

ORDER OF THE SUPREME COURT OF TEXAS

Misc Docket No. 97- 9065

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

The Supreme Court of Texas hereby appoints the Honorable Theo L. Bedard, Judge of the 330th District Court of Dallas County, Texas, to preside in the Disciplinary Action styled:

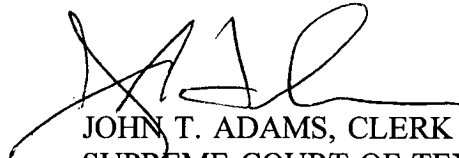
The Commission for Lawyer Discipline v. Myles H. Pennington

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

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

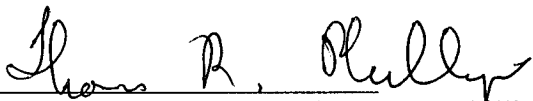
As ordered by the Supreme Court of Texas, in chambers,

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. 97-9065, 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

**TO CLERK: "FILE MARK
THIS COPY AND RETURN"**

NO. _____

COMMISSION FOR LAWYER DISCIPLINE	§	IN THE DISTRICT COURT OF
	§	
V.	§	TARRANT COUNTY, TEXAS
	§	
MYLES H. PENNINGTON	§	_____ 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, MYLES H. PENNINGTON (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 a member of the State Bar of Texas. Respondent is a resident of and has his principal place of practice in Tarrant County, Texas. An officer may serve citation on Respondent at 3210 Greenbrook Drive, Arlington, Tarrant County, Texas.

FIRST CAUSE OF ACTION

III.

In and around January, 1996, Respondent was retained by Carol Hooks (hereinafter referred to as "Complainant") to represent her in a long term disability case. Throughout the

representation, Complainant made numerous telephone calls to Respondent requesting information about the status of her case. Respondent frequently failed to respond to Complainant's telephone calls and promptly comply with Complainant's requests for information about her case.

IV.

Such acts and/or omissions on the part of Respondent as are described in Paragraph III hereinabove which occurred on or after January 1, 1990, constitute conduct violative of Rule 1.03(a) of the Texas Rules of Professional Conduct.

V.

The complaint which forms 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 a complaint filed by the Carol Hooks on or about July 1, 1996.

SECOND CAUSE OF ACTION

VI.

On or about March 8, 1996, Respondent was retained by Alice Johnson (hereinafter referred to as "Complainant") to represent her in a personal injury case. Throughout the representation, Complainant made numerous telephone calls to Respondent requesting information about the status of her case. Respondent frequently failed to respond to Complainant's telephone calls and promptly comply with Complainant's requests for information about her case. In addition, Respondent moved out of his office and did not provide Complainant with a forwarding address or phone number.

VII.

Such acts and/or omissions on the part of Respondent as are described in Paragraph VI hereinabove which occurred on or after January 1, 1990, constitute conduct violative of Rule 1.03(a) of the Texas Rules of Professional Conduct.

VIII.

The complaint which forms 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 a complaint filed by the Alice Johnson on or about June 6, 1996.

PRAYER

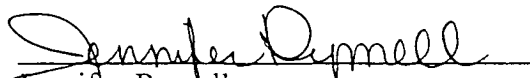
WHEREFORE, PREMISES CONSIDERED, Petitioner prays for judgment that Respondent be disciplined as the facts shall warrant; and that Petitioner have such other relief to which entitled, including costs of Court and attorney's fees.

Respectfully submitted,

Steven W. Young
General Counsel

Jennifer Rymell
Assistant General Counsel

Office of the General Counsel
State Bar of Texas
201 Main Street, Suite 1150
Fort Worth, Texas 76102
817-877-4993
817-335-4249


Jennifer Rymell
State Bar of Texas No. 18043750

ATTORNEYS FOR PETITIONER

STATE BAR OF TEXAS



Office of the Chief Disciplinary Counsel

February 10, 1997

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

Re: Commission for Lawyer Discipline v. Myles H. Pennington

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 Myles H. Pennington. Mr. Pennington is a resident of Tarrant 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:

Myles H. Pennington
3210 Greenbrook Drive
Arlington, Texas 76012

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.

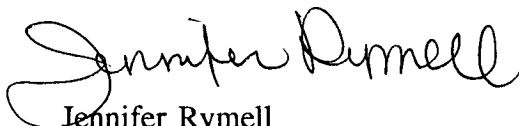
Once a trial judge has been appointed, please forward the original and two (2) copies of the Disciplinary Petition, the filing fee check, also enclosed herewith, and the Court's appointing order to the District Clerk of Tarrant County, Texas, with the request that the suit be filed, service be obtained, and a filemarked copy of the petition be returned to the undersigned. Further, please provide the undersigned a copy of the Court's appointing order in the pre-addressed envelope enclosed.

John T. Adams, Clerk
February 10, 1997
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Also enclosed is a pre-addressed envelope for your use in transmitting the petition, etc., to the District Clerk of Tarrant County, Texas, and a return envelope to be sent to the District Clerk of Tarrant 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 cursive script that reads "Jennifer Rymell". The signature is written in black ink and is positioned above the typed name.

Jennifer Rymell
Assistant General Counsel
Office of the Chief Disciplinary Counsel
State Bar of Texas

JSR/mm

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

April 4, 1997

Ms. Jennifer Rymell
Assistant General Counsel, State Bar of Texas
201 W. Main Street, Suite 1150
Fort Worth, Texas 76102

Mr. Myles H. Pennington
3210 Greenbrook Drive
Arlington, Texas 76012

Dear Ms. Rymell and Mr. Pennington:

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 Theo L. Bedard, Judge of the 330th District Court, Dallas, Texas to preside in

Commission for Lawyer Discipline v. Myles H. Pennington

Sincerely,

SIGNED

John T. Adams
Clerk



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

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JAMES A. BAKER
GREG ABBOTT

April 4, 1997

Honorable Theo L. Bedard
Judge, 330th District Court
George L. Allen Sr. Courts Building
600 Commerce Street
Dallas, Texas 75202

Dear Judge Bedard:

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. Pennington and Ms. Rymell, and a copy of the letter to the District Clerk of Tarrant County.

It is recommended that, six to eight weeks after receipt of this letter, your coordinator contact the District Clerk (817-884-1574) to learn the names, addresses, and telephone numbers of counsel for purposes of scheduling a conference. Also, either before or immediately after you set the case for trial, you should contact the Presiding Judge of the Administrative Judicial Region into which you have been assigned (817-884-1558) to reserve a courtroom, provide for a court reporter, etc., and to obtain 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
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JOHN T. ADAMS

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JAMES A. BAKER
GREG ABBOTT

EXECUTIVE ASS'T
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

April 4, 1997

The Honorable Tom Wilder
District Clerk of Tarrant County
401 West Belknap
Fort Worth, Texas 76196-0225

Dear Mr. Wilder:

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. Myles H. Pennington, and a copy of the Supreme Court's order appointing the Honorable Theo L. Bedard, Judge of the 330th District Court, Dallas, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Hon. Theo L. Bedard
Mr. Myles H. Pennington
Ms. Jennifer Rymell