

**ORDER OF THE SUPREME COURT OF TEXAS**

**Misc Docket No. 98- 9161**

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

The Supreme Court of Texas hereby appoints the Honorable Diane V. DeVasto, Judge of the 241st District Court of Smith County, Texas, to preside in the Disciplinary Action styled:

**The Commission for Lawyer Discipline v. Robert T. Wallace**

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

The Clerk of the Supreme Court shall promptly forward to the District Clerk of Harris 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 September, 1998.

A handwritten signature in black ink, appearing to read 'J. Adams', written over a circular stamp or seal.

JOHN T. ADAMS, CLERK  
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 98-9161, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 23 day of September, 1998.

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

Thomas R. Phillips  
Chief Justice

CAUSE NO. \_\_\_\_\_

COMMISSION FOR LAWYER DISCIPLINE	§	IN THE DISTRICT COURT OF
	§	
V.	§	HARRIS COUNTY, TEXAS
	§	
ROBERT T. WALLACE	§	_____ JUDICIAL DISTRICT

**ORIGINAL 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 referred to as "Petitioner"), complaining of Respondent, **ROBERT T. WALLACE**, (hereinafter referred to as "Respondent"), and would show the Court the following:

**I. NATURE OF PROCEEDING**

Petitioner brings this disciplinary action pursuant to the State Bar Act, the Tex. Gov't Code Annotated. §81.001, *et seq.* (Vernon 1988 and supp. 1994), the Texas Disciplinary Rules of Professional Conduct, and the Texas Rules of Disciplinary Procedure. The complaint that forms the basis of this Original Disciplinary Petition were filed on or after May 1, 1992.

**II. VENUE**

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 his principal place of practice in Harris County, Texas; therefore, venue is appropriate in Harris County, Texas, pursuant to Rule 3.03 of the Texas Rules of Disciplinary Procedure. An officer may serve citation on

Respondent at his business address located at P.O. Box 301003, Houston, Harris County, Texas 77230-1003.

### **III. CAUSE OF ACTION**

On or about September 11, 1996, the Respondent was employed for representation in a personal injury case on a contingency fee agreement. Complainant tried to contact Respondent by phone as to the status of her case and found that Respondent had closed his office without notifying her. Respondent failed to inform the Complainant that he was no longer representing her daughter's personal injury case.

The Respondent was notified of the allegations on or about November 26, 1997. There was no response to the allegations at that time. In early January, the Respondent appealed the classification by Petra V. Contreras, Investigator, State Bar of Texas. On January 21, 1998, the Board of Disciplinary Appeals denied the Respondent's appeal. The Respondent has since failed to respond to the allegations against him.

### **IV.**

The complaint that forms the basis of this cause of action was brought to the attention of the Office of the General Counsel of the State Bar of Texas by Emily Robin's filing of a complaint on or about November 3, 1997.

### **V. RULE VIOLATIONS**

The acts and/or omissions of Respondent described in Paragraph III above which occurred on or before January 1, 1990, constitute conduct in violation of Rules 1.01(b)(1) [for neglecting a legal matter entrusted to the lawyer]; 1.01(b)(2) [frequently failed to carry out completely the obligations owed to the client]; 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]; **8.01(b)** [for knowingly failing to respond to a lawful demand for information from a disciplinary authority]; and **8.04(a)(8)** [for failing to timely furnish a district grievance committee a response or other information as required unless he/she timely asserts a privilege or other legal ground for failure to do so].

**PRAYER**

**WHEREFORE, PREMISES CONSIDERED, Petitioner, COMMISSION FOR LAWYER DISCIPLINE, respectfully prays that this Court discipline Respondent, ROBERT T. WALLACE, by reprimand, suspension, or disbarment, as the facts shall warrant; restitution; and all other relief to which Petitioner may show itself to be justly entitled, including costs of court and attorneys' fees.**

Respectfully submitted,

**Steven W. Young**  
General Counsel

**Kimberly M. Gamble**  
Assistant General Counsel

Office of the General Counsel  
State Bar of Texas  
1111 Fannin, Suite 1370  
Houston, Texas 77002  
(713) 759-6932  
(713) 752-2158 FAX

  
**KIMBERLY M. GAMBLE**  
State Bar No. 00789804

**ATTORNEYS FOR PETITIONER,  
COMMISSION FOR LAWYER DISCIPLINE**

# STATE BAR OF TEXAS



**Office of the General Counsel**

August 14, 1998

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

**Re: Commission for Lawyer Discipline v. Robert T. Wallace**

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 Robert T. Wallace. Mr. Wallace has designated Harris 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:

Robert T. Wallace  
Attorney at Law  
P.O. Box 301003  
Houston, Texas 77230-1003

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; and (2) whether he or she can accommodate compliance with Mellon Service Co., et al v. Touche Ross Co., 946 S.W.2d 862 (Tex. App. - Houston [14th Dist.] 1997), which requires that all proceedings incident to a case occur in the county of proper venue. 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, also enclosed herewith, and the Court's appointing order to the District Clerk of Harris 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.

**1111 Fannin, Suite 1370, Houston, Texas 77002, (713)759-6931**

Mr. John Adams

August 14, 1998

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



Kimberly M. Gamble

Assistant General Counsel

KMG/lp

Enclosures





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

OCT 02 1998

The Honorable Charles Bacarisse  
District Clerk of Harris County  
P.O. Box 4651  
Houston, Texas 77002

Dear Mr. Bacarisse:

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. Robert T. Wallace*, and a copy of the Supreme Court's order appointing the Honorable Diane V. DeVasto, Judge of the 241<sup>st</sup> District Court of Tyler, Texas, to preside in this Disciplinary Action.

Sincerely,

**SIGNED**

John T. Adams  
Clerk

cc: Honorable Diane V. DeVasto  
Ms. Kimberly M. Gamble  
Mr. Robert T. Wallace



## THE SUPREME COURT OF TEXAS

CHIEF JUSTICE  
THOMAS R. PHILLIPS

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DEBORAH G. HANKINSON

OCT 02 1998

Honorable Diane V. DeVasto  
Judge, 241<sup>st</sup> District Court  
220 Courthouse  
100 N. Broadway Avenue  
Tyler, Texas 75702

Dear Judge DeVasto:

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. Wallace and Ms. Gamble, and a copy of the letter to the District Clerk of Harris County.

It is recommended that, six to eight weeks after receipt of this letter, you contact the Harris County District Court Administrative Office (713-755-7593) 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, you again contact the Harris County District Court Administrative Office (713-755-6593) 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 (713-471-3911) to obtain information on lodging, allowable expenses, and claims forms for your expenses incident to presiding over this disciplinary case.

Sincerely,

**SIGNED**

John T. Adams  
Clerk



## THE SUPREME COURT OF TEXAS

CHIEF JUSTICE  
THOMAS R. PHILLIPS

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NADINE SCHNEIDER

OCT 02 1998

Ms. Kimberly M. Gamble  
Assistant General Counsel, State Bar of Texas  
1111 Fannin, Suite 1370  
Houston, Texas 77002

Mr. Robert T. Wallace  
Attorney at Law  
P.O. Box 301003  
Houston, Texas 77230-1003

Dear Ms. Gamble and Mr. Wallace:

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 Diane V. DeVasto, Judge of the 241<sup>st</sup> District Court of Tyler, Texas to preside in

*Commission for Lawyer Discipline v. Robert T. Wallace*

Sincerely,

**SIGNED**

John T. Adams  
Clerk