

**ORDER OF THE SUPREME COURT OF TEXAS**

**Misc Docket No. 97- 9084**

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

The Supreme Court of Texas hereby appoints the Honorable Scott Link, Judge of the 80th District Court of Harris County, Texas, to preside in the Disciplinary Action styled:

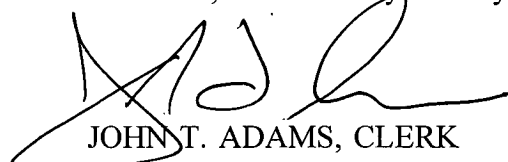
**The Commission for Lawyer Discipline v. E. Todd Tracy**

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.

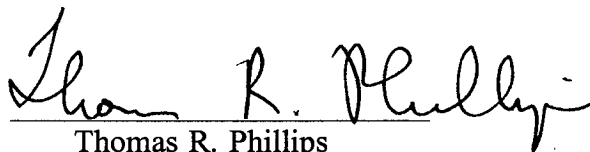
As ordered by the Supreme Court of Texas, in chambers,

with the Seal thereof affixed at the City  
of Austin, this 15th day of May, 1997.

  
JOHN T. ADAMS, CLERK  
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 97-9084, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 16 day of May, 1997.

A handwritten signature in cursive script that reads "Thomas R. Phillips". The signature is written in black ink and is positioned above a horizontal line.

Thomas R. Phillips  
Chief Justice

NO. \_\_\_\_\_

COMMISSION FOR LAWYER DISCIPLINE § IN THE DISTRICT COURT OF  
V. §  
§ DALLAS COUNTY, TEXAS  
§  
E. TODD TRACY § \_\_\_\_\_ 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, E. Todd Tracy, (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 Two Forest Plaza, 12201 Merit Drive, Suite 220, Dallas, Texas 75251.

**III.**

In or around March 1995, Steven Laird ("Laird") contacted Respondent and asked him to join in representing his client, Sandra Bullard ("Bullard"), in a personal injury case against

Chrysler Corporation ("Chrysler") filed in the United States District Court for the Eastern District of Texas. Respondent accepted and agreed to join in representing Bullard with the agreement that Laird was to be responsible for the damages portion of the lawsuit and Tracy was to be responsible for the liability portion of the lawsuit.

#### IV.

After Respondent agreed to join in representing Bullard, counsel for Chrysler approached Respondent and indicated that it would not agree to settle any more of Respondent's cases but, instead, would require Respondent to go to court and try all of the cases he had against Chrysler, if he continued in his representation of Bullard. Thereafter, by letter dated on or about September 14, 1995, Respondent informed Laird that he would have to withdraw from Bullard's case.

#### V.

On or about September 18, 1995, with a trial date of October 11, 1995, and a discovery completion date of September 1, 1995, Respondent filed a Motion to Withdraw alleging a conflict and wrongfully affirming that his withdrawal would not prejudice the rights of Bullard. Relying upon Respondent's representation, the Judge granted Respondent's Motion on September 20, 1995. Thereafter, on or about September 22, 1995, Laird filed a response to Respondent's Motion to Withdraw and strongly contended that Respondent's withdrawal would, in fact, significantly prejudice Bullard's case. The Court then set aside its Order granting Respondent's withdrawal and issued a Show Cause Order ordering Respondent to appear and show cause that Respondent's affirmation that his withdrawal would not prejudice the rights of Bullard was correct and had evidentiary support. The Court found that Bullard was prejudiced

by Respondent's withdrawal and that Respondent failed to produce any credible evidence supporting his representation to the Court that Bullard would not be prejudiced by his withdrawal. The Court further found that Respondent breached his duty to deal in a forthright manner with the Court, his client and his co-counsel. As a result of such findings, the Court held Respondent had violated Fed.R.Civ.P. 11(b)(3) and should be sanctioned under Rule 11(c). As a sanction, the Court ordered that Respondent be publicly reprimanded, pay a fine of \$2,500.00, and be required to complete an additional ten (10) hours of continuing legal education in ethics.

#### VI.

Such acts and/or omissions on the part of Respondent as are described in Paragraphs III, IV and V, hereinabove, which occurred on or after January 1, 1990, constitute conduct which violates Rule 3.03(a)(1) of the Texas Disciplinary Rules of Professional Conduct.

#### VII.

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 the State Bar of Texas filing a complaint on or about July 11, 1996.

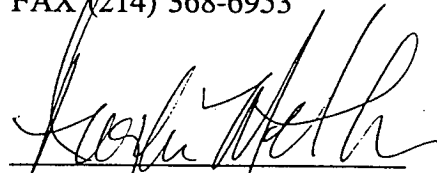
#### PRAYER

**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



**Angela Methvin**  
State Bar Card No. 00792698

ATTORNEYS FOR PETITIONER

# STATE BAR OF TEXAS



Office of the General Counsel  
Litigation - Dallas

April 23, 1997

**CMRRR NO. Z 742 009 897**

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

**RE: Commission for Lawyer Discipline v. E. Todd Tracy**

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 E. Todd Tracy. Mr. Tracy 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:

**E. Todd Tracy  
Two Forest Plaza  
12201 Merit Drive, Suite 220  
Dallas, Texas 75251**

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.

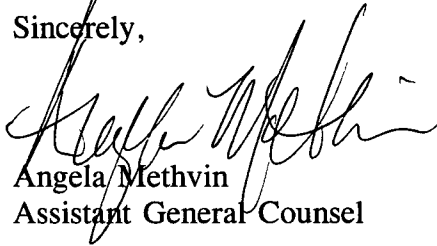
Once a trial judge has been appointed, please forward the original and two (2) copies of the documents listed above, the check for payment of the filing fees, and the Court's appointing order to the District Clerk of Dallas County, Texas, with the request that the suit be filed, service be obtained, and a file stamped copies of the documents be returned to the undersigned.

John T. Adams, Clerk  
April 23, 1997  
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 return envelopes to be sent to the District Clerk of Dallas County, Texas, for the Clerk's use in returning a file stamped copies of the documents to the undersigned.

Thank you for your courtesies in this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Angela Methvin".

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 ASST  
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

May 16, 1997

The Honorable Bill Long  
District Clerk of Dallas County  
George Allen Courts Building  
600 Commerce  
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. E. Todd Tracy, and a copy of the Supreme Court's order appointing the Honorable Scott Link, Judge of the 80th District Court, Houston, Texas, to preside in this Disciplinary Action.

Sincerely,

**SIGNED**

John T. Adams  
Clerk

cc: Hon. Scott Link  
Mr. E. Todd Tracy  
Ms. Angela Methvin



## THE SUPREME COURT OF TEXAS

CHIEF JUSTICE  
THOMAS R. PHILLIPS

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JAMES A. BAKER  
GREG ABBOTT

May 16, 1997

The Honorable Scott Link  
Judge, 80th District Court  
600 Civil Courts Buidling  
301 Fannin  
Houston, Texas 77002

Dear Judge Link:

We enclose for your information a copy of the order of assignment, a copy of the Disciplinary Petition, a copy of the notification letter to Mr. Tracy and Ms. Methvin, and a copy of the letter to the District Clerk of Dallas County.

We then recommend that, six to eight weeks after receipt of this letter, your coordinator call the Dallas County court administrator (214 653-6108) for assistance in learning the name, phone number, and address of counsel. Also, either just before or immediately after you set the case for trial, the County court administrator 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 (214 653-2945) 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

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JAMES A. BAKER  
GREG ABBOTT

EXECUTIVE ASST  
WILLIAM L. WILLIS

ADMINISTRATIVE ASST  
NADINE SCHNEIDER

May 16, 1997

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

Mr. E. Todd Tracy  
Two Forest Plaza  
12201 Merit Drive, Suite 220  
Dallas, Texas 75251

Dear Mr. Tracy and Ms. Methvin::

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 Scott Link, Judge of the 80th District Court, Houston, Texas to preside in

Commission for Lawyer Discipline v. E. Todd Tracy.

Sincerely,

**SIGNED**

John T. Adams  
Clerk