

ORDER OF THE SUPREME COURT OF TEXAS

Misc Docket No. 96- 9173

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

The Supreme Court of Texas hereby appoints the Honorable David K. Brooks, Judge of the 191st District Court of Dallas County, Texas, to preside in the Disciplinary Action styled:

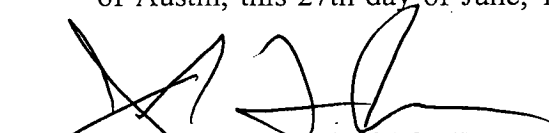
The Commission for Lawyer Discipline v. Vincent R. Lannie

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 27th day of June, 1996.



JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 96-9173, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 27 day of June, 1996.


Thomas R. Phillips
Chief Justice

COPY

CAUSE NO. _____

COMMISSION FOR LAWYER DISCIPLINE	§	IN THE DISTRICT COURT OF
	§	
v.	§	_____ COUNTY, TEXAS
	§	
VINCENT A. LANNIE	§	_____ 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 VINCENT A. LANNIE as follows:

I.

Petitioner brings this disciplinary action pursuant to the State Bar Act, Tex. Gov't. Code Ann. §81.001 *et seq.* (Vernon 1988), and the State Bar Rules. The complaint that forms the basis of the Disciplinary Petition was filed 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 business 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. An officer may serve citation on Respondent at his business located at 3814 Highway 146, Baytown, Texas 77521.

III.

In or about March 1991 Helen Thompson retained Respondent, Vincent A. Lannie, to represent her in a wrongful death action. Since December 1994, Ms. Thompson has made numerous attempts to contact Respondent about the status of her legal matter, but has been totally unable to communicate with him.

IV.

The acts and/or omissions of the Respondent described in Paragraph III, constitute conduct in violation of Rule 1.03(a) [failing to keep a client reasonably informed about the status of a matter and failing to promptly comply with reasonable requests for information] of the Texas Disciplinary Rules of Professional Conduct, and Part 1.06(Q) of the Texas Rules of Disciplinary Procedure.

V.

On or about January 2, 1996, Respondent received a letter from the State Bar of Texas informing him of the complaint filed against him by Helen Thompson. That letter instructed Respondent to file a written response to the complaint filed by Helen Thompson within thirty (30) days of receipt. Respondent knowingly failed to respond to that demand for information from the State Bar of Texas.

On or about February 2, 1996, Respondent received subpoena duces tecum from the State Bar of Texas demanding that he appear at the investigatory hearing of the State Bar Grievance Committee to be held on February 15, 1996. Respondent failed to timely furnish to either the Office of the Chief Disciplinary Counsel of the State Bar of Texas or to the district grievance committee a response or other information as demanded by the subpoena.

VI.

The acts and/or omissions of the Respondent described in Paragraph V, constitute conduct in violation of Rules 8.01(b) [knowingly failing to respond to a lawful demand for information from an disciplinary authority] and 8.04(a)(8) [failure 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, and Part 1.06(Q) of the Texas Rules of Disciplinary Procedure.

VII.

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 Helen Thompson filing a complaint on or about December 11, 1995.

Prayer


WHEREFORE, PREMISES CONSIDERED, Petitioner the COMMISSION FOR LAWYER DISCIPLINE respectfully prays that this Court discipline Respondent VINCENT A. LANNIE, 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 PETITIONER

CAUSE NO. _____

COMMISSION FOR LAWYER DISCIPLINE § IN THE DISTRICT COURT OF
v. § _____ COUNTY, TEXAS
VINCENT A. LANNIE § _____ JUDICIAL DISTRICT

PETITIONER'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS

TO: Vincent A. Lannie, Respondent *pro se*, at 3814 Highway 146, Baytown, Texas 77521.

You are hereby requested to produce pursuant to Rule 167 of the Texas Rules of Civil Procedure within fifty (50) days of receipt of this Request, the originals or true and accurate photocopies of the documents or things described in Exhibit A attached hereto and made a part hereof for all intents and purposes as if the same were copied verbatim herein by delivery of same to Mary F. Klapperich, Assistant General Counsel for the State Bar of Texas, 1111 Fannin, Suite 1370, Houston, Texas 77002, and you are instructed that "document" shall mean every tangible form of recorded information, including, without limitation, all written, printed, typed or other form of recorded or computerized information perceivable with or without the aid of a machine or device (translated by Vincent A. Lannie or by any agent of Vincent A. Lannie, if necessary, into usable form by appropriate equipment), including all preliminary notes, work papers and drafts, all correspondence, memoranda, stenographic or handwritten contracts, diaries, calendars, minutes or records of conferences or meetings, reports and summaries of conversations, reports or other records of investigations, studies, tests, publications, books, pamphlets, photographs, files, tapes, voice recordings, maps, surveys, blueprints, drawings, manuals, advertisements, bank statements, checks (front and back), deposit slips (front and back), ledgers, computer ledgers or financial records, promissory notes, security agreements,

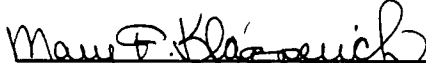
securities, fee receipts, and every copy of any such document where such copy is not an identical copy of an original or where such copy contains any commentary or notation whatsoever that does not appear on the original which is in your possession, custody or control, whether actual or constructive, and including any and all documents to which you have a superior right to compel production from a third party (including an agency, authority or representative).

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

EXHIBIT A

1. All documents regarding your representation of Helen Thompson, said documents to include but not be limited to the entire file.
2. The original and all copies of any employment contract between you and/or your firm and Helen Thompson.
3. All time and/or accounting records for work performed by you on behalf of Helen Thompson.
4. All bills pertaining to work performed by you on behalf of Helen Thompson.
5. All receipts reflecting the payment of monies by Helen Thompson to you.
6. All bank records pertaining to any bank account, savings account, or credit union account into which you or someone acting at your direction has deposited funds belonging in whole or in part to Helen Thompson.
7. All correspondence and other documents sent you to or received by you from Helen Thompson.
8. All correspondence and other documents sent or given by you to Helen Thompson.
9. Any and all copies of a settlement agreement reached on behalf of Helen Thompson.
10. Copies of any checks received by you in settlement for Helen Thompson.
11. Copies of the Original Petition and any other papers filed in District Court on behalf of Helen Thompson.
12. Copies of any written response sent to the State Bar of Texas, along with copies of the return receipt indicating delivery to the State Bar of Texas.

CAUSE NO. _____

COMMISSION FOR LAWYER DISCIPLINE	§	IN THE DISTRICT COURT OF
v.	§	_____ COUNTY, TEXAS
VINCENT A. LANNIE	§	_____ JUDICIAL DISTRICT

PETITIONER'S FIRST SET OF INTERROGATORIES

TO: Vincent A. Lannie, Respondent *pro se*, at 3814 Highway 146, Baytown, Texas 77521.

Pursuant to Rule 168, Texas Rules of Civil Procedure, the following interrogatories shall be answered separately and fully in writing, under oath, with the answers to be signed by the person making them. The original of the sworn answers are to be served on Mary F. Klapperich, Assistant General Counsel for the State Bar of Texas, 1111 Fannin, Suite 1370, Houston, Texas 77002, not later than fifty (50) days after service of these interrogatories, unless the time for answering same is lengthened or shortened by Order of the Court. The Petitioner also requests that Respondent continue to supplement his answers to these interrogatories as provided by Rule 166b, Texas Rules of Civil Procedure.

With regard to these Interrogatories, the following definitions and terms apply.

"Identify" as used in these Interrogatories means:

1. When used with regard or respect to any person, individual or witness, requests the full and correct name, mailing address, residence or business location where such person may be reached for service of process for subpoena, and current telephone number.
2. When used with respect to any document, writing, photograph or other tangible thing or item, means to describe:

- a. Title of the item;
 - b. Date of such as reflected on the document;
 - c. The author or maker of such item;
 - d. the present location of such item;
 - e. The custodian of such item including his name, address for service of process or subpoena and telephone number;
 - f. By summarizing the item and contents thereof, or if not written, as in the case of photographs, a description of the item or objects sufficient to be able to allow the same to be identified in a Request for Production under the Texas Rules of Civil Procedure;
 - g. with regard to any intangible item, in lieu of a description thereof, copies of the same may be attached and incorporated by reference in your response to these interrogatories.
3. When used with respect to any bank account, savings account, trust account, or credit union account means to describe:
- a. The name or names in which the account is held;
 - b. The name, mailing address, physical address, and telephone number of the depository institution, association or organization;
 - c. the full and correct name of two (2) officers of such depository institution, association or organization each of whom are authorized to accept service of a subpoena on behalf of said depository institution, association or organization;
 - d. The account number;
 - e. The full and correct name, mailing address, residence or business location where such person may be reached for service of process or subpoena, and current telephone number of each person authorized to sign checks or other evidences of withdrawal from such account.

For each Interrogatory, use additional sheets as necessary.

INTERROGATORIES

1. State your full name, date of birth, Texas driver's license number, home address(es) including zip code, home telephone number(s) including area code, business or office address(es) including zip code, business or office telephone numbers(s) including area code and including car telephones and/or cellular telephone number(s) including area code.

Answer:

2. Are you an attorney admitted to practice in any jurisdiction, whether state or federal, other than the State of Texas? If so, identify each such jurisdiction and state the date and year of your admission.

Answer:

3. Have you ever been refused the privileges of practicing by any county or district judge, or by any judge of an appellate court of the State of Texas? If "yes," as to each such occasion state the date, name of the judge, name of the court, county, and reason(s) for refusal.

Answer:

4. Have you ever been disciplined for professional misconduct, whether by reprimand, suspension, or disbarment, in any jurisdiction other than the State of Texas? If "yes," as to each occasion state the jurisdiction, the agency which administered the discipline, the date of discipline, the nature of the sanction imposed.

Answer:

5. Have you ever been suspended from the practice of law in Texas for failure to timely pay State Bar of Texas fees and assessments? If "yes," state the month, day, and year of each such suspension, and if you were reinstated, the month, day, and year of each reinstatement.

Answer:

6. Have you ever been suspended from the practice of law in Texas for failure to attend and complete the requisite number of hours for the Mandatory Continuing Legal Education? If "yes," state the month, day, and year of each such suspension, and if you were reinstated, the month, day, and year of each reinstatement.

Answer:

7. Have you ever been convicted of, or pleaded *nolo contendere* to, any criminal offense, other than minor traffic violations, whether in the State of Texas or in any other jurisdiction? If "yes," state the nature of each such criminal offense, the court and jurisdiction in which each such criminal offense, the court and jurisdiction in which each such conviction or plea of guilty or *nolo contendere* was entered, what penalty, if any, was assessed for each such criminal offense, and whether an adjudication of guilt was made.

Answer:

8. With respect to this lawsuit, identify each person with knowledge of any relevant facts as defined in Rule 166b(2)(d) of the Texas Rules of Civil Procedure, and state with specificity what particular knowledge each such person possesses.

Answer:

9. As to each person you expect to call as an expert witness in the trial of this case:

- a. Identify each person;
- b. State the subject matter on which the person is expected to testify;
- c. State the substance of the facts and opinions to which the person is expected to testify;
- d. Identify each and every document that has been submitted to, prepared by, or used by said person or his associates, with regard to the subject matter of this litigation.

Answer:

10. Identify each person whom you consulted or from whom you have sought expert advice relating to the subject matter of this litigation and who has not been identified in response to the previous Interrogatory if such consultant's or expert's work product forms the basis either in whole or in part of the opinions of an expert who is to be called as a witness.

Answer:

11. Identify every document containing relevant facts to this disciplinary action as defined in Rule 166b(2)(b) of the Texas Rules of Civil Procedure, and state with particularity what particular relevant facts each such document contains.

Answer:

12. For the time period from December 1, 1994 to the present, identify each time, by date, time of day, and method, (i.e. oral or written) by which you communicated with your client, Helen Thompson, about the status of her legal matter for which you were representing her.

Answer:

13. For each request for production filed by Petitioner in this action, identify each document that you withheld from production under any claim of privilege or other immunity, and for each such document or thing, state the nature of the privilege or immunity claimed.

Answer:

14. State whether, at any time since December 1993, you have been under the care of a physician or physicians? If "yes," identify each such physician, giving each physician's full business address and telephone number, the dates during which you were under each physician's care, and the reason for such care.

Answer:

15. State whether, at any time since December 1993, you have received medical attention for the treatment of the addiction to, or the abuse of, any drug or substance including alcohol. If "yes," identify such drug or substance, state the inclusive dates of such treatment, the name(s), business address(es) and telephone number(s) of any physician(s) or other health care professional(s) authorizing, administering, and/or monitoring such treatment, the name and the nature of any such treatment program(s), and the name and the location of any clinic, hospital, institution, or other facility at which you received treatment or therapy for the addiction to, or the abuse of, any drug or substance, including alcohol. Use additional sheets if necessary.

Answer:

16. State whether, at any time since December 1993, you have received medical attention or treatment for any mental or emotional illness, disease, or disorder. If "yes," identify such mental or emotional illness, disease, or disorder, state the inclusive dates of such treatment, the name(s), business address(es) and telephone number(s) of any physician(s) or other health care professional(s) authorizing, administering, and/or monitoring such treatment, the name and the nature of any such treatment program(s), and the name and the location of any clinic, hospital, institution or other facility at which you received treatment or therapy for such mental or emotional illness, disease, or disorder. Use additional sheets if necessary.

Answer:

17. Identify each person (a) participating in the preparation of the answers to these interrogatories or (b) supplying information used in such preparation, and indicate the interrogatories with respect to which he or she was involved.

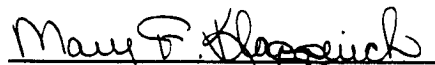
Answer:

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 PETITIONER

VERIFICATION

STATE OF TEXAS

§

COUNTY OF HARRIS

§

§

Before me, the undersigned Notary Public, on this day personally appeared Vincent A. Lannie, who being by me duly sworn on his oath deposed and said that he is the Respondent in the above-entitled and numbered cause, that he has read the above and foregoing Answers to Interrogatories, and that every statement contained therein is within his personal knowledge and true and correct.

Vincent A. Lannie

Subscribed and Sworn to Before Me on the _____ day of _____, 1996, to certify which witness my hand and official seal.

Notary Public In and For
The State of Texas

CAUSE NO. _____

COMMISSION FOR LAWYER DISCIPLINE	§	IN THE DISTRICT COURT OF
v.	§	_____ COUNTY, TEXAS
VINCENT A. LANNIE	§	_____ JUDICIAL DISTRICT

PETITIONER'S FIRST REQUEST FOR ADMISSIONS

TO: Vincent A. Lannie, Respondent *pro se*, at 3814 Highway 146, Baytown, Texas 77521.

Petitioner the Commission for Lawyer Discipline, pursuant to Rule 169 of the Texas Rules of Civil Procedure, serves this its First Request for Admissions on Respondent, Vincent A. Lannie. Each of the admissions requested below shall be deemed admitted unless, within fifty (50) days after the date of service of this Request, Respondent delivers to Mary F. Klapperich, Assistant General Counsel for the State Bar of Texas, at 1111 Fannin, Suite 1370, Houston, Texas 77002, a statement either denying specifically the matters described in each admission requested or setting forth in detail the reasons why you cannot truthfully either admit or deny those matters.

Definitions:

"CFLD" means the Commission for Lawyer Discipline, the Petitioner in this case.

"Respondent," "your," and "you" mean Vincent A. Lannie, the Respondent in this case.

"Lawsuit" means the above-styled and numbered cause of action.

Instructions:

Admit or deny each of the following statements. If you deny a statement or cannot admit or deny a statement, explain in detail why you deny the statement or why you cannot admit or deny the statement.

A denial shall fairly meet the substance of the requested admission, and when good faith requires qualifying an answer or denial of only a part of the matter contained in the admission, you shall specify those parts of your Response that are true and qualify or deny the remainder.

The Response may not give lack of information or knowledge as the reason for the failure to admit or deny unless you state the information known or readily obtainable to you is insufficient to enable you to admit or deny the statement. Any such statement may, of course, be the subject of additional discovery.

FACTS TO BE ADMITTED OR DENIED:

1. You are an attorney licensed in the State of Texas and a member of the State Bar of Texas.

Response:

2. You are a resident of Harris County, Texas.

Response:

3. You maintain an office for the practice of law in Houston, Harris County, Texas.

Response:

4. Your Texas Bar Card Number is 11937400.

Response:

5. In March 1991 Helen Thompson retained you to perform legal services for her in a wrongful death action.

Response:

6. In December 1994, Helen Thompson attempted to communicate with you about the status of her wrongful death case.

Response:

7. You did not communicate with Helen Thompson, your client, about the status of her wrongful death case in December 1994.

Response:

8. In January 1995, Helen Thompson attempted to communicate with you about the status of her wrongful death case.

Response:

9. You did not communicate with Helen Thompson, your client, about the status of her wrongful death case in January 1995.

Response:

10. In February 1995, Helen Thompson attempted to communicate with you about the status of her wrongful death case.

Response:

11. You did not communicate with Helen Thompson, your client, about the status of her wrongful death case in February 1995.

Response:

12. In March 1995, Helen Thompson attempted to communicate with you about the status of her wrongful death case.

Response:

13. You did not communicate with Helen Thompson, your client, about the status of her wrongful death case in March 1995.

Response:

14. In April 1995, Helen Thompson attempted to communicate with you about the status of her wrongful death case.

Response:

15. You did not communicate with Helen Thompson, your client, about the status of her wrongful death case in April 1995.

Response:

16. In May 1995, Helen Thompson attempted to communicate with you about the status of her wrongful death case.

Response:

17. You did not communicate with Helen Thompson, your client, about the status of her wrongful death case in May 1995.

Response:

18. In June 1995, Helen Thompson attempted to communicate with you about the status of her wrongful death case.

Response:

19. You did not communicate with Helen Thompson, your client, about the status of her wrongful death case in June 1995.

Response:

20. In July 1995, Helen Thompson attempted to communicate with you about the status of her wrongful death case.

Response:

21. You did not communicate with Helen Thompson, your client, about the status of her wrongful death case in July 1995.

Response:

22. In August 1995, Helen Thompson attempted to communicate with you about the status of her wrongful death case.

Response:

23. You did not communicate with Helen Thompson, your client, about the status of her wrongful death case in August 1995.

Response:

24. In September 1995, Helen Thompson attempted to communicate with you about the status of her wrongful death case.

Response:

25. You did not communicate with Helen Thompson, your client, about the status of her wrongful death case in September 1995.

Response:

26. In October 1995, Helen Thompson attempted to communicate with you about the status of her wrongful death case.

Response:

27. You did not communicate with Helen Thompson, your client, about the status of her wrongful death case in October 1995.

Response:

28. In November 1995, Helen Thompson attempted to communicate with you about the status of her wrongful death case.

Response:

29. You did not communicate with Helen Thompson, your client, about the status of her wrongful death case in November 1995.

Response:

30. In December 1995, Helen Thompson attempted to communicate with you about the status of her wrongful death case.

Response:

31. You did not communicate with Helen Thompson, your client, about the status of her wrongful death case in December 1995.

Response:

32. On or about December 11, 1995, Helen Thompson filed a complaint against you with the State Bar of Texas.

Response:

33. The State Bar of Texas sent notice to you on December 27, 1995 of the complaint filed against you by Helen Thompson.

Response:

34. You received the notice of the complaint filed against you by Helen Thompson sent to you by the State Bar of Texas on January 2, 1996.

Response:

35. Exhibit "A" attached to these Requests for Admissions is a true and correct copy of the notice sent to you by the State Bar of Texas on December 27, 1995.

Response:

36. Exhibit "B" attached to these Requests for Admissions is a true and correct copy of the return receipt indicating that you received notice from the State Bar of Texas of the complaint filed against you by Helen Thompson on January 2, 1996.

Response:

37. The notice sent to you by the State Bar of Texas in Exhibit "A" attached hereto, directed you to file a written response to the allegations made by Helen Thompson within thirty (30) days of receipt of the notice.

Response:

38. You failed to send a written response to the State Bar of Texas to the allegations against you in the complaint filed by Helen Thompson within thirty (30) days of receipt of the notice in Exhibit "A."

Response:

39. You have never sent a written response to the State Bar of Texas to the allegations against you in the complaint filed by Helen Thompson.

Response:

40. The State Bar of Texas sent notice to you on January 31, 1996 that an investigatory hearing to consider the complaint filed against you by Helen Thompson was scheduled for February 15, 1996 at 6:30 p.m.

Response:

41. You received the notice of the investigatory hearing on February 2, 1996.

Response:

42. Exhibit "C" attached to these Requests for Admissions is a true and correct copy of the notice of the investigatory hearing sent to you by the State Bar of Texas on January 31, 1996.

Response:

43. Exhibit "D" attached to these Requests for Admissions is a true and correct copy of the return receipt indicating that you received notice from the State Bar of Texas of the investigatory hearing regarding the complaint filed against you by Helen Thompson on February 2, 1996.

Response:

44. The notice sent to you by the State Bar of Texas in Exhibit "C" attached hereto, included a Subpoena Duces Tecum signed by the Chair of the investigatory panel for District 4 of the State Bar of Texas Grievance Committee.

Response:

45. Exhibit "E" attached hereto is a true and correct copy of the subpoena duces tecum served on you on February 2, 1996.

Response:

46. You failed to attend the investigatory hearing of the grievance committee on February 15, 1996, which considered the complaint filed against you by Helen Thompson.

Response:

47. You failed to produce the documents you were instructed to produce in the subpoena duces tecum to the investigatory panel of the Grievance Committee for District 4 of the State Bar of Texas.

Response:

48. With respect to your representation of Helen Thompson, you failed to keep your client, Helen Thompson, reasonably informed about the status of her legal matter.

Response:

49. With respect to your representaiton of Helen Thompson, you failed to promptly comply with reasonable requests for information from your client, Helen Thompson.

Response:

50. With respect to the complaint filed against you with the State Bar of Texas by Helen Thompson, you knowingly failed to respond to a lawful demand for information from a disciplinary authority.

Response:

51. With respect to the complaint filed against you with the State Bar of Texas by Helen Thompson, you failed to timely furnish to the Office of the Chief Disciplinary Counsel of the State Bar of Texas a response or information as required by the Texas Rules of Disciplinary Procedure.

Response:

52. With respect to the complaint filed against you with the State Bar of Texas by Helen Thompson, you failed to timely furnish to a district grievance committee a response or information as required by the Texas Rules of Disciplinary Procedure.


Response:

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

STATE BAR OF TEXAS



Office of the General Counsel

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
P957512496

December 27, 1995

Vincent A. Lannie
3814 Highway 146
Baytown, Texas 77521

Re: H0129511260 Helen M. Thompson - Vincent A. Lannie

Dear Mr. Lannie:

The State Bar of Texas has received a complaint alleging professional misconduct on your part. I am enclosing a copy of the complaint. The State Bar of Texas has the duty to investigate all allegations of professional misconduct pursuant to the State Bar Act and the State Bar Rules.

Pursuant to Rule 2.09 of the Texas Rules of Disciplinary Procedure, you must furnish to me a written response to the allegations within thirty (30) days of receipt of this letter. Your response must reply to the allegations contained in the complaint, admit or deny each allegation, add any material information, and explain why you think you did not commit professional misconduct. Additional documentation, other than evidence not in existence at the time of response, may not be considered. Your response must include an address at which notice may be sent to you. Please furnish a copy of your written response to the Complainant.

Pursuant to Rule 2.10 of the Texas Rules of Disciplinary Procedure, this matter will be heard before a committee for the county where the alleged professional misconduct occurred, in whole or in part.

Please be advised that the Chief Disciplinary Counsel may provide appropriate information, including the Respondent's response, to law enforcement agencies and the Supreme Court's Unauthorized Practice of Law Committee and its subcommittees.

If any specific documentation has been identified as necessary to our investigation at this time, a request for additional information will be attached.

1114 FANNIN, SUITE 1370, HOUSTON, TEXAS 77002, (713)759-6931

EXHIBIT

A

You are also hereby noticed that, pursuant to Article X, Section 7(4) of the State Bar Rules, and Rules 8.01(b) and 8.04(a)(8) of the Texas Disciplinary Rules of Professional Conduct, failure to timely furnish a response, failure to furnish information requested by counsel or a grievance committee, or the failure to assert grounds for failure to do so constitutes professional misconduct for which you can be disciplined upon the finding, at the hearing on the above-referenced matter, that there is just cause to believe you committed professional misconduct by failing to timely respond to the enclosed complaint.

THIS IS THE ONLY NOTICE YOU WILL RECEIVE OF THESE ALLEGED VIOLATIONS.

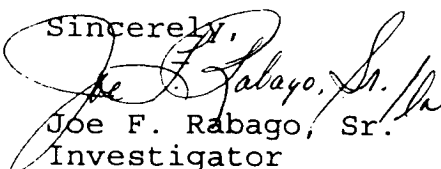
Please be advised that if you have an attorney represent you in this matter, you must notify this office in writing.

Additionally, you have the right to appeal to the Board of Disciplinary Appeals the determination of the Chief Disciplinary Counsel's Office that the enclosed allegations, as stated, constitute a **COMPLAINT**. You must present your request to appeal in writing within thirty (30) days after receipt of this notice. Further, be advised that the pendency of the appeal does not automatically stay the investigation and determination of Just Cause. No evidentiary panel may be assigned while an appeal is pending on the issue of whether the enclosed allegations, as stated, constitute a complaint. If you have an attorney to represent you in this matter, please advise this office in writing.

Pursuant to Rule 2.09 of the Texas Rules of Disciplinary Procedure, all proceedings shall immediately be dismissed if the determination of the Chief Disciplinary Counsel's Office is reversed and it is held that the enclosed allegations as stated do not constitute a complaint.

You are also reminded that pursuant to Rule 2.15 of the Texas Rules of Disciplinary Procedure, all information, proceedings, hearing transcripts, and statements, coming to the attention of the Investigatory Panel of the Committee must remain confidential and may not be disclosed to any person or entity (except the Chief Disciplinary Counsel) unless disclosure is ordered by the Court. However, it shall not constitute a breach of confidentiality to consult with an attorney.

Sincerely,



Joe F. Rabago, Sr.
Investigator

Office of the Chief Disciplinary Counsel
State Bar of Texas
Enclosure(s): **Copy of Complaint & Appeal Form**
/lln
CF2-3.PRI

P 957 512 496

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL

THO/LAN 129511260
Vincent A. Lannie
3814 Highway 146
Baytown, Texas 77521

Postage	
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$
Postmark or Date	12/28/96

PS Form 3800, June 1985

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- 1. Addressee's Address
- 2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:
THO/LAN 129511260
Vincent A. Lannie
3814 Highway 146
Baytown, Texas 77521

4a. Article Number
P957512496

4b. Service Type
 Registered Insured
 Certified COD
 Express Mail Return Receipt for Merchandise

7. Date of Delivery
1-2-96

8. Addressee's Address (Only if requested and fee is paid)

5. Signature (Addressee)

6. Signature (Sender)

Thank you for using Return Receipt Service.

PS Form 3811, December 1991 U.S. GPO: 1993-352-714

DOMESTIC RETURN RECEIPT



STATE BAR OF TEXAS



Office of the General Counsel

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
Z768654960

January 31, 1996

Vincent A. Lannie
3814 Highway 146
Baytown, Texas 77521

Re: H0129511260 Helen M. Thompson - Vincent A. Lannie

Dear Mr. Lannie:

The above-referenced case has been set for an investigatory hearing at 6:30 pm on February 15, 1996 at 1111 Fannin, Suite 1370, Houston, Texas.

You are invited to appear at the hearing and to bring any witnesses and documents you deem necessary pursuant to Texas Rules of Disciplinary Procedure Rule 2.11. Please note that your inability or failure to so appear does not abate the proceeding. If you wish to present evidence and/or testimony to the Committee you should be present. If you have any additional information regarding this complaint, please furnish it immediately. Your failure to provide any and all documents to the committee will not automatically warrant a continuance or reconsideration of this matter.

Pursuant to Rule 2.06, enclosed you will find the names and addresses of the panel members assigned to hear this complaint. Please note that in accordance with Rule 2.07, one or more replacement members may be appointed to your panel; therefore, you must consider all committee member names when alleging grounds for disqualification. If you do seek to disqualify a member, please list specific grounds for disqualification in accordance with Rule 2.06. Further, in accordance with Rule 2.07, the panel that will ultimately hear this case may consist of as few as three members. A majority constitutes a quorum and business shall be conducted upon a majority vote of those present.

You are reminded that this is a confidential proceeding. Pursuant to Rule 2.15 of the Texas Rules of Disciplinary Procedure, all

1111 FANNIN, SUITE 1370, HOUSTON, TEXAS 77002, (713)759-6931

EXHIBIT

C

information, proceedings, hearing transcripts, statements, and any other information coming to the attention of the Investigatory Panel of the Committee must remain confidential and may not be disclosed to any person or entity (except the Chief Disciplinary Counsel) unless disclosure is ordered by the Court. However, it shall not constitute a breach of confidentiality to consult with an attorney.

In addition, members of the review committee, members of the grievance committees, officers and directors of the State Bar, counsel, and staff are immune from suit for any conduct in the course of their official duties.

You should not discuss this case or share any correspondence or documents relating to this matter with anyone other than your attorney, if one is representing you. Anyone not called to testify will not be admitted to the hearing. We have no facility to supervise children. If you have any questions, please call. We appreciate your cooperation.

You are further advised that this hearing may be video taped or transcribed by a certified court reporter.

Sincerely,

ORIGINAL SIGNED

Joe F. Rabago, Sr.
Investigator
Office of the Chief Disciplinary Counsel
State Bar of Texas

Enclosures: **List of Specific Panel Assigned (Names & Addresses)**
 List of All Other Panel Members (Names & Addresses)
 Subpoena

CF3-1.PRI
rm

Z 768 654 960



Receipt for Certified Mail

No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

129511260-R Z768654960
THO (FJC)

Vincent A. Lannie
3814 Highway 146
Baytown, Texas 77521

Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	01/31/96

PS Form 3800, March 1993

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. Addressee's Address
2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

129511260-R Z768654960
THO (FJC)
Vincent A. Lannie
3814 Highway 146
Baytown, Texas 77521

4a. Article Number

Z 768 654 960

4b. Service Type

- Registered Insured
 Certified COD
 Express Mail Return Receipt for Merchandise

7. Date of Delivery

2-2-96

5. Signature (Addressee)

6. Signature (Agent)

8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.



STATE BAR OF TEXAS



SUBPOENA (Duces Tecum)

CERTIFIED NO. Z768 654 960

TO: Vincent A. Lannie
3814 Highway 146
Baytown, Texas 77521

GREETINGS:

You are hereby commanded by the Chief Disciplinary Counsel, James McCormack, to appear and testify and also provide the Grievance Committee for the State Bar of Texas, District No. 4, at 1111 Fannin, Suite 1370, Howell Corporation Building, Houston, Texas 77002, the below listed documents which concern certain matters now pending before said Committee and produce to the Committee at 6:30 o'clock p.m., on February 15, 1996, the following listed documents and things:

Copy of complete client file in your custody and control pertaining to your representation of Helen M. Thompson.

Witness my hand this the 31st day of January, 1996.

Grievance Committee
District No. 4
File No. 129511260-R

BY:



Chair of the Panel, C.R. Mace

NOTICE

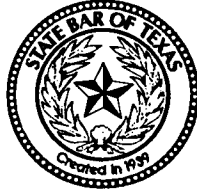
This subpoena commanding the production of documents is issued pursuant to Rule 15.01 & 15.02 of the Texas Rules of Disciplinary Procedure.

THIS SUBPOENA IS ISSUED IN CONNECTION WITH A CONFIDENTIAL INVESTIGATION PURSUANT TO THE STATE BAR RULES. IT IS REGARDED AS CONTEMPT OF COURT FOR A PERSON SUBPOENAED TO BREACH THE CONFIDENTIALITY OF THIS INVESTIGATION. IT SHALL NOT, HOWEVER, CONSTITUTE A BREACH OF CONFIDENTIALITY TO CONSULT WITH AN ATTORNEY.

EXHIBIT

E

STATE BAR OF TEXAS



Office of the General Counsel

May 29, 1996

Mr. John T. Adams, Clerk
Supreme Court of Texas
P.O. Box 12248
Austin, Texas 78711

Re: Commission for Lawyer Discipline v. Vincent R. Lannie

Dear Mr. Adams:

Enclosed please find an original and two (2) copies of a Disciplinary Petition being filed by the Commission for Lawyer Discipline against Vincent R. Lannie. Mr. Lannie is a resident of Harris County, Texas. Request is hereby made that the Court appoint an active District Judge who does not reside in the Administrative Judicial Region in which Respondent resides to preside in this case. Upon appointment, request is hereby made that you notify the Respondent at the address shown below and the undersigned of the identity and address of the judge assigned:

Mr. Vincent R. Lannie
3814 Highway 146
Baytown, Texas 77521

As a practical matter, I would respectfully suggest that you inquire with the judge to be appointed as to whether he or she will be able to comply with the 180 day deadline by which the case must be set for trial set forth in Section 3.07 of the Texas Rules of Disciplinary Procedure. If not, I would respectfully request that an alternate appointment be made.

Once a trial judge has been appointed, please forward the original and two (2) copies of the Disciplinary Petition, the filing fee check, also enclosed herewith, and the Court's appointing order to the District Clerk of Harris County, Texas, with the request that the suit be filed, service be obtained, and a file marked copy of the petition be returned to the undersigned.

Mr. John T. Adams, Clerk
Supreme Court of Texas
May 29, 1996
Page 2

Also enclosed are a pre-addressed envelope for your use in transmitting the petition, etc., to the District Clerk of Harris County, Texas, and a return envelope to be sent to the District Clerk of Harris County, Texas, for the Clerk's use in returning a filemarked copy of the petition to the undersigned.

If you have any questions, please contact me. Thank you for your assistance.

Very truly yours,

A handwritten signature in cursive script that reads "Mary F. Klapperich". The signature is written in dark ink and is positioned above the typed name.

Mary F. Klapperich
Assistant General Counsel

MFK/gcp
enclosures



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 ASST
WILLIAM L. WILLIS

ADMINISTRATIVE ASST
NADINE SCHNEIDER

July 3, 1996

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

Mr. Vincent R. Lannie
3814 Highway 146
Baytown, Texas 77521

Dear Mr. McCormack and Mr. Lannie:

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 David K. Brooks, Judge of the 191st District Court, Dallas, Texas to preside in

Commission for Lawyer Discipline v. Vincent R. Lannie

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
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

July 3, 1996

Honorable David K. Brooks
Judge, 191st District Court
George L. Allen Sr. Courts Building
600 Commerce Street
Dallas, Texas 75202

Dear Judge Brooks:

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. Lannie 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

TEL: (512) 453-1312

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

July 3, 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. Vincent R. Lannie and a copy of the Supreme Court's order appointing the Honorable David K. Brooks, Judge of the 191st District Court, Dallas, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Hon. David K. Brooks
Mr. Vincent R. Lannie
Mr. James M. McCormack