks*, and a copy of the Supreme Court's order appointing the Honorable Patrick J. Boone, Judge of the 57<sup>th</sup> District Court, San Antonio, Texas, to preside in this Disciplinary Action.

Sincerely,

A handwritten signature in black ink, appearing to be "John T. Adams".

John T. Adams  
Clerk

cc: Honorable Patrick J. Boone  
Mr. J. G. Molleston  
Mr. Randy S. Brooks



# The Supreme Court of Texas

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JIM HUTCHESON

ADMINISTRATIVE ASSISTANT  
NADINE SCHNEIDER

NOV 08 2000

Mr. J.G. Molleston  
Assistant General Counsel, State Bar of Texas  
500 Throckmorton, Suite 2600  
Fort Worth, Texas 76102

Mr. Randy S. Brooks  
c/o Steven Lee  
3921 Steck Avenue, Suite A-119  
Austin, Texas 78759

Dear Mr. Molleston and Mr. Brooks:

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 Patrick J. Boone, Judge of the 57<sup>th</sup> District Court, San Antonio, Texas to preside in

*Commission for Lawyer Discipline v. Randy S. Brooks*

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Adams".

John T. Adams  
Clerk



# The Supreme Court of Texas

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THOMAS R. PHILLIPS

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NOV 08 2000

Honorable Patrick J. Boone  
Judge, 57<sup>th</sup> District Court  
410 Courthouse  
100 Dolorosa Street  
San Antonio, Texas 78205

Dear Judge Boone:

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. Brooks and Mr. Molleston, and a copy of the letter to the District Clerk of Denton 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 Denton 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 (817-884-1558) to obtain information on lodging, allowable expenses, and claims forms for your expenses incident to presiding over this disciplinary case.

Sincerely,

A handwritten signature in black ink, appearing to be "John T. Adams", written over a horizontal line.

John T. Adams  
Clerk