

ORDER OF THE SUPREME COURT OF TEXAS
Misc. Docket No. 00-9165

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

The Supreme Court of Texas hereby assigns the Honorable Quay Parker, Judge of the 259th District Court of Jones County, Texas, to preside in the Disciplinary Action styled:


The Commission for Lawyer Discipline v. Ray Gene Smith

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

The Clerk of the Supreme Court shall promptly forward to the District Clerk of Wichita 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,

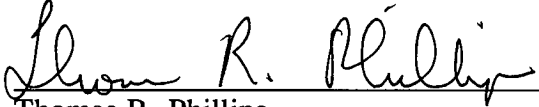
with the Seal thereof affixed at the City
of Austin, this 6th day of November, 2000.



JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 00-9165, 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. §
RAY GENE SMITH § WICHITA 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, Ray Gene Smith (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, Wichita County, Texas. An officer may serve citation on Respondent by and through his attorney Holly Crampton at 505 Lamar Ave., Wichita Falls, Texas 76301-2501.

III.

On or about August 31, 1996, Respondent was retained by Sharon L. Baldwin to represent her son in a criminal matter that occurred in the State Of Oklahoma. Thereafter, Respondent neglected the case. During the course of the representation, Respondent failed to appear at scheduled hearings involving the Complainant's son. Respondent failed to assist with any trial preparation.

IV.

The conduct described in the above paragraph constitutes a violation of Rule(s) 1.01(b)(1)(2), and 8.04(a)(1) 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 Sharon L. Baldwin on or about September 10, 1998.

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

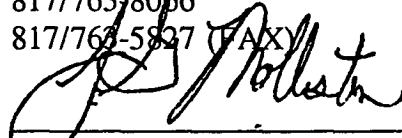
J.G. Molleston
Assistant Disciplinary Counsel

Office of the Chief Disciplinary Counsel
STATE BAR OF TEXAS
6100 S.W. Blvd., Suite 320

Fort Worth, TX 76109

817/763-8066

817/763-5827 (FAX)



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 Ray Gene Smith

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 Ray Gene Smith. Mr. Smith has designated Wichita 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 hereby made that you notify the Respondent at the address shown below and the undersigned of the identity and address of the judge assigned:

Ray Gene Smith
c/o Holly Crampton
506 Lamar Avenue
Wichita Falls, Texas 76301-2501

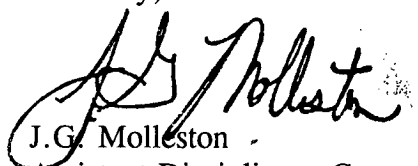
As a practical matter, I would respectfully suggest that you inquire with the judge to be appointed as to: (1) whether he or she will be able to comply with the 180 day deadline by which the case must be set for trial set forth in Section 3.07 of the Texas Rules of Disciplinary Procedure; and (2) whether 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. 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 Wichita District Clerk of Wichita County, Texas, with the request that the suit be filed, service be obtained, and a filemarked copy of the petition be returned to the undersigned.

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

Thank you for your assistance.

Sincerely,

A handwritten signature in cursive script, appearing to read "J.G. Molleston". The signature is written in dark ink and is positioned above the printed name.

J.G. Molleston
Assistant Disciplinary Counsel
Office of the Chief Disciplinary Counsel
State Bar of Texas

enclosure



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 10 2000

Honorable Quay Parker
Judge, 259th District Court
P.O. Box 429
Anson, Texas 79501-0429

Dear Judge Parker:

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. Smith and Mr. Molleston, and a copy of the letter to the District Clerk of Wichita 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 Wichita 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 case 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 (817-884-3328) to obtain claims forms for your expenses and other information incident to presiding over this disciplinary case.

Sincerely,

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

John T. Adams
Clerk



The Supreme Court of Texas

CHIEF JUSTICE
THOMAS R. PHILLIPS

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JIM HUTCHESON

ADMINISTRATIVE ASSISTANT
NADINE SCHNEIDER

NOV 10 2000

The Honorable Dorsey Ray Trapp
District Clerk of Wichita County
P.O. Box 718
Wichita Falls, Texas 76307-0718

Dear Mr. Trapp:

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. Ray Gene Smith*, and a copy of the Supreme Court's order appointing the Honorable Quay Parker, Judge of the 259th District Court of Anson, Texas, to preside in this Disciplinary Action.

Sincerely,

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

John T. Adams
Clerk

cc: Hon. Quay Parker
Mr. J.G. Molleston
Mr. Ray Gene Smith



The Supreme Court of Texas

CHIEF JUSTICE
THOMAS R. PHILLIPS

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WILLIAM L. WILLIS

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JIM HUTCHESON

ADMINISTRATIVE ASSISTANT
NADINE SCHNEIDER

NOV 10 2000

Mr. J. G. Molleston
Assistant General Counsel, State Bar of Texas
500 Throckmorton, Suite 2500
Fort Worth, Texas 76102

Mr. Ray Gene Smith
c/o Holly Crampton
506 Lamar Avenue
Marble Falls, Texas 76301-2501

Dear Mr. Molleston and Mr. Smith:

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 Quay Parker, Judge of the 259th District Court of Anson, Texas to preside in

Commission for Lawyer Discipline v. Ray Gene Smith

Sincerely,

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

John T. Adams
Clerk