

ORDER OF THE SUPREME COURT OF TEXAS

MISC. DOCKET NO. 01-9069

IN THE MATTER OF WILLIAM D. PERKINS

On this day, the Court considered the Motion for Acceptance of Resignation as Attorney and Counselor at Law of William D. Perkins, together with the Response of the Chief Disciplinary Counsel to the Motion for Acceptance of Resignation as Attorney and Counselor at Law of William D. Perkins. The Court has reviewed said Motion and Response and finds that each meets the requirements of Part X of the Texas Rules of Disciplinary Procedure. In conformity with Part X, Section 10.02 of the Texas Rules of Disciplinary Procedure, the Court considers the detailed statement of professional misconduct contained within the Response of Chief Disciplinary Counsel to be deemed conclusively established for all purposes. The Court finds that William D. Perkins is resigning in lieu of discipline. The Court, being advised that the acceptance of the resignation is in the best interest of the public and the profession, hereby concludes that the following Order is appropriate.

IT IS ORDERED that the law license of William D. Perkins of Lufkin, Texas, State Bar card number 15791000, which was previously issued by this Court, be canceled and his name be dropped and deleted from the list of persons licensed to practice law in Texas.

IT IS FURTHER ORDERED that William D. Perkins immediately surrender his State Bar Card and Texas law license to the Clerk of the Supreme Court of Texas or file with the Court an affidavit stating the cause of his inability to do so.

IT IS FURTHER ORDERED that William D. Perkins is permanently enjoined and prohibited from practicing law in the State of Texas, holding himself 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 himself out to others or using his name in any manner in conjunction with the words "Attorney at Law", "Counselor at Law", or "Lawyer".

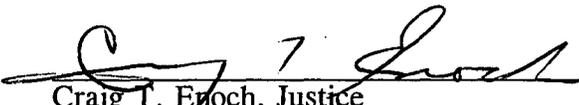
It is further **ORDERED** that William D. Perkins shall immediately notify each of his current clients in writing of this resignation. In addition to such notification, William D. Perkins is **ORDERED** to return any files, papers, unearned monies and other property belonging to clients in his possession to the respective clients or to another attorney at the client's request. William D. Perkins is **ORDERED** to file with the State Bar of Texas, 3710 Rawlins, Suite 800, Dallas, Texas 75219, within thirty (30) days of the date of the effective date of this Order an affidavit stating that all current clients have been notified of his resignation and that all files, papers, monies and other property belonging to all clients have been returned as ordered herein.

It is further **ORDERED** that William D. Perkins shall, within thirty (30) days after the date on which this Order is signed by the Court, notify in writing each and every justice of the peace, judge, magistrate, and chief justice of each and every court in which William D. Perkins has any matter pending of the terms of this Order, the style and cause number of the pending matter(s), and the name(s), address(es) and telephone number(s) of the client(s) William D. Perkins is representing in Court. William D. Perkins is **ORDERED** to file with the State Bar of Texas, 3710 Rawlins, Suite 800, Dallas, Texas 75219, within thirty (30) days of the date of the effective date of this Order an affidavit stating that he has notified in writing each and every justice of the peace, judge, magistrate, and chief justice of each and every court in which he has any matter pending of the terms of this Order, the style and cause number of the pending matter(s), and the name(s), address(es) and telephone number(s) of the client(s) he is representing in Court.

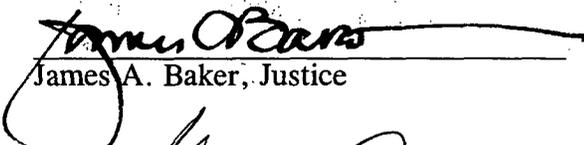
By the Court, en banc, in chambers, this the 11th day of May, 2001.


Thomas R. Phillips, Chief Justice


Nathan L. Hecht, Justice

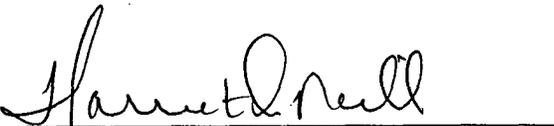

Craig T. Enoch, Justice


Priscilla R. Owen, Justice


James A. Baker, Justice


Greg Abbott, Justice


Deborah G. Hankinson, Justice


Harriet O'Neill, Justice


Wallace B. Jefferson

STATE BAR OF TEXAS



Office of the Chief Disciplinary Counsel

April 27, 2001

CMRRR NO. 7099 3400 0015 1895 3512

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

RE: Commission for Lawyer Discipline v. William D. Perkins

Dear Mr. Adams:

Enclosed please find the revised Order of the Supreme Court of Texas In the matter of William D. Perkins. Pursuant our discussion, please submit the Motion with the handwritten note from Mr. Perkins regarding his inability to locate his law license. In the meantime, I will continue my attempts to obtain the affidavit from Mr. Perkins.

Thank you very much for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Ardita L. Vick". The signature is written in a cursive, flowing style.

Ardita L. Vick
Assistant Disciplinary Counsel

Enclosure

STATE BAR OF TEXAS



Office of the Chief Disciplinary Counsel

VIA FEDERAL EXPRESS

April 9, 2001

INTERAGENCY MAIL

John Adams, Clerk
Supreme Court of Texas
Supreme Court Building
201 West 14th Street, Room 104
Austin, Texas 78701

Re: Resignation of William D. Perkins, State Bar Card No. 15791000

Dear Mr. Adams:

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

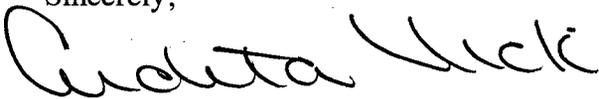
- 1) Motion for Acceptance of Resignation as Attorney and Counselor at Law signed by William D. Perkins, dated March 26, 2001 and received by the Chief Disciplinary Counsel on March 26, 2001;
- 2) Response of Chief Disciplinary Counsel of Motion to Acceptance of Resignation as Attorney and Counselor at Law of William D. Perkins, a copy of which was transmitted to William D. Perkins at least ten (10) days prior to today's date;
- 3) Original and one (1) copy of proposed Order for review and entry by the Court accepting the resignation of William D. Perkins as Attorney and Counselor at Law;
- 4) Affidavit of William D. Perkins stating that he is unable to locate his law License;
- 5) William D. Perkins' bar card.

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

Mr. John T. Adams, Clerk
Supreme Court of Texas
Resignation of William D. Perkins
April 9, 2001
Page -2-

Please present the enclosed Order to the Court for review and entry. Upon entry of the Order by the Court, please transmit a true and correct copy of the same to the undersigned in order that this office may properly give notice to all parties of the Court's disposition of such motion.

Sincerely,



Ardita Vick
Assistant Disciplinary Counsel

ALV/kdp

Enclosures

cc: Wayne Paris, attorney of record for William D. Perkins, 6905 Wells Fargo Plaza, 1000 Louisiana, Houston, Texas 77002

***Via Certified Mail No. 7099 3400 0015 1895 4762
Return Receipt Requested***

**IN THE SUPREME COURT OF TEXAS
RESPONSE OF THE CHIEF DISCIPLINARY COUNSEL
OF THE STATE BAR OF TEXAS
REGARDING
WILLIAM DREW PERKINS**

TO THE HONORABLE SUPREME COURT OF TEXAS:

We, Ardita Vick, Assistant Disciplinary Counsel of the State Bar of Texas, and Ricky Richards, Special Counsel appointed by the Commission For Lawyer Discipline, in accordance with Part X of the Texas Rules of Disciplinary Procedure, hereby file a response on behalf of the State Bar of Texas, acting by and through the Commission For Lawyer Discipline, to the Motion for Acceptance of Resignation as Attorney and Counselor at Law of William Drew Perkins, dated on or about March 26, 2001, and received by the Office of the Chief Disciplinary Counsel on or about March ____, 2001. The acceptance of the resignation of William Drew Perkins (hereinafter referred to as "Perkins") is in the best interests of the public and the profession.

The following disciplinary action is currently pending against Perkins, styled Commission for Lawyer Discipline vs. William Drew Perkins, Cause No. 33801-01-02, pending in the 159th Judicial District Court of Angelina County, Texas (hereinafter called the "Disciplinary Action"). The professional misconduct with which Perkins is charged in the Disciplinary Action is as follows:

A. Commission For Lawyer Discipline - William Drew Perkins D1020002972

In the early 1990's, Nelda Morrison's ("Mrs. Morrison") husband, S. H. Morrison, Jr. ("Mr. Morrison") hired Respondent to represent Mr. Morrison in a property dispute matter. Respondent agreed to represent Mr. Morrison on a contingency fee basis, but did not enter into a written contingency fee contract with Mr. Morrison. Mr. Morrison died in September 1993, while the lawsuit was still pending. Subsequent to Mr. Morrison's death, Respondent

continued his representation in the matter and signed pleadings on behalf of Mrs. Morrison individually and as representative of her husband's estate. Respondent also continued to provide documents to Mrs. Morrison regarding the property dispute matter, including a letter from Respondent stating that, pursuant to Respondent's agreement with Mr. Morrison, Mrs. Morrison would receive 2/3 of any recovery in the lawsuit and Respondent would receive 1/3 of any recovery as Respondent's fee.

Because Mrs. Morrison had not received a status report from Respondent since 1997, Mrs. Morrison contacted Respondent in September 1999 regarding the status of the litigation. At the September 1999 visit, Respondent misrepresented to Mrs. Morrison that Respondent would be going to Austin in October 1999 to settle the matter, and that Mrs. Morrison should have the settlement proceeds soon.

By December 1999, Mrs. Morrison had not heard from Respondent regarding the results of his October 1999 meeting. Mrs. Morrison, therefore, contacted a friend in Austin to look into the matter for her. Mrs. Morrison learned from this investigation that Respondent had settled the case in 1996 for \$72,500.00, without authority from Mrs. Morrison and without informing Mrs. Morrison of the settlement. When Mrs. Morrison confronted Respondent with his misrepresentations, Respondent admitted to Mrs. Morrison that the case had settled in 1996. Respondent stated that he did not have the funds to pay Mrs. Morrison her share of the settlement proceeds because Respondent's secretary had sent the funds to the Internal Revenue Service ("IRS") for Respondent's back taxes.

Respondent failed to hold the settlement funds belonging to his client in a separate trust account. Respondent failed to promptly notify Mrs. Morrison that the settlement funds had been received, failed to deliver the settlement funds to Mrs. Morrison, and failed to provide Mrs. Morrison with a full accounting of the settlement proceeds.

Thereafter, Respondent attempted to enter into a business arrangement with Mrs. Morrison and offered Mrs. Morrison a promissory note in the amount of \$65,461.92 pursuant to which Respondent would pay Mrs. Morrison the funds to which she was entitled within six (6) months. Mrs. Morrison refused the promissory note and stated that she wanted to collect the full settlement proceeds that were due her within ten (10) days. Respondent subsequently claimed that Mr. Morrison had given Respondent the cause of action and all recovered funds belonged to Respondent.

The above facts support a violation of Rules 1.01(a)(2), 1.03(a), 1.03(b), 1.04(c), 1.08(a), 1.08(h), 1.14(a), 1.14(b), 1.14(c), 8.04(a)(1), 8.03(a)(2), and 8.04(a)(3) of the Texas Disciplinary Rules of Professional Conduct.

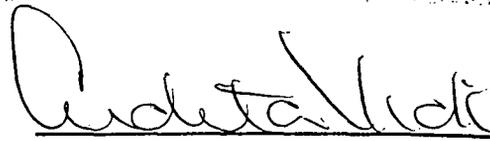
B. Commission For Lawyer Discipline - William Drew Perkins, D1120003286

In 1998, Jane Anderson ("Anderson") hired Respondent to represent her and her husband in a legal dispute with certain medical providers who had treated Anderson's husband. Anderson, via a third-party, provided Respondent with \$75,000.00 to pay the medical providers. Respondent converted a significant portion of Anderson's funds to Respondent's personal use. Respondent, after using Anderson's money for his personal benefit, misrepresented to Anderson that Respondent was still in possession of Anderson's funds. Although Respondent informed Anderson that the medical providers had been paid, Respondent failed to forward the funds provided by Anderson to at least one medical provider. The medical provider Respondent failed to pay subsequently sued and obtained a summary judgment against Anderson. Respondent failed to inform Anderson of the summary judgment hearing or the summary judgment against her. Anderson learned of the judgment after her bank accounts were seized by the medical provider in an effort to satisfy the judgment.

Respondent failed to keep the money intended by Anderson to pay the medical providers in a trust account. Respondent failed to keep records accounting for the funds provided by Anderson. Respondent failed to fully account for the funds after being requested to do so by Anderson. Further, Respondent has converted the funds intended by Anderson to pay the medical providers to Respondent's personal use.

The above facts support a violation of Rules 1.01(a)(2), 1.03(a), 1.03(b), 1.04(c), 1.08(a), 1.08(h), 1.14(a), 1.14(b), 1.14(c), 8.04(a)(1), 8.03(a)(2), and 8.04(a)(3) of the Texas Disciplinary Rules of Professional Conduct.

In view of William Drew Perkins' execution on or about March 26, 2001, of his resignation as an attorney and counselor at law, and in anticipation of the Court's acceptance of same, the Chief Disciplinary Counsel does not anticipate going forward with the pending disciplinary action and intends to dismiss the disciplinary action upon entry of Order by the Supreme Court of Texas deleting William Drew Perkins from the list of persons licensed to practice law in the State of Texas.



Ardita Vick

State Bar No. 00786311

Assistant Disciplinary Counsel

State Bar of Texas

3710 Rawlins - Suite 800

Dallas, Texas 75219

(214) 559-4353

Ricky Richards

State Bar No. 15654100

Special Counsel

The Richards Law Firm

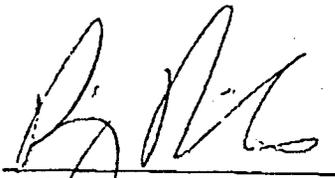
P.O. Drawer 1309

516 East Commerce Street

Jacksonville, Texas 75766

(903) 586-2544

Ardita Vick
State Bar No. 00786311
Assistant Disciplinary Counsel
State Bar of Texas
3710 Rawlins - Suite 800
Dallas, Texas 75219
(214) 559-4353



Ricky Richards
State Bar No. 15654100
Special Counsel
The Richards Law Firm
P.O. Drawer 1309
516 East Commerce Street
Jacksonville, Texas 75766
(903) 586-2544

CERTIFICATE OF SERVICE

A true and correct copy of this Response of the Chief Disciplinary Counsel of the State Bar of Texas regarding William Drew Perkins, has been served on Wayne Paris, attorney for William Drew Perkins, 6905 Wells Fargo Plaza, 1000 Louisiana, Houston, Texas 77002, by facsimile and certified mail return receipt requested, on this the 27th day of March, 2001.

A handwritten signature in black ink that reads "Ardita Vick". The signature is written in a cursive style with a large initial "A".

Ardita Vick

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

OF

WILLIAM DREW PERKINS

NOW COMES your Applicant, **William Drew Perkins**, and hereby resigns as an Attorney and Counselor at Law in the State of Texas; and hereby submits to the Court his resignation as an Attorney and Counselor at Law; and prays that the Court accept said resignation.

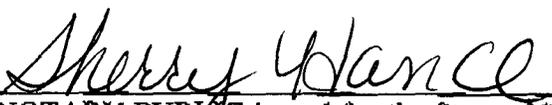
Attached hereto are the License and permanent State Bar Card issued by this Court to the Applicant, **William Drew Perkins**, as an Attorney and Counselor at Law on August 8, 1954. Said License and permanent State Bar card are hereby surrendered by the Applicant.

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 his name be dropped and deleted from the list of persons licensed to practice law in Texas; and that his resignation be accepted.

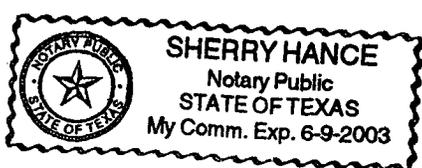


William Drew Perkins
State Bar No. 15791000

SUBSCRIBED AND SWORN to before me by the said William Drew Perkins this the 26 day of March, 2001.



NOTARY PUBLIC in and for the State of Texas



WILLIAM DREW PERKINS

Lawyer

Post Office Drawer 369

Lufkin, Texas 75902-0369

Only a sense of humor separates the saved from the unsaved.

Kaypole Spangler

03-26-01

To whom it may concern:

I hold no notion - nor what so
ever, where my Lawf. sense might lie. I
doubt its existence as a document.

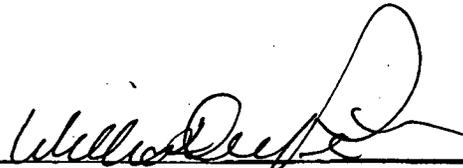
William Perkins

AFFIDAVIT OF WILLIAM DREW PERKINS

On this 1 day of May, 2001, personally appeared before me, the undersigned **William Drew Perkins** who, after being duly sworn, did state upon his oath:

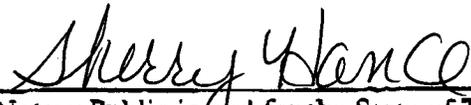
"My name is **William Drew Perkins** and I am over the age of eighteen years and am competent to make this affidavit in all respects, and am personally acquainted with the facts in this Affidavit."

"I am an attorney licensed in the State of Texas. My bar card number is 15791000. I am unable to locate my License at this time. Should this item that is property of the Supreme Court of Texas be located, I will immediately surrender and forward it to the Supreme Court of Texas."



William Drew Perkins
Texas Bar No. 15791000

SWORN TO AND SUBSCRIBED BEFORE ME on this the 1 day May, 2001.



Notary Public in and for the State of Texas

