

ORDER OF THE SUPREME COURT OF TEXAS

Misc Docket No. 97- 9100

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

The Supreme Court of Texas hereby appoints the Honorable Sharolyn P. Wood, Judge of the 127th District Court of Harris County, Texas, to preside in the Disciplinary Action styled:

The Commission for Lawyer Discipline v. Andrew Abraham Dunlap

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.

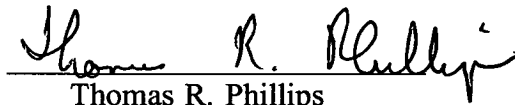
As ordered by the Supreme Court of Texas, in chambers,

with the Seal thereof affixed at the City
of Austin, this 10th day of June, 1997.


JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 97-9100, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 10 day of June, 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
	§	
ANDREW ABRAHM DUNLAP	§	_____ 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, Andrew Abraham Dunlap, (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 1999 Bryan Street, Suite 2700, Dallas, Texas 75201.

III.

In or around July 1994, Mickey Greene ("Greene") hired Respondent to represent him in connection with a Texas Workers' Compensation claim. On or about October 11, 1994, Respondent represented Greene at his Benefit Contested Case Hearing. On November 10, 1994, the hearing decision was distributed to all parties notifying them of the hearing officer's findings against Greene on all issues. Several days after receiving his copy of the hearing officer's decision, Greene called Respondent, inquiring if Respondent was preparing to file an appeal. Respondent informed Greene that he had not yet received a copy of the hearing officer's decision, therefore, Greene mailed Respondent a copy of the decision that he had received.

IV.

Greene's appeal was to be filed no later than November 30, 1994; however, Respondent failed to make a timely filing. On December 9, 1994, on behalf of Greene, Respondent filed an Appeal on Decision and Order, and alleged that, due to unforeseen circumstances, Respondent had not received his copy of the hearing officer's decision until December 9, 1994, and requested the Texas Workers' Compensation Commission to grant an extension in the filing deadline. On January 24, 1995, the Appeals Panel found that Respondent's appeal filing on behalf of Greene was untimely, that the Appeal Panel had no jurisdiction and that the hearing officer's decision had become final by the operation of law.

V.

Following the Appeal Panel's decision, which was issued on January 24, 1995, Respondent had forty (40) days in which to file suit on behalf of Greene in district court. The deadline for filing Plaintiff's Original Petition in district court on behalf of Greene was March 6,

1995. Respondent did not file Greene's Original Petition until March 8, 1995, and the court granted defendant's Motion for Summary Judgment. By failing to make timely filings on behalf of Greene in two separate venues, Respondent neglected the legal matter entrusted to him and failed to carry out completely the obligations he owed to Greene.

VI.

During the time that Respondent served as Greene's counsel, Greene made repeated telephone calls to Respondent, leaving messages inquiring about the status of his case and requesting Respondent return his calls. Respondent failed to return Greene's calls in a timely manner, failed to keep Greene reasonably informed about the status of his case and failed to comply with Greene's reasonable requests for information. Additionally, Respondent failed to inform Greene of the outcome of the district court proceeding. It was not until in or around March 1996, that Respondent informed Greene that he could do nothing further with Greene's case.

VII.

After Respondent informed Greene that he could do nothing further with his case, Greene repeatedly asked Respondent for a copy of his files, but Respondent failed to comply with Greene's requests. It was not until Greene went to Respondent's office and said that he was not leaving until Respondent gave him a copy of his files that Respondent complied with Greene's request and delivered a copy of the files, to which Greene was entitled, to him.

VIII.

Such acts and/or omissions on the part of Respondent as are described in Paragraphs III, IV, V, VI and VII, 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) and/or 1.15(d) of the Texas Disciplinary Rules of Professional Conduct.

IX.

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 Mickey Greene filing a complaint on or about June 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 28, 1997

CMRRR NO. Z 742 009 899

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

RE: Commission for Lawyer Discipline v. Andrew Abrahm Dunlap

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 Andrew Abrahm Dunlap. Mr. Dunlap 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:

**Andrew Abrahm Dunlap
1999 Bryan Street
Suite 2700
Dallas, Texas 75201**

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.

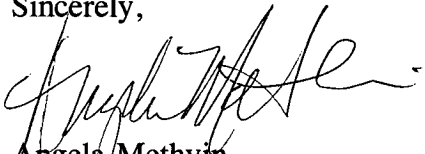
Once a trial judge has been appointed, please forward the original and two (2) copies of the Disciplinary Petition, the filing fee check, also enclosed herewith, and the Court's appointing order to the District Clerk of Dallas County, Texas, with the request that the suit be filed, service be obtained,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

John T. Adams, Clerk
April 28, 1997
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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,

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

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

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

Mr. Andrew Abraham Dunlap
1999 Bryan Street, Suite 2700
Dallas, Texas 75201

Dear Ms. Methvin and Mr. Dunlap:

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 Sharolyn P. Wood, Judge of the 127th District Court, Houston, Texas to preside in

Commission for Lawyer Discipline v. Andrew Abraham Dunlap

Sincerely,

SIGNED

John T. Adams
Clerk



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

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GREG ABBOTT

EXECUTIVE ASS'T
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

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. Andrew Abrahm Dunlap, and a copy of the Supreme Court's order appointing the Honorable Sharolyn P. Wood, Judge of the 127th District Court, Houston, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Hon. Sharolyn P. Wood
Mr. Andrew Abrahm Dunlap
Ms. Angela Methvin



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

POST OFFICE BOX 12248 AUSTIN, TEXAS 78711

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FAX: (512) 463-1365

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JOHN T. ADAMS

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PRISCILLA R. OWEN
JAMES A. BAKER
GREG ABBOTT

EXECUTIVE ASST
WILLIAM L. WILLIS

ADMINISTRATIVE ASST
NADINE SCHNEIDER

Honorable Sharolyn P. Wood
Judge, 127th District Court
211 Civil Courts Building
301 Fannin Street
Houston, Texas 77002

Dear Judge Wood:

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. Dunlap, 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