

ORDER OF THE SUPREME COURT OF TEXAS

Misc. Docket No. 01-9116

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

The Supreme Court of Texas hereby appoints the Honorable Suzanne Stovall, Judge of the 221st District Court of Montgomery County, Texas, to preside in the Disciplinary Action styled:

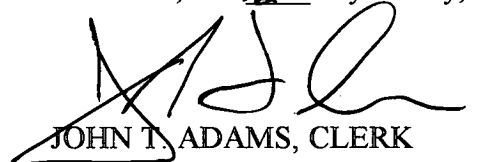
The Commission for Lawyer Discipline v. Scottie Allen

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

The Clerk of the Supreme Court shall promptly forward to the District Clerk of Dallas 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.

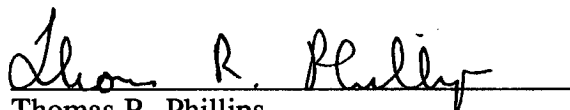
As ordered by the Supreme Court of Texas, in chambers,

With the Seal thereof affixed at the City
Of Austin, this 12th day of July, 2001.


JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 01-9116 is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code, §74.057.

Signed this 16 day of July, 2001.


Thomas R. Phillips
Chief Justice

NO. _____

COMMISSION FOR LAWYER DISCIPLINE § IN THE DISTRICT COURT OF
V. §
SCOTTIE ALLEN § DALLAS COUNTY, TEXAS
§ _____ JUDICIAL DISTRICT

DISCIPLINARY PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

Petitioner, the Commission for Lawyer Discipline, a committee of the State Bar of Texas (hereinafter called "Petitioner"), complains of Respondent, Scottie Allen, (hereinafter called "Respondent"), showing the Court:

I.

Discovery Control Plan

Pursuant to Rules 190.1 and 190.3, TEXAS RULES OF CIVIL PROCEDURE (TRCP), Petitioner intends discovery in this case to be conducted under the Level II Discovery Control Plan.

II.

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.

III.

Respondent is an attorney licensed to practice law in Texas and is a member of the State Bar of Texas. Respondent is a resident of and has his principal place of practice in Dallas County, Texas.

Respondent can be served at 4144 N. Central Expressway, Suite 650, Dallas, Texas 75204. Multi-Service Process will serve citation.

FIRST CAUSE OF ACTION ARISING FROM SMITH COMPLAINT

IV.

On or about November 17, 1998, Cleophus Smith ("Smith") employed Respondent to represent him in a personal injury matter. Thereafter, Respondent failed to return Smith's numerous proper requests for information and failed to keep Smith informed of the status of the matter. Further, Respondent failed to comply with Smith's request that his file be returned.

Additionally, on or about August 18, 2000, Respondent was requested by the Chief Disciplinary Counsel's office to provide his case file for the Smith case, and documentation of communication with Smith, by August 29, 2000. Respondent failed to timely furnish the documentation to the Chief Disciplinary Counsel's office, and failed to assert any grounds for such failure.

V.

Such acts and/or omissions on the part of Respondent as are described in Paragraphs IV, hereinabove, which occurred on or after January 1, 1990, constitute conduct which violates Rules 1.03(a), 1.15 (d), and 8.04(a)(8) of the Texas Disciplinary Rules of Professional Conduct.

VI.

The complaint which forms the basis of the Cause of Action hereinabove set forth was initiated by Cleophus Smith filing a complaint on or about June 20, 2000.

SECOND CAUSE OF ACTION ARISING FROM CLAY COMPLAINT

VII.

On or about November 17, 1998, James Clay ("Clay") employed Respondent to represent him in a criminal matter. Thereafter, Respondent failed to return Clay's numerous proper requests for information and failed to communicate with Clay about the status of the matter. Further, Respondent failed to comply with Clay's request that his file be returned.

Additionally, on or about August 18, 2000, Respondent was requested by the Chief Disciplinary Counsel's office to provide his case file for the Clay case, and documentation of communication with Clay, by August 29, 2000. Respondent failed to timely furnish the documentation to the Chief Disciplinary Counsel's office and failed to assert any grounds for such failure.

VIII.

Such acts and/or omissions on the part of Respondent as are described in Paragraphs IV, hereinabove, which occurred on or after January 1, 1990, constitute conduct which violates Rules 1.03(a), 1.15 (d), and 8.04(a)(8) of the Texas Disciplinary Rules of Professional Conduct.

IX.

The complaint which forms the basis of the Cause of Action hereinabove set forth was initiated by James Clay filing a complaint on or about May 23, 2000.

THIRD CAUSE OF ACTION ARISING FROM SHEILA ROBERTS COMPLAINT

X.

Sheila Roberts ("Roberts") is an adjuster for State Farm Insurance. Respondent represented Mel Coleman, who had a personal injury claim against State Farm. Roberts settled the claim for two thousand, one hundred dollars and no/100 (\$2,100.00) and sent a settlement draft payable to Mr. Coleman and Respondent, along with a release and a letter instructing Respondent that the draft was not to be presented for payment until the settlement documents were executed and returned to Roberts. Respondent signed and cashed the draft, but never returned the executed settlement documents.

XI.

On April 6, 2000, the State Bar of Texas sent, by certified mail return receipt requested, a letter to Respondent notifying him that a complaint alleging professional misconduct on his part had been filed against him by Roberts. In said letter, Respondent was advised that, pursuant to Rule 2.09 of the Texas Rules of Disciplinary Procedure, he was required to file a written response with the State Bar of Texas within thirty (30) days of his receipt of the letter. Respondent received the letter on April 4, 2000. Respondent failed to furnish the State Bar of Texas a written response to the complaint within the required thirty (30) days of his receipt of the notification letter, and failed to timely assert a privilege or other legal ground for his failure to furnish his response.

XII.

Such acts and/or omissions on the part of Respondent as are described in Paragraphs X, and

XI, hereinabove, which occurred on or after January 1, 1990, constitute conduct which violates Rules 1.01(b)(1),(2), 1.14(c), 4.04(a), 8.04(a)(3), and 8.04(a)(8) of the Texas Disciplinary Rules of Professional Conduct.

XIII.

The complaint which forms the basis of the Cause of Action hereinabove set forth was initiated by Sheila Roberts filing a complaint on or about March 24, 2000.

PRAYER

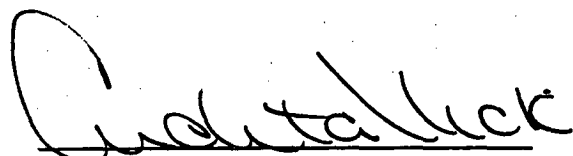
WHEREFORE, PREMISES CONSIDERED, Petitioner prays for judgment that Respondent be disciplined as the facts shall warrant; and that Petitioner have such other relief to which entitled, including costs of Court and attorney's fees.

Respectfully submitted,

Dawn Miller
Chief Disciplinary Counsel

Ardita Vick
Assistant Disciplinary Counsel

State Bar of Texas
3710 Rawlins - Suite 800
Dallas, Texas 75219
(214) 559-4353
FAX (214) 559-4335



Ardita Vick
State Bar Card No. 00786311

ATTORNEYS FOR PETITIONER

STATE BAR OF TEXAS



Office of the Chief Disciplinary Counsel

April 30, 2001

CMRRR NO. 7099 3220 0005 9143 5331

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

RE: Commission for Lawyer Discipline v. Scottie Allen

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 Scottie Allen. Mr. Allen has designated Dallas 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:

**Scottie Allen
4144 N. Central Expressway
Suite 650
Dallas, Texas 75204**

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. If not, I would respectfully request that an alternate appointment be made.

Regency Plaza, 3710 Rawlins, Suite 800, Dallas, Texas 75219
Telephone: (214) 559-4353 Fax: (214) 559-4335

John T. Adams, Clerk

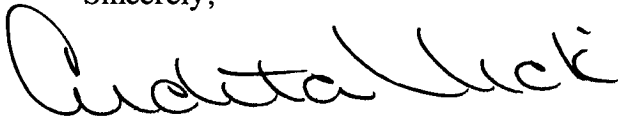
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Once a trial judge has been appointed, please forward the original and two (2) copies of the Disciplinary Petition, the filing fee check, also enclosed herewith, and the Court's appointing order to the District Clerk of Dallas County, Texas, with the request that the suit be filed, service be obtained, and a file-marked copy of the petition be returned to the undersigned.

Also enclosed are a pre-addressed envelope for your use in transmitting the petition, etc., to the District Clerk of Dallas County, Texas, and a return envelope to be sent to the District Clerk of Dallas 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 black ink, appearing to read "Ardita Vick". The signature is fluid and cursive, with a large initial "A" and a long, sweeping underline.

Ardita Vick
Assistant Disciplinary Counsel

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
DEBORAH G. HANKINSON
HARRIET O'NEILL
WALLACE B. JEFFERSON

EXECUTIVE ASSISTANT
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASST
JIM HUTCHESON

ADMINISTRATIVE ASSISTANT
NADINE SCHNEIDER

JUL 19 2001

The Honorable Jim Hamlin
District Clerk of Dallas County
George L. Allen Courts Building
600 Commerce Street
Dallas, Texas 75202

Dear Mr. Hamlin:

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. Scottie Allen*, and a copy of the Supreme Court's order appointing the Honorable Suzanne Stovall, Judge of the 221st District Court of Conroe, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Honorable Suzanne Stovall
Ms. Ardita Vick
Mr. Scottie Allen



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

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EXECUTIVE ASSISTANT
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DEPUTY EXECUTIVE ASST
JIM HUTCHESON

ADMINISTRATIVE ASSISTANT
NADINE SCHNEIDER

JUL 19 2001

Honorable Suzanne Stovall
Judge, 221st District Court
300 N. Main Street
Conroe, Texas 77301

Dear Judge Stovall:

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 Ms. Vick and Mr. Allen, and a copy of the letter to the District Clerk of Dallas County.

We then recommend that, either before or immediately after you set the case for trial, the Dallas County District Court Administrative Office (214-653-6510) 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 (214-653-2943) 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



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

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JIM HUTCHESON

ADMINISTRATIVE ASSISTANT
NADINE SCHNEIDER

JUL 19 2001

Ms. Ardita Vick
Assistant General Counsel, State Bar of Texas
3710 Rawlins, Suite 800
Dallas, Texas 75219

Mr. Scottie Allen
4144 N. Central Expressway, Suite 650
Dallas, Texas 75204

Dear Ms. Vick and Mr. Allen:

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 Suzanne Stovall, Judge of the 221st District Court, Conroe, Texas to preside in

Commission for Lawyer Discipline v. Scottie Allen

Sincerely,

SIGNED

John T. Adams
Clerk