

ORDER OF THE SUPREME COURT OF TEXAS
9019

Misc. Docket No. 01-----

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 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. William D. Beard

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 23rd day of January, 2001.


JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 01-9019, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 26 day of January, 2001.



Thomas R. Phillips
Chief Justice

NO. _____

COMMISSION FOR LAWYER DISCIPLINE	§	IN THE DISTRICT COURT OF
V.	§	DALLAS COUNTY, TEXAS
WILLIAM D. BEARD	§	_____ 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"), complaining of Respondent, William D. Beard, (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's attorney, James R. Jordan, 325 N. St. Paul Street, Republic Towers II, Suite 2200, Dallas, Texas 75201.

FIRST CAUSE OF ACTION

IV.

On or about June 26, 1995, Bobbie Wright ("Wright") hired Respondent to represent her daughter, Robbie Wright, in a claim against Dallas Area Rapid Transit ("DART") and Crawford Technical Services for personal injuries that Robbie Wright sustained as a passenger on a DART Handi-Ride Van. Respondent filed suit on behalf of Wright as the parent and natural guardian of Robbie Wright on or about March 25, 1996. Thereafter, Respondent neglected Robbie Wright's case in that he (1) failed to respond to written discovery requests, (2) failed to appear at a court-ordered mediation, (3) failed to present the plaintiff and a fact witness for deposition on numerous occasions, (4) failed to amend his pleadings as ordered by the court, (5) failed to appear at a hearing on the defendant's special exceptions on September 15, 1998, (6) failed to notify Wright of the September 15, 1998 hearing, (7) failed to appear at a hearing on Defendant's Motion to Compel, and Special Exceptions and Motion to Strike Wright's witness on October 20, 1998, (8) failed to notify Wright of the October 20, 1998 hearing date, and (9) failed to appear at the December 1, 1998, hearing on Defendant's Motion for Sanctions. At the December 1, 1998 hearing, Respondent was sanctioned for failure to comply with and obey court orders, Wright's pleadings were struck, and the case was dismissed with prejudice. Respondent then filed a notice of non-suit on December 4, 1998, without the knowledge or consent of Wright.

V.

Such acts and/or omissions on the part of Respondent as are described in Paragraph IV, hereinabove, which occurred on or after January 1, 1990, constitute conduct which violates Rules 1.01(b)(1), (2), 1.02(a)(1), 1.03(a),(b), 1.15(d), 3.02, and 8.04(a)(1) of the Texas Disciplinary Rules of Professional Conduct.

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 Bobbie Wright filing a complaint on or about August 24, 1999 .

SECOND CAUSE OF ACTION

VII.

In February, 1997, Billy Smith ("Smith") employed Respondent to prosecute both a wrongful death and survival action as the result of the accidental death of his son. During the course of the representation, Respondent moved his office twice, but failed to send Smith any notice of his change of address. Further, Respondent failed to respond to Smith's telephone calls inquiring about the status of his case.

VIII.

On or about May 14, 1997, Respondent filed suit in the matter on behalf of Smith. Thereafter, Respondent failed to respond to written discovery propounded on him by one of the defendants, and failed to comply with a court order compelling Respondent to respond to the defendant's discovery requests resulting in sanctions being ordered against the plaintiffs on October

8, 1998.

On or about June 1, 1999, one of the defendants in the case filed a Motion for Summary Judgment pursuant to Rule 166(a)(i) of the Texas Rules of Civil Procedure. Respondent subsequently agreed to a dismissal of the case, with prejudice to refile, without prior notice to, or approval from Smith. An Agreed Order of Dismissal with Prejudice was signed by the judge on July 12, 1999.

IX.

Such acts and/or omissions on the part of Respondent as are described in Paragraph VIII, hereinabove, which occurred on or after January 1, 1990, constitute conduct which violates Rules 1.01(b)(1), (2), 1.02(a)(1), and 1.03(a),(b) of the Texas Disciplinary Rules of Professional Conduct.

X.

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 Billy Smith filing a complaint on or about October 12, 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) 559-4997
FAX (214) 559-4335

A handwritten signature in black ink, appearing to read "Ardita Vick", written over a horizontal line.

Ardita Vick
State Bar Card No. 00786311

ATTORNEYS FOR PETITIONER

STATE BAR OF TEXAS



Office of the Chief Disciplinary Counsel

December 6, 2000

Mr. Bill Willis
Clerk - Supreme Court of Texas
201 W. 14th Street - Room 104
Austin, Texas 78701

Re: Commission for Lawyer Discipline vs. William D. Beard

Dear Mr. Willis:

Enclosed you will find our standard customary packet for filing a disciplinary matter with the Supreme Court and District Court. This case is particularly different in that we have already reached a settlement with the Respondent. I would like to know if there is any way possible we can expedite this matter so it can be filed with the District Clerk in Dallas as soon as it is humanly possible to do.

If you need to discuss this matter with me please do not hesitate to give me a call. I need to let Respondent's counsel know if we can indeed get this filed any time soon. If this is not possible, I certainly understand your position. My direct line is (214) 559-4353, ext. 112.

Thank you for your patience and always helping our office in such a kind professional manner.

Sincerely,

A handwritten signature in cursive script that reads "Karen Porter".

Karen Porter
Legal Assistant to Ardita Vick

ALV/ssr

STATE BAR OF TEXAS



Office of the Chief Disciplinary Counsel

December 6, 2000

FEDERAL EXPRESS

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

RE: Commission for Lawyer Discipline v. William D. Beard

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 William D. Beard. Mr. Beard 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:

**William D. Beard
c/o Karla K. Carlson
325 N. St. Paul Street
Republic Towers
Suite 2200
Dallas, Texas 75201**

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

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, appearing to read "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

JAN 30 2001

Honorable Billy John Edwards
Judge, 104th 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. Beard 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 cursive script that reads "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

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

JAN 30 2001

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

Mr. William D. Beard
c/o Karla K. Carlson
Republic Towers, Suit 2200
325 N. St. Paul Street
Dallas, Texas 75201

Dear Ms. Vick and Mr. Beard:

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 104th District Court, Abilene, Texas to preside in

Commission for Lawyer Discipline v. William D. Beard

Sincerely,

A handwritten signature in black ink that reads "John T. Adams". The signature is written in a cursive style with a large initial "J".

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

CLERK
JOHN T. ADAMS

JUSTICES
NATHAN L. HECHT
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EXECUTIVE ASSISTANT
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASST
JIM HUTCHESON

ADMINISTRATIVE ASSISTANT
NADINE SCHNEIDER

JAN 30 2001

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. William D. Beard*, and a copy of the Supreme Court's order appointing the Honorable Billy John Edwards, Judge of the 104th District Court of Abilene, Texas, to preside in this Disciplinary Action.

Sincerely,

A handwritten signature in cursive script that reads "John T. Adams".

John T. Adams
Clerk

cc: Honorable Billy John Edwards
Ms. Ardita Vick
Mr. William D. Beard