

ORDER OF THE SUPREME COURT OF TEXAS

Misc Docket No. 97- 9064

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

The Supreme Court of Texas hereby appoints the Honorable Gus J. Strauss, Judge of the 2nd 25th District Court of Lavaca County, Texas, to preside in the Disciplinary Action styled:


The Commission for Lawyer Discipline v. E. Wayne Walker and Benton Musslewhite

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.

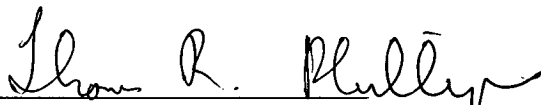
As ordered by the Supreme Court of Texas, in chambers,

with the Seal thereof affixed at the City
of Austin, this 2nd day of April, 1997.


JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 97-9064, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 3 day of April, 1997.



Thomas R. Phillips
Chief Justice

CAUSE NO. _____

COMMISSION FOR LAWYER DISCIPLINE

§
§
§
§
§

IN THE DISTRICT COURT OF

V.

HARRIS COUNTY, TEXAS

E. WAYNE WALKER and
BENTON MUSSLEWHITE

_____ JUDICIAL DISTRICT

DISCIPLINARY PETITION AND PETITION FOR IMMEDIATE INTERIM SUSPENSION

TO THE HONORABLE JUDGE OF THE COURT:

The Commission for Lawyer Discipline ("Petitioner"), a permanent committee of the State Bar of Texas, pursuant to the authority of an investigatory panel for State Bar District Number 4A, files this Disciplinary Petition and Petition for Immediate Interim Suspension, complaining of E. Wayne Walker ("Walker") and Benton Musslewhite ("Musslewhite"), attorneys licensed to practice law in the State of Texas, showing the Court as follows:

1. NATURE OF PROCEEDING

1.01 Petitioner brings this disciplinary action pursuant to the State Bar Act, the Texas Government Code Annotated §81.001, *et seq.* (Vernon 1988 and supp. 1994), the Texas Disciplinary Rules of Professional Conduct, and the Texas Rules of Disciplinary Procedure. The complaints that form the basis of this disciplinary petition were filed on or after May 1, 1992.

1.02 On May 11, 1996, ValuJet Flight 592 crashed in the Florida Everglades. Shortly thereafter, Walker and Musslewhite agreed that they would attempt to solicit employment from the family members of the victims. This case arises from these

attempts.

2. VENUE

2.01 Walker is an attorney licensed to practice law in Texas and is a member of the State Bar of Texas. Walker is a resident of Harris County, Texas. Walker's principal place of practice is located in Harris County, Texas. Therefore venue is appropriate in Harris County, Texas, pursuant to Rule 3.03 of the Texas Rules of Disciplinary Procedure.

2.02 Musslewhite is an attorney licensed to practice law in Texas and is a member of the State Bar of Texas. Musslewhite is a resident of Harris County, Texas. Musslewhite's principal place of practice is located in Harris County, Texas. Therefore venue is appropriate in Harris County, Texas, pursuant to Rule 3.03 of the Texas Rules of Disciplinary Procedure.

3. ISSUANCE OF CITATION AND SERVICE OF PROCESS REQUESTED

3.01 Petitioner requests that citation be issued and process be served upon Walker and Musslewhite.

3.02 Walker may be served at his business address located at 440 Louisiana, Suite 1325, Houston, Harris County, Texas, 77002.

3.03 Musslewhite may be served at his business address located at 914 Preston, 9th Floor, Houston, Harris County, Texas, 77002.

4. PURSUANT TO PART XIV OF THE TEXAS RULES OF DISCIPLINARY PROCEDURE, PETITIONER REQUESTS THIS COURT TO SUSPEND THE LAW LICENSES OF WALKER AND MUSSLEWHITE PENDING THE FINAL DISPOSITION OF THIS DISCIPLINARY ACTION

4.01 Petitioner has received evidence that Walker poses a substantial threat of irreparable harm to clients or prospective clients. On or about January 16, 1997, an investigatory panel for State Bar District Number 4A voted to authorize the Office of the General Counsel of the State Bar of Texas to seek immediate interim suspension of Walker's license to practice law pursuant to Part XIV of the Texas Rules of Disciplinary Procedure.

4.02 Petitioner has received evidence that Musslewhite poses a substantial threat of irreparable harm to clients or prospective clients. On or about January 16, 1997, an investigatory panel for State Bar District Number 4A voted to authorize the Office of the General Counsel of the State Bar of Texas to seek immediate interim suspension of Musslewhite's license to practice law pursuant to Part XIV of the Texas Rules of Disciplinary Procedure.

4.03 Petitioner believes that Walker and Musslewhite pose a substantial threat of irreparable harm to clients and prospective clients by reason of their conduct as set forth hereinafter.

4.04 WALKER COMMITTED THE CRIMINAL OFFENSE OF BARRATRY UNDER TEXAS PENAL CODE §38.12

On or about May 19, 1996, Walker, with the intent to obtain an economic benefit, paid, gave, or offered to pay or give Rita Higginbotham ("Higginbotham") money to solicit employment from the family members of the victims of the May 11, 1996, crash of ValuJet Flight 592 in the Florida Everglades.

4.05 WALKER ATTEMPTED TO COMMIT THE CRIMINAL OFFENSE OF BARRATRY

UNDER TEXAS PENAL CODE §38.12

On or about May 19, 1996, Walker, with the intent to obtain an economic benefit, attempted to pay, give or offer to pay or give Higginbotham money to solicit employment from the family members of the victims of the May 11, 1996, crash of ValuJet Flight 592 in the Florida Everglades.

4.06 MUSSLEWHITE COMMITTED THE CRIMINAL OFFENSE OF BARRATRY UNDER TEXAS PENAL CODE §38.12

On or about May 26, 1996, Musslewhite, with the intent to obtain an economic benefit, paid, gave, or offered to pay or give Higginbotham money to solicit employment from the family members of the victims of the May 11, 1996, crash of ValuJet Flight 592 in the Florida Everglades.

4.07 MUSSLEWHITE ATTEMPTED TO COMMIT THE CRIMINAL OFFENSE OF BARRATRY UNDER TEXAS PENAL CODE §38.12

On or about May 26, 1996, Musslewhite, with the intent to obtain an economic benefit, attempted to pay, give or offered to pay or give Higginbotham money to solicit employment from the family members of the victims of the May 11, 1996, crash of ValuJet Flight 592 in the Florida Everglades.

4.08 WALKER AND MUSSLEWHITE CONSPIRED TO COMMIT THE CRIMINAL OFFENSE OF BARRATRY UNDER TEXAS PENAL CODE §38.12

Walker and Musslewhite, with the intent to obtain an economic benefit, agreed to pay, give or offer to pay or give Higginbotham money to solicit employment from the family members of the victims of the May 11, 1996, crash of ValuJet Flight 592 in the Florida Everglades. In furtherance of this agreement Walker and Musslewhite

forwarded money, from Houston, Texas, to Higginbotham, in Lake Charles, Louisiana, for her expenses incurred in the solicitation of the above mentioned family members. In addition, in furtherance of this agreement Musslewhite traveled from Houston, Texas, to New Orleans, Louisiana, to meet with an individual he believed to be Carmen Sanchez.

4.09 PETITIONER PRAYS THAT WALKER AND MUSSLEWHITE BE SUSPENDED PENDING THE FINAL RESOLUTION OF THIS DISCIPLINARY ACTION

Petitioner prays that Walker and Musslewhite be suspended pending the final resolution of this Disciplinary Action.

5. PURSUANT TO PART III OF THE TEXAS RULES OF DISCIPLINARY PROCEDURE, PETITIONER REQUESTS THIS COURT TO DISCIPLINE WALKER AND MUSSLEWHITE FOR ACTS OF PROFESSIONAL MISCONDUCT

5.01 WALKER AND MUSSLEWHITE CONSPIRED TO COMMIT BARRATRY IN VIOLATION OF TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT 8.04(a)(2) AND 8.04(a)(9)

(A) On or about May 11, 1996, ValuJet Flight 592 crashed in the Florida Everglades. Shortly thereafter, Musslewhite and Walker agreed that they would solicit employment from the families of the individuals killed in the crash of ValuJet Flight 592. In furtherance of their agreement, Walker and Musslewhite, with the intent to obtain an economic benefit, paid, gave, or offered to pay or give, Robert "Bob" Roberts ("Roberts"), Rita Higginbotham ("Higginbotham"), Harry Burgan ("Burgan"), Sean Berger ("Berger"), Bonnie Bassett ("Bassett"), Michelle Mitchell ("Mitchell"), Franklin Ellis ("Ellis") and Alfonso Welch ("Welch") money to solicit employment from the family members of the victims killed in the crash of ValuJet Flight 592.

- (B) In furtherance of their agreement, Musslewhite contacted Higginbotham, a resident of Louisiana, asking for her help in contacting and soliciting the families of the victims of the ValuJet crash.
- (C) In furtherance of their agreement, Walker provided Higginbotham with expense money to be used to solicit employment from the family members of the victims of ValuJet Flight 592.
- (D) In furtherance of their agreement, Roberts sent Higginbotham a packet of information to be distributed to the family members of ValuJet Flight 592.
- (E) In furtherance of their agreement, Walker purchased airline tickets for Roberts, Berger, Bassett, and Mitchell.
- (F) In furtherance of their agreement, Walker paid for the hotel rooms of Roberts, Berger, Bassett, and Mitchell while they stayed at the Atlanta Marriott Marquis in Atlanta, Georgia.
- (G) In furtherance of their agreement, Walker financed Musslewhite's stay at a hotel in Kenner, Louisiana, on or about May 28, 1996, where Musslewhite signed up an individual he believed to be Carmen Sanchez ("Sanchez"), the mother of one of the victims of ValuJet Flight 592.
- (H) In furtherance of their agreement, Bassett placed a telephone call to a family member of one of the crash victims on or about May 22, 1996.
- (I) In furtherance of their agreement, Roberts placed a call to a family member of one of the crash victims on or about May 28, 1996.

(J) In furtherance of their agreement, Walker, or his agent, sent Mr. Nicholas Edward Salvatore, Jr., a family member of one of the victims of ValuJet Flight 592 who had not sought legal advice or employment from Walker, a letter related to representation arising from the crash of ValuJet Flight 592 before the 31st day after the date on which the crash occurred.

(K) In furtherance of their agreement, Bassett placed a telephone call to a family member of a second crash victim. On or about May 28, 1996, Berger also called the same individual. On or about June 2, 1996, Bassett made a third call to this family member, who happened to already be represented by an attorney.

(L) In furtherance of their agreement, Walker sent Ellis \$950.00 to be used to solicit employment from the family members of the victims of ValuJet Flight 592. Between June 12, 1996, and June 16, 1996, Ellis and Bassett traveled to El Dorado, Arkansas to speak with the father of one of the victims of ValuJet Flight 592.

5.02 WALKER COMMITTED BARRATRY IN VIOLATION OF TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT 8.04(a)(2) AND 8.04(a)(9)

On or about June 3, 1996, Wayne Walker, an attorney licensed to practice law in the State of Texas, with the intent of obtaining professional employment for himself and Musslewhite, knowingly permitted to be sent to Mr. Nicholas Edward Salvatore, Jr. ("Salvatore"), a person who had not sought his or Musslewhite's employment, legal representation, advice or care, a written communication that concerned an action for personal injury, wrongful death or was otherwise related to an accident involving a relative of Salvatore's and that was mailed before the 31st day after the date on which

the accident occurred.

5.03 MUSSLEWHITE ATTEMPTED TO COMMIT BARRATRY IN VIOLATION OF TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT 8.04(a)(2) AND 8.04(a)(9).

On or about June 5, 1996, Musslewhite, with the intent to obtain an economic benefit, attempted to solicit employment from Heidi Hyatt ("Hyatt") by telephone for himself and Walker.

5.04 WALKER PROMISED TO SHARE LEGAL FEES WITH A NON-LAWYER IN VIOLATION OF TEXAS DISCIPLINARY RULE OF PROFESSIONAL CONDUCT 5.04(a).

- (A) Walker promised to share legal fees arising from the representation of the family members of ValuJet Flight 592 with Roberts, a non-lawyer.
- (B) Walker promised to share legal fees arising from the representation of the family members of ValuJet Flight 592 with Bassett, a non-lawyer.
- (C) Walker promised to share legal fees arising from the representation of the family members of ValuJet Flight 592 with Higginbotham, a non-lawyer.
- (D) Walker promised to share legal fees arising from the representation of the family members of ValuJet Flight 592 with Ellis, a non-lawyer.
- (E) Walker promised to share legal fees arising from the representation of the family members of ValuJet Flight 592 with Welch, a non-lawyer.
- (F) Walker promised to share legal fees arising from the representation of the family members of ValuJet Flight 592 with Burgan, a non-lawyer.
- (G) Walker promised to share legal fees arising from the representation of the family members of ValuJet Flight 592 with Berger, a non-lawyer.

- (H) Walker promised to share legal fees arising from the representation of the family members of ValuJet Flight 592 with Mitchell, a non-lawyer.

5.04 MUSSLEWHITE PROMISED TO SHARE LEGAL FEES WITH A NON- LAWYER IN VIOLATION OF TEXAS DISCIPLINARY RULE OF PROFESSIONAL CONDUCT 5.04(a).

- (A) Musslewhite promised to share legal fees arising from the representation of the family members of ValuJet Flight 592 with Roberts, a non-lawyer.
- (B) Musslewhite promised to share legal fees arising from the representation of the family members of ValuJet Flight 592 with Bassett, a non-lawyer.
- (C) Musslewhite promised to share legal fees arising from the representation of the family members of ValuJet Flight 592 with Higginbotham, a non-lawyer.
- (D) Musslewhite promised to share legal fees arising from the representation of the family members of ValuJet Flight 592 with Ellis, a non-lawyer.
- (E) Musslewhite promised to share legal fees arising from the representation of the family members of ValuJet Flight 592 with Welch, a non-lawyer.
- (F) Musslewhite promised to share legal fees arising from the representation of the family members of ValuJet Flight 592 with Burgan, a non-lawyer.
- (G) Musslewhite promised to share legal fees arising from the representation of the family members of ValuJet Flight 592 with Berger, a non-lawyer.
- (H) Musslewhite promised to share legal fees arising from the representation of the family members of ValuJet Flight 592 with Mitchell, a non-lawyer.

5.05 MUSSLEWHITE ENGAGED IN CONDUCT VIOLATING TEXAS DISCIPLINARY RULE OF PROFESSIONAL CONDUCT 7.03(a)

On or about June 5, 1996, Musslewhite, motivated by his own pecuniary gain, sought professional employment, by telephone contact, in a matter arising out of the crash of ValuJet Flight 592 from Heidi Hyatt, a prospective client who had not sought Musslewhite's advice regarding employment or with whom Musslewhite had no family or past or present attorney-client relationship.

5.06 MUSSLEWHITE ENGAGED IN CONDUCT VIOLATING TEXAS DISCIPLINARY RULE OF PROFESSIONAL CONDUCT 7.03(b)

- (A) Musslewhite paid, gave, or offered to pay or give Roberts, a person not licensed to practice law, money for soliciting prospective clients for Musslewhite.
- (B) Musslewhite paid, gave, or offered to pay or give Roberts, a person not licensed to practice law, money for soliciting prospective clients for Walker.
- (C) Musslewhite paid, gave, or offered to pay or give Roberts, a person not licensed to practice law, money to refer clients or prospective clients to Musslewhite.
- (D) Musslewhite paid, gave, or offered to pay or give Roberts, a person not licensed to practice law, money to refer clients or prospective clients to Walker.
- (E) Musslewhite paid, gave, or offered to pay or give Higginbotham, a person not licensed to practice law, money for soliciting prospective clients for Musslewhite.
- (F) Musslewhite paid, gave, or offered to pay or give Higginbotham, a person not licensed to practice law, money for soliciting prospective clients for Walker.
- (G) Musslewhite paid, gave, or offered to pay or give Higginbotham, a person

not licensed to practice law, money to refer clients or prospective clients to Musslewhite.

- (H) Musslewhite paid, gave, or offered to pay or give Higginbotham, a person not licensed to practice law, money to refer clients or prospective clients to Walker.
- (I) Musslewhite paid, gave, or offered to pay or give Bassett, a person not licensed to practice law, money for soliciting prospective clients for Musslewhite.
- (J) Musslewhite paid, gave, or offered to pay or give Bassett, a person not licensed to practice law, money for soliciting prospective clients for Walker
- (K) Musslewhite paid, gave, or offered to pay or give Bassett, a person not licensed to practice law, money to refer clients or prospective clients to Musslewhite.
- (L) Musslewhite paid, gave, or offered to pay or give Bassett, a person not licensed to practice law, money to refer clients or prospective clients to Walker.
- (M) Musslewhite paid, gave, or offered to pay or give Berger, a person not licensed to practice law, money for soliciting prospective clients for Musslewhite.
- (N) Musslewhite paid, gave, or offered to pay or give Berger, a person not licensed to practice law, money for soliciting prospective clients for Walker.
- (O) Musslewhite paid, gave, or offered to pay or give Berger, a person not licensed to practice law, money to refer clients or prospective clients to Musslewhite.

- (P) Musslewhite paid, gave, or offered to pay or give Berger, a person not licensed to practice law, money to refer clients or prospective clients to Walker.
- (Q) Musslewhite paid, gave, or offered to pay or give Mitchell, a person not licensed to practice law, money for soliciting prospective clients for Musslewhite.
- (R) Musslewhite paid, gave, or offered to pay or give Mitchell, a person not licensed to practice law, money for soliciting prospective clients for Walker.
- (S) Musslewhite paid, gave, or offered to pay or give Mitchell, a person not licensed to practice law, money to refer clients or prospective clients to Musslewhite.
- (T) Musslewhite paid, gave, or offered to pay or give Mitchell, a person not licensed to practice law, money to refer clients or prospective clients to Walker.
- (U) Musslewhite paid, gave, or offered to pay or give Ellis, a person not licensed to practice law, money for soliciting prospective clients for Musslewhite.
- (V) Musslewhite paid, gave, or offered to pay or give Ellis, a person not licensed to practice law, money for soliciting prospective clients for Walker.
- (W) Musslewhite paid, gave, or offered to pay or give Ellis, a person not licensed to practice law, money to refer clients or prospective clients to Musslewhite.
- (X) Musslewhite paid, gave, or offered to pay or give Ellis, a person not licensed to practice law, money to refer clients or prospective clients to Walker.
- (Y) Musslewhite paid, gave, or offered to pay or give Welch, a person not

licensed to practice law, money for soliciting prospective clients for Musslewhite.

(Z) Musslewhite paid, gave, or offered to pay or give Welch, a person not licensed to practice law, money for soliciting prospective clients for Walker.

(AA) Musslewhite paid, gave, or offered to pay or give Welch, a person not licensed to practice law, money to refer clients or prospective clients to Musslewhite.

(BB) Musslewhite paid, gave, or offered to pay or give Welch, a person not licensed to practice law, money to refer clients or prospective clients to Walker.

5.07 WALKER ENGAGED IN CONDUCT VIOLATING TEXAS DISCIPLINARY RULE OF PROFESSIONAL CONDUCT 7.03(b)

(A) Walker paid, gave, or offered to pay or give Roberts, a person not licensed to practice law, money for soliciting prospective clients for Musslewhite.

(B) Walker paid, gave, or offered to pay or give Roberts, a person not licensed to practice law, money for soliciting prospective clients for Walker.

(C) Walker paid, gave, or offered to pay or give Roberts, a person not licensed to practice law, money to refer clients or prospective clients to Musslewhite.

(D) Walker paid, gave, or offered to pay or give Roberts, a person not licensed to practice law, money to refer clients or prospective clients to Walker.

(E) Walker paid, gave, or offered to pay or give Higginbotham, a person not licensed to practice law, money for soliciting prospective clients for Musslewhite.

(F) Walker paid, gave, or offered to pay or give Higginbotham, a person not

licensed to practice law, money for soliciting prospective clients for Walker.

- (G) Walker paid, gave, or offered to pay or give Higginbotham, a person not licensed to practice law, money to refer clients or prospective clients to Musslewhite.
- (H) Walker paid, gave, or offered to pay or give Higginbotham, a person not licensed to practice law, money to refer clients or prospective clients to Walker.
- (I) Walker paid, gave, or offered to pay or give Bassett, a person not licensed to practice law, money for soliciting prospective clients for Musslewhite.
- (J) Walker paid, gave, or offered to pay or give Bassett, a person not licensed to practice law, money for soliciting prospective clients for Walker.
- (K) Walker paid, gave, or offered to pay or give Bassett, a person not licensed to practice law, money to refer clients or prospective clients to Musslewhite.
- (L) Walker paid, gave, or offered to pay or give Bassett, a person not licensed to practice law, money to refer clients or prospective clients to Walker.
- (M) Walker paid, gave, or offered to pay or give Berger, a person not licensed to practice law, money for soliciting prospective clients for Musslewhite.
- (N) Walker paid, gave, or offered to pay or give Berger, a person not licensed to practice law, money for soliciting prospective clients for Walker.
- (O) Walker paid, gave, or offered to pay or give Berger, a person not licensed to practice law, money to refer clients or prospective clients to Musslewhite.
- (P) Walker paid, gave, or offered to pay or give Berger, a person not licensed

to practice law, money to refer clients or prospective clients to Walker.

(Q) Walker paid, gave, or offered to pay or give Mitchell, a person not licensed to practice law, money for soliciting prospective clients for Musslewhite.

(R) Walker paid, gave, or offered to pay or give Mitchell, a person not licensed to practice law, money for soliciting prospective clients for Walker.

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(W) Walker paid, gave, or offered to pay or give Ellis, a person not licensed to practice law, money to refer clients or prospective clients to Musslewhite.

(X) Walker paid, gave, or offered to pay or give Ellis, a person not licensed to practice law, money to refer clients or prospective clients to Walker.

(Y) Walker paid, gave, or offered to pay or give Welch, a person not licensed to practice law, money for soliciting prospective clients for Musslewhite.

(Z) Walker paid, gave, or offered to pay or give Welch, a person not licensed to practice law, money for soliciting prospective clients for Walker.

(AA) Walker paid, gave, or offered to pay or give Welch, a person not licensed to practice law, money to refer clients or prospective clients to Musslewhite.

(BB) Walker paid, gave, or offered to pay or give Welch, a person not licensed to practice law, money to refer clients or prospective clients to Walker.

**5.08 WALKER VIOLATED TEXAS DISCIPLINARY RULE OF PROFESSIONAL CONDUCT
5.03(a)(b)(1)**

Walker, a lawyer, having direct supervisory authority over Burgan, a non-lawyer, failed to make reasonable efforts to ensure that Burgan's conduct was compatible with the professional obligations of Walker; and Walker ordered, encouraged or permitted Burgan to give Higginbotham money to refer clients or prospective clients to Walker.

6. TIMELINESS OF FILING

The complaints that form the basis of this cause of action were brought to the attention of the Office of the General Counsel by the State Bar of Texas' filing the complaints on or about July 9, 1996.

7. PRAYER

Petitioner prays that this Court disciplines Walker and Musslewhite 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.

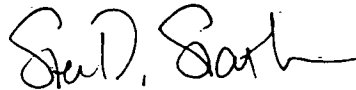
Respectfully submitted,

Steven W. Young
General Counsel


Stephen D. Statham
Assistant General Counsel

Diego J. Vargas
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



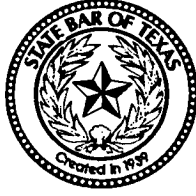
STEPHEN D. STATHAM
State Bar No. 19082500



DIEGO J. VARGAS
State Bar No. 00791847

ATTORNEYS FOR THE COMMISSION FOR
LAWYER DISCIPLINE

STATE BAR OF TEXAS



Office of the General Counsel

March 10, 1997

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

Re: Commission for Lawyer Discipline v. E. Wayne Walker and Benton Musslewhite

Dear Mr. Adams:

Enclosed please find an original and three (3) copies of a Disciplinary Petition being filed by the Commission for Lawyer Discipline against E. Wayne Walker and Benton Musslewhite. Both Mr. Walker and Mr. Musslewhite have designated Harris County, Texas as their 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 the Respondents practice to preside in this case. Upon appointment, request is hereby made that you notify the Respondents at the addresses shown below and the undersigned of the identity and address of the judge assigned:

Mr. E. Wayne Walker
440 Louisiana, Suite 1325
Houston, Texas 77002

Mr. Benton Musslewhite
914 Preston, 9th Floor
Houston, Texas 77002

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 three (3) copies of the Disciplinary Petition, the Civil Case Information Sheets, and the filing fee check, also enclosed herewith, and the Court's appointing order to the District Clerk of Harris County,

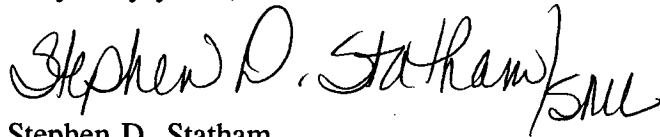
Mr. John T. Adams, Clerk
Supreme Court of Texas
March 10, 1997
Page 2

Texas, with the request that the suit be filed, citations be issued, and citations, along with a file-stamped 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.

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

Very truly yours,

A handwritten signature in cursive script that reads "Stephen D. Statham" followed by a stylized flourish or initials.

Stephen D. Statham
Assistant General Counsel

SDS/sml
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

April 4, 1997

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. E. Wayne Walker and Benton Musslewhite, and a copy of the Supreme Court's order appointing the Honorable Gus J. Strauss, Judge of the 2nd 25th District Court of Hallettsville, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Hon. Gus J. Strauss
Mr. E. Wayne Walker
Mr. Benton Musslewhite
Mr. Diego J. Vargas



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

April 4, 1997

Honorable Gus J. Strauss
Judge, 2nd 25th District Court
P.O. Box 511
Hallettsville, Texas 77964-0511

Dear Judge Strauss:

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. Walker, Mr. Musslewhite and Mr. Vargas, 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

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WILLIAM L. WILLIS

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NADINE SCHNEIDER

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RAUL A. GONZALEZ
NATHAN L. HECHT
JOHN CORNYN
CRAIG ENOCH
ROSE SPECTOR
PRISCILLA R. OWEN
JAMES A. BAKER
GREG ABBOTT

April 4, 1997

Mr. Diego J. Vargas
Assistant General Counsel, State Bar of Texas
1111 Fannin, Suite 1370
Houston, Texas 77002

Mr. E. Wayne Walker
440 Louisiana, Suite 1325
Houston, Texas 77002

Mr. Benton Musslewhite
914 Preston, 9th Floor
Houston, Texas 77002

Dear Mr. Vargas, Mr. Walker and Mr. Musslewhite:

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 Gus J. Strauss, Judge of the 2nd 25th District Court of Hallettsville, Texas to preside in

Commission for Lawyer Discipline v. E. Wayne Walker and Benton Musslewhite

Sincerely,

SIGNED

John T. Adams
Clerk