

**ORDER OF THE SUPREME COURT OF TEXAS**

MISC. DOCKET NO. 01- 9047

**IN THE MATTER OF VICKIE DIANE DUNN**

The Court has reviewed the Motion for Acceptance of Resignation as Attorney and Counselor at Law of Vickie Diane Dunn and the Response of the Chief Disciplinary Counsel for the Commission for Lawyer Discipline. The Court concludes each meets the requirements of Part X of the Texas Rules of Disciplinary Procedure. In the absence of a request by Vickie Diane Dunn to withdraw her motion, the Court deems the professional misconduct detailed in the Response of Chief Disciplinary Counsel conclusively established for all purposes. The Court further concludes that acceptance of Vickie Diane Dunn's resignation is in the best interest of the public and the profession.

Therefore, it is ORDERED that the law license of Vickie Diane Dunn, of Austin, Texas, State Bar Card Number 00789268, is canceled and her name is to be dropped and deleted from the list of persons licensed to practice law in Texas.

The Court acknowledges the affidavit regarding the lost State Bar Card and lost Texas law license. If either the State Bar Card or Texas law license is found, Vickie Diane Dunn must immediately surrender same to the Clerk of the Supreme Court of Texas, and it is so ORDERED.

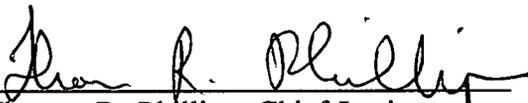
Vickie Diane Dunn is prohibited from practicing law in the State of Texas, and it is ORDERED that she is enjoined from holding herself out as an attorney at law, performing legal services for others, giving legal advice to others, accepting any fee directly or indirectly for legal services, appearing as counsel or in any representative capacity in any proceeding in any Texas court or before any Texas administrative body (whether state, county, municipal, or other), or holding

herself out to others or using her name in any manner in conjunction with the "Attorney at Law," "Counsel at Law," or "Lawyer."

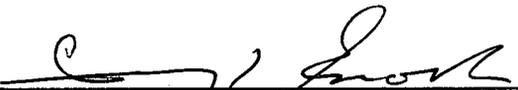
It is further ORDERED that Vickie Diane Dunn shall immediately notify in writing each of her current clients of her resignation. She shall also return any files, papers, unearned monies and other property in her possession belonging to any client or former client to the respective client or former client or to another attorney at the client's or former client's request. Vickie Diane Dunn shall file with the State Bar of Texas, Office of the Chief Disciplinary Counsel, Post Office Box 12487, Austin, Texas 78711-2487, within thirty (30) days of the date of this Order an affidavit stating that all current clients have been notified of her resignation and that all files, papers, monies and other property belonging to all clients and former clients have been returned.

It is further ORDERED that Vickie Diane Dunn shall, within thirty (30) days after the date of this Order, notify in writing each justice of the peace, judge, magistrate, and chief justice of each court in which Vickie Diane Dunn has any matter pending of the terms of this Order, the style and cause number of the pending matter(s), and the name, address and telephone number of the client(s) Vickie Diane Dunn is representing in court. Vickie Diane Dunn shall file with the State Bar of Texas, Office of the Chief Disciplinary Counsel, Post Office Box, 12487, Austin, Texas 78711-2487, within thirty (30) days of the date of this Order an affidavit stating that she has notified in writing each justice of the peace, judge, magistrate, and chief justice of each court in which she has any matter pending of the terms of this Order, the style and cause number of the pending matter(s), and the name, address and telephone number of the client(s) she is representing in Court.

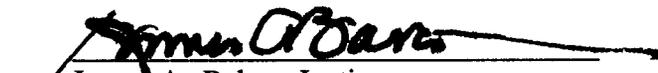
IT IS ORDERED the 28<sup>th</sup> day of March, 2001.

  
Thomas R. Phillips, Chief Justice

  
Nathan L. Hecht, Justice

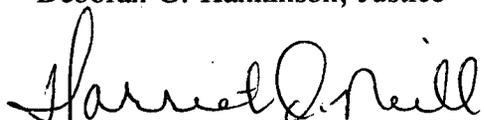
  
Craig T. Enoch, Justice

  
Priscilla R. Owen, Justice

  
James A. Baker, Justice

  
Greg Abbott, Justice

  
Deborah G. Hankinson, Justice

  
Harriet O'Neill, Justice

**IN THE SUPREME COURT OF TEXAS**

**RESPONSE OF THE CHIEF DISCIPLINARY COUNSEL OF  
THE STATE BAR OF TEXAS  
TO MOTION FOR RESIGNATION IN LIEU OF DISCIPLINE  
OF VICKIE DIANE DUNN**

**TO THE HONORABLE SUPREME COURT OF TEXAS:**

COMES NOW, Dawn Miller, Chief Disciplinary Counsel for the State Bar of Texas, and in accordance with Part X of the Texas Rules of Disciplinary Procedure, would show unto the Court as follows:

**I. RESIGNATION OF MOVANT**

Movant, Vickie Diane Dunn, State Bar No. 00789268, has filed her Motion for Acceptance of Resignation as Attorney and Counsel at Law, dated February 2, 2001. Such Motion for Acceptance of Resignation is in lieu of discipline for professional misconduct.

**II. ACCEPTANCE OF RESIGNATION IS IN THE  
BEST INTERESTS OF THE PUBLIC AND THE PROFESSION**

Dawn Miller, Chief Disciplinary Counsel, on behalf of the Commission for Lawyer Discipline, responds that the acceptance of Movant's Motion for Acceptance of Resignation is in the best interests of the public and the profession.

**III. DISCIPLINARY CHARGES**

The professional conduct with which Movant is charged is as follows:

1. The Mason Complaint -- A0039903801

In her engagement in the Mason matter to probate the estate of Willie Mae Smith (such that the deceased's house could be sold), Movant (i) neglected the legal matter entrusted to her, and (ii)

failed to keep her client reasonably informed about the status of the matter or comply with reasonable requests for information, or explain the matter to the extent reasonably necessary to allow the client to make an informed decision regarding the representation.

Movant violated Rules 1.01(b)(1) and 1.03(a) and (b) of the Texas Disciplinary Rules of Professional Conduct.

2. The Lewis Complaint -- D0099913567

In her engagement in the Lewis matter to obtain and disburse settlement funds paid as a result of Lewis' personal injury, Movant (i) failed to put the contingent fee agreement in writing, and (ii) failed to place the settlement funds in a trust or escrow account or keep complete records of such funds and failed to promptly deliver the settlement funds to her client. Additionally, Movant did not timely file a written response regarding the complaint with the District Grievance Committee.

Movant violated Rules 1.04(d), 1.14(a) and (b), and 8.04(a)(8) of the Texas Disciplinary Rules of Professional Conduct.

3. The Swisher Complaint -- A0109904518

In her engagement in the Swisher matter to file an affidavit of heirship on behalf of Swisher, Movant (i) neglected the legal matter entrusted to her, (ii) failed to keep her client reasonably informed about the status of the matter or comply with reasonable requests for information, and (iii) failed to deposit filing fees paid by Swisher in a trust or escrow account. Additionally, Movant did not timely file a written response regarding the complaint with the District Grievance Committee.

Movant violated Rules 1.01(b)(1), 1.03(a), 1.14(a), and 8.04(a) (8) of the Texas Disciplinary Rules of Professional Conduct.

4. The McGrath Complaint -- A0109803609

In her engagement in the McGrath matter to represent a delinquent tenant in an eviction matter, Movant (i) falsely represented to the court that the funds were in her trust account, (ii) made a false statement of material fact to the landlord, and (iii) engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation.

Movant violated Rules 3.03(a)(1), 4.01, and 8.04(a)(3) of the Texas Disciplinary Rules of Professional Conduct.

5. The Miller Complaint -- A0069903969

In her engagement in the Miller matter to represent Miller in a probate dispute, Movant (i) neglected the legal matter entrusted to her, (ii) failed to keep her client reasonably informed about the status of the matter or comply with reasonable requests for information, and (iii) failed to return Miller's papers upon termination of the representation. Additionally, Movant did not timely file a written response regarding the complaint with the District Grievance Committee.

Movant violated Rules 1.01(b)(1), 1.03(a), 1.15(d), and 8.04(a)(8) of the Texas Disciplinary Rules of Professional Conduct.

6. The Cage Complaint -- A0079904071

In her engagement in the Cage matter to represent Cage in an automobile accident case, Movant (i) neglected the legal matter entrusted to her, and (ii) failed to place the settlement funds in a trust or escrow account or keep complete records of such funds and failed to promptly deliver the settlement funds to her client. Additionally, Movant did not timely file a written response regarding the complaint with the District Grievance Committee.

Movant violated Rules 1.01(b)(1), 1.14(a) and (b), and 8.04(a)(8) of the Texas Disciplinary Rules of Professional Conduct.

7. The Greenwell Complaint -- A0040005515

In her engagement in the Greenwell matter to represent Donald Griffin, Greenwell's son, in a criminal matter, Movant (i) accepted employment in a legal matter which she knew or should have known was beyond her competence, (ii) failed to keep her client reasonably informed about the status of the matter or comply with reasonable requests for information, or explain the matter to the extent reasonably necessary to allow the client to make an informed decision regarding the representation, (iii) failed to hold funds belonging to her client or third party in a trust or escrow account, and (iv) failed to refund advance payment of fees that had not been earned upon termination of representation. Additionally, Movant did not timely file a written response regarding the complaint with the District Grievance Committee.

Movant violated Rules 1.01(a), 1.03(a) and (b), 1.14(a), 1.15(d), and 8.04(a)(8) of the Texas Disciplinary Rules of Professional Conduct.

8. The Brown Complaint -- A0060005808

In her engagement in the Brown matter to represent Andre Brown, Brown's son, in a criminal matter, Movant (i) neglected the legal matter entrusted to her, and (ii) failed to keep her client reasonably informed about the status of the matter or comply with reasonable requests for information, or explain the matter to the extent reasonably necessary to allow the client to make an informed decision regarding the representation.

Movant violated Rules 1.01(b)(1), and 1.03(a) and (b) of the Texas Disciplinary Rules of Professional Conduct.

Additionally, the following five complaints are on file with the Chief Disciplinary Counsel but have not been considered by an investigatory panel, and no findings of fact or conclusions of law

have been made:

1. On September 26, 2000, a complaint was filed by Jackie Mills (Case No. A0090006292) alleging that Movant undertook to file documents modifying a child support order, but failed to do so and has not returned telephone messages. [Texas Disciplinary Rules of Professional Conduct 1.01(b) and 1.03(a).]
2. On October 17, 2000, a complaint was filed by Rebecca Sontag (Case No. A0100006387) alleging that Movant undertook to file a petition for divorce, but neglected to do so and did not respond to requests for information about the case. [Texas Disciplinary Rules of Professional Conduct 1.01(b) and 1.03(a).]
3. On November 16, 2000, a complaint was filed by Arla Powell (Case No. A0110006475) alleging that Movant undertook to file a petition for divorce, but neglected to do so and has not returned telephone calls concerning the matter. [Texas Disciplinary Rules of Professional Conduct 1.01(b) and 1.03(a).]
4. On November 21, 2000, a complaint was filed by Lori Underwood and Russell Benzel (Case No. A0110006519) alleging that Movant was paid a \$500 retainer to represent Mr. Benzel in a criminal matter but neglected to take action or to return telephone calls, and would not refund the unearned portion of the \$500 retainer, as promised. [Texas Disciplinary Rules of Professional Conduct 1.01(b), 1.03(a), 1.15d), and 8.04(a)(3).]
5. On January 12, 2001, a complaint was filed by Catherine Wood (Case No. A0010106644) alleging that Movant undertook to file a petition for divorce, but neglected to do so and has not returned telephone calls concerning the matter. [Texas Disciplinary Rules of Professional Conduct 1.01(b) and 1.03(a).]

IV.

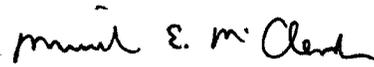
WHEREFORE, the Chief Disciplinary Counsel for the State Bar of Texas moves the Court to accept the resignation in lieu of discipline and grant the Motion filed by Movant.

Respectfully submitted,

**Dawn Miller**  
Chief Disciplinary Counsel

**Michael E. McClendon**  
Assistant Disciplinary Counsel

Office of the Chief Disciplinary Counsel  
STATE BAR OF TEXAS  
P.O. Box 12487, Capitol Station  
Austin, Texas 78711-2487  
Telephone: (512) 463-1463  
Facsimile: (512) 477-4607

By:   
Michael E. McClendon  
State Bar Card No. 13408700

**CERTIFICATE OF SERVICE**

This is to certify that the above and foregoing Response has been served on Movant's counsel, Steven L. Lee, Lione & Lee, P.C., 3921 Steck Avenue, Suite A-119, Austin, Texas, 78759, by certified mail on the 20<sup>th</sup> day of February, 2001.

  
Michael E. McClendon

IN THE SUPREME COURT OF TEXAS  
MOTION FOR ACCEPTANCE OF RESIGNATION AS  
ATTORNEY AND COUNSELOR AT LAW

OF

Vickie Diane Dunn

NOW COMES your Applicant, Vickie Diane Dunn, and hereby resigns as an Attorney and Counselor at Law in the State of Texas; and hereby submits to the Court her resignation as an Attorney and Counselor at Law; and prays that the Court accept said resignation.

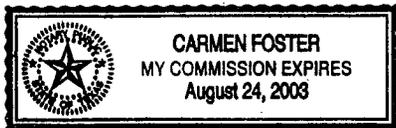
Attached hereto is the License and permanent State Bar card issued by this Court to the Applicant, Vickie Diane Dunn, as an Attorney and Counselor at Law on May 6, 1994. Said License and permanent State Bar card are hereby surrendered by the Applicant.

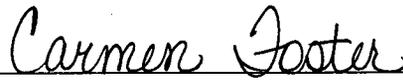
Your applicant is voluntarily resigning and withdrawing from the practice of law; Applicant does so in lieu of discipline for professional misconduct; and Applicant prays that her name be dropped and deleted from the list of persons licensed to practice law in Texas; and that her resignation be accepted.



Vickie Diane Dunn  
00789268

SUBSCRIBED AND SWORN to before me by the said Vickie Diane Dunn this the 2<sup>nd</sup>  
day of February, 2001.



  
NOTARY PUBLIC in and for  
the State of Texas

**AFFIDAVIT**

"I, Vickie Diane Dunn, am unable to locate my Bar Card, Law License and certificate issued to me by the Supreme Court of Texas. I have searched and not found these documents, and understand that if they are discovered, I will promptly return them to the Court.

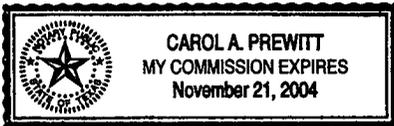
"I understand these items are the property of the Supreme Court of Texas."

Signed this 21 day of March, 2001.

  
\_\_\_\_\_  
VICKIE DIANE DUNN

SUBSCRIBED AND SWORN to before me by the said Vickie Diane Dunn this 21<sup>ST</sup> day of March, 2001.

  
\_\_\_\_\_  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS



# STATE BAR OF TEXAS



Office of the Chief Disciplinary Counsel

March 23, 2001

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

CMRRR# 7000 0520 0017 1326 5241

**Re: Resignation of Vickie Diane Dunn, State Bar Card No. 00789268**

Dear Mr. Adams:

Pursuant to Part X of the Texas Rules of Disciplinary Procedure, please find enclosed herewith the following:

- (1) Original executed Motion for Acceptance of Resignation as Attorney and Counselor at Law of Vickie Diane Dunn, dated February 2, 2001;
- (2) Response of Chief Disciplinary Counsel to Motion for Acceptance of Resignation as Attorney and Counselor at Law of Vicki Diane Dunn;
- (3) Affidavit of Vickie Diane Dunn, dated March 21, 2001, stating that she is unable to locate her bar card and law license; and
- (4) Original and one (1) copy of proposed Order for review and entry by the Court accepting the resignation of Vickie Diane Dunn as Attorney and Counselor at Law.

Pursuant to Rule 10.02 of the Texas Rules of Disciplinary Procedure, the required ten (10) day time frame has passed and the above-referenced attorney has made no attempt to withdraw the Motion for Acceptance of Resignation. Therefore, the detailed statement of professional misconduct is deemed to have been conclusively established for all purposes.

John Adams, Clerk

March 23, 2001

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I will appreciate your bringing this to the Court's attention. Please return a fully executed copy of the Order to our office at your earliest convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael E. McClendon". The signature is fluid and cursive, with the first name "Michael" written in a larger, more prominent script than the last name "McClendon".

Michael E. McClendon  
Assistant Disciplinary Counsel

MEM:teb  
Enclosure

c: Steven L. Lee, Lione & Lee, P.C., 3921 Steck Avenue, Suite A-119, Austin, Texas 78759  
CMRRR# 7000 0520 0017 1326 5258