

ORDER OF THE SUPREME COURT OF TEXAS

Misc Docket No. 96⁹⁰⁸⁹

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

The Supreme Court of Texas hereby appoints the Honorable Margaret A. Cooper, Judge of the 353rd District Court of Travis County, Texas, to preside in the Disciplinary Action styled:

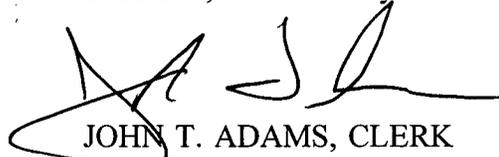
The Commission for Lawyer Discipline v. Gary E. Parks

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 29th day of March, 1996.

A handwritten signature in black ink, appearing to read 'John T. Adams', is written over the typed name and title.

JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 96-9089, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this | day of April, 1996.

Handwritten signature of Thomas R. Phillips in cursive script.

Thomas R. Phillips
Chief Justice

CAUSE NO. _____

COMMISSION FOR LAWYER	§	IN THE DISTRICT COURT OF
	§	
VS.	§	HARRIS COUNTY, TEXAS
	§	
GARY E. PARKS	§	_____ JUDICIAL DISTRICT

DISCIPLINARY PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

Petitioner, the COMMISSION FOR LAWYER DISCIPLINE, a committee of the State Bar of Texas complains of Respondent GARY E. PARKS as follows:

I.

Petitioner brings this disciplinary action pursuant to the State Bar Act, Texas Government Code Annotated §81.001 *et seq.* (Vernon 1988 and supp. 1994), the Texas Disciplinary Rules of Professional Conduct, and the Texas Rules of Disciplinary Procedure. The complaint that 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 is a member of the State Bar of Texas. Respondent is a resident of and has his principal place of practice in Harris County, Texas, and therefore venue is appropriate in Harris County, Texas, pursuant to Rule 3.03 of the Texas Rules of Disciplinary Procedure. Respondent may be served with citation at his principle place of business located at 1980 Post Oak Blvd., Suite 1780, Houston, Texas 77056.

III.

In or about October, 1990, Lana Davis retained Respondent, Gary E. Parks, to obtain for her an assignment of the right to file a lawsuit on behalf of Suntex Energy Corp. At that time, Lana Davis was a stockholder in Suntex Energy Corp., and Suntex Energy Corp. was in bankruptcy. The Bankruptcy Trustee would have to give Ms. Davis the assignment to file the lawsuit on behalf of Suntex Energy Corp.

On or about November 19, 1990, Respondent obtained the assignment from the Bankruptcy Trustee. This assignment listed Respondent as the Trustee/Assignee rather than Lana Davis. On or about November 27, 1990, Respondent demanded payment of Ten Thousand Dollars (\$10,000.00) from Ms. Davis, or he would revoke his assignment. Respondent made this demand two (2) days before the statute of limitations was to run on Ms. Davis' claim.

Ms. Davis agreed to place Ten Thousand Dollars (\$10,000.00) into an escrow account for Respondent, which would be released to him upon the filing of the lawsuit. Respondent then demanded that Ms. Davis either pay him the Ten Thousand Dollars (\$10,000.00) or meet him at a motel and engage in sexual intercourse with him. If she did not do one or the other, he would withdraw his assignation. Upon Ms. Davis' refusal, Respondent informed the Bankruptcy Trustee on November 27, 1990 that he was revoking his assignation. On November 30, 1990, the Bankruptcy Trustee signed Respondent's Revocation of Notice of Sale and Assignment. Respondent's revocation of the assignment was without the knowledge, nor the approval of Lana Davis.

On or about March 29, 1995, Respondent received notice by certified mail, return receipt requested, of additional allegations of professional misconduct regarding the grievance filed

against him by Lana Davis. He was directed to provide a written response to the allegations on or by April 13, 1995. Respondent failed to respond to the notice until May 11, 1995.

IV.

By revoking his Notice of Sale and Assignment, respondent violated Rules 1.02(a)(1)[a lawyer shall abide by a client's decisions concerning the objectives and general methods of representation]; 1.04(a)[a lawyer shall not charge an unconscionable fee]; and 1.06(b)[a lawyer shall not represent a person if the representation of that person involves a substantially related matter in which that person's interests are materially and directly adverse to the interests of another client of the lawyer or the lawyer's firm] of the Texas Disciplinary Rules of Professional Conduct.

By failing to respond to the request for information from the State Bar of Texas by April 13, 1995, Respondent violated Rule 8.01(b)[a lawyer shall not knowingly fail to respond to a lawful demand for information from a disciplinary authority; and 8.04(a)(8)[a lawyer shall not fail to timely furnish to the Chief Disciplinary Counsel's office or a district grievance committee a response or other information as required by the Texas Rules of Disciplinary Procedure] of the Texas Disciplinary Rules of Professional Conduct.

V.

The complaint that forms the basis of this cause of action was brought to the attention of the Office of the General Counsel of the State Bar of Texas by Lana Davis filing a complaint on or about November 28, 1994.

Prayer

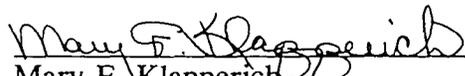
WHEREFORE, PREMISES CONSIDERED, Petitioner the COMMISSION FOR LAWYER DISCIPLINE respectfully prays that this Court discipline Respondent GARY E. PARKS by disbarment, suspension, or reprimand as the facts shall warrant, and that the Petitioner have all other relief to which it may show itself to be justly entitled, including costs of court and attorney's fees.

Respectfully submitted,

James M. McCormack
General Counsel

Mary F. Klapperich
Assistant General Counsel

Office of the General Counsel
STATE BAR OF TEXAS
1111 Fannin, Suite 1370
Houston, Texas 77002
(713) 759-6931
Fax No. (713) 759-1932


Mary F. Klapperich
State Bar No. 11550700

ATTORNEYS FOR THE COMMISSION
FOR LAWYER DISCIPLINE

Cause No. _____

Commission For Lawyer Discipline

Plaintiff §

IN THE DISTRICT COURT OF

v. §

HARRIS COUNTY, TEXAS

Gary E. Parks §

Defendant §

_____ JUDICIAL DISTRICT

CIVIL CASE INFORMATION SHEET

This form must be completed and filed with every original petition, and a copy attached to every original petition served. The information should be the best available at the time of filing, understanding that such information may change before trial. This form does not constitute a discovery request, response, or supplementation, and is not admissible at trial.

Service must be obtained promptly. Notice is hereby given that, per Harris County Local Rule 3.6, any case in which no answer has been filed or default judgement signed SIX (6) MONTHS from filing will be eligible for DISMISSAL FOR WANT OF PROSECUTION.

Type of Action: Commercial Personal Injury Death Other

Check all claims pled:

<input type="checkbox"/> Account due	<input type="checkbox"/> Defamation	<input type="checkbox"/> Fraud	<input type="checkbox"/> Product liability
<input type="checkbox"/> Admiralty	<input checked="" type="checkbox"/> Disbarment	<input type="checkbox"/> Garnishment	<input type="checkbox"/> Post judgment
<input type="checkbox"/> Assault	<input type="checkbox"/> Discrimination	<input type="checkbox"/> Injunction/TRO	<input type="checkbox"/> Railroad
<input type="checkbox"/> Asbestos	<input type="checkbox"/> Dram shop	<input type="checkbox"/> Insurance bad faith	<input type="checkbox"/> Real estate
<input type="checkbox"/> Auto	<input type="checkbox"/> DTPA	<input type="checkbox"/> Malicious prosecution	<input type="checkbox"/> Securities fraud
<input type="checkbox"/> Bill of review	<input type="checkbox"/> Employment discharge	<input type="checkbox"/> Malpractice/Legal	<input type="checkbox"/> Sequestration
<input type="checkbox"/> Business dissolution	<input type="checkbox"/> Environmental tort	<input type="checkbox"/> Malpractice/Medical	<input type="checkbox"/> Silicone implant
<input type="checkbox"/> Conspiracy	<input type="checkbox"/> Expunction	<input type="checkbox"/> Malpractice/Other	<input type="checkbox"/> Tax
<input type="checkbox"/> Contract	<input type="checkbox"/> False imprisonment	<input type="checkbox"/> Name change	<input type="checkbox"/> Tortious interference
<input type="checkbox"/> Deed restriction	<input type="checkbox"/> Foreclosure	<input type="checkbox"/> Note	<input type="checkbox"/> Trespass
<input type="checkbox"/> Declaratory judgment	<input type="checkbox"/> Forfeiture	<input type="checkbox"/> Premises liability	<input type="checkbox"/> Workers compensation
<input type="checkbox"/> Other _____			

Has this dispute previously been in the Harris County courts? No Yes, in the following court: _____

Monetary damages sought: less than \$100,000 greater than \$100,000

Estimated time needed for discovery 0-3 months 4-6 months 7-12 months >1 year

Estimated time needed for trial: 1-2 days 3-5 days 6-10 days >10 days

Is there a likelihood of experts other than treating physicians or experts on attorney's fees? Yes No

Is immediate ADR requested? Yes No

Name of party filing this cover sheet: Commission For Lawyer Discipline
Signature of attorney or pro se filing cover sheet: *Mary F. Klapperich*
Name printed: Mary F. Klapperich
Phone No.: (713) 759-6931 Bar No.: 11550700

FOR COURT USE ONLY:

Track assigned: Track 1 Track 2 Track 3

Court Coordinator _____ Date: _____



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
NATHAN L. HECHT
JOHN CORNYN
CRAIG ENOCH
ROSE SPECTOR
PRISCILLA R. OWEN
JAMES A. BAKER
GREG ABBOTT

EXECUTIVE ASS'T
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

April 2, 1996

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

Mr. Gary E. Parks
1980 Post Oak Blvd., Suite 1780
Houston, Texas 77056

Dear Mr. McCormack and Mr. Parks:

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 Margaret A. Cooper, Judge of the 353rd District Court, Austin, Texas to preside in

Commission for Lawyer Discipline v. Gary E. Parks

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 ASS'T
NADINE SCHNEIDER

April 2, 1996

Honorable Margaret A. Cooper
Judge, 353rd District Court
P.O. Box 1748
Austin, Texas 78767-1748

Dear Judge Cooper:

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. Parks and Mr. McCormack, and a copy of the letter to the District Clerk of Harris County.

It is recommended that, six to eight weeks after receipt of this letter, you contact the Harris County District Court Administrative Office (713-755-7593) to find out the district court to which this disciplinary case has been assigned. We then recommend that, either before or immediately after you set the case for trial, you again contact the Harris County District Court Administrative Office (713-755-6593) 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

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PRISCILLA R. OWEN
JAMES A. BAKER
GREG ABBOTT

April 2, 1996

The Honorable Charles Bacarisse
District Clerk of Harris County
P.O. Box 4651
Houston, Texas 77210

Dear Mr. Bacarisse:

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. Gary E. Parks and a copy of the Supreme Court's order appointing the Honorable Margaret A. Cooper, Judge of the 353rd District Court, Austin, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Hon. Margaret A. Cooper
Mr. Gary E. Parks
Mr. James M. McCormack