

ORDER OF THE SUPREME COURT OF TEXAS

Misc Docket No. 94- 9204

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

The Supreme Court of Texas hereby appoints the Honorable Jack Carter, Judge of the 5th District Court of Bowie County, Texas, to preside in the Disciplinary Action styled:

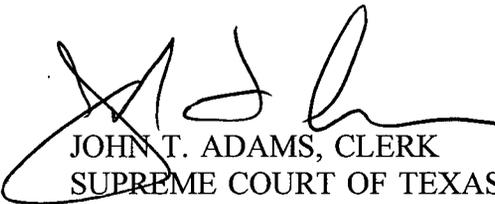
The Commission for Lawyer Discipline v. Aaron E. Ray

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.

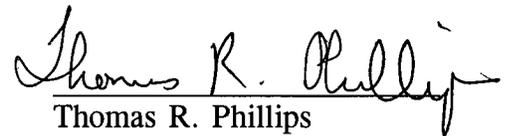
As ordered by the Supreme Court of Texas, in chambers,

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


JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 94-9204, 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

COPY

NO. _____

COMMISSION FOR LAWYER DISCIPLINE	§	IN THE DISTRICT COURT OF
V.	§	HARRIS COUNTY, TEXAS
AARON E. RAY	§	_____ 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, Aaron E. Ray, (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 2626 South Loop West, Suite 330, Houston, Harris County, Texas 77054.

III.

On or about December 18, 1992, Respondent was retained by Terry Harris (hereinafter called "Harris") to represent Harris regarding personal injuries Harris suffered as a result of an automobile accident.

IV.

Harris was solicited by a representative of Respondent, Tony White (hereinafter called "White"). White visited Harris' home wherein Harris subsequently agreed to retain Respondent. Thereafter, Harris' only contact was with a legal assistant in Respondent's Dallas office, Joe Rowles (hereinafter called "Rowles"). Harris did not enter into a written contract of employment with Respondent. On or about July 14, 1993, Rowles informed Harris his case had been settled. Harris never approved any settlement offer in the case. On that day, Harris, at Rowles' instruction, appeared in Respondent's Dallas office and, under protest, accepted Two Thousand Five Hundred and 00/100 (\$2,500.00) Dollars as his share of the settlement. Harris was never given a written statement sufficient to describe the outcome of the matter. Upon requesting to see the settlement draft from the insurance company, Harris was told that there was no draft, and that it must be lost. In fact, Harris' name was signed to the draft by Respondent, without Harris' permission or authority. During the representation, Harris never met personally with Respondent.

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 1.01(a), 1.02(a)(2), 1.03(a), 1.04(d), 5.03(a), 5.03(b)(1), 8.04(a)(2), 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 Terry Harris filing of a complaint on or about August 9, 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
RAULA GONZALEZ
JACK HIGHTOWER
NATHAN L. HECHT
LLOYD DOGGETT
JOHN CORNYN
BOB GAMMAGE
CRAIG ENOCH
ROSE SPECTOR

December 20, 1994

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

Mr. Aaron E. Ray
2626 South Loop West, Suite 330
Houston, Texas 77054

Dear Mr. McCormack and Mr. Ray:

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 Jack Carter, Judge of the 5th District Court, Texarkana, Texas to preside in

Commission for Lawyer Discipline v. Aaron E. Ray

Sincerely,

SIGNED

John T. Adams
Clerk



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

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EXECUTIVE ASST.
WILLIAM L. WILLIS

ADMINISTRATIVE ASST.
NADINE SCHNEIDER

December 20, 1994

Honorable Jack Carter
Judge, 5th District Court
Bi-State Justice Building
100 N. State Line Avenue
Texarkana, Texas 75501

Dear Judge Carter:

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. Ray 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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EXECUTIVE ASST.
WILLIAM L. WILLIS

ADMINISTRATIVE ASST.
NADINE SCHNEIDER

December 20, 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. Aaron E. Ray and a copy of the Supreme Court's order appointing the Honorable Jack Carter, Judge of the 5th District Court, Texarkana, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Hon. Jack Carter
Mr. Aaron E. Ray
Mr. James M. McCormack