

**ORDER OF THE SUPREME COURT OF TEXAS**

**Misc Docket No. 98- 9049**

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

The Supreme Court of Texas hereby appoints the Honorable Joe Carroll, Judge of the 27th District Court of Bell County, Texas, to preside in the Disciplinary Action styled:

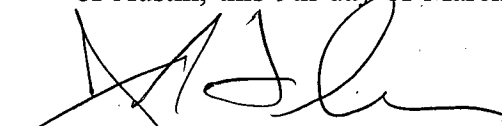
**The Commission for Lawyer Discipline v. Eric R. Turton**

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,

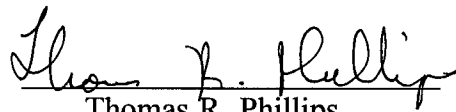
with the Seal thereof affixed at the City  
of Austin, this 9th day of March, 1998.



JOHN T. ADAMS, CLERK  
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 98-9049, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 10 day of March, 1998.

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

V.

ERIC R. TURTON

§  
§  
§  
§  
§  
§

IN THE DISTRICT COURT OF

BEXAR COUNTY, T E X A S

\_\_\_TH JUDICIAL DISTRICT

**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, ERIC R. TURTON, 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, ERIC R. TURTON, State Bar Number 20345400, was, at the time the following alleged acts of professional misconduct occurred, an attorney licensed to practice law in the State of Texas and a member of the State Bar of Texas. Respondent maintains his principal law practice and resides in San Antonio, Bexar County, Texas and may be served with process at 310 South St. Mary's Street, 2200 Tower Life Building, San Antonio, Bexar County, Texas 78205.

**Venue**

At the time the alleged professional misconduct occurred, Respondent maintained a law office in San Antonio, 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 the 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 with the State Bar of Texas on or about August 19, 1997 by Barbara Fullerton. The acts and conduct of Respondent, as hereinafter alleged, constitute professional misconduct.

#### **II.**

In March of 1996, Ms. Fullerton retained Respondent to represent her in matters pending in the Bexar County District Attorney's office related to unauthorized checks written on Ms. Fullerton's bank accounts which were returned NSF. Respondent agreed to represent Ms. Fullerton and assured Ms. Fullerton that he would contact the District Attorney's office and that the matter would be taken care of. From March to December, 1996, Respondent neglected legal matters entrusted to him by failing to contact the District Attorney's office in a timely fashion and by failing to perform any meaningful legal services on behalf of Ms. Fullerton. As a result of Respondent's failure to take proper action, a warrant was issued for Ms. Fullerton's arrest. Respondent continued to neglect Ms. Fullerton's legal representation which resulted in Ms. Fullerton's incarceration.

### III.

In addition to neglecting the legal representation, Respondent failed to keep his client advised of the status of the representation and failed to respond to reasonable requests for information from Ms. Fullerton. As a result of Respondent's failure to communicate with Ms. Fullerton, she was prevented from making informed decisions regarding the representation.

### IV.

Respondent accepted the legal representation of Ms. Fullerton and continued the representation when he knew or should have known that he was incapable of handling the case. Respondent lacked the necessary competence to handle Ms. Fullerton's legal problems.

### V.

In December of 1996, Ms. Fullerton went to Respondent's law office to terminate the legal representation and to obtain her documents and file. Respondent failed to produce Ms. Fullerton's property and informed Ms. Fullerton the file had been lost.

### VI.

In relation to the representation of Ms. Fullerton, the conduct of Respondent described above constitutes violations of the following Disciplinary Rules:

Rule 1.01(a) -- A lawyer shall not accept or continue employment in a legal matter which the lawyer knows or should know is beyond the lawyer's competence.

Rule 1.01(b)(1) -- In representing a client, a lawyer shall not neglect a legal matter entrusted to the lawyer.

Rule 1.01(b)(2) -- In representing a client, a lawyer shall not frequently fail to carry out completely the obligations that the lawyer owes to a client.

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 reasonably necessary to permit the client to make informed decisions regarding the representation.

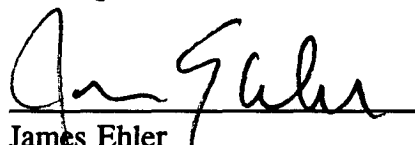
Rule 1.15(d) -- Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as \* \* \* surrendering papers and property to which the client is entitled \* \* \* \*

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 583 840 553**

**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**

February 12, 1998

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

RE: Commission for Lawyer Discipline v. Eric R. Turton

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 Eric R. Turton. Mr. Turton 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 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:

Eric R. Turton  
310 South St. Mary's Street  
2200 Tower Life Building  
San Antonio, Texas 78205

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 as 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.

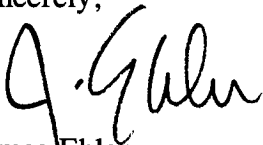
Once a trial judge has been appointed, please forward the original and three (3) copies of the

Disciplinary Petition, 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". The signature is written in a cursive style with a large initial "J" and a long, sweeping underline.

James Ehler  
Assistant General Counsel

Enclosures

JAE/cah





# 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

MAR 11 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 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. Eric R. Turton and a copy of the Supreme Court's order appointing the Honorable Joe Carroll, Judge of the 27<sup>th</sup> District Court, Belton, Texas, to preside in this Disciplinary Action.

Sincerely,

**SIGNED**

John T. Adams  
Clerk

cc: Hon. Joe Carroll  
Mr. James Ehler  
Mr. Eric R. Turton



THE SUPREME COURT OF TEXAS

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CLERK  
JOHN T. ADAMS

EXECUTIVE ASS'T  
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T  
NADINE SCHNEIDER

MAR 11 1998

Honorable Joe Carroll  
Judge, 27<sup>th</sup> District Court  
P.O. Box 747  
Belton, Texas 76513-0747

Dear Judge Carroll:

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. Turton, 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



## THE SUPREME COURT OF TEXAS

CHIEF JUSTICE  
THOMAS R. PHILLIPS

POST OFFICE BOX 12248      AUSTIN, TEXAS 78711

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CLERK  
JOHN T. ADAMS

EXECUTIVE ASST  
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GREG ABBOTT  
DEBORAH G. HANKINSON

MAR 11 1998

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

Mr. Eric R. Turton  
2200 Tower Life Building  
310 South St. Mary's Street  
San Antonio, Texas 78205

Dear Mr. Ehler and Mr. Turton:

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 Joe Carroll, Judge of the 27<sup>th</sup> District Court, Belton, Texas to preside in

Commission for Lawyer Discipline v. Eric R. Turton

Sincerely,

**SIGNED**

John T. Adams  
Clerk