

**ORDER OF THE SUPREME COURT OF TEXAS**

**Misc Docket No. 97-9130**

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

The Supreme Court of Texas hereby appoints the Honorable J. Michael Wilkinson, Judge of the 179th District Court of Harris County, Texas, to preside in the Disciplinary Action styled:


**The Commission for Lawyer Discipline v. Roger F. Joyner**

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,

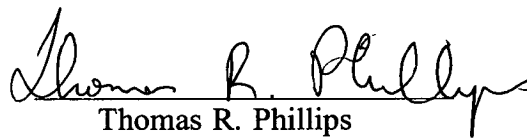
with the Seal thereof affixed at the City  
of Austin, this 22nd day of July, 1997.



JOHN T. ADAMS, CLERK  
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 97-9130, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 22 day of July, 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  
§  
ROGER F. JOYNER § \_\_\_\_\_ 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, Roger F. Joyner, (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 by and through his attorney, Lyle B. Medlock, Lyle B. Medlock & Associates, 1801 N. Hampton, Suite 300, DeSoto, Texas 75115.

**III.**

On or about June 25, 1996, Marianela Cardenas ("Cardenas") hired Respondent to post bond for her common law husband, Francisco Gregorio Espinoza ("Espinoza"), who was in jail on charges

of possession of a controlled substance. Cardenas paid Respondent a total of \$4,250.00. Respondent advised Cardenas that Espinoza would be released from jail on June 26, 1996, at 3:00 p.m., but he was not released from jail at that time. Respondent never posted bond and never contacted or visited Espinoza in jail. By failing to contact Espinoza and post bond to secure his release from jail, Respondent neglected the legal matter that had been entrusted to him.

#### IV.

Since Respondent failed to post bond and secure Espinoza's release from jail, Cardenas called Respondent several times seeking the return of her money. Cardenas needed the money she had given Respondent to post bond and pay another lawyer. Respondent did not respond to Cardenas' request and did not return her money. By letter dated July 9, 1997, Cardenas terminated Respondent's services and, once again, asked for the return of her money, but Respondent failed to comply. By not returning Cardenas' money, as requested, Respondent failed to surrender the money to which his client was entitled, failed to refund any unearned, advanced payment of legal fees, and failed to take reasonable steps to protect his client's interests.

#### V.

As a result of the conduct described in Paragraphs III and IV, Cardenas filed a complaint against Respondent with the State Bar of Texas on July 29, 1996. On August 1, 1996, the State Bar of Texas sent, by certified mail return receipt requested, a letter to Respondent notifying him that a complaint alleging professional misconduct on his part had been filed against him by Cardenas. In said letter, Respondent was advised that, pursuant to Rule 2.09 of the Texas Rules of Disciplinary Procedure, he was required to file a written response with the State Bar of Texas within thirty (30) days of his receipt of the letter. Respondent received the letter on August 2, 1996, and failed to

furnish the State Bar of Texas a written response to the complaint within the required thirty (30) days of his receipt of the notification letter, and he failed to timely assert a privilege or other legal ground for his failure to furnish his response.

**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 Rules 1.01(b)(1), 1.03(a), 1.15(d), 8.04(a)(1) and/or 8.04(a)(8) 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 Marianela Cardenas filing a complaint on or about July 29, 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.

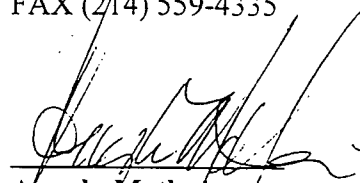
Respectfully submitted,

**Steve W. Young**  
General Counsel

**Angela Methvin**  
Assistant General Counsel

State Bar of Texas  
Litigation - Dallas

3710 Rawlins  
Suite 800  
Dallas, Texas 75219  
(214) 559-4997  
FAX (214) 559-4335



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

ATTORNEYS FOR PETITIONER

# STATE BAR OF TEXAS



Office of the General Counsel

June 25, 1997

**CMRRR NO. Z 339 406 511**

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

**RE: Commission for Lawyer Discipline v. Roger F. Joyner**

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 Roger F. Joyner. Mr. Joyner 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 by and through his attorney at the address shown below and the undersigned of the identity and address of the judge assigned:

**Roger F. Joyner  
c/o Lyle B. Medlock  
Provident Bank Bldg.  
1801 N. Hampton, Suite 300  
DeSoto, Texas 75115**

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.

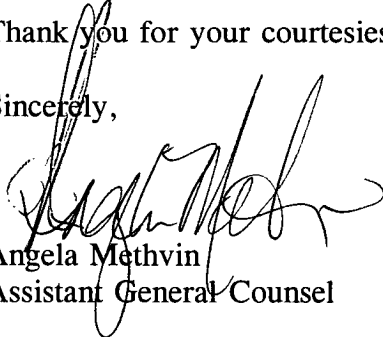
Regency Plaza, 3710 Rawlins, Suite 800, Dallas, Texas 75219  
Telephone: (214) 559-4353 Fax: (214) 559-4335

John T. Adams, Clerk  
June 25, 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 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,



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

JUL 23 1997

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. Roger F. Joyner, and a copy of the Supreme Court's order appointing the Honorable J. Michael Wilkinson, Judge of the 179<sup>th</sup> District Court, Houston, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams  
Clerk

cc: Hon. J. Michael Wilkinson  
Mr. Roger F. Joyner  
Ms. Angela Methvin



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE  
THOMAS R. PHILLIPS

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EXECUTIVE ASS'T  
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T  
NADINE SCHNEIDER

JUL 23 1997

Ms. Angela Methvin  
Assistant General Counsel, State Bar of Texas  
3710 Rawlins, Suite 800  
Dallas, Texas 75219

Mr. Roger F. Joyner  
c/o Lyle B. Medlock  
Provident Bank Building  
1801 N. Hampton, Suite 300  
DeSoto, Texas 75115

Dear Ms. Methvin and Mr. Joyner:

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 J. Michael Wilkinson, Judge of the 179<sup>th</sup> District Court, Houston, Texas, to preside in

Commission for Lawyer Discipline v. Roger F. Joyner

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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GREG ABBOTT

TEL: (512) 463-1312  
FAX: (512) 463-1365

EXECUTIVE ASST  
WILLIAM L. WILLIS

ADMINISTRATIVE ASST  
NADINE SCHNEIDER

JUL 23 1997

Honorable J. Michael Wilkinson  
Judge, 179<sup>th</sup> District Court  
301 San Jacinto Street, Room 812  
Houston, Texas 77002

Dear Judge Wilkinson:

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. Joyner, 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 Dallas County District Court Administrative Office (214-653-6510) 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