

**ORDER OF THE SUPREME COURT OF TEXAS**

**Misc Docket No. 98- 9036**

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

The Supreme Court of Texas hereby appoints the Honorable Terry A. Canales, Judge of the 79th District Court of Jim Wells County, Texas, to preside in the Disciplinary Action styled:

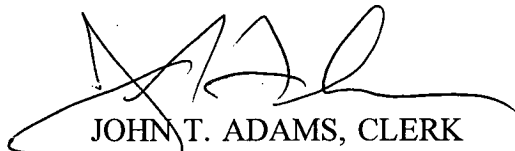
**The Commission for Lawyer Discipline v. Gregory L. Donnell**

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

The Clerk of the Supreme Court shall promptly forward to the District Clerk of Brazoria 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.

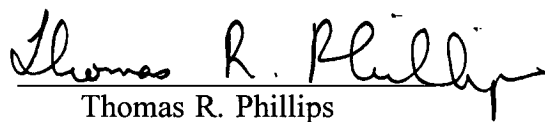
As ordered by the Supreme Court of Texas, in chambers,

with the Seal thereof affixed at the City  
of Austin, this 11th day of February, 1998.

  
JOHN T. ADAMS, CLERK  
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 98-9036, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 12 day of February, 1998.

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

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

COMMISSION FOR LAWYER DISCIPLINE §	IN THE DISTRICT COURT OF
v. §	BRAZORIA COUNTY, TEXAS
GREGORY L. DONNELL §	_____ JUDICIAL DISTRICT

**PETITIONER'S ORIGINAL DISCIPLINARY PETITION**

TO THE HONORABLE JUDGE OF THE COURT:

COMES NOW Petitioner, the COMMISSION FOR LAWYER DISCIPLINE, a committee of the State Bar of Texas (hereinafter called "Petitioner"), complaining of Respondent, GREGORY L. DONNELL (hereinafter called "Respondent"), showing the Court:

**I. Nature of Proceeding**

Petitioner brings this disciplinary action pursuant to the State Bar Act, the Texas Government Code Annotated §81.001, *et seq.* (Vernon 1988 and supp. 1994), the Texas Disciplinary Rules of Professional Conduct, and the Texas Rules of Disciplinary Procedure. The complaints that form the basis of this Disciplinary Petition were filed on or after May 1, 1992.

**II. Venue**

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 Brazoria County, Texas. Respondent's principal place of practice is Brazoria County, Texas, and therefore venue is appropriate in Brazoria County, Texas, pursuant to Rule 3.03 of the Texas Rules of Disciplinary Procedure. An officer may serve citation on Respondent at his business address located at 112 East Locust Street, Angleton, Brazoria County, Texas, 77515-4610.

### **III. First Cause of Action**

On or about March 31, 1994, Patrick Hammond (hereinafter called "Hammond") hired Respondent to represent him in his divorce and child custody matter.

Thereafter, on or about December 28, 1994, January 9, 1995, January 10, 1995, January 17, 1995, and January 20, 1995, Hammond made numerous telephone calls to Respondent to find out the date of an upcoming hearing. Respondent failed to respond to Hammond's requests. On or about January 25, 1995, Hammond went to Respondent's office, and was notified then that the hearing was scheduled for the next day.

Following the January 26, 1995, hearing, Hammond attempted to schedule an appointment with Respondent to discuss the case, however, Respondent failed and refused to communicate with Hammond.

### **IV.**

The acts and/or omissions of the Respondent described in Paragraph III above, which occurred on or after January 1, 1990, constitute conduct in violation of Rules 1.03(a) [for failing to keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information] and 1.03(b) [for failing to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation] of the Texas Disciplinary Rules of Professional Conduct.

### **V.**

The complaint that forms the basis of this cause of action was brought to the attention of the Office of the General Counsel of the State Bar of Texas by Patrick Hammond's filing of a complaint on or about November 27, 1996.

## **VI. Second Cause of Action**

On or about July 11, 1995, Kerri Hollis (hereinafter called "Hollis") hired Respondent to represent her in her divorce and child custody matter.

Thereafter, Respondent neglected Hollis' case when he failed to file a cross-petition or Temporary Restraining Order, failed to file an inventory on behalf of Hollis, failed to take depositions, failed to supplement discovery, failed to subpoena witnesses, and missed discovery deadlines.

The opposing counsel filed two Motions in Limine, effectively calling into question all evidence Hollis might have been able to present. Thereafter, Respondent failed to inform Hollis about the Motions in Limine and that the Motions had been granted, thereby limiting the evidence Hollis would be able to present in trial.

Respondent informed Hollis that her divorce trial date had been continued from July 15, 1996, to August 16, 1996, when in fact the trial had not been continued and was not continued. Upon the advice of Respondent, Hollis did not appear for the scheduled divorce trial on July 15, 1996.

On or about July 15, 1996, Respondent appeared in court at 9:00 a.m. for the scheduled divorce trial. The Judge denied Respondent's Motion for Continuance and ordered Respondent to begin jury selection at 10:30 a.m. However, Respondent failed to appear for jury selection and failed to notify Hollis that a jury trial would begin on July 16, 1996, and not August 16, 1996. As such, a default was entered against Hollis.

## VII.

The acts and/or omissions of the Respondent described in Paragraph VI above, which occurred on or after January 1, 1990, constitute conduct in violation of rules **1.01(b)(1)** [in representing a client, a lawyer shall not neglect a legal matter entrusted to the lawyer]; **1.01(b)(2)** [in representing a client, a lawyer shall not frequently fail to carry out completely the obligations owed to a client or clients]; **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]; **1.03(b)** [a lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation]; and **8.04(a)(3)** [a lawyer shall not engage in conduct involving dishonesty, fraud, deceit or misrepresentation] of the Texas Disciplinary Rules of Professional Conduct.

## VIII.

The complaints that forms the basis of this cause of action was brought to the attention of the Office of the General Counsel of the State Bar of Texas by Kerri Anne Hollis' filing of a complaint on or about November 27, 1996.

### Prayer

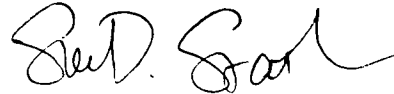
WHEREFORE, PREMISES CONSIDERED, Petitioner the COMMISSION FOR LAWYER DISCIPLINE respectfully prays that this Court discipline Respondent, GREGORY L. DONNELL, by reprimand, suspension or disbarment, as the facts shall warrant; and that the Petitioner have all other relief to which it may show itself to be justly entitled, including costs of court and attorneys' fees.

Respectfully submitted,

Steven W. Young  
General Counsel

Stephen D. Statham  
Assistant General Counsel

Office of the General Counsel  
STATE BAR OF TEXAS  
1111 Fannin, Suite 1370  
Houston, Texas 77002  
(713) 759-6931  
Fax No. (713) 759-1932



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STEPHEN D. STATHAM  
State Bar No. 19082500

ATTORNEYS FOR THE COMMISSION  
FOR LAWYER DISCIPLINE

# STATE BAR OF TEXAS



Office of the General Counsel

December 29, 1997

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

**Re: *Commission for Lawyer Discipline v. Gregory L. Donnell***

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 Gregory L. Donnell. Mr. Donnell has designated Brazoria County, Texas, 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 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:

Gregory L. Donnell  
112 East Locust Street  
Angleton, Brazoria County, Texas 77515

As a practical matter, I would respectfully suggest that you inquire with the judge to be appointed as to: (1) 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; and (2) whether he or she can accommodate compliance with Mellon Service Co., et al v. Touche Ross Co., 946 S.W.2d 862 (Tex. App. - Houston [14th Dist.] 1997), which requires that all proceedings incident to a case occur in the county of proper venue. 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 Brazoria 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.

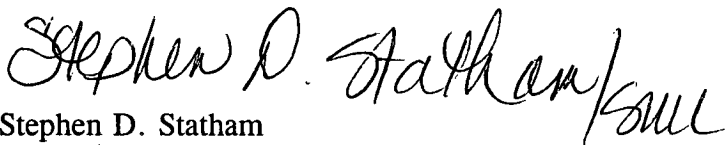


Mr. John Adams  
December 29, 1997  
Page Two

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

Thank you for your courtesies in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Stephen D. Statham/sml". The signature is written in dark ink and is positioned above the typed name and title.

Stephen D. Statham  
Assistant General Counsel

SDS/sml  
enclosures

J:\DONNELL\ADAMS\I.LTR



## 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  
CRAIG T. ENOCH  
ROSE SPECTOR  
PRISCILLA R. OWEN  
JAMES A. BAKER  
GREG ABBOTT  
DEBORAH G. HANKINSON

EXECUTIVE ASST  
WILLIAM L. WILLIS

ADMINISTRATIVE ASST  
NADINE SCHNEIDER

FEB 19 1998

Honorable Terry A. Canales  
Judge, 79<sup>th</sup> District Court  
P.O. Box 1375  
Alice, Texas 78333-1375

Dear Judge Canales:

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. Donnell and Mr. Statham, and a copy of the letter to the District Clerk of Brazoria County.

It is recommended that, four or five weeks after receipt of this letter, you contact the District Clerk of Brazoria County to find out the district court to which this disciplinary case has been assigned. 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 (409-538-8176) 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



## 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

FEB 19 1998

JUSTICES  
RAUL A. GONZALEZ  
NATHAN L. HECHT  
CRAIG T. ENOCH  
ROSE SPECTOR  
PRISCILLA R. OWEN  
JAMES A. BAKER  
GREG ABBOTT  
DEBORAH G. HANKINSON

CLERK  
JOHN T. ADAMS

EXECUTIVE ASS'T  
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T  
NADINE SCHNEIDER

The Honorable Jerry Deere  
District Clerk of Brazoria County  
111 E. Lucust Street, Room 400  
Angleton, Texas 77515-4678

Dear Mr. Deere:

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. Gregory L. Donnell and a copy of the Supreme Court's order appointing the Honorable Terry A. Canales, Judge of the 79<sup>th</sup> District Court, Alice, Texas, to preside in this Disciplinary Action.

Sincerely,

**SIGNED**

John T. Adams  
Clerk

cc: Hon. Terry A. Canales  
Mr. Stephen D. Statham  
Mr. Gregory L. Donnell



## 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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FEB 19 1998

CLERK  
JOHN T. ADAMS

EXECUTIVE ASST  
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ADMINISTRATIVE ASST  
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JUSTICES  
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NATHAN L. HECHT  
CRAIG T. ENOCH  
ROSE SPECTOR  
PRISCILLA R. OWEN  
JAMES A. BAKER  
GREG ABBOTT  
DEBORAH G. HANKINSON

Mr. Stephen D. Statham  
Assistant General Counsel, State Bar of Texas  
1111 Fannin, Suite 1370  
Houston, Texas 77002

Mr. Gregory L. Donnell  
112 East Locust Street  
Angleton, Texas 77515

Dear Mr. Statham and Mr. Stallings:

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 Terry A. Canales, Judge of the 79<sup>th</sup> District Court, Alice, Texas to preside in

Commission for Lawyer Discipline v. Gregory L. Donnell

Sincerely,

**SIGNED**

John T. Adams  
Clerk