

**ORDER OF THE SUPREME COURT OF TEXAS**

**Misc Docket No. 99- 9153**

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

The Supreme Court of Texas hereby appoints the Honorable Tommy W. Wallace, Judge of the 294th District Court of Van Zandt County, Texas, to preside in the Disciplinary Action styled:

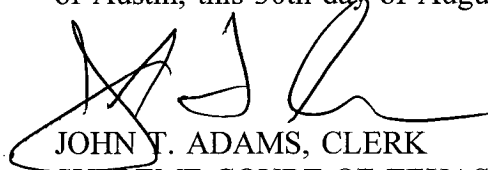
**The Commission for Lawyer Discipline v. Peter E. Ryba**

filed as No. 9820 in the 258th District Court of San Jacinto County, Texas.

The Clerk of the Supreme Court shall promptly forward to the District Clerk of San Jacinto County, Texas, a copy of this Order for filing pursuant to Rule 3.03, Texas Rules of Disciplinary Procedure.

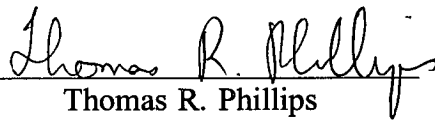
As ordered by the Supreme Court of Texas, in chambers,

with the Seal thereof affixed at the City  
of Austin, this 30th day of August, 1999.

  
JOHN T. ADAMS, CLERK  
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 99-9153, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 31 day of August, 1999.

  
Thomas R. Phillips  
Chief Justice

COPY

NO. 9820

COMMISSION FOR LAWYER DISCIPLINES

IN THE DISTRICT COURT OF

VS.

§  
§  
§  
§

SAN JACINTO COUNTY, TEXAS

PETER E. RYBA

258th 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, complaining of Respondent, Peter E. Ryba, showing the Court:

I.

Pursuant to Rule 190.1 of the Texas Rules of Civil Procedure (TRCP), Petitioner intends discovery in this case to be conducted under 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 with the State Bar of Texas 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 his principal place of practice in San Jacinto County, Texas. An officer may serve citation on Respondent at his place of business located at 2501 S. Byrd Ave., Shepherd, Texas 77371.

FILED  
On 9th Day of July AD 1999  
Time 10:00 AM  
MARILYN NETTLES  
Clerk District Court San Jacinto County, Texas  
Rebecca Caputo Deputy

#### IV.

John Nowakoski retained the Respondent, Peter E. Ryba, in June, 1998, to probate his wife's will. Mr. Nowakoski retained Respondent because he had drafted his wife's will. Nowakoski agreed to pay One Hundred Fifty Dollars (\$150.00) for the probate of the will. Respondent did not perform any work on the file. Specifically, Respondent did not file Mrs. Nowakoski's will for probate.

Nowakoski hired a new lawyer and requested Respondent return his file to him. Mr. Nowakoski had given the original of his wife's will to the Respondent when he hired him to represent him. Respondent refused to return the file to Mr. Nowakoski or to send the file to Mr. Nowakoski's new attorney, Laura Prigmore. When the Respondent finally returned his client's file, it contained only a copy of Mrs. Nowakoski's will, not the original.

#### V.

By failing to perform any meaningful work for his client, and for failing to file the will of Mrs. Nowakoski for probate, Respondent engaged in conduct in violation of Rules **1.01(b)**[a lawyer shall not neglect a legal matter entrusted to him]; **1.01(b)(2)**[a lawyer shall not frequently fail to carry out completely the obligations owed to his client]; and **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 giving reasonable notice to the client, surrendering papers and property to which the client is entitled, and refunding any advance payments of fee that has not been earned] of the Texas Disciplinary Rules of Professional Conduct, and of Rule **1.06(Q)** of the Texas Rules of Disciplinary Procedure.

VI.

The complaint which forms the basis of this lawsuit as hereinabove set forth was brought to the attention of the Office of the General Counsel of the State Bar of Texas by the filing of a complaint by John Nowakoski on or about September 3, 1998.


**PRAYER**

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

Respectfully submitted,

**Steven W. Young**  
General Counsel

**Mary F. Klapperich**  
Assistant General Counsel  
Office of the General Counsel  
State Bar of Texas  
1111 Fannin, Suite 1370  
Houston, Texas 77002  
(713) 759-6932  
(713) 752-2158 FAX

  
**MARY F. KLAPPERICH**  
State Bar No. 11550700

**ATTORNEYS FOR PETITIONER**

# STATE BAR OF TEXAS



Office of the General Counsel

July 22, 1999

Via Certified Mail No. Z-290 365 562  
Return Receipt Requested

John T. Adams, Clerk  
Supreme Court of Texas  
P.O. Box 12248  
Austin, Texas 78711  
Attn: Mr. Bill Willis

Re: Commission for Lawyer Discipline v. Peter E. Ryba

Dear Mr. Willis:

In response to your telephone call received this morning, we are re-submitting a copy of the Disciplinary Petition ("DP") to be filed with the Supreme Court and ask that you please file-mark stamp the extra copy and return it to our office in the self-addressed, postage prepaid envelope provided for your convenience.

We also request the appointment of an active District Judge who does not reside in the Administrative Judicial Region in which Respondent resides to preside in this case.

In light of the events, we have enclosed a copy of the letter dated July 15, 1999, addressed to Mr. John T. Adams containing Peter E. Ryba's Disciplinary Petition with our initial request that the DP be filed in the Supreme Court.

We regret any inconvenience this may have caused you and we thank you for your courtesy call.

Sincerely,

A handwritten signature in cursive script that reads "Mary F. Klapperich".

Mary F. Klapperich  
Assistant General Counsel

MFK/rr  
Enclosures

# STATE BAR OF TEXAS



Office of the General Counsel

July 15, 1999

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

Re: Commission for Lawyer Discipline v. Peter E. Ryba

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 Peter E. Ryba. Mr. Ryba has designated San Jacinto 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:

Peter E. Ryba  
2501 S. Byrd Avenue  
Shepherd, TX 77371

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.

**COPY**

**FILED**  
On 14th Day of July AD 1999  
Time 10:00am  
MARILYN NETTLES  
Clerk, District Court San Jacinto County, Texas  
Rebecca Capen Deputy

Mr. John Adams  
July 15, 1999  
Page 2

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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 San Jacinto 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.

I have enclosed a pre-addressed envelope for your use in transmitting the petition, etc., to the District Clerk of San Jacinto County, Texas, and a return envelope to be sent to the District Clerk of San Jacinto 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,



Mary F. Klapperich  
Assistant General Counsel

MFK/rr  
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

SEP 03 1999

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

CLERK  
JOHN T. ADAMS

EXECUTIVE ASS'T  
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASS'T  
JIM HUTCHESON

ADMINISTRATIVE ASS'T  
NADINE SCHNEIDER

Ms. Mary F. Klapperich  
Assistant General Counsel, State Bar of Texas  
1111 Fannin, Suite 1370  
Houston, Texas 77002

Mr. Peter E. Ryba  
2501 S. Byrd Avenue  
Shepherd, Texas 77371

Dear Ms. Klapperich and Mr. Ryba:

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 Tommy W. Wallace, Judge of the 294<sup>th</sup> District Court of Canton, Texas to preside in

*Commission for Lawyer Discipline v. Peter E. Ryba*

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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JIM HUTCHESON

ADMINISTRATIVE ASS'T  
NADINE SCHNEIDER

SEP 03 1999

Honorable Tommy W. Wallace  
Judge, 294<sup>th</sup> District Court  
121 E. Dallas Street, #301  
Canton, Texas 75103

Dear Judge Wallace:

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. Ryba and Ms. Klapperich, and a copy of the letter to the District Clerk of San Jacinto 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 San Jacinto 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 (409-538-8176) to obtain claims forms for your expenses and other information incident to presiding over this disciplinary case.

Sincerely,

A handwritten signature in dark ink, appearing to read "JOHN T. ADAMS".

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

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

SEP 03 1999

CLERK  
JOHN T. ADAMS

EXECUTIVE ASS'T  
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASS'T  
JIM HUTCHESON

ADMINISTRATIVE ASS'T  
NADINE SCHNEIDER

The Honorable Marilyn Nettles  
District Clerk of San Jacinto County  
P.O. Box 369  
Coldspring, Texas 77331

Dear Ms. Nettles:

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. Peter E. Ryba*, and a copy of the Supreme Court's order appointing the Honorable Tommy W. Wallace, Judge of the 294<sup>th</sup> District Court, Canton, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams  
Clerk

cc: Honorable Tommy W. Wallace  
Ms. Mary F. Klapperich  
Mr. Peter E. Ryba