

ORDER OF THE SUPREME COURT OF TEXAS

Misc Docket No. 99- 9079

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

The Supreme Court of Texas hereby appoints the Honorable Charles L. Chapman, Judge of the 39th District Court of Haskell County, Texas, to preside in the Disciplinary Action styled:

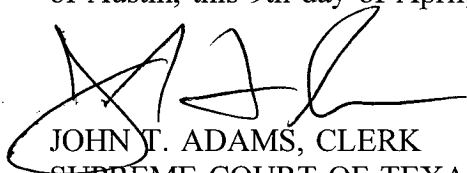
The Commission for Lawyer Discipline v. Susan J. Scolaro

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

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

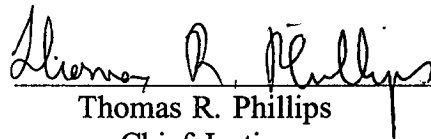
As ordered by the Supreme Court of Texas, in chambers,

with the Seal thereof affixed at the City
of Austin, this 9th day of April, 1999.


JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 99-9079, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 12 day of April, 1999.


Thomas R. Phillips
Chief Justice

NO. _____

COMMISSION FOR LAWYER DISCIPLINE	§	IN THE DISTRICT COURT OF
V.	§	LUBBOCK COUNTY, TEXAS
SUSAN J. SCOLARO	§	_____ 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 ("Petitioner"), complaining of Respondent, Susan J. Scolaro ("Respondent"), showing the Court:

I.

Pursuant to Rule 190.1, Texas Rules of Civil Procedure (TRCP), discovery in this case is governed by Discovery Control Plan - Level 2, as provided in Rule 190.3, TRCP.

II.

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.

III.

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, Lubbock, Lubbock County, Texas. An officer may serve citation on Respondent at 4610 15th Street, Lubbock, Texas 79416-4812.

IV.

A. In a Spring 1998 primary election in Lubbock County, Texas, Respondent was one of the candidates running for County Court at Law Judge. During the campaign, Respondent made statements against the opposing candidate, a licensed attorney and sitting Associate Judge, which misrepresented her opponent's qualifications and made it appear that the opponent was ineligible for the position of County Judge.

Such acts and/or omissions on the part of Respondent as are described in Paragraph IV.A. above occurred on or after January 1, 1990, and constitute conduct violative of Rule(s) 8.02(a) and 8.04(a)(1)(3) of the Texas Disciplinary Rules of Professional Conduct, Article X, Section 9, State Bar Rules.

B. Respondent misrepresented her eligibility for candidacy. Respondent made statements to the media and public that she had been on inactive status, but began practicing law on September 1, 1994, a date more than four years prior to the general election in November 1998. Additionally, Respondent, in an affidavit submitted to a Texas appellate court, Respondent stated that she had begun practicing law - principally representing her husband - on September 1, 1994 in preparation of assuming a position as an attorney with the Criminal District Attorney's office in January 1999.

However, contradicting these representations made in furtherance of her candidacy for judge, Respondent, in regards to the issue of payment of her attorney occupational tax due for 1994, represented to the State Bar of Texas that she was not practicing law in 1994.

Such acts and/or omissions on the part of Respondent as are described in Paragraph IV.B. above occurred on or after January 1, 1990, and constitute conduct violative of Rule(s) 8.04(a)(1)(3) of the Texas Disciplinary Rules of Professional Conduct, Article X, Section 9, State Bar Rules.

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 the State Bar of Texas on or about March 19, 1998.

PRAYER

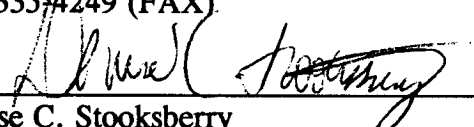
WHEREFORE, PREMISES CONSIDERED, Petitioner prays for judgment that Respondent be disciplined as the facts shall warrant; and that Petitioner have such other relief to which entitled, including costs of Court and attorneys' fees.

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

February 24, 1999

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

Re: Commission for Lawyer Discipline v. Susan J. Scolaro

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 Susan J. Scolaro. Ms. Scolaro has designated Lubbock County, Texas, as her 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:

Susan J. Scolaro
4610 15th Street
Lubbock, Texas 76416

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.

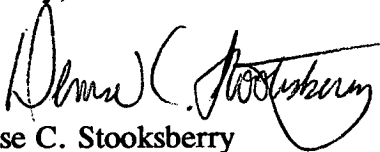
Once a trial judge has been appointed, please forward the original and two (2) copies of the Disciplinary Petition, the filing fee check, also enclosed herewith, and the Court's appointing order to the District Clerk of Lubbock County, Texas, with the request that the suit be filed, service be obtained, and a file-marked copy of the petition be returned to the undersigned.

Mr. John Adams
February 24, 1999
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Also enclosed are a pre-addressed envelope for your use in transmitting the petition, etc., to the District Clerk of Lubbock County, Texas, and a return envelope to be sent to the District Clerk of Lubbock 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,



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

DCS/mc

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

DEPUTY EXECUTIVE ASS'T
JIM HUTCHESON

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

JUSTICES
NATHAN L. HECHT
CRAIG T. ENOCH
PRISCILLA R. OWEN
JAMES A. BAKER
GREG ABBOTT
DEBORAH G. HANKINSON
HARRIET O'NEILL
ALBERTO R. GONZALES

APR 15 1999

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

Ms. Susan J. Scolaro
4610 15th Street
Lubbock, Texas 76416

Dear Ms. Stooksberry and Ms. Scolaro:

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 Charles L. Chapman, Judge of the 39th District Court, Haskell, Texas to preside in

Commission for Lawyer Discipline v. Susan J. Scolaro

Sincerely,

SIGNED

John T. Adams
Clerk



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

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APR 15 1999

The Honorable Jean Anne Stratton
District Clerk of Lubbock County
P.O. Box 10536
Lubbock, Texas 79408-3536

Dear Ms. Stratton:

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. Susan J. Scolaro*, and a copy of the Supreme Court's order appointing the Honorable Charles L. Chapman, Judge of the 39th District Court, Haskell, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Honorable Charles L. Chapman
Ms. Denise C. Stooksberry
Ms. Susan J. Scolaro



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

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ALBERTO R. GONZALES

APR 15 1999

Honorable Charles L. Chapman
Judge, 39th District Court
P.O. Box 966
Haskell, Texas 79521

Dear Judge Chapman:

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. Scolaro and Ms. Stooksberry, and a copy of the letter to the District Clerk of Lubbock County.

We then recommend that, four or five weeks after receipt of this letter, you or your coordinator contact the presiding judge or the District Clerk of Lubbock 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, the judge or coordinator of that court 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 (806-637-8171) to obtain claims forms for your expenses and other information incident to presiding over this disciplinary case.

Sincerely,

SIGNED

John T. Adams
Clerk