

ORDER OF THE SUPREME COURT OF TEXAS

9205

Misc. Docket No. 01-----

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

The Supreme Court of Texas hereby appoints the Honorable Wayne Mallia, Judge of the 405th District Court of Galveston County, Texas, to preside in the Disciplinary Action styled


The Commission for Lawyer Discipline v. Hellen W. Watkins

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.

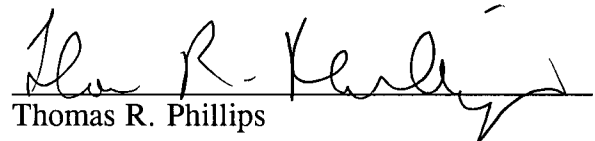
As ordered by the Supreme Court of Texas, in chambers,

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


JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 01-9205 is also an assignment by Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 11 day of December, 2001.


Thomas R. Phillips
Chief Justice

NO. _____

COMMISSION FOR
LAWYER DISCIPLINE

V.

HELEN W. WATKINS

§
§
§
§
§
§

IN THE DISTRICT COURT OF

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, Helen W. Watkins, (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 her principal place of practice in Dallas County,

Texas. Multiple Process Services will serve citation on Respondent at 5307 E. Mockingbird Lane, Suite 1010, Dallas, Texas 75206.

IV.

Respondent is a partner in the law firm of Watkins & Warren, a firm performing legal work primarily in the area of estate planning. Harmon Watkins, was a partner in the firm until his death. Respondent knowingly permitted another member of the law firm to violate the Texas Rules of Professional Conduct. In 1998, Mark Warren ("Warren"), Respondent's partner, drafted a will on behalf of Inez Carroll, which gave Respondent a substantial bequest in the amount of \$10,000.00. Respondent knowingly allowed Warren to draft a client's will leaving a substantial bequest to Respondent and failed to take reasonable remedial action to avoid or mitigate the consequences of Warren's actions.

V.

Respondent knowingly permitted another member of the law firm to violate the Texas Rules of Professional Conduct. Warren drafted a living trust on behalf of Joe and Ila Finley. Warren allowed Joe Finley to sign Ila Finley's name to the trust document and then notarized the signature as if Ila Finley had signed the trust document. The trust document affected the disposition of the wife's property. Warren failed to disclose this fact to the executor of Ila Finley's estate or in subsequent litigation over the disposition of the property. Respondent knowingly allowed Warren to take these actions with respect to Ila Finley's estate and failed to take reasonable remedial action to avoid or mitigate the consequences of Warren's actions.

VI.

For a period of several years, Respondent's law firm failed to maintain a trust account and,

as a result, commingled client's funds in the firm's checking account.

VII.

Respondent bought a condominium from the beneficiary of the estate of Thomas McHale. Respondent purchased the property for WBP, Ltd., a family limited partnership. Respondent was also the executor of Thomas McHale's estate and the trustee of the Thomas J. McHale Living Trust. Even though WBP, Ltd. owned the condominium, Respondent, as trustee for the Thomas J. McHale Living Trust, paid monthly dues and taxes due on the condominium from the Thomas J. McHale Living Trust bank account.

VIII.

Respondent's law firm represented Leatha Gilchrist and drafted Ms. Gilchrist's will. Respondent was the executor of the will. Respondent took possession of a valuable diamond ring and an antique musical instrument belonging to Ms. Gilchrist. At Ms. Gilchrist's death, Respondent kept these items for her own personal use and failed to list them as property of the estate.

IX.

Such acts and/or omissions on the part of Respondent as are described in Paragraph IV hereinabove, which occurred on or after January 1, 1990, constitute conduct which violates Rules 1.02(c)(f), 1.06(f), 1.08(b), 1.14(a), 5.01(a)(b), and 8.04(a)(1)(2)(3) of the Texas Disciplinary Rules of Professional Conduct.

X.

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 Michael Peay filing a complaint on or about July 19, 2000.

PRAYER

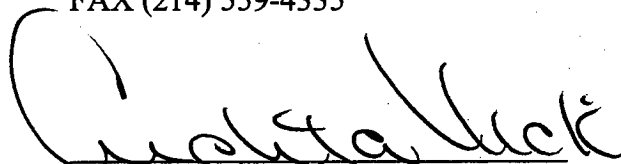
WHEREFORE, PREMISES CONSIDERED, Petitioner prays for judgment that Respondent be disciplined as the facts shall warrant; and that Petitioner have such other relief to which entitled, including costs of Court and attorney's fees.

Respectfully submitted,

Dawn Miller
Chief Disciplinary Counsel

Ardita L. Vick
Assistant Disciplinary Counsel

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



Ardita L. Vick
State Bar Card No. 00786311

ATTORNEYS FOR PETITIONER

STATE BAR OF TEXAS



Office of the Chief Disciplinary Counsel

October 29, 2001

CMRRR NO. 7000 1670 0013 5407 4753

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

RE: Commission for Lawyer Discipline v. Helen W. Watkins

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 Helen Watkins. Ms. Watkins has designated Dallas County, Texas, as her 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:

**Helen W. Watkins
5307 E. Mockingbird Lane - Suite 1010
Dallas, Texas 75206**

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 written in a cursive, flowing style.

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

JUSTICES
NATHAN L. HECHT
CRAIG T. ENOCH
PRISCILLA R. OWEN
JAMES A. BAKER
DEBORAH G. HANKINSON
HARRIET O'NEILL
WALLACE B. JEFFERSON
XAVIER RODRIGUEZ

DEC 17 2001

CLERK
JOHN T. ADAMS

EXECUTIVE ASSISTANT
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASST
JIM HUTCHESON

ADMINISTRATIVE ASSISTANT
NADINE SCHNEIDER

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

Ms. Helen W. Watkins
5307 E. Mockingbird Lane, Suite 1010
Dallas, Texas 75206

Dear Ms. Vick and Ms. Watkins:

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 Wayne Mallia, Judge of the 405th District Court, Galveston, Texas to preside in

Commission for Lawyer Discipline v. Helen W. Watkins

Sincerely,

SIGNED

John T. Adams
Clerk



The Supreme Court of Texas

CHIEF JUSTICE
THOMAS R. PHILLIPS

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JIM HUTCHESON

ADMINISTRATIVE ASSISTANT
NADINE SCHNEIDER

DEC 17 2001

Honorable Wayne Mallia
Judge, 405th District Court
722 Moody Avenue
Galveston, Texas 77550

Dear Judge Mallia:

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. Watkins and Ms. Vick, 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
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JOHN T. ADAMS

EXECUTIVE ASSISTANT
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASST
JIM HUTCHESON

ADMINISTRATIVE ASSISTANT
NADINE SCHNEIDER

DEC 17 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. Helen W. Watkins*, and a copy of the Supreme Court's order appointing the Honorable Wayne Mallia, Judge of the 405th District Court in Galveston, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Honorable Wayne Mallia
Ms. Ardita Vick
Ms. Helen W. Watkins