

ORDER OF THE SUPREME COURT OF TEXAS

9120

Misc Docket No. 94-\_\_\_\_\_

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

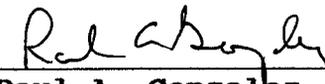
The Supreme Court of Texas hereby appoints the Honorable Charles R. Ramsay, Judge of the 22nd District Court, to preside in the Disciplinary Action styled:

The Commission for Lawyer Discipline v. Michael W. Johnson  
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 26th day of July, 1994.

  
Thomas R. Phillips, Chief Justice

  
Raul A. Gonzalez, Justice

  
Jack Hightower, Justice

  
Nathan L. Hecht, Justice

  
Lloyd Doggett, Justice

  
John Cornyn, Justice

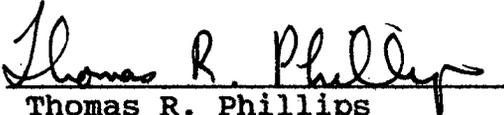
  
Bob Gammage, Justice

  
Craig Enoch, Justice

  
Rose Spector, Justice

This assignment, made by Misc. Docket No. 94-9120, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 26th day of August, 1994.

  
Thomas R. Phillips  
Chief Justice

COPY

NO. \_\_\_\_\_

COMMISSION FOR LAWYER DISCIPLINE	§	IN THE DISTRICT COURT OF
V.	§	HARRIS COUNTY, TEXAS
MICHAEL W. JOHNSON	§	_____ 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, Michael W. Johnson, (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 practice in Harris County, Texas. An officer may serve citation on Respondent at 915 Winbern, Suite 200, Houston, Harris County, Texas 77002.

TO CLERK: "FILE MARK  
THIS COPY AND RETURN"

### III.

In and around May, 1991, Respondent agreed to represent Babiker G. Demesse (hereinafter called "Demesse") in a personal injury lawsuit arising from injuries he sustained in an automobile accident on or about July 16, 1990. Demesse's case had been previously handled by Respondent's associate. On or about May 23, 1991, the presiding judge in the court where the lawsuit was pending signed an order allowing Respondent to substitute in as Demesse's attorney of record.

### IV.

On or about August 8, 1991, the Defendant in the lawsuit propounded interrogatories and request for production on Demesse by and through Respondent. Respondent thereafter failed to forward the discovery documents to Demesse or to file the answers to such discovery within the due date. As a result, counsel for Defendant filed a motion for sanctions on or about November 6, 1991, requesting that the court compel Demesse to answer the discovery. An order was signed by the presiding judge on or about December 9, 1991, ordering Demesse to respond to the discovery within ten days.

### V.

On or about July 13, 1992, the Court issued an order directing the parties to file a joint status report within thirty (30) days of that date. Respondent thereafter failed to either cooperate with the opposing counsel to submit a joint status report or to submit a status report for Demesse. As a result, the case was dismissed for want of prosecution on or about August 28, 1992. At the time of the dismissal, Demesse was precluded from refileing his lawsuit because the statute of limitations expired on his cause of action on or about July 16, 1992.

**VI.**

During the course of his representation, Respondent failed to keep Demesse apprised of the status of the case or respond to Demesse's request for information. Respondent also failed to notify Demesse that his case had been dismissed in August, 1992. Demesse learned of the dismissal in and around July, 1993 when he contacted the Harris County District Clerk's office.

**VII.**

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 which violates Rules 1.01(b)(1), 1.01(b)(2), 1.03(a) and/or 1.03(b) of the Texas Disciplinary Rules of Professional Conduct.

**VII.**

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 Babiker G. Demesse filing a complaint on or about August 18, 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

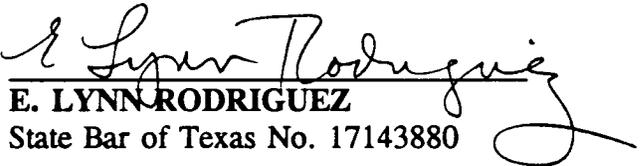
to which entitled, including costs of Court and attorney's fees.

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\johnson1.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

August 26, 1994

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

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

Mr. Michael W. Johnson  
915 Winbern, Suite 200  
Houston, Texas 77002

Dear Mr. McCormack and Mr. Johnson:

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 Charles R. Ramsay, Judge of the 22nd District Court, San Marcos, Texas to preside in

Commission for Lawyer Discipline v. Michael W. Johnson

Sincerely,

SIGNED

John T. Adams  
Clerk



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE  
THOMAS R. PHILLIPS

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CRAIG ENOCH  
ROSE SPECTOR

August 26, 1994

Honorable Charles R. Ramsay  
Judge, 22nd District Court  
Hays County Courthouse 302  
111 East San Antonio St.  
San Marcos, Texas 78666

Dear Judge Ramsay:

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. Johnson 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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CRAIG ENOCH  
ROSE SPECTOR

EXECUTIVE ASST.  
WILLIAM L. WILLIS

ADMINISTRATIVE ASST.  
NADINE SCHNEIDER

August 26, 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. Michael W. Johnson and a copy of the Supreme Court's order appointing the Honorable Charles R. Ramsay, Judge of the 22nd District Court, San Marcos, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams  
Clerk

cc: Hon. Charles R. Ramsay  
Mr. Michael W. Johnson  
Mr. James M. McCormack