

ORDER OF THE SUPREME COURT OF TEXAS

Misc Docket No. 97- 9118

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

The Supreme Court of Texas hereby appoints the Honorable Peter M. Lowry, Judge of the 261st District Court of Travis County, Texas, to preside in the Disciplinary Action styled:

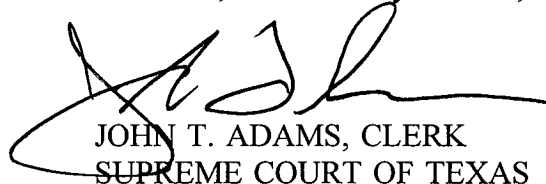
The Commission for Lawyer Discipline v. Leonard Leighton

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

The Clerk of the Supreme Court shall promptly forward to the District Clerk of Bexar 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,

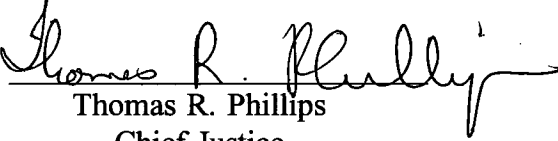
with the Seal thereof affixed at the City
of Austin, this 30th day of June, 1997.



JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 97-9118, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 30 day of June, 1997.


Thomas R. Phillips
Chief Justice

NO. _____

FILE COPY

**COMMISSION FOR LAWYER
DISCIPLINE**

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§
§

IN THE DISTRICT COURT OF

V.

BEXAR COUNTY, T E X A S

LEONARD LEIGHTON

_____TH JUDICIAL DISTRICT

PETITIONER'S ORIGINAL DISCIPLINARY PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now, Petitioner, COMMISSION FOR LAWYER DISCIPLINE, a committee of the State Bar of Texas, complaining of Respondent, LEONARD LEIGHTON, and in support thereof would respectfully show the Court the following:

Parties

Petitioner is the COMMISSION FOR LAWYER DISCIPLINE, a committee of the State Bar of Texas. Respondent, LEONARD LEIGHTON, State Bar No. 12185000, at all times relevant to this cause of action, is an attorney licensed to practice law in the State of Texas and is a member of the State Bar of Texas. Respondent is a resident of San Antonio, Bexar County, Texas and may be served with process at 3003 N.W. Loop 410, San Antonio, Bexar County, Texas 78230, his usual place of employment.

Venue

Respondent maintains his principal place of practice in Bexar County, Texas. The alleged professional misconduct occurred in whole or in part in Bexar County, Texas. Accordingly, pursuant to Texas Rules of Disciplinary Procedure 3.03, venue is proper in Bexar County, Texas.

Professional Misconduct

I.

Petitioner brings this disciplinary action pursuant to State Bar Act, Tex. Gov't. Code Ann., Sec. 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 this action was filed on or about January 16, 1996 by Keith Edmonson. The acts and conduct of Respondent, as hereinafter alleged, constitute professional misconduct.

II.

Beginning in the mid 1980s and continuing until as recent as April of 1995, Respondent served as an attorney for Keith Edmonson. Respondent rendered to Mr. Edmonson legal advice, tax advice, investment advice, advice relating to life insurance, the necessity of a will and other legal services throughout the years. Respondent also served as trustee for investments made by Mr. Edmonson.

III.

Mr. Edmonson, upon the advice of Respondent, invested \$48,000.00 in various joint ventures and limited partnerships as follows:

\$12,000.00 -- Longhorn Pecan Joint Venture;
\$25,000.00 -- Round Rock Joint Venture;
\$10,000.00 -- San Marcos Highway 35 Joint Venture; and
\$ 1,000.00 -- Highway 90 Joint Venture.

All investments were made upon the advice of Respondent. All investments made on behalf of Mr. Edmonson were carried out by Respondent and the money passed through the accounts of Respondent.

IV.

In 1984, Mr. Edmonson gave to Respondent \$12,000.00 for the purposes of investing in the Longhorn Pecan Joint Venture. Respondent, contrary to representations made by Respondent to Mr. Edmonson, failed to invest the funds in Mr. Edmonson's name. Mr. Edmonson, in 1995, for the first time learned that he was not listed as a part owner of the Longhorn Pecan Joint Venture. Respondent sent correspondence to Mr. Edmonson on numerous occasions representing that Mr. Edmonson was a part owner of the Longhorn Pecan Joint Venture, when in fact, Respondent had taken Mr. Edmonson's \$12,000.00 and purchased the shares of the Longhorn Pecan Joint Venture in the name of his law firm's employee pension plan. The ownership interest in Longhorn Pecan Joint Venture was never transferred to Mr. Edmonson. Mr. Edmonson never gave permission for Respondent to use his money for investments made in the name of Respondent's law firm's employee pension plan. Mr. Edmonson did not discover the fraudulent nature of the Longhorn Pecan Joint Venture investment until some time in 1995.

V.

Respondent failed to inform Mr. Edmonson he was not a part owner of the Longhorn Pecan Joint Venture and failed to inform Mr. Edmonson the status of his other investments. Due to Respondent's failure to communicate with his client, Mr. Edmonson was deprived of his opportunity to make informed decisions regarding the representation and investments. Further, Respondent failed to provide to Mr. Edmonson necessary income tax information to enable Mr. Edmonson to declare losses from the investments thereby depriving him of the tax benefits of the investments.

Disciplinary Rules of Professional Conduct

VI.

The conduct of Respondent described above was in violation of the following Texas Disciplinary Rules of Professional Conduct:

Rule 1.03(a) -- A lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.

Rule 1.03(b) -- A lawyer shall explain a matter to the extent reasonable necessary to permit the client to make informed decisions regarding the representation.

Rule 8.04(a)(3) -- A lawyer shall not engage in conduct involving dishonesty, fraud, deceit or misrepresentation.

PRAYER

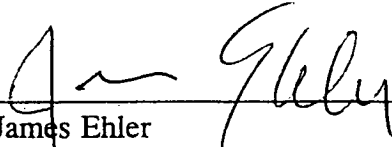
WHEREFORE, PREMISES CONSIDERED, Petitioner prays that a judgment of professional misconduct be entered against Respondent imposing an appropriate sanction as the facts shall warrant and that Petitioner have such other relief to which it is entitled, including, but not limited to, costs of court, all direct expenses associated with these proceedings and reasonable attorney's fees as provided in Rule 1.06(T)(8)(b) of the Texas Rules of Disciplinary Procedure.

Respectfully submitted,

Steven W. Young
General Counsel

James Ehler
Assistant General Counsel

Office of the General Counsel
State Bar of Texas
425 Soledad, Suite 300
San Antonio, Texas 78205
Telephone: (210) 271-7881
Telecopier: (210) 271-9642



James Ehler
State Bar No. 06484650

ATTORNEYS FOR PETITIONER

STATE BAR OF TEXAS



CERTIFIED MAIL
RETURN RECEIPT REQUESTED
P 583 839 938

Office of the General Counsel
Regional Office
Soledad Plaza West
425 Soledad, Suite 300
San Antonio, Texas 78205
(210) 271-7881
FAX: (210) 271-9642

May 15, 1997

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

RE: Commission for Lawyer Discipline v. Leonard Leighton

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 Leonard Leighton. Mr. Leighton has designated **Bexar County** as his 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 Respondent practices 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:

Leonard Leighton
By and through his attorney
Ray Taylor
4718 Camino Dorado
San Antonio, Texas 78233

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 as 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 and the filing fee check, also enclosed herewith, and the Court's appointing

order to the District Clerk of Bexar County, Texas, with the request that the suit be filed, service be obtained, and a filemarked copy of the petition returned to the undersigned.

Also enclosed are a pre-addressed envelope for your use in transmitting the petition, etc., to the District Clerk of Bexar County, Texas and a return envelope to be sent to the District Clerk of Bexar County, Texas, for the Clerk's use in returning a filemarked copy of the petition to the undersigned.

Thank you for your courtesies in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Ehler', written over the typed name.

James Ehler
Assistant General Counsel

Enclosures

JAE/tmg



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

July 3, 1997

Mr. James Ehler
Assistant General Counsel, State Bar of Texas
425 Soledad, Suite 300
San Antonio, Texas 78205

Mr. Leonard Leighton
c/o Ray Taylor
4718 Camino Dorado
San Antonio, Texas 78233

Dear Mr. Ehler and Mr. Leighton:

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 Peter M. Lowry, Judge of the 261st District Court, Austin, Texas to preside in

Commission for Lawyer Discipline v. Leonard Leighton

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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JAMES A. BAKER
GREG ABBOTT

EXECUTIVE ASST
WILLIAM L. WILLIS

ADMINISTRATIVE ASST
NADINE SCHNEIDER

July 3, 1997

The Honorable David J. Garcia
District Clerk of Bexar County
100 Dolorosa Street
San Antonio, Texas 78205-1205

Dear Mr. Garcia:

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. Leonard Leighton, and a copy of the Supreme Court's order appointing the Honorable Peter M. Lowry, Judge of the 261st District Court, Austin, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Hon. Peter M. Lowry
Mr. James Ehler
Mr. Leonard Leighton



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
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PRISCILLA R. OWEN
JAMES A. BAKER
GREG ABBOTT

July 3, 1997

Honorable Peter M. Lowry
Judge, 261st District Court
P.O. Box 1748
Austin, Texas 78767-1748

Dear Judge Lowry:

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. Ehler and Mr. Leighton, and a copy of the letter to the District Clerk of Bexar County.

It is recommended that, six to eight weeks after receipt of this letter, you or your coordinator contact the Bexar County Administrative Office (210-220-2300) to find out the district court to which this disciplinary case has been assigned, names and addresses of counsel, etc. We then recommend that, either before or immediately after you set the case for trial, you contact the Presiding Judge of the Administrative Judicial Region into which you have been assigned (210-769-3519) to reserve a courtroom, obtain a court reporter, obtain claims forms for your expenses incident to presiding over this disciplinary case.

Sincerely,

SIGNED

John T. Adams
Clerk