

ORDER OF THE SUPREME COURT OF TEXAS

Misc Docket No. 94- 9211

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

The Supreme Court of Texas hereby appoints the Honorable William R. Porter, Judge of the 276th District Court of Morris County, Texas, to preside in the Disciplinary Action styled:

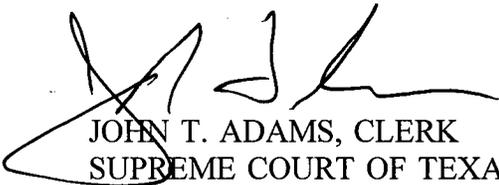
The Commission for Lawyer Discipline v. Logan P. Marshall, Jr.

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

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

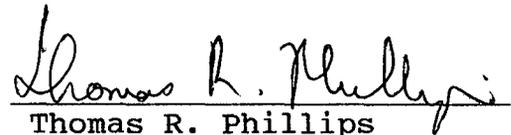
As ordered by the Supreme Court of Texas, in chambers,

with the Seal thereof affixed at the City
of Austin, this 21st day of December, 1994.


JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 94-9211, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 22 day of December, 1994.


Thomas R. Phillips
Chief Justice

NO. _____

COMMISSION FOR LAWYER DISCIPLINE § IN THE DISTRICT COURT OF
V. § FORT BEND COUNTY, TEXAS
LOGAN P. MARSHALL, JR. § _____ 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, Logan P. Marshall, Jr., (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 practice in Fort Bend County, Texas. An officer may serve citation on Respondent at his business address located at 333 Southwestern Boulevard, Suite 200, Sugar Land, Fort Bend County, Texas 77478.

III.

In and around October, 1993, Respondent mailed letters to various homeowners in the Harris County, Texas area that advised them that their home could be overvalued on the county tax rolls and that they were probably entitled to a tax refund of more than \$800.00. Respondent offered to file the necessary paperwork to obtain a valuation adjustment and a refund of overpaid taxes, in exchange for attorney's fees of one-half of any tax refund he was able to recover. The letter went on to inform the homeowner that the deadline for applying for a tax refund was fast approaching, and that if he or she wanted Respondent to process their claim for a refund, they should return the enclosed contract of employment by November 1, 1993. However, Respondent failed to inform the homeowners that, in reality, the service he was likely to perform in the event he was hired was to prepare a homestead exemption for their property, which the homeowner could have easily done without hiring an attorney.

IV.

Such acts and/or omissions on the part of Respondent as are described in Paragraph III. hereinabove which occurred on or after January 1, 1990, constitute conduct which violates Rules 7.01(a)(1), 7.01(a)(2) and/or 7.01(f)(4) of the Texas Disciplinary Rules of Professional Conduct.

V.

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 Charles 2Knoblich filing a complaint on or about November 1, 1993, and Todd J. Zucker filing a complaint on or about November 4, 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

u:\users\catherin\lynn\marshall.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

December 22, 1994

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

Honorable William R. Porter
Judge, 276th District Court
P.O. Box 480
Daingerfield, Texas 75638

Dear Judge Porter:

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. Marshall and Mr. McCormack, and a copy of the letter to the District Clerk of Fort Bend County.

It is recommended that, four or five weeks after receipt of this letter, you contact the Presiding Judge of the Administrative Judicial Region into which you have been assigned (713-471-3911) to reserve a courtroom, provide for a court reporter, 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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ROSE SPECTOR

CLERK
JOHN T. ADAMS

EXECUTIVE ASST.
WILLIAM L. WILLIS

ADMINISTRATIVE ASST.
NADINE SCHNEIDER

December 22, 1994

The Honorable Glory Hopkins
District Clerk of Fort Bend County
400 Jackson Street
Richmond, Texas 77469

Dear Ms. Hopkins:

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. Logan P. Marshall, Jr. and a copy of the Supreme Court's order appointing the Honorable William R. Porter, Judge of the 276th District Court, Daingerfield, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Hon. William R. Porter
Mr. Logan P. Marshall, Jr.
Mr. James M. McCormack



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

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WILLIAM L. WILLIS

ADMINISTRATIVE ASST.
NADINE SCHNEIDER

December 22, 1994

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

Mr. Logan P. Marshall, Jr.
333 Southwestern Boulevard, Suite 200
Sugar Land, Texas 77478

Dear Mr. McCormack and Mr. Marshall:

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 William R. Porter, Judge of the 276th District Court, Daingerfield, Texas to preside in

Commission for Lawyer Discipline v. Logan P. Marshall, Jr.

Sincerely,

SIGNED

John T. Adams
Clerk