

**ORDER OF THE SUPREME COURT OF TEXAS**

**Misc Docket No. 94- 9183**

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

The Supreme Court of Texas hereby appoints the Honorable Alvin G. Khoury, Judge of the 124th District Court of Gregg County, Texas, to preside in the Disciplinary Action styled:

**The Commission for Lawyer Discipline v. Hugh Thomas Echols, Sr.**

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.

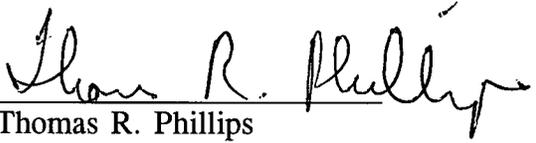
As ordered by the Supreme Court of Texas, in chambers,

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. 94-9183, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code, §74.057.

Signed this 1 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  
HUGH THOMAS ECHOLS, SR. § \_\_\_\_\_ 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, Hugh T. Echols, (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 at his business address located at 2620 Fountainview, Suite 200, Houston, Harris County, Texas 77057.

COPY

### III.

On or about April 19, 1993, Emma Cunguness (hereinafter called "Cunguness") hired Respondent to represent her in a Chapter 7 bankruptcy proceeding. Although the contract for services was between Cunguness and Respondent, Cunguness never met or spoke with Respondent, and all of her contact and communications with Respondent were through his employee, Paul Kelly (hereinafter called "Kelly"). Kelly was not an attorney, but was in fact a non-attorney employee of Respondent's. Cunguness agreed to pay Respondent \$850.00 in attorney's fees, and during the next several months, paid the entire amount over to Respondent and/or Kelly.

### IV.

At the time of her initial interview with Kelly, Cunguness expressed her concern that she would lose her home, which was in the process of being foreclosed on by the mortgage company. Kelly assured Cunguness that filing for bankruptcy would prevent the foreclosure. During the course of her representation, Cunguness repeatedly contacted Kelly for information regarding the status of her bankruptcy, particularly since she kept receiving foreclosure notices from the mortgage company. On the occasions when Kelly did return her telephone calls, he assured Cunguness that the matter was being taken care of. Cunguness received notice in and around August, 1993, that the foreclosure on her home had taken place. She later learned that a bankruptcy petition had never been filed by Respondent on her behalf.

**V.**

Cunguness thereafter attempted to hire another attorney to handle the matter, and requested that Kelly return her file and refund her retainer fee. Kelly promised to send the file and retainer fee to Cunguness' new attorney. However, neither the files nor the money were thereafter sent to Cunguness or her new attorney.

**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 which violates Rules 1.01(b)(1), 1.01(b)(2), 1.03(a), 1.03(b), 1.15(d), 5.03(a) and/or 5.03(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 the State Bar of Texas filing a complaint on or about October 19, 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 ASST.  
WILLIAM L. WILLIS

ADMINISTRATIVE ASST.  
NADINE SCHNEIDER

December 8, 1994

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

Mr. Hugh Thomas Echols, Sr.  
2620 Fountainview, Suite 200  
Houston, Texas 77057

Dear Mr. McCormack and Mr. Echols:

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 Alvin G. Khoury, Judge of the 124th District Court, Longview, Texas to preside in

Commission for Lawyer Discipline v. Hugh Thomas Echols, Sr.

Sincerely,

SIGNED

John T. Adams  
Clerk



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE  
THOMAS R. PHILLIPS

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CRAIG ENOCH  
ROSE SPECTOR

December 8, 1994

Honorable Alvin G. Khoury  
Judge, 124th District Court  
447 Courthouse  
101 E. Methvin Street  
Longview, Texas 75601

Dear Judge Khoury:

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. Echols 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

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THOMAS R. PHILLIPS

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ROSE SPECTOR

CLERK  
JOHN T. ADAMS

EXECUTIVE ASST.  
WILLIAM L. WILLIS

ADMINISTRATIVE ASST.  
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. Hugh Thomas Echols, Sr. and a copy of the Supreme Court's order appointing the Honorable Alvin G. Khoury, Judge of the 124th District Court, Longview, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams  
Clerk

cc: Hon. Alvin G. Khoury  
Mr. Hugh Echols, Sr.  
Mr. James M. McCormack