

ORDER OF THE SUPREME COURT OF TEXAS

Misc Docket No. 96- 9233

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

The Supreme Court of Texas hereby appoints the Honorable Jesse A. Holloway, Judge of the 350th District Court of Taylor County, Texas, to preside in the Disciplinary Action styled:


The Commission for Lawyer Discipline v. Wanda J. Harlan

to be filed in a District Court of Dallas County, Texas.

The Clerk of the Supreme Court shall promptly forward to the District Clerk of Dallas 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.

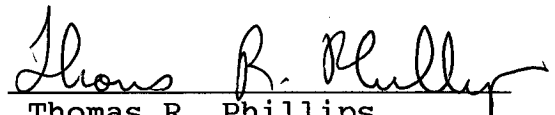
As ordered by the Supreme Court of Texas, in chambers,

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. 96-9233, 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	§	IN THE DISTRICT COURT OF
V.	§	DALLAS COUNTY, TEXAS
WANDA J. HARLAN	§	_____ 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, Wanda J. Harlan, (hereinafter referred to as "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 complaints which form the basis of the Disciplinary Petition were filed on or after May 1, 1992.

II.

Respondent is an attorney licensed to practice law in the State of Texas and a member of the State Bar of Texas. Respondent is a resident of and has her principal place of practice in Dallas County, Texas. An officer may serve citation on Respondent at 1005 W. Jefferson Blvd., Suite 104, Dallas, Texas, 75208.

FIRST CAUSE OF ACTION

III.

Respondent was actively suspended from the practice of law from September 1, 1992 to May 31, 1993. On or about January 28, 1993, while she was actively suspended from the practice of law, Respondent accepted employment to defend Kevin Thomas (hereinafter referred to as "Thomas") in two criminal matters. Respondent posted bond on behalf of Thomas. On or about March 2, 1993, Respondent was notified of a pre-trial setting for two of Thomas' criminal matters. Respondent, however, failed to notify Thomas of the pre-trial setting and failed to appear at the pre-trial setting. As a result of Respondent's failure to communicate with her client and her neglect of her client's legal matter, Thomas was arrested for failing to appear in court.

IV.

Such acts and/or omissions on the part of Respondent as are described in Paragraph III (First Cause of Action), hereinabove, which occurred on or after January 1, 1990, constitute conduct which violates Rules 1.01(b)(1),(2), 1.03(a) and 8.04(a)(11) of the Texas Disciplinary Rules of Professional Conduct.

V.

The complaint which formed the basis of the First Cause of Action hereinabove set forth was brought to the attention of the Office of the General Counsel of the State Bar of Texas by Kevin Thomas filing a complaint on or about May 9, 1995.

SECOND CAUSE OF ACTION

VI.

On or about February 17, 1994, Bennie Webster (hereinafter referred to as "Webster") employed Respondent to prosecute a divorce. Webster paid Respondent a total of \$500.00 in

attorneys fees. Between February, 1994, and February, 1996, the month in which Webster filed a complaint against Respondent, Respondent failed to file a divorce petition and failed to perform any legal services for Webster. Between February, 1994, and February, 1996, Webster repeatedly attempted to communicate with Respondent, via telephone, regarding the status of her case. Respondent, however, was always unavailable. Webster repeatedly left messages for Respondent to return her calls. Respondent failed to return Webster's calls.

VII.

On or about February 15, 1996, notice of this complaint was sent to Respondent via certified mail, return receipt requested. Respondent was requested to respond in writing to the complaint within thirty (30) days of receipt. On or about February 20, 1996, Respondent received the notice of this complaint. Respondent failed to respond in writing to the complaint and failed to assert any grounds for her failure to respond.

VIII.

Such acts and/or omissions on the part of Respondent as are described in Paragraphs VI and VII (Second Cause of Action), hereinabove, which occurred on or after January 1, 1990, constitute conduct which violates Rules 1.01(b)(1),(2), 1.03(a) and 8.04(a)(8) of the Texas Disciplinary Rules of Professional Conduct.

IX.

The complaint which formed the basis of the Second Cause of Action hereinabove set forth was brought to the attention of the Office of the General Counsel of the State Bar of Texas by Bennie Webster filing a complaint on or about February 13, 1996.

THIRD CAUSE OF ACTION

X.

On or about June 9, 1995, Harold Cooper (hereinafter referred to as "Cooper") hired Respondent to represent him in a child support matter. Cooper wanted to reduce his child support payments and he paid Respondent approximately \$250.00 in legal fees for representation in the matter. A hearing in the matter was set for January 5, 1996. Between October, 1995, and January, 1996, Cooper repeatedly attempted to communicate with Respondent regarding the status of his case. He left messages with Respondent's secretary and on Respondent's office and home answering machines requesting that Respondent return his calls. Respondent failed to return Cooper's telephone calls.

XI.

Respondent failed to perform any meaningful legal services in Cooper's child support matter. Respondent failed to appear for the January 5, 1996 hearing. She sent another attorney who shared office space with her, Charles Shavers, in her place. After the hearing, Cooper attempted to contact Respondent regarding the hearing. He repeatedly called Respondent and left messages and also sent her letters via certified mail. Respondent failed to respond to Cooper's requests for information.

XII.

On or about March 8, 1996, notice of this complaint was sent to Respondent via certified mail, return receipt requested. Respondent was requested to respond in writing to the complaint within thirty (30) days of receipt. On or about March 11, 1996, Respondent received the notice of this complaint. Respondent failed to respond in writing to the complaint and failed to assert any grounds for her failure to respond.

XIII.

Such acts and/or omissions on the part of Respondent as are described in Paragraphs X,

XI and XII (Third Cause of Action), hereinabove, which occurred on or after January 1, 1990, constitute conduct which violates Rules 1.01(b)(1),(2), 1.03(a) and 8.04(a)(8) of the Texas Disciplinary Rules of Professional Conduct.

XIV.

The complaint which formed the basis of the Cause of Action, hereinabove set forth, was brought to the attention of the Office of the General Counsel of the State Bar of Texas by Harold Cooper filing a complaint on or about March 6, 1996.

PRAYER

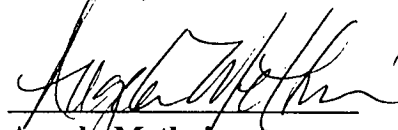
WHEREFORE, PREMISES CONSIDERED, Petitioner prays for judgment that Respondent be disciplined as the facts shall warrant; and that Petitioner have such other relief to which entitled, including costs of Court and attorney's fees.

Respectfully submitted,

Steven W. Young
General Counsel

Angela Methvin
Assistant General Counsel

State Bar of Texas
Litigation - Dallas
5910 N. Central Expressway
Suite 920
Dallas, Texas 75206
(214) 368-0083
FAX (214) 368-6953



Angela Methvin
State Bar Card No. 00792698

ATTORNEYS FOR PETITIONER

STATE BAR OF TEXAS



Office of the General Counsel
Litigation - Dallas

September 30, 1996

CMRRR NO. Z 697 492 584

John T. Adams, Clerk
Supreme Court of Texas
P.O. Box 12248
AUSTIN, TX 78711

RE: Commission for Lawyer Discipline v. Wanda J. Harlan

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 Wanda J. Harlan. Ms. Harlan is a resident of Dallas 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 made that you notify the Respondent at the address shown below and the undersigned of the identity and address of the judge assigned:

**Wanda J. Harlan
1005 W. Jefferson Blvd.
Suite 104
Dallas, Texas 75208**

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 Dallas County, Texas, with the request that the suit be filed, service be obtained, and a file stamped copy of the petition be returned to the undersigned.

John T. Adams, Clerk
September 30, 1996
Page 2

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

Thank you for your courtesies in this matter.

Sincerely,



Angela Methvin
Assistant General Counsel

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 Bill Long
District Clerk of Dallas County
George L. Allen Courts Building
600 Commerce Street
Dallas, Texas 75202

Dear Mr. Long:

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. Wanda J. Harlan, and a copy of the Supreme Court's order appointing the Honorable Jesse A. Holloway, Judge of the 350th District Court, Abilene, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Hon. Jesse A. Holloway
Ms. Wanda J. Harlan
Ms. Angela Methvin



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

October 28, 1996

Honorable Jesse A. Holloway
Judge, 350th District Court
300 Oak Street
Abilene, Texas 79602

Dear Judge Holloway:

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 Ms. Harlan and Ms. Methvin and a copy of the letter to the District Clerk of Dallas County.

We then recommend that, either before or immediately after you set the case for trial, the District Court Administrator (214-653-6108) be contacted 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 (214-653-2943) to obtain claims forms for your expenses and other information 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

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

Ms. Angela Methvin
Assistant General Counsel, State Bar of Texas
5910 N. Central Expressway, Suite 920
Dallas, Texas 75206

Ms. Wanda J. Harlan
1005 W. Jefferson Blvd., Suite 104
Dallas, Texas 75208

Dear Ms. Methvin and Ms. Harlan:

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 Jesse A. Holloway, Judge of the 350th District Court, Abilene, Texas to preside in

Commission for Lawyer Discipline v. Wanda J. Harlan

Sincerely,

SIGNED

John T. Adams
Clerk