

ORDER OF THE SUPREME COURT OF TEXAS

Misc Docket No. 00- 9022

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

The Supreme Court of Texas hereby appoints the Honorable David Berchermann, Judge of the 37th District Court of Bexar County, Texas, to preside in the Disciplinary Action styled:

The Commission for Lawyer Discipline v. Marsha Dell Anthony

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

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

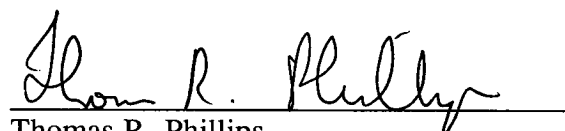
As ordered by the Supreme Court of Texas, in chambers,

with the Seal thereof affixed at the City
of Austin, this 14th day of February, 2000.


JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 00-9022, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code, §74.057.

Signed this 15 day of February, 2000.



Thomas R. Phillips
Chief Justice

NO. _____

COMMISSION FOR LAWYER
DISCIPLINE

V.

MARSHA DELL ANTHONY

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§
§
§

IN THE DISTRICT COURT OF

WILLIAMSON 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, MARSHA DELL ANTHONY, State Bar Card No. 01271500 (hereinafter called "Respondent"), showing the Court:

I.

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

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 March 15, 1999.

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 Williamson County, Texas. Respondent is not represented by counsel herein. Service on Respondent is necessary at this time and should be served upon Respondent at her office at 506 Martin Luther King Blvd., Georgetown, Texas 78626.

IV.

Respondent was retained on or about November 28, 1998, by Ronnie J. Kirby (hereinafter called "Complainant") to represent Complainant in a divorce action. Complainant paid Respondent \$500.00 in attorney's fees for said representation. On or about December 23, 1998, Respondent was to appear at a hearing on behalf of Complainant. Respondent failed to appear. She made no effort to contact the Court or Respondent. In addition, Respondent failed to return Complainant's phone calls and to communicate the status of the case and of the settings of subsequent hearings. Therefore, Complainant was forced to hire another attorney to represent him. However, Respondent will not cooperate with the new attorney to transfer Complainant's file. This omission has further impeded the resolution of the divorce action.

V.

Such acts and omissions on the part of Respondent as are described in Paragraph IV hereinabove, constitute professional misconduct in violation of Rule 1.01(b)(1) [a lawyer shall not

neglect a legal matter entrusted to the lawyer] and Rule 1.01(b)(2) [frequently fail to carry out completely the obligations that the lawyer owes to a client or clients] of the Texas Disciplinary Rules of Professional Conduct and Part 1.06(Q)(1) of the Texas Rules of Disciplinary Procedure.

VI.

The complaint which forms the basis of the Cause of Action hereinabove set forth was brought to the attention of the Office of the Chief Disciplinary Counsel of the State Bar of Texas by Ronnie J. Kirby filing a complaint on or about March 15, 1999.

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

Julia G. Benkoski

Assistant Disciplinary Counsel

Office of the Chief Disciplinary Counsel

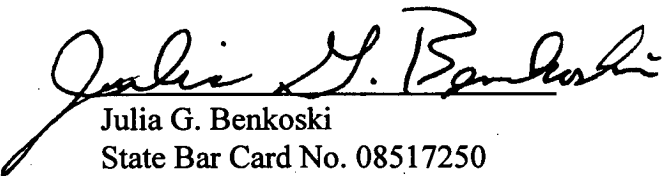
STATE BAR OF TEXAS

P.O. Box 12487, Capitol Station

Austin, Texas 78711-2487

Telephone: (512) 463-1463

Facsimile: (512) 477-4607



Julia G. Benkoski

State Bar Card No. 08517250

Attorneys for Petitioner

STATE BAR OF TEXAS



Office of the General Counsel

December 3, 1999

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

RE: Commission for Lawyer Discipline v. Marsha Dell Anthony

Dear Mr. Adams:

Enclosed is an original and two (2) copies of a Disciplinary Petition being filed by the Commission for Lawyer Discipline against Marsha Dell Anthony. Ms. Anthony has designated Williamson 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:

Marsha Dell Anthony
506 Martin Luther King Blvd.
Georgetown, Williamson County, Texas 78626

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.

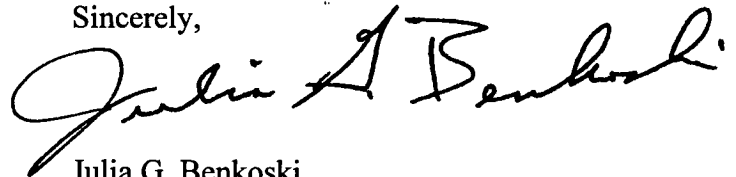
Once a trial judge has been appointed, please forward the original and two (2) copies of the Disciplinary Petition, the filing fee check, the Constable service fee check, also enclosed, and the Court's appointing order to the District Clerk of Williamson County, Texas, with the request that the suit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

Mr. John Adams
December 3, 1999
Page 2 of 2

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



Julia G. Benkoski
Assistant Disciplinary Counsel

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The Supreme Court of Texas

CHIEF JUSTICE
THOMAS R. PHILLIPS

201 West 14th Street Post Office Box 12248 Austin TX 78711
Telephone: 512/463-1312 Facsimile: 512/463-1365

CLERK
JOHN T. ADAMS

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

EXECUTIVE ASSISTANT
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASST
JIM HUTCHESON

ADMINISTRATIVE ASSISTANT
NADINE SCHNEIDER

FEB 23 2000

The Honorable Bonnie Wolbrueck
District Clerk of Williamson County
P.O. Box 24
Georgetown, Texas 78626

Dear Ms. Wolbrueck:

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. Marsha Dell Anthony*, and a copy of the Supreme Court's order appointing the Honorable David Berchelmann, Judge of the 37th District Court, San Antonio, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Honorabe David Berchelmann
Ms. Julia G. Benkoski
Ms. Marsha Dell Anthony



The Supreme Court of Texas

CHIEF JUSTICE
THOMAS R. PHILLIPS

201 West 14th Street Post Office Box 12248 Austin TX 78711
Telephone: 512/463-1312 Facsimile: 512/463-1365

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EXECUTIVE ASSISTANT
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASST
JIM HUTCHESON

ADMINISTRATIVE ASSISTANT
NADINE SCHNEIDER

FEB 23 2000

Honorable David Berchelmann
Judge, 37th District Court
100 Dolorosa Street
San Antonio, Texas 78205

Dear Judge Berchelmann:

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. Anthony and Ms. Benkoski, and a copy of the letter to the District Clerk of Williamson 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 Williamson 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 (512-943-1212) to obtain claims forms for your expenses and other information incident to presiding over this disciplinary case.

Sincerely,

SIGNED

John T. Adams
Clerk



The Supreme Court of Texas

CHIEF JUSTICE
THOMAS R. PHILLIPS

201 West 14th Street Post Office Box 12248 Austin TX 78711
Telephone: 512/463-1312 Facsimile: 512/463-1365

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EXECUTIVE ASSISTANT
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JIM HUTCHESON

ADMINISTRATIVE ASSISTANT
NADINE SCHNEIDER

FEB 23 2000

Ms. Julia G. Benkoski
Assistant General Counsel, State Bar of Texas
P.O. Box 12487
Austin, Texas 78711-2487

Ms. Marsha Dell Anthony
506 Martin Luther King Blvd.
Georgetown, Texas 78626

Dear Ms. Benkoski and Ms. Anthony:

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 David Berchermann, Judge of the 37th District Court, San Antonio, Texas to preside in

Commission for Lawyer Discipline v. Marsha Dell Anthony

Sincerely,

SIGNED

John T. Adams
Clerk