

ORDER OF THE SUPREME COURT OF TEXAS

Misc. Docket No. ~~00-11~~ **9164**

Appointment of a District Judge to Rule on a Motion
to Recuse filed in a State Bar Disciplinary Action

The Supreme Court of Texas hereby appoints the Honorable Robert A. Perkins, Judge of the 331st District Court of Travis County, Texas, to preside in the Disciplinary Action styled:


The Commission for Lawyer Discipline v. Roger Fuller

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

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

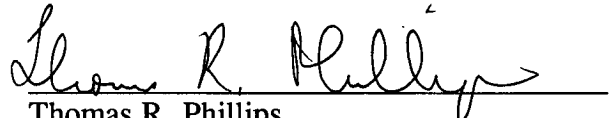
As ordered by the Supreme Court of Texas, in chambers,

With the Seal thereof affixed at the City
Of Austin, this 16th day of November, 2000.


JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 00-9164, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 7 day of November, 2000.


Thomas R. Phillips
Chief Justice

NO. _____

COMMISSION FOR LAWYER DISCIPLINE	§	IN THE DISTRICT COURT OF
V.	§	DALLAS COUNTY, TEXAS
ROGER FULLER	§	_____ JUDICIAL DISTRICT

DISCIPLINARY PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

Petitioner, the Commission for Lawyer Discipline, a committee of the State Bar of Texas (hereinafter called "Petitioner"), complains of Respondent, Roger Fuller, (hereinafter called "Respondent"), showing the Court:

I.

Discovery Control Plan

Pursuant to Rules 190.1 and 190.2, TEXAS RULES OF CIVIL PROCEDURE (TRCP), Petitioner intends discovery in this case to be conducted under the Level II Discovery Control Plan.

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 is a member of the State Bar

of Texas. Respondent is a resident of and has his principal place of practice in Dallas County, Texas. An officer may serve citation on Respondent, by and through his attorney of record, Steven L. Lee, 3921 Steck Avenue, A-119, Austin, Texas 78759-8647.

FIRST CAUSE OF ACTION

IV.

On or about August 5, 1998, Jimmie Miles ("Miles") was involved in an automobile accident. Shortly thereafter, Miles received a telephone call from Charlie Parker, who identified himself as being associated with Respondent's law office. Prior to receipt of this telephone call from Charlie Parker, Miles had not sought the advice of Respondent or any of his employees, nor did Miles have a past or present attorney-client relationship with Respondent. Mr. Parker requested an appointment to speak to Miles about his accident. Miles agreed to meet with Mr. Parker at Miles' home. On August 12, 1998, Mr. Parker came to Miles' home, where Miles signed a contingency fee contract. At this meeting, Mr. Parker wrote his name on the back of a business card which was imprinted with the words "The Law Offices of Roger A. Fuller" and "Steve Dele Akinnibosun, Legal Administrator". Parker left this business card with Miles. Miles requested a copy of the contract and was told by Mr. Parker that a copy would be mailed to him.

V.

The day after Miles signed the contract, Respondent's employee, Steve Akinnibosun, called Miles and told him to go to Buckner Medical Center for treatment, which Miles did. On December 14, 1998, after Miles completed treatment, Mr. Akinnibosun sent a demand letter to the insurance company, for \$43,232.25, signed "Stephen D. Akinnibosun, Law Offices of Fuller and Eason." Mr.

Akinnibosun conducted settlement negotiations regarding Miles' case with the insurance company without the involvement of Respondent.

VI.

During the course of the representation, Respondent and his employees failed to respond to Miles' telephone calls inquiring about the status of his case. Further, Miles repeatedly requested a copy of the contingent fee contract he signed, but Respondent failed to comply with these requests. On February 24, 1999, Respondent withdrew from his representation of Miles.

VII.

Such acts and/or omissions on the part of Respondent as are described in Paragraphs IV, V, and VI, hereinabove, which occurred on or after January 1, 1990, constitute conduct which violates Rules 1.01(b)(1), 1.03(a),(b), 5.03(a), (b)(1), 5.05(b), and 8.04(a)(1) of the Texas Disciplinary Rules of Professional Conduct.

VIII.

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 Jimmie Lee Miles filing a complaint on or about March 17, 1999.

SECOND CAUSE OF ACTION

IX.

On or about June 2, 1999, Vivian Williams ("Williams") hired Respondent to represent her in a personal injury claim arising from an automobile accident in which she was involved on or about January 11, 1999. Thereafter, Respondent allowed his non-attorney employee, J.W. Grisby,

to settle Williams' case without her knowledge or consent. Further, Respondent allowed J.W. Grisby or another individual to sign Williams' name to the settlement disbursement sheet, the release and four (4) settlement checks without Williams' knowledge or consent. The release was witnessed and notarized by J.W. Grisby on or about September 22, 1999.

X.

Such acts and/or omissions on the part of Respondent as are described in Paragraph IX, hereinabove, which occurred on or after January 1, 1990, constitute conduct which violates Rules 1.02(a)(2), 5.03(a),(b), and 8.04(a) (1),(3) of the Texas Disciplinary Rules of Professional Conduct.

XI.

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 Vivian Williams filing a complaint on or about November 15, 1999.

PRAYER

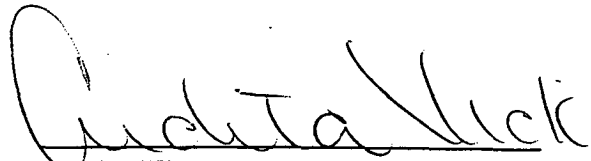
WHEREFORE, PREMISES CONSIDERED, Petitioner prays for judgment that Respondent be disciplined as the facts shall warrant; and that Petitioner have such other relief to which entitled, including costs of Court and attorney's fees.

Respectfully submitted,

Dawn Miller
Chief Disciplinary Counsel

Ardita Vick
Chief Disciplinary Counsel

State Bar of Texas
Litigation - Dallas
3710 Rawlins
Suite 800
Dallas, Texas 75219
(214) 559-4453
FAX (214) 559-4335

A handwritten signature in black ink that reads "Ardita Vick". The signature is written in a cursive style and is positioned above a horizontal line.

Ardita Vick
State Bar Card No. 00786311

ATTORNEYS FOR PETITIONER

STATE BAR OF TEXAS



Office of the Chief Disciplinary Counsel

September 25, 2000

CMRRR NO. 7099 3220 0005 9144 0014

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

RE: Commission for Lawyer Discipline v. Roger Fuller

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 Roger Fuller. Mr. Fuller has designated Dallas 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:

**Roger Fuller
c/o Steven L. Lee
3921 Steck Avenue - A119
Austin, Texas 78759-8647**

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. If not, I would respectfully request that an alternate appointment be made.

Regency Plaza, 3710 Rawlins, Suite 800, Dallas, Texas 75219
Telephone: (214) 559-4353 Fax: (214) 559-4335

John T. Adams, Clerk

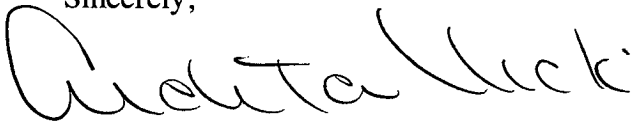
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Once a trial judge has been appointed, please forward the original and two (2) copies of the Disciplinary Petition, the filing fee check, also enclosed herewith, and the Court's appointing order to the District Clerk of Dallas County, Texas, with the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

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

A handwritten signature in cursive script that reads "Ardita Vick".

Ardita Vick
Assistant Disciplinary Counsel

Enclosures



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

NOV 08 2000

Honorable Robert A. Perkins
Judge, 331st District Court
P.O. Box 1748
Austin, Texas 78767-1748

Dear Judge Perkins:

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. Fuller and Ms. Vick, and a copy of the letter to the District Clerk of Dallas County.

We then recommend that, either before or immediately after you set the case for trial, the Dallas County District Court Administrative Office (214-653-6510) 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 (214-653-2943) to obtain information on lodging, allowable expenses, and claims forms for your expenses incident to presiding over this disciplinary case.

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Adams".

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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JOHN T. ADAMS

JUSTICES
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HARRIET O'NEILL
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EXECUTIVE ASSISTANT
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASST
JIM HUTCHESON

ADMINISTRATIVE ASSISTANT
NADINE SCHNEIDER

NOV 08 2000

The Honorable Jim Hamlin
District Clerk of Dallas County
George L. Allen Courts Building
600 Commerce Street
Dallas, Texas 75202

Dear Mr. Hamlin:

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. Roger Fuller*, and a copy of the Supreme Court's order appointing the Honorable Robert A. Perkins, Judge of the 331st District Court of Austin, Texas, to preside in this Disciplinary Action.

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Adams".

John T. Adams
Clerk

cc: Honorable Robert A. Perkins
Ms. Ardita Vick
Mr. Roger Fuller



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
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JUSTICES
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JIM HUTCHESON

ADMINISTRATIVE ASSISTANT
NADINE SCHNEIDER

NOV 08 2000

Ms. Ardita Vick
Assistant General Counsel, State Bar of Texas
3710 Rawlins, Suite 800
Dallas, Texas 75219

Mr. Roger Fuller
c/o Steven L. Lee
3921 Steck Avenue, A119
Austin, Texas 78759-8649

Dear Ms. Vick and Mr. Fuller:

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 Robert A. Perkins, Judge of the 331st District Court, Austin, Texas to preside in

Commission for Lawyer Discipline v. Roger Fuller

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Adams".

John T. Adams
Clerk