

**ORDER OF THE SUPREME COURT OF TEXAS**

**Misc Docket No. 99- 9231**

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

The Supreme Court of Texas hereby appoints the Honorable Billy John Edwards, Judge of the 104th District Court of Taylor County, Texas, to preside in the Disciplinary Action styled:

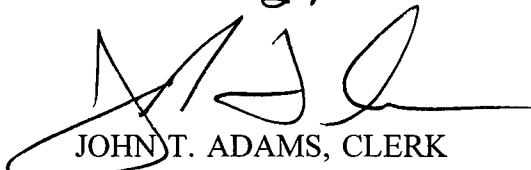
**The Commission for Lawyer Discipline v. Patrick R. Ganne**

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

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

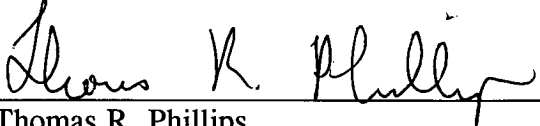
As ordered by the Supreme Court of Texas, in chambers,

with the Seal thereof affixed at the City  
of Austin, this <sup>29<sup>th</sup></sup>~~24<sup>th</sup>~~ day of November, 1999.

  
JOHN T. ADAMS, CLERK  
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 99-9231, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code, §74.057.

Signed this 29 day of November, 1999.

  
\_\_\_\_\_  
Thomas R. Phillips  
Chief Justice

CAUSE NO. \_\_\_\_\_

COMMISSION FOR LAWYER  
DISCIPLINE

V.

PATRICK R. GANNE

§  
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§  
§  
§

IN THE DISTRICT COURT OF

TRAVIS 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, PATRICK R. GANNE, State Bar Card No. 07621500 (hereinafter called "Respondent"), showing the Court as follows:

**I.**

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

**II.**

Petitioner brings this disciplinary action pursuant to the State Bar Act, V.T.C.A., Government Code §81.001, et seq. (1998), 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 about August 9, 1997.

### 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 Travis County, Texas. An officer may serve citation on Respondent at his office address located at 812 San Antonio Street, Suite 304, Austin, Travis County, Texas 78701.

### IV.

In early 1995, Dorothy McKinney (hereinafter called "Complainant") hired Respondent to represent her son, Roy Lee McKinney, on potential drug charges. Several items of property belonging to Roy Lee were seized in the execution of a search warrant, including a Mitsubishi automobile, a GMC pick-up truck and cash. In the first week of March, 1995, Complainant provided money to Respondent in order to file cash bonds with the government, as a condition precedent to being allowed to contest the seizure of Roy Lee's property. Several months later, realizing that the seized property was not likely to be returned, Complainant began to ask Respondent to obtain a refund of the cost bonds from the government. Although Respondent received a United States Treasury check in the amount of \$1,460.00 (representing the cost bond for the automobile) in September of 1995, he failed to deliver the check to the Complainant until December of that year. In March of 1996, Respondent delivered to Complainant a cashier's check dated March 16, 1995, payable to the Department of Justice in the amount of \$1,270.00 (the amount of the cost bond for the pick-up truck) which Respondent had never filed with the government. In May of 1997, Respondent received a United States Treasury check in the amount of \$951.00 (representing the cost bond for the cash), but has failed to deliver this check to Complainant. In addition, Respondent remains in possession of a Rolex wrist watch which was seized and later returned by the government.

Complainant had to make numerous and repeated efforts to contact Respondent in order to determine the status of her funds because Respondent often refused to accept or return Complainant's telephone calls.

**V.**

By his conduct as alleged in the foregoing paragraph, Respondent has violated the following Texas Disciplinary Rules of Professional Conduct for which he should be disciplined pursuant to Rule 3.09 of the Texas Rules of Disciplinary Procedure.

- 1.01(b): In representing a client a lawyer shall not neglect a legal matter entrusted to the lawyer.
- 1.03(a) A lawyer shall keep a client reasonably informed about the status of a matter and comply with reasonable requests for information.
- 1.14(b): Upon receiving funds or other property in which a client has an interest, a lawyer shall promptly notify the client. A lawyer shall promptly deliver to the client any funds or other property that the client is entitled to receive.

**VI.**

The complaint which forms the basis of the conduct alleged in paragraph IV, above, was brought to the attention of the Office of the Chief Disciplinary Counsel of the State Bar of Texas by Dorothy McKinney filing a complaint on or about August 9, 1997.

**PRAYER**

WHEREFORE, PREMISES CONSIDERED, Petitioner prays for judgment that Respondent be disciplined as the facts shall warrant; and that Petitioner have such other and further relief to which

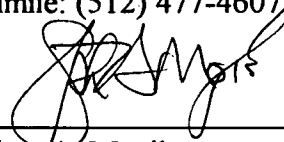
entitled, including costs of court and attorneys fees.

Respectfully submitted,

**Dawn Miller**  
Acting Chief Disciplinary Counsel

**Stephen A. Moyik**  
Assistant Disciplinary Counsel

Office of the Chief Disciplinary Counsel  
STATE BAR OF TEXAS  
P.O. Box 12487, Capitol Station  
Austin, Texas 78711-2487  
Telephone: (512) 463-1463  
Facsimile: (512) 477-4607



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Stephen A. Moyik  
State Bar Card No. 14614300  
Attorneys for Petitioner

# STATE BAR OF TEXAS



Office of the General Counsel

October 7, 1999

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

Re: Commission for Lawyer Discipline v. Patrick R. Ganne

Dear Mr. Adams:

Enclosed is an original and two (2) copies of a Disciplinary Petition being filed by the Commission for Lawyer Discipline against Patrick R. Ganne. Mr. Ganne has designated Travis 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:

Patrick R. Ganne  
812 San Antonio, Suite 304  
Austin, Texas 78701

As a practical matter, I would respectfully suggest that you inquire with the judge to be appointed as to 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. 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 and personal service checks, also enclosed, and the Court's appointing order to the District Clerk of Travis County, Texas, with the request that the suit be filed, service be obtained, and a file-marked copy of the petition be returned to me.

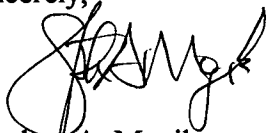
*Mr. John Adams*  
*October 7, 1999*  
*Page 2 of 2*

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Also enclosed are a pre-addressed envelope for your use in transmitting the petition, etc., to the District Clerk of Travis County, Texas, and a return envelope to be sent to the District Clerk of Travis County, Texas, for the Clerk's use in returning a file-marked copy of the Petition to me.

Please call me if you have any questions or comments.

Sincerely,



Stephen A. Moyik  
Assistant General Counsel

SAM/aa  
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

DEC 10 1999

Mr. Stephen A. Moyik  
Assistant General Counsel, State Bar of Texas  
P.O. Box 12487  
Austin, Texas 78711-2487

Mr. Patrick R. Ganne  
812 San Antonio, Suite 304  
Austin, Texas 78701

Dear Mr. Moyik and Mr. Ganne:

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 Billy John Edwards, Judge of the 104<sup>th</sup> District Court, Abilene, Texas to preside in

*Commission for Lawyer Discipline v. Patrick R. Ganne*

Sincerely,

**SIGNED**

John T. Adams  
Clerk



## THE SUPREME COURT OF TEXAS

CHIEF JUSTICE  
THOMAS R. PHILLIPS

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DEC 10 1999

CLERK  
JOHN T. ADAMS

EXECUTIVE ASS'T  
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASS'T  
JIM HUTCHESON

ADMINISTRATIVE ASS'T  
NADINE SCHNEIDER

Honorable Billy John Edwards  
Judge, 104<sup>th</sup> District Court  
300 Oak Street  
Abilene, Texas 79602

Dear Judge Edwards:

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. Ganne and Mr. Moyik, and a copy of the letter to the District Clerk of Travis County.

It is recommended that, about a month or six weeks after receipt of this letter, you contact the Travis County Court Administrative Office (512-753-9300) (certainly just before or immediately after you set the case for trial) 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 (210-379-8556) 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

TEL: (512) 463-1312

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JUSTICES  
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JIM HUTCHESON

ADMINISTRATIVE ASS'T  
NADINE SCHNEIDER

DEC 10 1999

The Honorable Amalia Rodriguez-Mendoza  
District Clerk of Travis County  
P.O. Box 1748  
Austin, Texas 78767-1748

Dear Ms. Rodriguez-Mendoza:

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. Patrick R. Ganne*, and a copy of the Supreme Court's order appointing the Honorable Billy John Edwards, Judge of the 104<sup>th</sup> District Court, Abilene, Texas, to preside in this Disciplinary Action.

Sincerely,

**SIGNED**

John T. Adams  
Clerk

cc: Hon. Billy John Edwards  
Mr. Stephen A. Moyik  
Mr. Patrick R. Ganne