

ORDER OF THE SUPREME COURT OF TEXAS

Misc Docket No. 96-9107

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

The Supreme Court of Texas hereby appoints the Honorable Harold Entz, Judge of the 194th District Court of Dallas County, Texas, to preside in the Disciplinary Action styled:


The Commission for Lawyer Discipline v. John W. Palisin

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.

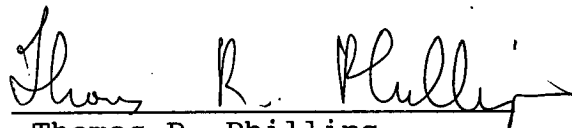
As ordered by the Supreme Court of Texas, in chambers,

with the Seal thereof affixed at the City
of Austin, this 9th day of April, 1996.


JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 96-9107, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 10 day of April, 1996.

A handwritten signature in cursive script, reading "Thomas R. Phillips". The signature is written in dark ink and is positioned above a horizontal line.

Thomas R. Phillips
Chief Justice

NO. _____

COMMISSION FOR LAWYER DISCIPLINE	§	IN THE DISTRICT COURT OF
V.	§	HARRIS COUNTY, TEXAS
JOHN W. PALISIN	§	_____ 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, John W. Palisin (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 Harris County, Texas. An officer may serve citation on Respondent at 909 Fannin Street, Suite 1450, Houston, Harris County, Texas 77010-1006.

III.

On November 14, 1987, the Celanese Plant in Pampa, Texas, exploded, killing and injuring several workers. Respondent and several other attorneys formed a joint venture for the

purpose of prosecuting environmental pollution claims, toxic tort claims, and the explosion claims. These attorneys acted jointly and severally for over 850 individual claimants in and around the Celanese Plant. Additionally, these attorneys joined railroad workers in the mass of claimants whom they alleged to have been injured while handling Celanese products.

IV.

One of the suits filed is styled *Martin Ball, et al v. Hoechst Celanese Corporation, et al*, Cause No. 87-60096-A. This case was filed in Harris County and is referred to in this Petition hereinafter as the "Martin Ball" case. Another suit is styled *Kingsmill Community Water Supply Corporation, a non-profit sanctioned public utility, et al v. Hoechst Celanese Corporation, et al*, Cause No. 17,263. This case was filed in Nolan County District Court and is referred to in this Petition hereinafter as the "Kingsmill" case. All of the claims of both mass actions have the same personal injury denominator, whereas the Kingsmill claims also included property damage allegations. For the purposes of this petition, the above suits are referred to below as the "Celanese litigation."

FIRST CAUSE OF ACTION

V.

In and around 1989, Respondent was one of several attorneys representing Charles M. Howland hereinafter referred to as "Complainant," in the "Celanese litigation." In these suits, Respondent participated in making an aggregate settlement for all named parties, including Complainant, in the Celanese litigation. The aggregate settlement included the claims of Complainant, as well as claims of parties whose claims had been nonsuited. Respondent never disclosed the existence and nature of all the claims or pleas involved in the aggregate settlement,

nor did Respondent disclose to Complainant the nature and extent of the participation of each person in the settlement. Respondent failed to communicate to Complainant the inclusion of the non-suited plaintiffs in the settlement. The inclusion of the non-suited plaintiffs in the disbursement of settlement proceeds created a conflict of interest for Respondent.

VI.

In addition, in advising Complainant about the settlement offer from Celanese, Respondent did not explain the offer to the extent reasonably necessary to permit Complainant to make an informed decision about whether to accept the settlement offer. Respondent failed to explain the medical evidence in Complainant's case to the extent reasonably necessary to permit the Complainant to make an informed decision about his case.

VII.

Such acts and/or omissions on the part of Respondent as are described in Paragraphs V and VI hereinabove which occurred on or after January 1, 1990, constitute conduct violative of Rules 1.03(b), 1.06(b)(2), and 1.08(f) of the Texas Rules of Professional Conduct.

VIII.

The complaint which forms the basis of these cause of actions hereinabove set forth was brought to the attention of the Office of the General Counsel of the State Bar of Texas by complaints filed by Charles M. Howland on or about November 14, 1994.

PRAYER

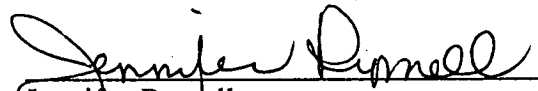
WHEREFORE, PREMISES CONSIDERED, Petitioner prays for judgment that Respondent be disciplined as the facts shall warrant; and that Petitioner have such other relief to which entitled, including costs of Court and attorney's fees.

Respectfully submitted,

James M. McCormack
General Counsel

Jennifer Rymell
Assistant General Counsel

Office of the General Counsel
State Bar of Texas
201 Main Street, Suite 1150
Fort Worth, Texas 76102
817-877-4993
817-335-4249



Jennifer Rymell
State Bar of Texas No. 18043750

ATTORNEYS FOR PETITIONER



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

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

April 15, 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 Lawver Discipline v. John W. Palisin and a copy of the Supreme Court's order appointing the Honorable Harold Entz, Jr., Judge of the 194th District Court, Dallas, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Hon. Harold Entz
Mr. John W. Palisin
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

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

EXECUTIVE ASST
WILLIAM L. WILLIS

ADMINISTRATIVE ASST
NADINE SCHNEIDER

April 15, 1996

Honorable Harold Entz, Jr.
Judge, 194th District Court
Frank Crowley Courts Building
133 N. Industrial Blvd., LB 26
Dallas, Texas 75207

Dear Judge Entz:

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. Palisin 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

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

TEL: (512) 463-1312

FAX: (512) 463-1365

EXECUTIVE ASS'T
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

April 15, 1996

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

Mr. John W. Palisin
909 Fannin, Suite 1450
Houston, Texas 77010

Dear Mr. McCormack and Mr. Palisin:

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 Entz, Jr., Judge of the 194th District Court, Dallas, Texas to preside in

Commission for Lawyer Discipline v. John W. Palisin

Sincerely,

SIGNED

John T. Adams
Clerk