

ORDER OF THE SUPREME COURT OF TEXAS

Misc Docket No. 96- 9217

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

The Supreme Court of Texas hereby appoints the Honorable Billy Rae Stubblefield, Judge of the 26th District Court of Williamson County, Texas, to preside in the Disciplinary Action styled:


The Commission for Lawyer Discipline v. Thomas Jack Pearson

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,

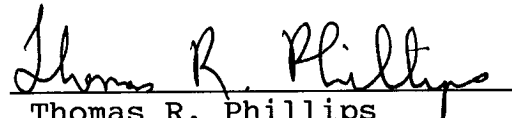
with the Seal thereof affixed at the City
of Austin, this 18th day of September, 1996.



JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 96-9217, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 20 day of September, 1996.


Thomas R. Phillips
Chief Justice

Cause No. _____

COMMISSION FOR LAWYER DISCIPLINE	§	IN THE DISTRICT COURT OF
	§	
v.	§	HARRIS COUNTY, TEXAS
	§	
THOMAS J. PEARSON	§	_____ JUDICIAL DISTRICT

PETITIONER'S FIRST SET OF INTERROGATORIES

To: Respondent Thomas J. Pearson, pro se, at the Lyric Office Centre, 440 Louisiana, Suite 1325, Houston, Texas 77002.

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 forward to *Mary F. Klapperich, Assistant General Counsel for the State Bar of Texas, 1111 Fannin, Suite 1370, Houston, Texas 77002*, attorney of record, 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 definition 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. State the date, month, and year on which you were employed to perform legal services on behalf of Dessie Malory, and what legal services you were hired to perform.

Answer:

9. State and enumerate the legal services you performed on behalf of Dessie Malory, indicating the month and year in which you performed each legal service.

Answer:

10. State any sum or sums of money received by you from Dessie Malory or on behalf of her in connection with her legal matters, indicating the day, month and year of your receipt of such sum or sums of money, and the name and address of the person or persons tendering or remitting such sum or sums of money, and the purpose for the sum of money received:

Answer:

11. State whether you have ever paid any money to Dessie Malory in settlement of his legal matter. If "yes," state the month, date, year, amount, manner of each such payment or refund of money, the purpose for such payment or refund of money, and to whom such payment or refund was made.

Answer:

12. Identify by:

- a) account name,
- b) account number,
- c) financial institution name and location,
- d) period of time during which such account was used, and
- e) type of account

any and all accounts in which you deposited funds received from or on behalf of Dessie Malory.

Answer:

13. 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:

14. 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:

15. 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:

16. 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:

17. 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:

18. State whether, at any time since October 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:

19. State whether, at any time since October 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:

20. State whether, at any time since October 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:

21. Identify each person having knowledge of facts relevant to the matters alleged in Petitioner's Disciplinary Petition on file in this case, including but not limited to, employees and former employees of Respondent who had telephonic or in-person conversations with Dessie Malory, other than Respondent.

Answer:

22. 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.

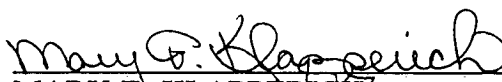
Answer:

Respectfully submitted,

Stephen Young
Interim 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) 752-2158



MARY F. KLAPPERICH
State Bar No. 11550700

**ATTORNEYS FOR THE COMMISSION FOR
LAWYER DISCIPLINE**

VERIFICATION

STATE OF TEXAS

§

§

COUNTY OF _____

§

Before me, the undersigned Notary Public, on this day personally appeared Thomas J. Pearson, 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.

THOMAS J. PEARSON

Subscribed and Sworn to Before Me on the _____ day of _____, 199__,
to certify which witness my hand and official seal.

Notary Public In and For
The State of Texas

STATE BAR OF TEXAS



Office of the General Counsel

July 24, 1996

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

Re: Commission for Lawyer Discipline v. Thomas Jack Pearson

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 Thomas Jack Pearson. Mr. Pearson 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:

Thomas Jack Pearson
440 Louisiana, Suite 1325
Lyric Office Centre
Houston, Texas 77002-1635

As a practical matter, I 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 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 filemarked copy of the petition be returned to the undersigned.

Also enclosed is a pre-addressed envelope for your use in transmitting the above referenced documents 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.

Mr. John T. Adams, Clerk
Supreme Court of Texas
July 24, 1996
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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

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

September 20, 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. Thomas Jack Pearson, and a copy of the Supreme Court's order appointing the Honorable Billy Rae Stubblefield, Judge of the 26th District Court, Georgetown, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Hon. Billy Rae Stubblefield
Mr. Thomas Jack Pearson
Mr. Steve Young



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

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ROSE SPECTOR
PRISCILLA R. OWEN
JAMES A. BAKER
GREG ABBOTT

EXECUTIVE ASST
WILLIAM L. WILLIS

ADMINISTRATIVE ASST
NADINE SCHNEIDER

September 20, 1996

Honorable Billy Rae Stubblefield
Judge, 26th District Court
Criminal Justice Annex Bldg.
405 S. Martin Luther King Street
Georgetown, Texas 78626

Dear Judge Stubblefield:

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. Pearson and Mr. Young, 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) 463-1312

FAX: (512) 463-1365

CLERK
JOHN T. ADAMS

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GREG ABBOTT

EXECUTIVE ASS'T
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

September 20, 1996

Mr. Steve Young
General Counsel, State Bar of Texas
P.O. Box 12487
Austin, Texas 78711

Mr. Thomas Jack Pearson
440 Louisiana, Suite 1325
Lyric Office Centre
Houston, Texas 77002-1635

Dear Mr. Young and Mr. Pearson:

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 Billy Ray Stubblefield, Judge of the 26th District Court, Georgetown, Texas to preside in

Commission for Lawyer Discipline v. Thomas Jack Pearson

Sincerely,

SIGNED

John T. Adams
Clerk