

ORDER OF THE SUPREME COURT OF TEXAS

Misc Docket No. 94- 9180

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

The Supreme Court of Texas hereby appoints the Honorable Dixon W. Holman, Judge of the 48th District Court of Tarrant County, Texas, to preside in the Disciplinary Action styled:

The Commission for Lawyer Discipline v. Dennis W. Richards

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.

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


with the Seal thereof affixed at the City
of Austin, this 5th day of December, 1994.

A handwritten signature in black ink, appearing to read 'John T. Adams', is written over the printed name.

JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 94-9180, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code, §74.057.

Signed this 7 day of December, 1994.


Thomas R. Phillips
Chief Justice

COPY

NO. _____

COMMISSION FOR LAWYER DISCIPLINE	§	IN THE DISTRICT COURT OF
V.	§	HARRIS COUNTY, TEXAS
DENNIS W. RICHARDS	§	_____ 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, Dennis W. Richards, (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 has his principal place of business in Harris County, Texas. An officer may serve citation on Respondent at his place of business located at 5177 Richmond at Sage, Suite 1250, Houston, Harris County, Texas 77056.

III.

In or around June, 1990, Respondent was involved in a lawsuit against Larry W. Schion (hereinafter called "Schion") in which Respondent was Plaintiff and Schion was the Defendant. Schion, a building contractor, had done home improvement work on the homes of both Respondent and Respondent's mother-in-law. The litigation between Respondent and Schion arose out of a dispute over the quality of and payment for Schion's work.

IV.

The trial of the lawsuit between Respondent and Schion took place before the 129th Judicial District Court of Harris County, Texas, on June 25 and 26, 1990. During the trial, Respondent offered as evidence his check in amount of Four Thousand One Hundred Forty and 00/100 (\$4,140.00) Dollars payable to Schion and dated September 21, 1987. Said check number 482, marked as Plaintiff's Exhibit 5, indicated the check was for work done to the "Mozelle Freeman Property". Thereafter, Schion offered as Defendant's Exhibit 11, a copy of the same check. The copy, provided by Respondent to Schion pursuant to a discovery request sent by Schion, however, included a notation that the check was for "Labor 4518 Oleander". The address at 4518 Oleander was Respondent's residence address. The notation on the check had obviously been altered.

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 violative of Rules 3.03(a)(1) and/or 8.04(a)(3) of the Texas Disciplinary Rules of Professional Conduct.

VI.

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 T.W. Proctor's filing of a complaint on or about November 8, 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

Bob L. Warneke, Jr.
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


BOB L. WARNEKE, JR.
State Bar of Texas No. 20868600

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

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

December 8, 1994

Honorable Dixon W. Holman
Judge, 48th District Court
Justice Center
401 Belknap Street
Fort Worth, Texas 76196-0225

Dear Judge Holman:

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

It is recommended that, four or five weeks after receipt of this letter, 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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CLERK
JOHN T. ADAMS

EXECUTIVE ASS'T.
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T.
NADINE SCHNEIDER

December 8, 1994

JUSTICES
RAULA 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. Dennis W. Richards
5177 Richmond at Sage, Suite 1250
Houston, Texas 77056

Dear Mr. McCormack and Mr. Richards:

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 Dixon W. Holman, Judge of the 48th District Court, Fort Worth, Texas to preside in

Commission for Lawyer Discipline v. Dennis W. Richards

Sincerely,

SIGNED

John T. Adams
Clerk



THE SUPREME COURT OF TEXAS

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CLERK
JOHN T. ADAMS

EXECUTIVE ASS'T.
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T.
NADINE SCHNEIDER

December 8, 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. Dennis W. Richards and a copy of the Supreme Court's order appointing the Honorable Dixon W. Holman, Judge of the 48th District Court, Fort Worth, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Hon. Dixon W. Holman
Mr. Dennis W. Richards
Mr. James M. McCormack