

ORDER OF THE SUPREME COURT OF TEXAS

Misc Docket No. 98- 9100

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

The Supreme Court of Texas hereby appoints the Honorable John C. Creuzot, Judge of Criminal District Court No. 4 of Dallas County, Texas, to preside in the Disciplinary Action styled:

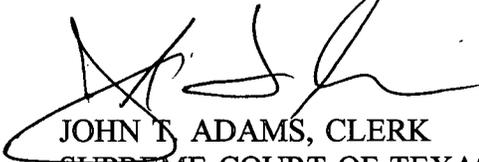
The Commission for Lawyer Discipline v. Jim Skelton

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

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

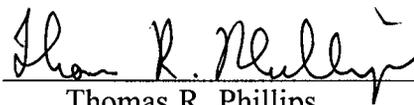
As ordered by the Supreme Court of Texas, in chambers,

with the Seal thereof affixed at the City
of Austin, this 17th day of June, 1998.


JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 98-9100, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 19 day of June, 1998.

A handwritten signature in cursive script, reading "Thomas R. Phillips", written over a horizontal line.

Thomas R. Phillips
Chief Justice

COPY

CAUSE NO. _____

COMMISSION FOR LAWYER DISCIPLINE §
v. §
JIM SKELTON §
§
§

IN THE DISTRICT COURT OF
HARRIS COUNTY, TEXAS
____ th JUDICIAL DISTRICT

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, JIM SKELTON (hereinafter called "Respondent"), and would respectfully show unto the Court the following:

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 Harris County, Texas. Respondent's principal place of practice is Harris County, Texas; therefore, venue is appropriate in Harris County, Texas, pursuant to Rule 3.03 of the Texas Rules of Disciplinary Procedure. Respondent may be served at his business address located at 1610 Richmond Avenue, Houston, Harris County, Texas, 77006.

III. First Cause of Action

On or about November 2, 1993, Respondent was appointed to represent an indigent defendant/appellant, Billy Hayes (hereinafter called "Hayes"), in the appeal of his criminal conviction for non-aggravated robbery. Respondent filed an appellate brief on behalf of Hayes, but thereafter neglected Hayes' case.

Specifically, Hayes and/or his wife made several attempts to contact Respondent; however, Respondent failed to respond to correspondence and to return any and all telephone calls. When Hayes' wife finally spoke with Respondent, Respondent requested Five Hundred and No/100 Dollars (\$500.00) to begin work on Hayes' appeal. Respondent's actions were contrary to the terms of the court's appointment for representation.

Further, on or about February 15, 1996, Respondent received notice of the complaint alleging professional misconduct filed against him by Hayes. The notice required Respondent to file a written response to the allegations of professional misconduct within thirty (30) days of his receipt of the notice. Despite the fact that the notice advised Respondent that failure to provide the requested information or to assert grounds for failure to do so constituted professional misconduct for which sanctions could be imposed, Respondent neither responded nor asserted grounds for his failure to do so.

Additionally, on or about February 15, 1996, Respondent received a subpoena which commanded him to produce certain documentation pertaining to the complaint filed against him by Hayes. The requested documentation was due to the Grievance Committee on or before March

14, 1996. Respondent wholly failed to produce the documentation, and failed to assert grounds for his failure to do so.

Respondent was also subpoenaed to appear and testify before the Grievance Committee at an investigatory hearing scheduled for May 2, 1996. Respondent neither appeared nor asserted grounds for his failure to do so.

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 1.01(b)(1) [for neglecting a legal matter entrusted to the lawyer]; 1.01(b)(2) [for frequently failing to carry out completely the obligations owed to a client]; 1.03(a) [for failing to keep a client reasonably informed about the status of a matter and to promptly comply with reasonable requests for information], 8.01(b) [for knowingly failing to respond to a lawful demand for information from a disciplinary authority]; 8.04(a)(1) [for violating the Rules, knowingly assisting or inducing another to do so, or doing so through the acts of another, whether or not such violation occurred in the course of a client-lawyer relationship]; and, 8.04(a)(8) [for failing to timely furnish a district grievance committee a response or other information as required and failing to timely assert a privilege or other legal ground for failure to do so], 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 Billy Hayes' filing of a complaint on or about February 5, 1996.

VI. Second Cause of Action

On or about February 18, 1994, Bessie Latour (hereinafter called "Latour") hired Respondent on a contingency fee basis for representation in connection with a lawsuit against her apartment complex and a personal injury claim. However, Respondent failed to execute a written contingent fee agreement with Latour which should have specified the method by which the fee was to be determined.

Thereafter, Respondent failed to bring Latour's case to a conclusion. Latour and/or several family members acting on her behalf made telephone calls to Respondent inquiring about the status of her case. Respondent failed to return the telephone calls, and failed to communicate the status of Latour's case.

Further, on or about June 18, 1997, Respondent received notice of the complaint alleging professional misconduct filed against him by Latour. The notice required Respondent to file a written response to the allegations of professional misconduct within thirty (30) days of his receipt of the notice. Despite the fact that the notice advised Respondent that failure to provide the requested information or to assert grounds for failure to do so constituted professional misconduct for which sanctions could be imposed, Respondent neither responded nor asserted grounds for his failure to do so.

On or about September 12, 1997, Respondent received a subpoena which commanded him to appear and testify before the Grievance Committee at an investigatory hearing scheduled for September 18, 1997. Respondent neither appeared nor asserted grounds for his failure to do so.

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) [for neglecting a legal matter entrusted to the lawyer]; 1.01(b)(2) [for frequently failing to carry out completely the obligations owed to a client]; 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]; 1.04(d) [for failing to have a contingent fee agreement in writing, which states the method by which the fee is to be determined]; 8.01(b) [for knowingly failing to respond to a lawful demand for information from a disciplinary authority]; 8.04(a)(1) [for violating the Rules, knowingly assisting or inducing another to do so, or doing so through the acts of another, whether or not such violation occurred in the course of a client-lawyer relationship]; and, 8.04(a)(8) [for failing to timely furnish a district grievance committee a response or other information as required and failing to timely assert a privilege or other legal ground for failure to do so], of the Texas Disciplinary Rules of Professional Conduct.

VIII.

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 Bessie Latour's filing of a complaint on or about May 20, 1997.

Prayer

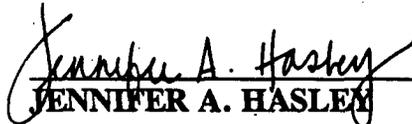
WHEREFORE, PREMISES CONSIDERED, Petitioner the COMMISSION FOR LAWYER DISCIPLINE respectfully prays that this Court discipline Respondent, JIM SKELTON, by reprimand, suspension or disbarment, as the facts shall warrant; and that the Petitioner have all other relief to which it may show itself to be justly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

Respectfully submitted,

Steven W. Young
General Counsel

Jennifer A. Hasley
Assistant General Counsel

Office of the General Counsel
STATE BAR OF TEXAS
1111 Fannin, Suite 1370
Houston, Texas 77002
Phone: (713) 759-6931
Fax No.: (713) 752-2158



JENNIFER A. HASLEY
State Bar No. 00792818

**ATTORNEYS FOR PETITIONER,
THE COMMISSION FOR
LAWYER DISCIPLINE**

STATE BAR OF TEXAS



Office of the General Counsel

May 21, 1998

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

Re: Commission for Lawyer Discipline v. Jim Skelton

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 Jim Skelton. Mr. Skelton has designated Harris 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:

Jim Skelton
1610 Richmond Ave.
Houston, Harris County, Texas 77006.

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 Civil Case Information Sheet, the filing fee check, also enclosed herewith, and the Court's appointing order to the District Clerk of Harris County, Texas, with the

Mr. John Adams

May 21, 1998

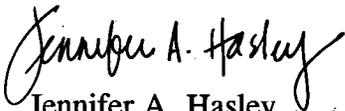
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request that the suit be filed, service be obtained, and a file-marked copy of the petition be returned to the undersigned.

Also enclosed are a pre-addressed envelope for your use in transmitting the petition, etc., to the District Clerk of Harris County, Texas, and a return envelope to be sent to the District Clerk of Harris 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,



Jennifer A. Hasley
Assistant General Counsel

JAH/sml
Enclosures

J:\ASKELTON\ADAMS1.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 ASS'T
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

JUN 30 1998

The Honorable Charles Bacarisse
District Clerk of Harris County
P.O. Box 4651
Houston, Texas 77002

Dear Mr. Bacarisse:

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. Jim Skelton*, and a copy of the Supreme Court's order appointing the Honorable John C. Creuzot, Judge of the Criminal District Court No. 4 of Dallas, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Honorable John C. Creuzot
Ms. Jennifer A. Hasley
Mr. Jim Skelton



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

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CLERK
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EXECUTIVE ASS'T
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ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

JUN 30 1998

Honorable John C. Creuzot
Judge, Criminal District Court No. 4
Frank Crowley Courts Building
133 N. Industrial Boulevard
Dallas, Texas 75207

Dear Judge Creuzot:

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. Skelton and Ms. Hasley, and a copy of the letter to the District Clerk of Harris County.

It is recommended that, six to eight weeks after receipt of this letter, you contact the Harris County District Court Administrative Office (713-755-7593) 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 again contact the Harris County District Court Administrative Office (713-755-6593) 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 (713-471-3911) 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



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

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EXECUTIVE ASST
WILLIAM L. WILLIS

ADMINISTRATIVE ASST
NADINE SCHNEIDER

JUN 30 1998

Ms. Jennifer A. Hasley
Assistant General Counsel, State Bar of Texas
1111 Fannin, Suite 1370
Houston, Texas 77002

Mr. Jim Skelton
1610 Richmond Avenue
Houston, Texas 77006

Dear Ms. Hasley and Mr. Skelton:

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 John C. Creuzot, Judge of the Criminal District Court No. 4, of Dallas, Texas to preside in

Commission for Lawyer Discipline v. Jim Skelton

Sincerely,

SIGNED

John T. Adams
Clerk