

ORDER OF THE SUPREME COURT OF TEXAS

Misc Docket No. 98- 9198

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

The Supreme Court of Texas hereby appoints the Honorable William T. Harmon, Judge of the 178th District Court of Harris County, Texas, to preside in the Disciplinary Action styled:

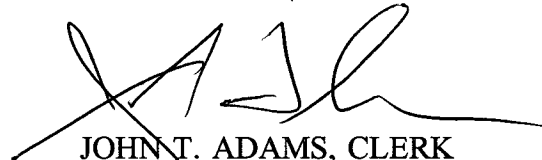
The Commission for Lawyer Discipline v. Roger F. Joyner

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,

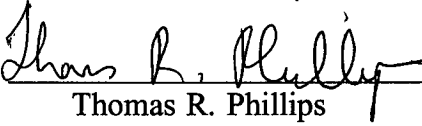
with the Seal thereof affixed at the City
of Austin, this ^{18th} 16th day of November, 1998.



JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 98-9198, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 18 day of November, 1998.


Thomas R. Phillips
Chief Justice

NO. _____

COMMISSION FOR LAWYER DISCIPLINE § IN THE DISTRICT COURT OF
V. §
ROGER F. JOYNER § DALLAS COUNTY, TEXAS
§
§ _____ 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 of record, Lyle Medlock, 1801 N. Hampton Road, Suite 300, De Soto, Texas 75115-2399.

FIRST CAUSE OF ACTION

III.

On or about October 1995, Melvin Hightower ("Hightower") hired Respondent to represent him in two misdemeanor cases in the Dallas County Criminal Court. Prior to the conclusion of the criminal matters, Hightower became dissatisfied with Respondent's services and terminated Respondent's employment in September 1997. At the time of the termination of Respondent's representation, Hightower made a request for his files. Respondent has failed to provide Hightower with his files.

IV.

As a result of the conduct described in Paragraph III, Hightower filed a complaint against Respondent with the State Bar of Texas on December 5, 1997. On December 11, 1997, 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 Hightower. 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 December 12, 1997, and failed to furnish the State Bar of Texas a written response to the complaint.

V.

Such acts and/or omissions on the part of Respondent as are described in Paragraphs III and IV, hereinabove, which occurred on or after January 1, 1990, constitute conduct which violates Rules 1.15(d) and 8.04(a) (8) of the Texas Disciplinary Rules of Professional Conduct.

VI.

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 Melvin Hightower filing a complaint on or about December 5, 1997.

SECOND CAUSE OF ACTION

VII.

On or about May 5, 1995, Carlos Galvan ("Galvan") hired Respondent to represent him in a wrongful termination claim against the Dallas Fire Department and paid Respondent \$5,000.00. Thereafter, Respondent failed to Galvan reasonably informed about the status of the matter and failed to comply with Galvan's numerous attempts (both by phone and in person) to obtain information regarding his case.

VIII.

After the September 14, 1995 hearing, which resulted in an adverse ruling against Galvan, Galvan terminated Respondent and requested Respondent return his files and personal property in Respondent's possession. Respondent failed to return Galvan's files and personal property as requested.

IX.

Such acts and/or omissions on the part of Respondent as are described in Paragraphs VII, VIII and IX, hereinabove, which occurred on or after January 1, 1990, constitute conduct which violates Rules 1.03 and 1.15(d) of the Texas Rules of Professional Conduct.

X.

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 Carlos Galvan filing a complaint on or about April 1, 1998.

PRAYER

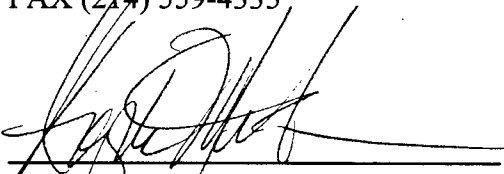
WHEREFORE, PREMISES CONSIDERED, Petitioner prays for judgment that Respondent be disciplined as the facts shall warrant; and that Petitioner have such other relief to which entitled, including costs of Court and attorney's fees.

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

October 19, 1998

CMRRR NO. Z 359 585 069

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

RE:: *Commission for Lawyer Discipline v. Roger 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 Joyner. Mr. Joyner has designated Dallas 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's attorney at the address shown below and the undersigned of the identity and address of the judge assigned:

**Roger Joyner
c/o Lyle Medlock
Provident Bank Building
1801 N. Hampton - Suite 300
De Soto, Texas 75115**

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.

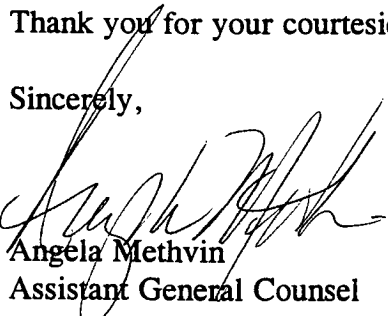
Regency Plaza, 3710 Rawlins, Suite 800, Dallas, Texas 75219
Telephone: (214) 559-4353 Fax: (214) 559-4335

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-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 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-marked 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
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

NOV 23 1998

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 William T. Harmon, Judge of the 178th District Court of Houston, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Hon. William T. Harmon
Ms. Angela Methvin
Mr. Roger F. Joyner



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

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GREG ABBOTT
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EXECUTIVE ASS'T
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

NOV 23 1998

Honorable William T. Harmon
Judge, 178th District Court
719 Criminal Courts Building
301 San Jacinto Street
Houston, Texas 77002

Dear Judge Harmon:

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



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

POST OFFICE BOX 12248 AUSTIN, TEXAS 78711

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NOV 23 1998

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

Mr. Roger F. Joyner
c/o Lyle Medlock
Provident Bank Building
1801 N. Hampton, Suite 300
De Soto, 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 William T. Harmon, Judge of the 178th District Court, Houston, Texas to preside in

Commission for Lawyer Discipline v. Roger F. Joyner

Sincerely,

SIGNED

John T. Adams
Clerk