

ORDER OF THE SUPREME COURT OF TEXAS

Misc Docket No. 97- 9192

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

The Supreme Court of Texas hereby appoints the Honorable Georgia Dempster, Judge of the 308th District Court of Harris County, Texas, to preside in the Disciplinary Action styled:

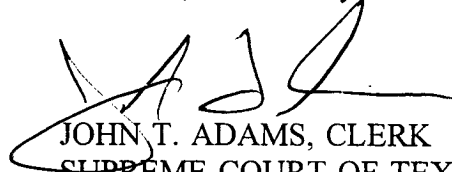
The Commission for Lawyer Discipline v. Cindy D. Purinton

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.

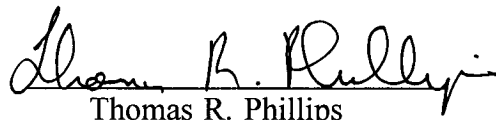
As ordered by the Supreme Court of Texas, in chambers,

with the Seal thereof affixed at the City
of Austin, this 6th day of November, 1997.


JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 97-9192, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 3 day of November, 1997.

A handwritten signature in cursive script, reading "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.	§	TARRANT COUNTY, TEXAS
CINDY D. PURINTON	§	_____ 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, Cindy D. Purinton (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 her principal place of practice in, Tarrant County, Texas. An officer may serve citation on Respondent at 1521 N. Cooper Street, Suite 200, Arlington, Tarrant County, Texas 76011.

FIRST CAUSE OF ACTION

III.

Respondent was retained by Dalmas Taylor (hereinafter referred to as "Complainant") in July, 1995, to represent him in pursuit of his claims, as buyer, against the seller of residential real property. In or about July or August, 1995, Respondent sent a demand letter on behalf of

Complainant alleging fraud and failure to disclose the residential real property defects as required under the Texas Property Code. Respondent received seller's response dated August 26, 1995, a copy of which she forwarded to Complainant on September 8, 1995. On October 20, 1995, Respondent sent a second demand letter on behalf of Complainant to seller. When it appeared that the issue would not resolve, Complainant made several requests for Respondent to file a lawsuit on his behalf against seller. On March 21, 1996, no lawsuit had been filed, and Complainant wrote Respondent requesting that she respond within a specified time period and explain why no lawsuit had been filed.

On April 8, 1996, Respondent wrote to Complainant requesting a \$750.00 retainer and his signature on a contract. On April 15, 1995, Complainant signed and returned to Respondent the Contract for Attorney Services. Several months passed without communication (either verbal or written) from Respondent. In July, 1996, Complainant informed Respondent that he was selling his house and would be leaving Texas by the end of August. Respondent assured Complainant that would not be a problem and that Complainant would hear from her soon. In mid-August, 1996, Complainant called Respondent's office and left a message on an answering machine that he wanted a refund of his \$750.00 and his file if he did not receive copies of the requested work within a week. Complainant moved to Pennsylvania on August 29, 1996, without hearing from Respondent. Once settled in Pennsylvania, on September 23, 1996, Complainant wrote Respondent and again requested a refund of his \$750.00 retainer and return of his personal files to him. Complainant received no response to his letter. On November 6, 1996, Complainant wrote Respondent again requesting the refund and his file. On January 21, 1997, Complainant filed a grievance complaint against Respondent. Afterwards, on January 30, 1997, Complainant received his file from Respondent. To date, Complainant has not received a refund of his \$750.00 retainer.

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 Rules 1.01(b)(1), 1.03(a), 1.14(a), 1.14(b), and 1.14(c) 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 Dalmas Taylor on or about January 21, 1997.

PRAYER

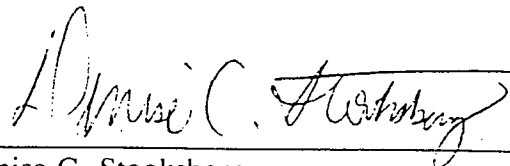
WHEREFORE, PREMISES CONSIDERED, Petitioner prays for judgment that Respondent be disciplined as the facts shall warrant; and that Petitioner have such other relief to which entitled, including costs of Court and attorney's fees.

Respectfully submitted,

Steven W. Young
General Counsel

Denise C. Stooksberry
Assistant General Counsel

Office of the General Counsel
STATE BAR OF TEXAS
201 Main Street, Suite 1150
Fort Worth, TX 76102
817/877-4993
817/335-4249 (FAX)



Denise C. Stooksberry
State Bar Card No. 04607100

ATTORNEYS FOR PETITIONER

STATE BAR OF TEXAS



Office of the Chief Disciplinary Counsel

October 2, 1997

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

Re: Commission for Lawyer Discipline v. Cindy D. Purinton

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 Cindy D. Purinton. Ms. Purinton 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:

Cindy D. Purinton
1521 N. Cooper St., #200
Arlington, Texas 76011

As a practical matter, I would respectfully suggest that you inquire with the judge to be appointed whether he or she will be able to comply with the 180 day deadline by which the case must be set for trial pursuant to 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 file-marked 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
October 2, 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 file-marked 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, appearing to read "Denise C. Stooksberry". The signature is written in black ink and is positioned to the right of the typed name.

Denise C. Stooksberry
Assistant General Counsel
Office of the Chief Disciplinary Counsel
State Bar of Texas

DCS/sg

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 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

NOV 21 1997

Ms. Denise C. Stooksberry
Assistant General Counsel, State Bar of Texas
201 W. Main Street, Suite 1150
Fort Worth, Texas 76102

Ms. Cindy D. Purinton
1521 N. Cooper Street, #200
Arlington, Texas 76011

Dear Ms. Stooksberry and Ms. Purinton:

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 Georgia Dempster, Judge of the 308th District Court, Houston, Texas to preside in

Commission for Lawyer Discipline v. Cindy D. Purinton

Sincerely,

STAMPED

John T. Adams
Clerk



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

POST OFFICE BOX 12248 AUSTIN, TEXAS 78711

CLERK
JOHN T. ADAMS

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GREG ABBOTT

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FAX: (512) 463-1365

EXECUTIVE ASS'T
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

NOV 21 1997

Honorable Georgia Dempster
Judge, 308th District Court
1115 Congress Street, 3rd Floor
Houston, Texas 77002

Dear Judge Dempster:

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. Purinton and Ms. Stooksberry, 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,

J. ADAMS

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

FAX: (512) 463-1365

CLERK
JOHN T. ADAMS

JUSTICES
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NATHAN L. HECHT
JOHN CORNYN
CRAIG ENOCH
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PRISCILLA R. OWEN
JAMES A. BAKER
GREG ABBOTT

EXECUTIVE ASS'T
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

NOV 21 1997

The Honorable Thomas A. Wilder
District Clerk of Tarrant County
401 West Belknap
Fort Worth, Texas 76196-0402

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. Cindy D. Purinton and a copy of the Supreme Court's order appointing the Honorable Georgia Dempster, Judge of the 308th District Court, Houston, Texas, to preside in this Disciplinary Action.

Sincerely,

John T. Adams
Clerk

cc: Hon. Georgia Dempster
Ms. Cindy D. Purinton
Ms. Denise C. Stooksberry