

ORDER OF THE SUPREME COURT OF TEXAS

Misc Docket No. 97- 9038

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

The Supreme Court of Texas hereby appoints the Honorable J. D. Langley, Judge of the 85th District Court of Brazos County, Texas, to preside in the Disciplinary Action styled:

The Commission for Lawyer Discipline v. Roland Attwood Senter, Jr.

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 18th day of February, 1997.



JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 97-9038, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 24 day of February, 1997.


Thomas R. Phillips
Chief Justice

NO. _____

COMMISSION FOR LAWYER DISCIPLINE	§	IN THE DISTRICT COURT OF
V.	§	DALLAS COUNTY, TEXAS
ROWLAND ATWOOD SENTER, JR.	§	_____ 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, Rowland Atwood Senter, Jr., (hereinafter called "Respondent"), showing the Court:

I.

Petitioner brings this disciplinary action pursuant to the State Bar Act, Tex. Gov't. Code Ann. §81.001, et seq. (Vernon 1988), the Texas Disciplinary Rules of Professional Conduct and the Texas Rules of Disciplinary Procedure. The complaint which forms the basis of the Disciplinary Petition was filed on or after May 1, 1992.

II.

Respondent is an attorney licensed to practice law in Texas and is a member of the State Bar of Texas. Respondent is a resident of and has his principal place of practice in Dallas County, Texas. An officer may serve citation on Respondent at 9330 LBJ Freeway, Suite 900, Dallas, Texas 75234.

FIRST CAUSE OF ACTION

III.

On or about August 18, 1995, Janice T. Dzuris (hereinafter referred to as "Dzuris")

engaged Respondent to represent her in filing for a divorce against her husband. Dzuris entered into a Legal Representation Agreement with Respondent dated August 18, 1996, and paid a \$500.00 retainer, plus \$231.00 for filing fees. It was agreed that the divorce petition would be filed by November 1996. Thereafter, Dzuris made repeated telephone calls to Respondent for information about the status of her case, but Respondent failed to return her calls. Subsequently, by letter dated April 28, 1996, Dzuris requested Respondent to expedite her divorce proceedings or return the retainer and filing fees she had paid. Respondent failed to respond to Dzuris's letter and failed to take any action on her behalf. Subsequently, Dzuris was forced to hire another attorney to represent her in her divorce.

IV.

On May 24, 1996, the State Bar of Texas sent, by certified mail return receipt requested, a letter to Respondent notifying him that a complaint alleging professional misconduct on his part had been filed against him by Dzuris. In said letter, Respondent was advised that, pursuant to Rule 2.09 of the Texas Rules of Disciplinary Procedure, he was required to file a written response with the State Bar of Texas within thirty (30) days of his receipt of the letter. Respondent received the letter on May 29, 1996, and failed to furnish the State Bar of Texas with a written response to the complaint within the required thirty (30) days of his receipt of the letter notifying him of the complaint, and he failed to timely assert a privilege or other legal ground for his failure to furnish his response.

V.

Such acts and/or omissions on the part of Respondent as are described in Paragraphs III and IV, hereinabove, which occurred on or after January 1, 1990, constitute conduct which

violates Rules 1.01(b)(1), 1.03(a), 8.04(a)(1), and/or 8.04(a)(8) of the Texas Disciplinary Rules of Professional Conduct.

VI.

The complaint which forms the basis of the Cause of Action hereinabove set forth was brought to the attention of the Office of General Counsel of the State Bar of Texas by Janice T. Dzuris filing a complaint on or about May 21, 1996.

SECOND CAUSE OF ACTION

VII.

On or about February 2, 1996, Anthony Catania (hereinafter referred to as "Catania") engaged Respondent to represent him in a then pending lawsuit. Catania entered into a Legal Representation Agreement with Respondent dated February 2, 1996, and made an initial payment of \$3,500.00. Pursuant to the contact, Catania was to pay Respondent \$1,500.00 by March 20, 1996, which he did, and \$1,000.00 the day of the trial, plus a contingency percentage of any recoveries.

VIII.

On February 2, 1996, Respondent and Catania attended a hearing on the emergency withdrawal of Catania's former counsel. At this hearing, Respondent orally informed the judge he would be serving as Catania's counsel and would enter his appearance by February 9, 1996. At that time, Respondent advised the judge he would need sixty (60) to ninety (90) days to prepare for trial.

IX.

By February 9, 1996, Respondent had not entered his appearance with the court as Catania's counsel, and he had failed to commence work on Catania's lawsuit. By the beginning

of March 1996, Catania was becoming concerned because Respondent was not pursuing his case, and on or about March 9, 1996 Catania and Respondent met. At that meeting, Respondent drew up a chronology, setting forth the due dates for discovery and trial preparation in Catania's case.

X.

Because Catania had received a scheduling notice for a March 22, 1996, setting, Catania began attempting to contact Respondent on March 14, 1996, but Respondent failed to return his telephone calls. Because the next \$1,500.00 payment under his contract with Respondent was due on March 20, 1996, and because he had been unsuccessful in this attempts to contact Respondent, Catania went to Respondent's office. No one was there, so by letter dated March 20, 1996, Catania wrote Respondent advising of his visit and of his repeated attempts to contact Respondent by telephone. In his letter, Catania also repeated his request that Respondent provide him with copies of essential correspondence from the court or from opposing counsel, and he made a request to review the discovery Respondent was to have prepared by March 17, 1996. Thereafter, Catania learned that Respondent had failed to enter his appearance in Catania's case and had failed to draft the discovery documents.

XI.

Although by March 27, 1996, Catania had paid Respondent an aggregate of \$5,000.00, Respondent continued to neglect the legal matter with which he had been entrusted, and he failed to provide Catania with any legal services. Respondent failed to meet the discovery and trial preparation deadlines provided for in his chronology; he refused to return Catania's repeated telephone calls or to respond to Catania's letters of inquiry, and he refused to respond to Catania's repeated requests for information about the status of his case. Upon discovering that Respondent's telephone had been disconnected, on or about June 18, 1996, Catania mailed

Respondent another letter reiterating his requests for information about the status of his case and requesting a copy of his file. Following his receipt of Catania's letter, Respondent refused to speak with Catania, refused to give him a copy of his file and refused to provide Catania with any evidence that he had been providing the legal services he had been engaged to render.

XII.

On June 10, 1996, the State Bar of Texas sent, by certified mail return receipt requested, a letter to Respondent notifying him that a complaint alleging professional misconduct on his part had been filed against him by Catania. In said letter, Respondent was advised that, pursuant to Rule 2.09 of the Texas Rules of Disciplinary Procedure, he was required to file a written response with the State Bar of Texas within thirty (30) days of his receipt of the letter. Respondent received the letter on June 10, 1996, and failed to furnish the State Bar of Texas with a written response to the complaint within the required thirty (30) days of his receipt of the letter notifying him of the complaint, and he failed to timely assert a privilege or other legal ground for his failure to furnish his response.

XIII.

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

XIV.

The complaint which forms the basis of the Cause of Action hereinabove set forth was brought to the attention of the Office of General Counsel of the State Bar of Texas by Anthony Catania filing a complaint on or about June 5, 1996.

THIRD CAUSE OF ACTION

XV.

On or about April 26, 1996, Robert W. Hughes (hereinafter referred to as "Hughes") engaged Respondent to represent him in a driving while intoxicated case. Hughes entered into a contract for legal services with Respondent and made a \$150.00 payment toward the agreed upon \$1,500.00 in legal fees.

XVI.

The original hearing on Hughes's case was set for May 14, 1996, and in preparation for the hearing, Hughes made an appointment with Respondent for May 10, 1996, to discuss the case. Respondent failed to attend the scheduled meeting and neglected to notify Hughes that he would be unable to attend. Another meeting was scheduled for May 13, 1996, but Respondent once again failed to attend the meeting and neglected to notify Hughes that he would be unable to attend.

XVII.

Respondent's assistant informed Hughes that it would not be necessary for him to attend the May 14, 1996, hearing on his case, therefore, Hughes did not attend. Following the hearing, Respondent failed to contact Hughes and inform him about the results of the hearing. Wanting to learn what had happened and to learn the status of his case, Hughes made repeated attempts to contact Respondent both by telephone and by personal visits to Respondent's office. Respondent neglected to return Hughes's calls, and he refused to see Hughes when he made a personal visit to Respondent's office.

XVIII.

On June 4, 1996, Hughes hand delivered a letter to Respondent terminating his services

and requesting the return of his file. Thereafter, Respondent failed to provide Hughes with his files as requested.

XIX.

On June 18, 1996, the State Bar of Texas sent, by certified mail return receipt requested, a letter to Respondent notifying him that a complaint alleging professional misconduct on his part had been filed against him by Hughes. In said letter, Respondent was advised that, pursuant to Rule 2.09 of the Texas Rules of Disciplinary Procedure, he was required to file a written response with the State Bar of Texas within thirty (30) days of his receipt of the letter. Respondent received the letter on June 19, 1996, and failed to furnish the State Bar of Texas with a written response to the complaint within the required thirty (30) days of his receipt of the letter notifying him of the complaint, and he failed to timely assert a privilege or other legal ground for his failure to furnish his response.

XX.

Such acts and/or omissions on the part of Respondent as are described in Paragraphs XV, XVI, XVII, XVIII and XIX, hereinabove, which occurred on or after January 1, 1990, constitute conduct which violates Rules 1.01(b)(1), 1.03(a), 1.15(d), and/or 8.04(a)(8) of the Texas Disciplinary Rules of Professional Conduct.

XXI.

The complaint which forms the basis of the Cause of Action hereinabove set forth was brought to the attention of the Office of General Counsel of the State Bar of Texas by Robert W. Hughes filing a complaint on or about June 13, 1996.

FOURTH CAUSE OF ACTION

XXII.

On or about November 11, 1995, Victor Lee Tulloch (hereinafter referred to as "Tulloch") engaged Respondent to represent him in filing for divorce and to obtain custody of his minor child. Tulloch wanted to file for divorce before his wife did. Tulloch entered into a Legal Representation Agreement with Respondent dated November 11, 1995, and paid an initial fee of \$500.00 for legal services. Respondent delayed in filing the divorce petition on behalf of Tulloch and, because of his neglect, Angela Tulloch, wife of Tulloch, was able to file her petition for divorce first.

XXIII.

After Tulloch engaged Respondent to represent him, Respondent received notice that a temporary custody hearing involving Tulloch's minor child was set for December 14, 1995. Respondent failed to notify Tulloch of the hearing, and he failed to attend the hearing. As a result, custody of the minor child was granted to Tulloch's wife. Thereafter, Respondent filed a Motion to Reopen for Additional Evidence in the child custody matter, and a hearing date was set. The Judge, however, vacated the order because, although the Motion to Reopen which Respondent drafted and filed incorporated a Certificate of Conference and a Certificate of Service signed by Respondent, in actuality, Respondent failed to notify the opposing party.

XXIV.

Prior to filing the petition for divorce, Tulloch's wife filed an Application for Protective Order against Tulloch, and a hearing was set for December 18, 1995. On said date, Tulloch and Respondent were present for the hearing. Following the hearing, Respondent informed Tulloch that the judge had reversed the names on the Protective Order and lead Tulloch to

believe that the Protective Order had been issued against his estranged wife. However, this was just the opposite of what had actually occurred. Thereafter, Respondent indicated to Tulloch he needed the transcript in order prepare a motion to reverse the Protective Order. Respondent requested and received \$252.00 from Tulloch to pay for a copy of the transcript of the December 18, 1995, hearing. Respondent, however, failed to get a copy of the transcript and took no action, thus allowing the Protective Order against Tulloch to remain in effect.

XXV.

During the course of his representation of Tulloch, Respondent failed to communicate with Tulloch and to keep him reasonably informed. Respondent failed to return Tulloch's telephone calls, and it became increasingly difficult for Tulloch to communicate with Respondent. Because of Respondent's failure to return telephone calls and to communicate with Tulloch, and because Respondent neglected the various legal matters with which Tulloch had entrusted him and failed to carry out the obligations he owed to his client. Tulloch dismissed Respondent as his counsel by letter dated March 4, 1996, and requested the return of his files, documents and photographs. Respondent failed to comply with Tulloch's request and as of the June 3, 1996, the date on which Tulloch filed his complaint with the State Bar of Texas, Respondent had not complied with Tulloch's request for his files.

XXVI.

On July 8, 1996, the State Bar of Texas sent, by certified mail return receipt requested, a letter to Respondent notifying him that a complaint alleging professional misconduct on his part had been filed against him by Tulloch. In said letter, Respondent was advised that, pursuant to Rule 2.09 of the Texas Rules of Disciplinary Procedure, he was required to file a written response with the State Bar of Texas within thirty (30) days of his receipt of the letter.

Respondent received the letter on July 9, 1996, and failed to furnish the State Bar of Texas with a written response to the complaint within the required thirty (30) days of his receipt of the letter notifying him of the complaint, and he failed to timely assert a privilege or other legal ground for his failure to furnish his response.

XXVII.

Such acts and/or omissions on the part of Respondent as are described in Paragraphs XXII, XXIII, XXIV, XXV and XXVI, hereinabove, which occurred on or after January 1, 1990, constitute conduct which violates Rules 1.01(b)(1), 1.01(b)(2), 1.03(a), 1.15(d), 3.03(a), 8.04(a)(1), 8.04(a)(3) and/or 8.04(a)(8) of the Texas Disciplinary Rules of Professional Conduct.

XXVIII.

The complaint which forms the basis of the Cause of Action hereinabove set forth was brought to the attention of the Office of General Counsel of the State Bar of Texas by Victor Lee Tulloch filing a complaint on or about July 3, 1996.

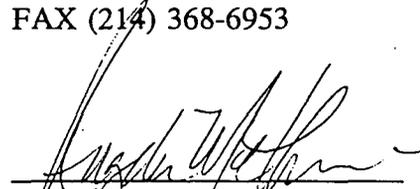
PRAYER

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,

Steve W. Young
General Counsel

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

A handwritten signature in black ink, appearing to read 'Angela Methvin', is written over a horizontal line.

Angela Methvin
State Bar Card No. 00792698

ATTORNEYS FOR PETITIONER

STATE BAR OF TEXAS



Office of the General Counsel
Litigation - Dallas

December 12, 1996

CMRRR NO. P 378 167 498

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

RE: Commission for Lawyer Discipline v. Rowland Atwood Senter, Jr.

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 Rowland Atwood Senter, Jr. Mr. Senter 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:

**Rowland Atwood Senter, Jr.
9330 LBJ Freeway
Suite 900
Dallas, Texas 75234**

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
December 12, 1996
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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

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

FEB 25 1997

Honorable J.D. Langley
Judge, 85th District Court
224 Courthouse
300 E. 26th Street
Bryan, Texas 77803

Dear Judge Langley:

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. Methvin and Mr. Senter, 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 Harris County District Court Administrative Office (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 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

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

FEB 25 1997

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

Mr. Rowland Atwood Senter, Jr.
9330 LBJ Freeway, Suite 900
Dallas, Texas 75234

Dear Ms. Methvin and Mr. Senter:

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 J.D. Langley, Judge of the 85th District Court, Bryan, Texas to preside in

Commission for Lawyer Discipline v. Roland Atwood Senter, Jr.

Sincerely,

SIGNED

John T. Adams
Clerk



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

POST OFFICE BOX 12248 AUSTIN, TEXAS 78711

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ROSE SPECTOR
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JAMES A. BAKER
GREG ABBOTT

FEB 25 1997

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. Roland Atwood Senter, Jr. and a copy of the Supreme Court's order appointing the Honorable J.D. Langley, Judge of the 85th District Court, Bryan, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Hon. J.D. Langley
Mr. Roland Atwood Senter, Jr.
Ms. Angela Methvin