

ORDER OF THE SUPREME COURT OF TEXAS

Misc Docket No. 96- 9230

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

The Supreme Court of Texas hereby appoints the Honorable Suzanne Covington, Judge of the 201st District Court of Travis County, Texas, to preside in the Disciplinary Action styled:

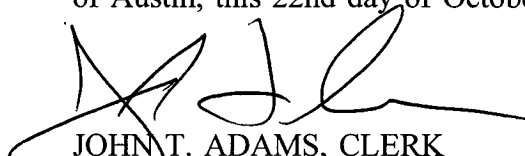
The Commission for Lawyer Discipline v. Vincent A. Lannie

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 22nd day of October, 1996.



JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 96-9230, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 23 day of October, 1996.


Thomas R. Phillips
Chief Justice

NO. _____

COMMISSION FOR
LAWYER DISCIPLINE

V.

VINCENT A. LANNIE

§
§
§
§
§

IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

____ JUDICIAL DISTRICT

DISCIPLINARY PETITION

TO THE HONORABLE JUDGE OF THE 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 files this Disciplinary Petition pursuant to the State Bar Act, Texas Government Code Annotated §81.001, *et seq.* (Vernon 1988 and supp. 1995), the Texas Disciplinary Rules of Professional Conduct, and the Texas Rules of Disciplinary Procedure. The complaint that forms the basis of this 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's principal place of practice is Harris County, Texas. Venue is, therefore, appropriate in Harris County, Texas, pursuant to Rule 3.03 of the Texas Rules of Disciplinary Procedure. An officer may serve process on Respondent at his business address located at 3814 Highway 146, Baytown, Harris County, Texas 77521.

III.

On or about October 6, 1995, Respondent received notice by certified mail, return receipt requested, of a complaint filed against him by Kenneth Milburn. The notice directed Respondent to provide a written response to the State Bar of Texas to the allegations made by Mr. Milburn against him. Respondent wholly failed to respond to the notice and request.

On or about December 1, 1995, Respondent received by certified mail, return receipt requested, a subpoena issued by the Grievance Committee for State Bar District No. 4 of the State Bar of Texas. The subpoena commanded Respondent to appear before the Grievance Committee for State Bar District No. 4 of the State Bar of Texas on December 13, 1995, to give testimony regarding the Milburn complaint. Respondent failed to appear, and he failed to assert legal grounds for his failure to do so.

IV.

The acts and/or omissions of the Respondent described in Paragraph III above constitute a violation of Rule 8.04(a)(8) [failing to timely furnish to a district grievance committee a response or other information as required without timely asserting a privilege or other legal ground for failure to do so] of the Texas Disciplinary Rules of Professional Conduct, and a violation of Part 1.06(Q) of the Texas Rules of Disciplinary Procedure.

V.

The facts that form the basis of this cause of action were brought to the attention of the Office of the General Counsel of the State Bar of Texas by Kenneth Milburn filing a complaint on or about October 2, 1995.

Prayer

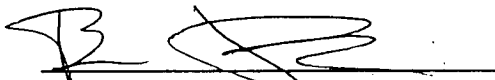
WHEREFORE, PREMISES CONSIDERED, Petitioner, Commission For Lawyer Discipline, respectfully prays that this Court discipline Respondent, Vincent A. Lannie, by reprimand, suspension, or disbarment, as the facts shall warrant, and that the Petitioner, Commission for Lawyer Discipline, have all other relief to which it may show itself to be justly entitled, including an award of costs of court and attorney's fees.

Respectfully submitted,

Steven W. Young
Interim General Counsel

Brian Plotts
Assistant General Counsel

Office of the General Counsel
State Bar of Texas
P.O. Box 12487, Capitol Station
Austin, Texas 78711-2487
1-800-204-2222, Ext. 2302
512/463-1463, Ext. 2302
FAX: (512) 477-4607



Brian Plotts
State Bar Card No. 16074050
ATTORNEYS FOR PETITIONER

STATE BAR OF TEXAS



Office of the General Counsel

September 10, 1996

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

Re: Commission For Lawyer Discipline v. Vincent A. 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 A. Lannie. Mr. Lannie has designated Harris County, Texas as his principal place of practice. Request is hereby made that the Court appoint an active District Judge who does not reside in the Administrative Judicial Region in which Respondent practices 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:

Vincent A. Lannie
Attorney at Law
3814 Highway 146
Baytown, TX 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 Civil Case Information Sheet, and the filing fee check, also enclosed herewith, and the Court's appointing order to the District Clerk of the County, Texas, with the request that the suit be filed, citation be issued, and citation, along with a file-stamped copy of the petition be returned to the undersigned.

Mr. John T. Adams, Clerk
Supreme Court of Texas
September 10, 1996
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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.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Brian Plotts", with a long horizontal flourish extending to the right.

Brian Plotts
Assistant General Counsel

BP/tjm/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

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

October 28, 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 A. Lannie, and a copy of the Supreme Court's order appointing the Honorable Suzanne Covington, Judge of the 201st District Court, Austin, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Hon. Suzanne Covington
Mr. Vincent A. Lannie
Mr. Brian Plotts



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

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JOHN T. ADAMS

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GREG ABBOTT

EXECUTIVE ASS'T
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

October 28, 1996

Honorable Suzanne Covington
Judge, 201st District Court
P.O. Box 1748
Austin, Texas 78767-1748

Dear Judge Covington:

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. Plotts, 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

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ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

October 28, 1996

Mr. Brian Plotts
Assistant General Counsel, State Bar of Texas
P.O. Box 12487
Austin, Texas 78711

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

Dear Mr. Plotts 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 Suzanne Covington, Judge of the 201st District Court, Austin, Texas to preside in

Commission for Lawyer Discipline v. Vincent A. Lannie

Sincerely,

SIGNED

John T. Adams
Clerk