

ORDER OF THE SUPREME COURT OF TEXAS

Misc Docket No. 94-9182

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

The Supreme Court of Texas hereby appoints the Honorable James R. Fry, Judge of the 15th District Court of Grayson County, Texas, to preside in the Disciplinary Action styled:

The Commission for Lawyer Discipline v. L. Mickele Daniels

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,

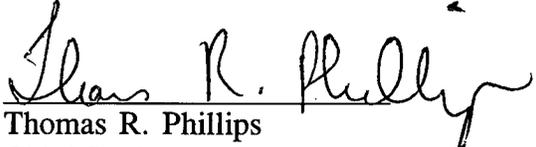
with the Seal thereof affixed at the City
of Austin, this 5th day of December, 1994.



JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 94-9182, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code, §74.057.

Signed this 9 day of December, 1994.


Thomas R. Phillips
Chief Justice

TO CLERK: "FILE MARK THIS COPY AND RETURN"

NO. _____

COMMISSION FOR LAWYER DISCIPLINE § IN THE DISTRICT COURT OF
V. § HARRIS COUNTY, TEXAS
L. MICKELE DANIELS § _____ JUDICIAL DISTRICT

DISCIPLINARY PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

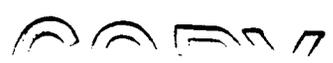
COMES NOW Petitioner, the Commission for Lawyer Discipline, a committee of the State Bar of Texas (hereinafter called "Petitioner"), complaining of Respondent, L. Mickele Daniels, (hereinafter called "Respondent"), showing the Court:

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 business address located at Arena Tower II., 7324 Southwest Freeway, Suite 1050, Houston, Harris County, Texas 77074.



III.

On or about August 14, 1993, Antonia Cruz (hereinafter called "Cruz") was involved in an automobile accident which she suffered personal injuries. Four days later, Cruz was contacted by telephone by a women who identified herself as Vickie Valdez (hereinafter called "Valdez"), who identified herself as being a representative of the "Accident Victim's Hotline". Valdez informed Cruz that she received Cruz's name and telephone number from public police records. Valdez also mentioned that her company helped accident victims receive the help they needed, such as contacting doctors and lawyers.

IV.

On or about August 20, 1993, Cruz was picked up by a car sent by Valdez and was taken to Irving, Texas, to see a doctor and lawyer. The office Cruz was taken to was Respondent's Dallas office. At that time, Cruz was interviewed by Respondent's office administrator, Noli Casal (hereinafter called "Casal"). There was no attorney permanently stationed in Respondent's Dallas office, making Casal, a non-lawyer, essentially unsupervised in his administration of Respondent's Dallas office. Although Cruz did not see Respondent that day, she signed one of Respondent's form retainer contracts and power of attorney during that visit. She was also told by Casal that Respondent was "board certified".

V.

Thereafter, Cruz had difficulty obtaining information about her case from Respondent's office. Her telephone calls were not returned in a timely matter, if at all. Further, Cruz made several requests to see Respondent, but in fact never met Respondent until on or about September 2, 1993, when she terminated his services during a visit to his office.

VI.

Such acts and/or omissions on the part of Respondent as are described in Paragraphs III., IV. and V. hereinabove which occurred on or after January 1, 1990, constitute conduct violative of Rules 5.03, and/or 8.04(a)(8) 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 Cruz's filing of a complaint on or about November 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

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

u:\users\catherin\bob\ldaniels.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

EXECUTIVE ASS'T.
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T.
NADINE SCHNEIDER

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

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. L. Mickele Daniels and a copy of the Supreme Court's order appointing the Honorable James R. Fry, Judge of the 15th District Court, Sherman, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Hon. James R. Fry
Mr. Mickele Daniels
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

CLERK
JOHN T. ADAMS

EXECUTIVE ASS'T.
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T.
NADINE SCHNEIDER

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

December 8, 1994

Honorable James R. Fry
Judge, 15th District Court
Justice Center
200 S. Crockett Street
Sherman, Texas 75090

Dear Judge Fry:

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. Daniels 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

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

December 8, 1994

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

Mr. L. Mickele Daniels
Arena Tower II
7324 Southwest Freeway, Suite 1050
Houston, Texas 77074

Dear Mr. McCormack and Mr. Daniels:

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 James R. Fry, Judge of the 15th District Court, Sherman, Texas to preside in

Commission for Lawyer Discipline v. L. Mickele Daniels

Sincerely,

SIGNED

John T. Adams
Clerk