

**ORDER OF THE SUPREME COURT OF TEXAS**

**Misc Docket No. 94-9202**

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

The Supreme Court of Texas hereby appoints the Honorable Harold R. Towslee, Judge of the 335th District Court of Bureson County, Texas, to preside in the Disciplinary Action styled:

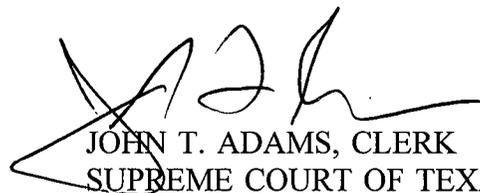
**The Commission for Lawyer Discipline v. Lynn A. Pilcher**

to be filed in a District Court of Bexar County, Texas.

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

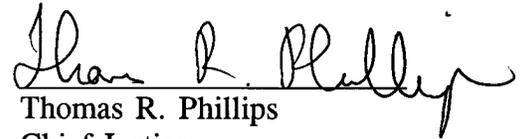
As ordered by the Supreme Court of Texas, in chambers,

with the Seal thereof affixed at the City  
of Austin, this 19th day of December, 1994.

  
JOHN T. ADAMS, CLERK  
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 94-9202, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code, §74.057.

Signed this 19 day of December, 1994.

  
Thomas R. Phillips  
Chief Justice

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

COMMISSION FOR LAWYER DISCIPLINE	§	IN THE DISTRICT COURT OF
V.	§	BEXAR COUNTY, TEXAS
LYNN A. PILCHER	§	_____ 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, Lynn A. Pilcher, (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 her principal place of practice in Bexar County, Texas. An officer may serve citation on Respondent at her business address located at 1111 Quintana Road, San Antonio, Bexar County, Texas 78211.

### III.

On or about August 29, 1992, Respondent was retained by Thomas Mason (hereinafter called "Mason") for the purpose of protecting Mason's property rights in his marital estate.

### IV.

At the time he retained Respondent, Mason was suffering from a serious illness and did not want to divorce his wife. Initially, Respondent filed on his behalf a petition for declaratory judgment in an attempt to get Mason back into his home where he could once again receive necessary treatment and care.

### V.

Shortly after being served with the suit for declaratory judgment, Mason's wife filed for a divorce and requested that the two lawsuits be merged into the divorce action. This joinder was accomplished at the hearing for temporary orders held on September 14, 1992. At the time of the September 14th hearing for temporary orders, the attorney for Mason's wife informed Respondent he was setting the divorce for final hearing on November 9, 1993. Thereafter, Respondent failed to appear at the divorce hearing, and a default judgment was entered against Mason. Subsequently, Respondent filed a motion for new trial, and a hearing was set for January 29, 1993.

### VI.

During the hearing on the motion for new trial, the judge suggested to the parties that they attempt to settle the matter without a hearing. A settlement was apparently reached regarding the distribution of the marital estate. Respondent, however, did not reduce this agreement to writing in order to have it approved by the court. Further, no record of the

agreement was made between the parties.

**VIII.**

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 violative of Rules 1.01(b)(1), 1.01(b)(2) and/or 1.03(a) 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 Mason's filing of a complaint on or about July 5, 1993.

**PRAYER**

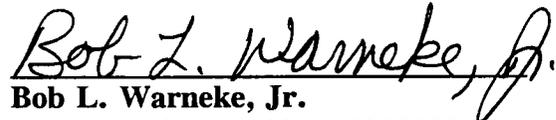
WHEREFORE, PREMISES CONSIDERED, Petitioner prays for judgment that Respondent be disciplined as the facts shall warrant; and that Petitioner have such other relief to which entitled, including costs of Court and attorney's fees.

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\pilcher.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 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 20, 1994

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

Ms. Lynn A. Pilcher  
1111 Quintana Road  
San Antonio, Texas 78211

Dear Mr. McCormack and Mr. Pilcher:

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 Harold R. Towslee, Judge of the 335th District Court, Caldwell, Texas to preside in

Commission for Lawyer Discipline v. Lynn A. Pilcher

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

JUSTICES  
RAUL 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

December 20, 1994

The Honorable David J. Garcia  
District Clerk of Bexar County  
Bexar County Courthouse  
San Antonio, Texas 78205

Dear Mr. Garcia:

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. Lynn A. Pilcher and a copy of the Supreme Court's order appointing the Honorable Harold R. Towslee, Judge of the 335th District Court, Caldwell, Texas, to preside in this Disciplinary Action.

Sincerely,

**SIGNED**

John T. Adams  
Clerk

cc:    Hon. Harold R. Towslee  
      Ms. Lynn A. Pilcher  
      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 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 20, 1994

Honorable Harold R. Towslee  
Judge, 335th District Court  
P.O. Box 648  
Caldwell, Texas 77836

Dear Judge Towslee:

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 Ms. Pilcher and Mr. McCormack, and a copy of the letter to the District Clerk of Bexar County.

It is recommended that, four or five weeks after receipt of this letter, you contact the Bexar County District Court Administrative Office (210-220-2544) 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 (210-769-3182) 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