

ORDER OF THE SUPREME COURT OF TEXAS

Misc Docket No. 94-9116

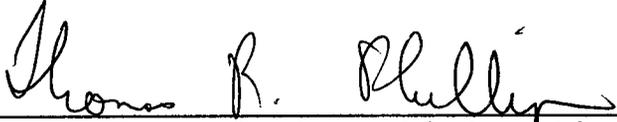
Appointment of a District Judge to Preside
in a State Bar Disciplinary Action

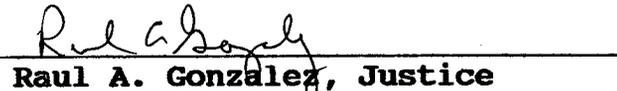
The Supreme Court of Texas hereby appoints the Honorable Mary R. Roman, Judge of the 175th District Court of Bexar County, Texas, to preside in the Disciplinary Action styled:

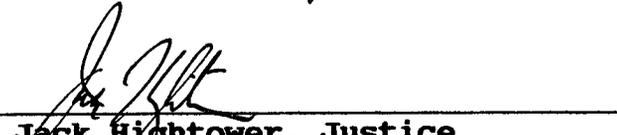
The Commission for Lawyer Discipline v. Luke W. Able, Jr.
to be filed in a District Court of Harris County, Texas.

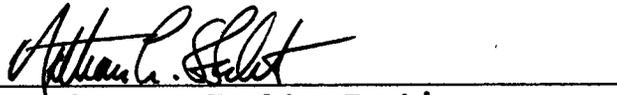
The Clerk of the Supreme Court shall promptly forward to the District Clerk of Harris County, Texas, a copy of this Order and of the Disciplinary Petition for filing and service pursuant to Rule 3.03, Texas Rules of Disciplinary Procedure.

In Chambers, this 15th day of ^{August} ~~July~~, 1994.


Thomas R. Phillips, Chief Justice

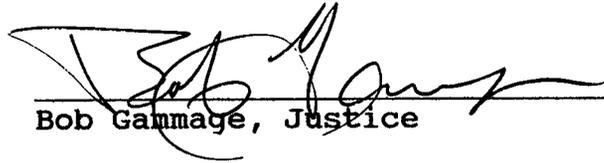

Raul A. Gonzalez, Justice

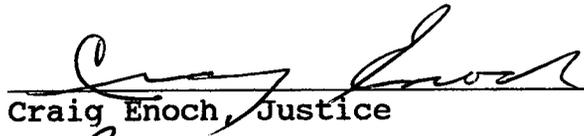

Jack Hightower, Justice

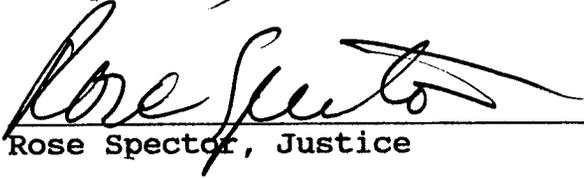

Nathan L. Hecht, Justice


Lloyd Doggett, Justice


John Cornyn, Justice


Bob Gammage, Justice


Craig Enoch, Justice


Rose Spector, Justice

This assignment, made by Misc. Docket No. 94-9116, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 15th day of August, 1994.


Thomas R. Phillips
Chief Justice

NO. _____

COMMISSION FOR LAWYER DISCIPLINE	§	IN THE DISTRICT COURT OF
V.	§	HARRIS COUNTY, TEXAS
LUKE W. ABLE, JR.	§	_____ 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, Luke W. Able, (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.

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 business in Harris County, Texas. An officer may serve citation on Respondent by U.S. certified mail, return receipt requested at his business address located at 7303 Hillcroft, Suite 53, Houston, Harris County, Texas 77081.

III.

On or about June 20, 1992, Randall Pritchett (hereinafter called "Pritchett") hired Respondent to represent him on criminal charges pending against him in Harris County, Texas. In addition, Respondent was to act as bondsman and post bond on Pritchett's behalf.

IV.

At the time Pritchett hired Respondent, he paid him attorney's fees of \$420.00 in cash and gave him a post-dated check for \$200.00. Respondent obtained the signatures of Pritchett and his wife, Cherise Pritchett, on a number of documents, including a general warranty deed conveying property owned by the Pritchetts in Brazoria County to Respondent. Respondent assured Pritchett that the only purpose of the warranty deed was as security for the bond Respondent was going to post on Pritchett's behalf. Other documents signed by Randall and Cherise Pritchett on or about June 20, 1993 included a contract for legal services, a supplement to the employment contract which provided that Respondent could assert a lien on the Pritchett's real property for any unpaid attorney's fees, and an indemnity agreement wherein the Pritchetts agreed to indemnify Respondent for any losses resulting from a possible bond forfeiture by Pritchett. Cherise Pritchett, but not Randall Pritchett, signed a document stating that if Randall Pritchett refused to sign any document provided to him by Respondent, that Respondent could surrender Randall Pritchett to the Harris County Sheriff.

V.

On or about June 22, 1992, Respondent presented Pritchett with a power of attorney for his signature. The document was unacceptable to Pritchett, particularly a provision which allowed Respondent to enter a plea on Pritchett's behalf without first consulting with Pritchett.

Pritchett terminated Respondent's representation on that date and stopped payment on the \$200.00 post-dated check he had paid to Respondent on June 20, 1992.

VI.

Pritchett hired a new attorney to represent him in the criminal matter, and was granted personal bond on or about June 26, 1992. On the same date, Respondent filed an Affidavit of Surety to Surrender Randall Pritchett to the custody of the Harris County Sheriff for the reason that Pritchett had refused to sign the power of attorney presented to him by Respondent.

VII.

Respondent filed the general warranty deed with the Harris County Clerk on or about June 22, 1993. Following termination of his employment by Pritchett, Respondent refused to release his interest in the real estate, claiming that Pritchett owed him \$200.00 for the post-dated check Pritchett had stopped payment on, and owed additional attorney's fees for Respondent's preparation of the Affidavit of Surety to Surrender Randall Pritchett. At no time has Respondent provided Pritchett with an accounting in support of his claim that he is owed additional attorney's fees for his representation of Pritchett.

VIII.

Such acts and/or omissions on the part of Respondent as are described in Paragraphs III., IV., V. and VI. hereinabove which occurred on or after January 1, 1990, constitute conduct violative of Rules 1.04(a), 1.06(b)(2), 1.08(a) and/or 1.15(d) of the Texas Disciplinary Rules of Professional Conduct.

IX.

The complaint which forms the basis of the Cause of Action hereinabove set forth was brought to the attention of the Office of General Counsel of the State Bar of Texas by Randall Pritchett filing a complaint on or about January 10, 1993.

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,

James M. McCormack
General Counsel

E. Lynn Rodriguez
Assistant General Counsel

Office of the General Counsel
State Bar of Texas
P.O. Box 12487
Austin, Texas 78711
Telephone: (512) 463-1463
Telecopier:(512) 477-4607



E. Lynn Rodriguez
State Bar of Texas No. 17143880

ATTORNEYS FOR PETITIONER

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THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

POST OFFICE BOX 12248 AUSTIN, TEXAS 78711

TEL: (512) 463-1312

FAX: (512) 463-1365

CLERK
JOHN T. ADAMS

JUSTICES
RAUL A. GONZALEZ
JACK HIGHTOWER
NATHAN L. HECHT
LLOYD DOGGETT
JOHN CORNYN
BOB GAMMAGE
CRAIG ENOCH
ROSE SPECTOR

EXECUTIVE ASS'T.
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T.
NADINE SCHNEIDER

August 19, 1994

Honorable Mary R. Roman
Judge, 175th District Court

Dear Judge Roman:

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. Able and Mr. McCormack, and a copy of the letter to the District Clerk of Harris County.

It is recommended that, two weeks after receipt of this letter, you or your coordinator contact the presiding judge of Harris 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, you contact the Harris County District Court Administrative Office (713-755-6576) 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 [713-471-3911] 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

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ROSE SPECTOR

EXECUTIVE ASS'T.
WILLIAM L. WILLIS

August 19, 1994

ADMINISTRATIVE ASS'T.
NADINE SCHNEIDER

Mr. James M. McCormack
General Counsel, State Bar of Texas
P.O. Box 12487
Austin, Texas 78711

Mr. Luke W. Able, Jr.
7303 Hillcroft, Suite 53
Houston, Texas 77081

Dear Mr. McCormack and Mr. Able:

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 Mary R. Roman, Judge of the 175th District Court, San Antonio, Texas to preside in

Commission for Lawyer Discipline v. Luke W. Able, Jr.

Sincerely,

SIGNED

John T. Adams
Clerk



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

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EXECUTIVE ASS'T.
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T.
NADINE SCHNEIDER

August 19, 1994

The Honorable Katherine Tyra
District Clerk of Harris County
P.O. Box 4651
Houston, Texas 77210

Dear Ms. Tyra:

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. Luke W. Able, Jr. and a copy of the Supreme Court's order appointing the Honorable Mary R. Roman, Judge of the 175th District Court, San Antonio, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Hon. Mary R. Roman
Mr. Luke W. Able, Jr.
Mr. James M. McCormack