

ORDER OF THE SUPREME COURT OF TEXAS

Misc Docket No. 98-9150

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

The Supreme Court of Texas hereby appoints the Honorable Mark Davidson, Judge of the 166th District Court of Harris County, Texas, to preside in the Disciplinary Actions styled:

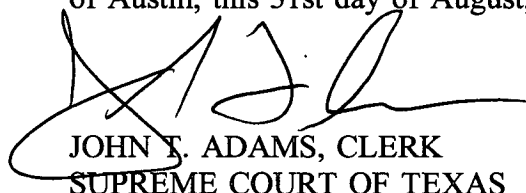
The Commission for Lawyer Discipline v. Clarence C. Felder.

heretofore filed as three cases, 98-CI-00485, 98-CI-00487, & 98-CI-00488 and consolidated in the 166th District Court of Bexar County, Texas.

The Clerk of the Supreme Court shall promptly forward to the District Clerk of Bexar County, Texas, a copy of this Order for filing pursuant to Rule 3.03, Texas Rules of Disciplinary Procedure. This Order replaces this Court's Misc. Docket Orders 97-9238, 97-9239 and 97-9240, which appointed the Honorable Leonard Giblin, Jr.

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

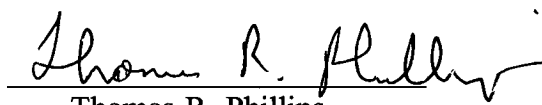
with the Seal thereof affixed at the City
of Austin, this 31st day of August, 1998.



JOHN F. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 98-9150, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 2 day of September, 1998.

A handwritten signature in cursive script, reading "Thomas R. Phillips". The signature is written in black ink and is positioned above a horizontal line.

Thomas R. Phillips
Chief Justice

No. _____

COMMISSION FOR LAWYER DISCIPLINE	§	IN THE DISTRICT COURT OF
	§	
V.	§	BEXAR COUNTY, TEXAS
	§	
CLARENCE C. FELDER	§	___TH JUDICIAL DISTRICT

DISCIPLINARY PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now, Petitioner, COMMISSION FOR LAWYER DISCIPLINE, a committee of the State Bar of Texas, complaining of Respondent, CLARENCE C. FELDER, and in support thereof would respectfully show the Court the following:

Parties

Petitioner is the COMMISSION FOR LAWYER DISCIPLINE, a committee of the State Bar of Texas. Respondent, CLARENCE C. FELDER, Texas State Bar Number 06884100, is an attorney licensed to practice law in the State of Texas and is a member of the State Bar of Texas. Respondent is a resident of Bexar County, Texas. Respondent is a resident of Bexar County and may be served at his place of business at 15227 San Pedro Avenue, San Antonio, Texas 78232.

Venue

Respondent's principal place of law practice is in Bexar County, Texas. Accordingly, pursuant to Texas Rules of Disciplinary Procedure 3.03, venue is proper in Bexar County, Texas.

I.

Petitioner brings this disciplinary action pursuant to State Bar Act, Tex. Gov't. Code Ann. , Sec. 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 this action was filed on or about April 10, 1997. The acts and conduct of Respondent, as hereinafter alleged, constitute professional misconduct.

II.

Respondent was hired by Quinn O. Dixon for representation in a breach of contract case and in order to protect an apartment property from foreclosure. The Respondent filed an Application for Temporary Restraining Order styled: *Dixon v. Rodriguez*, in the 150th Judicial District Court, Bexar County Texas, Cause No. 96CI-00008. During the term of representation, the Respondent neglected to ensure that a Temporary Restraining Order, to halt the foreclosure of the client's property, was served upon the defendant, Rodriguez. This neglect to timely serve the defendants resulted in the client's property being foreclosed upon. In addition, the Respondent forged the client's signature to a Verification in support of an Application for Temporary Restraining Order on or about December 29, 1995. In addition, the Respondent forged the client's signature as well as a notary's signature to a Verification in support of an Application for Temporary Restraining Order on or about April 29, 1996. Additionally, the Respondent misrepresented facts to his client when he informed her that the reason a Temporary Restraining Order had not been timely served was due to the Bexar County Sheriff's Department's negligence and delay, when in fact the Respondent had arranged service by private process server. Finally,

during the course of the representation, the Respondent failed to keep the client reasonably informed about the status of the case by repeatedly failing to return phone calls and other requests for information.

III.

The conduct of Respondent described above constitutes a violation of the following Texas Disciplinary Rules of Professional 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.

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 1.03(b) -- A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

Rule 8.04(a)(3) -- A lawyer shall not engage in conduct involving dishonesty, fraud, deceit or misrepresentation.

PRAYER

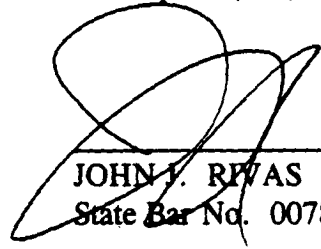
WHEREFORE, PREMISES CONSIDERED, Petitioner prays that a judgment of professional misconduct be entered against Respondent imposing an appropriate sanction as the facts shall warrant and that Petitioner have such other relief to which it is entitled, including costs of court and attorney's fees.

Respectfully submitted,

Steve Young
General Counsel

John J. Rivas
Assistant General Counsel

Office of the General Counsel
State Bar of Texas
425 Soledad, Suite 300
San Antonio, Texas 78205
Telephone: (210) 271-7881
Telecopier: (210) 271-9642



JOHN J. RIVAS
State Bar No. 00788285

ATTORNEYS FOR PETITIONER



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

JUSTICES
RAUL A. GONZALEZ
NATHAN L. HECHT
CRAIG T. ENOCH
ROSE SPECTOR
PRISCILLA R. OWEN
JAMES A. BAKER
GREG ABBOTT
DEBORAH G. HANKINSON

EXECUTIVE ASS'T
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

SEP 14 1998

The Honorable Margaret White
District Clerk of Bexar County
100 Dolorosa Street
San Antonio, Texas 78205-1205

Dear Ms. White:

Pursuant to Rule 3.03 of the Texas Rules of Disciplinary Procedure, I am sending for filing a copy of the Supreme Court's order appointing the Honorable Mark Davidson, Judge of the 11th District Court, to preside in 98-CI-00485 The Commission for Lawver Discipline v. Clarence C. Felder., 98-CI- 00487 The Commission for Lawver Discipline v. Clarence C. Felder. and 98-CI-00488 The Commission for Lawver Discipline v. Clarence C. Felder. which we understand to have been consolidated for trial in the 166th District Court of Bexar County. This order replaces this Court's orders 97-9238, 97-9239, and 97-9240, which appointed the Honorable Leonard Giblin, Jr., who is excused.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Hon. Mark Davidson
Mr. Clarence C. Felder
Ms. Seana Willing
Mr. Peter Koelling



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

JUSTICES
RAUL A. GONZALEZ
NATHAN L. HECHT
CRAIG T. ENOCH
ROSE SPECTOR
PRISCILLA R. OWEN
JAMES A. BAKER
GREG ABBOTT
DEBORAH G. HANKINSON

CLERK
JOHN T. ADAMS

EXECUTIVE ASS'T
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

SEP 14 1998

Ms. Seana Willing
Assistant General Counsel, State Bar of Texas
425 Soledad Street, Suite 300
San Antonio, Texas 78205

Mr. Clarence C. Felder
15227 San Pedro
San Antonio, Texas 78232

Dear Ms. Willing and Mr. Felder:

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 Mark Davidson, Judge of the 11th District Court, Houston, Texas to preside in

Commission for Lawyer Discipline v. Clarence C. Felder., No. 98-CI-00485, 98-CI-00487, and 98-CI-00488, consolidated for trial in the 166th District Court.

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

FAX: (512) 463-1365

CLERK
JOHN T. ADAMS

JUSTICES

RAUL A. GONZALEZ
NATHAN L. HECHT
CRAIG T. ENOCH
ROSE SPECTOR
PRISCILLA R. OWEN
JAMES A. BAKER
GREG ABBOTT
DEBORAH G. HANKINSON

EXECUTIVE ASST
WILLIAM L. WILLIS

ADMINISTRATIVE ASST
NADINE SCHNEIDER

SEP 14 1998

Honorable Mark Davidson
Judge, 11th District Court
305 Civil Courts Building
301 Fannin
Houston, Texas 77002

Dear Judge Davidson:

We enclose for your information a copy of the order of assignment, a copy of the notification letter to Mr. Felder and Ms. Willing, and a copy of the letter to the District Clerk of Bexar County.

We recommend that you contact the Administrator of the Civil District Courts at 210 335-2300 to reserve a court room, obtain a court reporter, etc., and office of the Presiding Judge of the Administrative Judicial Region into which you have been assigned (210 335-3954), to obtain claims forms for your expenses incident to presiding over this disciplinary case, etc.

Sincerely,

SIGNED

John T. Adams
Clerk