

**ORDER OF THE SUPREME COURT OF TEXAS**

Misc. Docket No. 00-~~9050~~**9050**

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

The Supreme Court of Texas hereby appoints the Honorable Bob McCoy, Judge of the 48th District Court of Tarrant County, Texas, to preside in the Disciplinary Action styled:

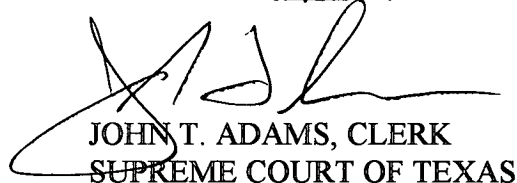
**The Commission for Lawyer Discipline v. Betty Barret Homminga**

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

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

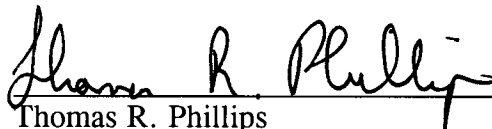
As ordered by the Supreme Court of Texas, in chambers,

With the Seal thereof affixed at the City  
Of Austin, this ~~28<sup>th</sup>~~ day of March, 2000.

  
JOHN T. ADAMS, CLERK  
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 00-9050, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 28 day of March, 2000.

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

Cause No. \_\_\_\_\_

**COMMISSION FOR  
LAWYER DISCIPLINE,  
Petitioner**

vs

**BETTY BARRET HOMMINGA,  
Respondent**

§  
§  
§  
§  
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§  
§

**IN THE DISTRICT COURT**

\_\_\_\_ **JUDICIAL DISTRICT**

**GUADALUPE COUNTY, TEXAS**

**ORIGINAL DISCIPLINARY PETITION**

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES the Commission for Lawyer Discipline, Petitioner, and would respectfully show the following:

**I.**

**DISCOVERY CONTROL PLAN**

Discovery proceedings in this cause should be conducted on Level 2 pursuant to Tex.R.Civ.P. Rule 190.3.

**II.**

**PARTIES**

Petitioner is the Commission for Lawyer Discipline, a committee of the State Bar of Texas. Respondent, Betty Barret Homminga, is a member of the State Bar of Texas and is presently licensed to practice law in the State of Texas. Respondent

maintains her principle place of practice in Seguin, Guadalupe County, Texas.

Respondent may be served with process in this proceeding at her office/residence at 434 Trailwind Drive, Seguin, Texas 78155.

### III.

#### **JURISDICTION, VENUE AND CONDITIONS PRECEDENT**

The cause of action and the relief sought in this case are within the jurisdictional requirements of this Honorable Court. Venue of this case is proper in Guadalupe County, Texas pursuant to Texas Rules of Disciplinary Procedure Rule 3.03, because Guadalupe County is the county of the Respondent's residence. All conditions precedent to proceeding with this cause have been performed or fulfilled.

### IV.

#### **PROFESSIONAL MISCONDUCT**

Petitioner brings this disciplinary action pursuant to the State Bar Act, Tex.Gov't.Code §81.001 *et seq.*, the Disciplinary Rules of Professional Conduct ("DRPC") and the Texas Rules of Disciplinary Procedure ("TRDP"). The complaint which forms the basis of this action was filed on or about June 28, 1999 by Rodney Blair Solar ("Solar"). The acts and omissions of Respondent, as hereinafter alleged, constitute professional misconduct.

V.

**FACTUAL BACKGROUND**

Respondent agreed in April 1998 to represent Rodney B. Solar in a proceeding relating to child custody and visitation. Respondent failed to keep complainant informed regarding court hearings and other matters in the case. Respondent neglected the case by failing to appear for scheduled court hearings. Respondent failed to return Complainant's file after her employment was terminated.

VI.

**DISCIPLINARY RULES OF PROFESSIONAL CONDUCT**

The conduct described above is in violation of the following Texas Rules of Disciplinary Conduct:

Rule 1.01(b)(1) -- In representing a client, a lawyer shall not neglect a legal matter entrusted to the lawyer.

Rule 1.01(b)(2) -- In representing a client, a lawyer shall not frequently fail to carry out completely the obligations that the lawyer owes to a client or clients.

Rule 1.03(a) -- A lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.

Rule 1.01(b)(1):

Rule 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, allowing time for employment of other counsel,

surrendering papers and property to which the client is entitled and refunding any advance payments of fee that has not been earned. The lawyer may retain papers relating to the client to the extent permitted by other law only if the retention will not prejudice the client in the subject matter of the representation.

## VII.

### **RELIEF SOUGHT**

Petitioner would show that This Honorable Court should enter a judgment of professional misconduct and impose a sanction against Respondent which is in the Court's discretion appropriate under the facts established. Additionally, Respondent should be ordered to pay attorney fees and all costs associated with this litigation.

### **PRAYER**

WHEREFORE, PREMISES CONSIDERED, Petitioner prays that a judgment of professional misconduct be entered against Respondent and that this Honorable Court impose an appropriate sanction against Respondent as the facts proved shall warrant. Petitioner further prays to recover costs of court and all expenses associated with these proceedings, including attorney fees as provided in TRDP Rule 1.06(T)(8)(b). Petitioner further prays for such other and additional relief, general or specific, at law or in equity, to which it may show itself entitled.

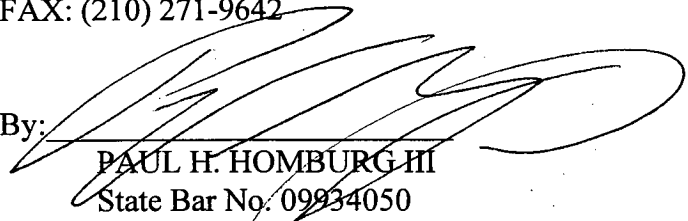
Respectfully submitted,

DAWN MILLER,  
Interim Chief Disciplinary Counsel

PAUL H. HOMBURG III,  
Assistant Disciplinary Counsel

Office of Chief Disciplinary Counsel  
State Bar of Texas  
425 Soledad, Suite 300  
San Antonio, Texas 78205  
Telephone: (210) 271-7881  
FAX: (210) 271-9642

By:



PAUL H. HOMBURG III  
State Bar No. 09934050

ATTORNEYS FOR PETITIONER

# STATE BAR OF TEXAS



CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
#Z 426 178 175

Office of the General Counsel  
Regional Office  
Soledad Plaza West  
425 Soledad, Suite 300  
San Antonio, Texas 78205  
(210) 271-7881  
FAX: (210) 271-9642

January 26, 2000

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

RE: Commission for Lawyer Discipline v. Betty Barret Homminga

Dear Mr. Adams:

Enclosed please find an original and three (3) copies of a Disciplinary Petition being filed by the Commission for Lawyer Discipline against Betty Barret Homminga. Ms. Homminga has designated **Guadalupe County** 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:

Betty Barret Homminga  
434 Trail Wind Drive  
Seguin, Texas 78155

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 as 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.

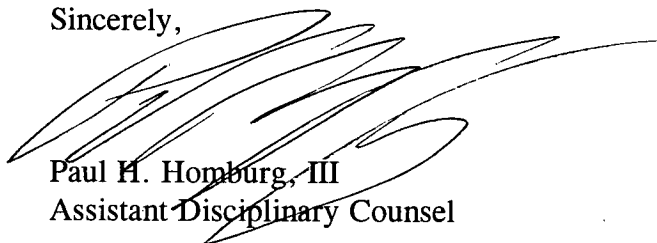
Once a trial judge has been appointed, please forward the original and three (3) copies of the Disciplinary Petition, the filing fee check, also enclosed herewith, and the Court's appointing order to the District Clerk of Guadalupe County, Texas, with the request that the suit be filed, service be obtained, and a filemarked copy of the petition returned to the undersigned.



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

Thank you for your courtesies in this matter.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'Paul H. Homburg, III'. The signature is written over the typed name and title.

Paul H. Homburg, III  
Assistant Disciplinary Counsel

Enclosures

PHH/apr



# 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

APR 03 2000

Mr. Paul H. Homburg, III  
Assistant General Counsel, State Bar of Texas  
425 Soledad, Suite 300  
San Antonio, Texas 78205

Ms. Betty Barret Homminga  
434 Trail Wind Drive  
Seguin, Texas 78155

Dear Mr. Homburg and Ms. Homminga:

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 Bob McCoy, Judge of the 48<sup>th</sup> District Court, Fort Worth, Texas to preside in

*Commission for Lawyer Discipline v. Betty Barret Hominga*

Sincerely,

**SIGNED**

John T. Adams  
Clerk



# The Supreme Court of Texas

CHIEF JUSTICE  
THOMAS R. PHILLIPS

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ADMINISTRATIVE ASSISTANT  
NADINE SCHNEIDER

APR 03 2000

The Honorable James Behrendt  
District Clerk of Guadalupe County  
101 E. Court Street  
Seguin, Texas 78155

Dear Mr. Behrendt:

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. Betty Barret Homminga* and a copy of the Supreme Court's order appointing the Honorable Bob McCoy, Judge of the 48<sup>th</sup> District Court, Fort Worth, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams  
Clerk

cc: Hon. James Behrendt  
Ms. Betty Barret Homminga  
Mr. Paul H. Homburg, III



# 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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JUSTICES  
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JIM HUTCHESON

ADMINISTRATIVE ASSISTANT  
NADINE SCHNEIDER

APR 03 2000

Honorable Bob McCoy  
Judge, 48<sup>th</sup> District Court  
401 W. Belknap Street  
Fort Worth, Texas 76196-0221

Dear Judge McCoy:

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. Homminga and Mr. Homburg, and a copy of the letter to the District Clerk of Guadalupe County.

It is recommended that, six to eight weeks after receipt of this letter, your coordinator contact the District Clerk (210-379-4188) to learn the names, addresses, and telephone numbers of counsel for purposes of scheduling a conference. Also, either before or immediately after you set the case for trial, you should contact the Presiding Judge of the Administrative Judicial Region into which you have been assigned (210-379-8556) to reserve a courtroom, provide for a court reporter, etc., and to obtain claims forms for your expenses incident to presiding over this disciplinary case.

Sincerely,

**SIGNED**

John T. Adams  
Clerk