

ORDER OF THE SUPREME COURT OF TEXAS

Misc Docket No. 94-9117

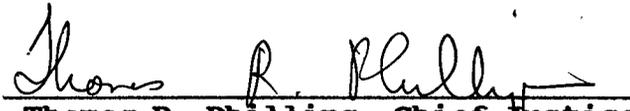
Appointment of a District Judge to Preside
in a State Bar Disciplinary Action

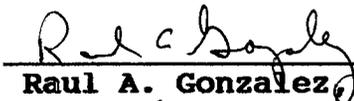
The Supreme Court of Texas hereby appoints the Honorable John M. Delaney, Judge of the 272nd District Court of Brazos County, Texas, to preside in the Disciplinary Action styled:

The Commission for Lawyer Discipline v. William David Bays
to be filed in a District Court of Travis County, Texas.

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

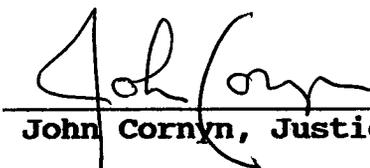

Thomas R. Phillips, Chief Justice


Raul A. Gonzalez, Justice


Jack Hightower, Justice

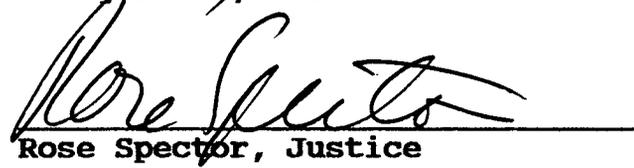

Nathan L. Hecht, Justice


Lloyd Doggett, Justice


John Cornyn, Justice

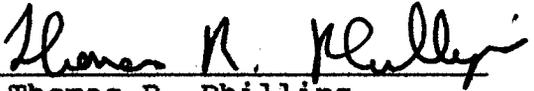

Bob Gammage, Justice


Craig Enoch, Justice


Rose Spector, Justice

This assignment, made by Misc. Docket No. 94-9117, 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

COPY

NO. _____

COMMISSION FOR LAWYER DISCIPLINE	§	IN THE DISTRICT COURT OF
V.	§	TRAVIS COUNTY, TEXAS
WILLIAM DAVID BAYS	§	_____ 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, William David Bays, (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 Travis County, Texas. An officer may serve citation on Respondent at his business address located at 701 Brazos, Suite 500, Austin, Travis County, Texas 78701.

FIRST CAUSE OF ACTION

III.

In and around July, 1989, Respondent arranged for the pretrial release of his client, Joseph M. Lloyd (hereinafter called "Lloyd"), who was charged in the U.S. District Court for the District of New Mexico with possession of and intent to distribute amphetamines. Lloyd was released on bond on or about July 31, 1989, pursuant to an Order Setting Conditions of Release. One of the conditions of Lloyd's release was that he refrain from possessing a firearm, destructive device, or other dangerous weapon.

IV.

In and around August or September, 1989, Lloyd purportedly had a conversation with Respondent wherein Lloyd expressed fear for his safety due to the fact that he had agreed to cooperate with the U.S. attorney's office in the prosecution of other individuals involved in the drug operation. Respondent thereafter provided Lloyd with a handgun, holster and box of ammunition for the handgun so Lloyd could protect himself if necessary. By providing Lloyd with the handgun, Respondent assisted him in violating a condition of the Order Setting Conditions of Release.

V.

Such acts and/or omissions on the part of Respondent as are described in Paragraphs III. and IV. hereinabove which occurred on or after January 1, 1990, constitute conduct which violates Rules 7-102(A)(7) and/or 7-106(A) of the Texas Code of Professional Responsibility. Such acts and/or omissions as are described hereinabove which occurred on or about January 1, 1990, constitute conduct which violates Rule 1.02(c) of the Texas Disciplinary Rules of

Professional Conduct.

VI.

The complaint which forms the basis of the First Cause of Action hereinabove set forth was brought to the attention of the Office of General Counsel of the State Bar of Texas by Michelle Lloyd and Joseph Lloyd filing a complaint on or about September 8, 1992.

SECOND CAUSE OF ACTION

VII.

On or about January 27, 1993, Respondent filed a grievance with the State Bar of Texas against Troyce G. Wolf (hereinafter called "Wolf") arising from Wolf's representation of a federal inmate in a Deceptive Trade Practices Act lawsuit against Respondent.

VIII.

On or about January 28, 1992, Respondent disclosed the fact that he filed a grievance against Wolf in a letter to Judge Robert H. Moore, III. of the 118th Judicial District Court. In addition, on or about March 8, 1993, Respondent disclosed information regarding the grievance to an attorney in New Mexico. Such disclosures were made by Respondent notwithstanding the fact that the grievance was confidential pursuant to Rule 2.15 of the Texas Rules of Disciplinary Procedure.

IX.

Such acts and/or omissions on the part of Respondent as are described in Paragraphs VII. and VIII. hereinabove which occurred on or after January 1, 1990, constitute conduct which violates Rule 8.04(a)(11) of the Texas Disciplinary Rules of Professional Conduct.

X.

The complaint which forms the basis of the Second Cause of Action hereinabove set forth was brought to the attention of the Office of General Counsel of the State Bar of Texas by Troyce G. Wolf filing a complaint on or about September 16, 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

u:\users\catherin\Lynn\bays.dp



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
RAULA 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 John M. Delaney
Judge, 272nd District Court
Brazos County Courthouse 204
300 East 26th
Bryan, Texas 76201

Dear Judge Delaney:

We enclose for your information a copy of the order of assignment, a copy of the notification letter to Mr. Bays and Mr. McCormack, and a copy of the letter to the District Clerk of Travis County.

It is recommended that, ten days to two weeks after receipt of this letter, you or your coordinator contact the presiding judge of Travis 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, the District Court Administrator be contacted (512 473-9300) 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 (210 379-8556) to obtain 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

POST OFFICE BOX 12248 AUSTIN, TEXAS 78711

TEL: (512) 463-1312

FAX: (512) 463-1365

CLERK
JOHN T. ADAMS

EXECUTIVE ASST.
WILLIAM L. WILLIS

ADMINISTRATIVE ASST.
NADINE SCHNEIDER

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

August 19, 1994

The Honorable Amalia Rodriguez-Mendoza
District Clerk of Travis County
P. O. Box 1748
Austin, Texas 78767-1748

Dear Ms. Rodriguez-Mendoza:

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. William David Bays and a copy of the Supreme Court's order appointing the Honorable John M. Delaney, Judge of the 272nd District Court, Bryan, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Hon. John M. Delaney
Mr. William David Bays
Mr. James M. McCormack



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

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

August 19, 1994

CLERK
JOHN T. ADAMS

EXECUTIVE ASS'T.
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T.
NADINE SCHNEIDER

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

Mr. William David Bays
701 Brazos, Suite 500
Austin, Texas 78701

Dear Mr. McCormack and Mr. Bays:

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 John M. Delaney, Judge of the 272nd District Court, Bryan, Texas to preside in

Commission for Lawyer Discipline v. William David Bays.

Sincerely,

SIGNED

John T. Adams
Clerk