

ORDER OF THE SUPREME COURT OF TEXAS

Misc Docket No. 99-9230

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

The Supreme Court of Texas hereby appoints the Honorable Bob McGrath, Judge of the 342nd District Court of Tarrant County, Texas, to preside in the Disciplinary Action styled:

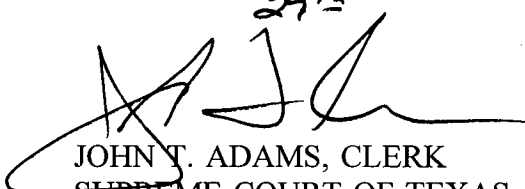
The Commission for Lawyer Discipline v. Tommy O. Boston

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.

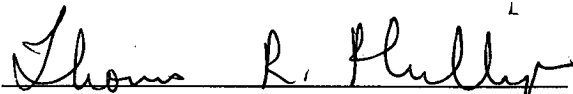
As ordered by the Supreme Court of Texas, in chambers,

with the Seal thereof affixed at the City
of Austin, this ^{29th} day of November, 1999.


JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 99-9230, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code, §74.057.

Signed this 29 day of November, 1999.


Thomas R. Phillips
Chief Justice

CAUSE NO. _____

COMMISSION FOR LAWYER DISCIPLINE §
VS. §
TOMMY O. BOSTON §

IN THE DISTRICT COURT OF
HARRIS COUNTY, TEXAS
_____ JUDICIAL DISTRICT

ORIGINAL DISCIPLINARY PETITION

TO THE HONORABLE JUDGE OF THE COURT:

Petitioner the COMMISSION FOR LAWYER DISCIPLINE, a committee of the State Bar of Texas (hereinafter referred to as the "CFLD"), complains of TOMMY O. BOSTON ("hereinafter referred to as "Respondent") as follows:

**I.
DISCOVERY CONTROL PLAN**

Pursuant to Rule 190.1 of the Texas Rules of Civil Procedure, CFLD intends discovery in this case to be conducted under Discovery Control Plan - Level 2 as provided in Rule 190.3 of the Texas Rules of Civil Procedure.

**II.
PROCEDURAL BASIS FOR SUIT**

The CFLD brings this disciplinary action pursuant to the State Bar Act, Texas Government 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 Disciplinary Petition was filed on or after May 1, 1992.

**III.
VENUE AND SERVICE**

Respondent is an attorney licensed to practice law in Texas and is a member of the State Bar of Texas. Respondent's principal place of practice is Harris County, Texas, and therefore venue is appropriate in Harris County, Texas, pursuant to Rule 3.03 of the Texas Rules of Disciplinary Procedure. An officer may service citation upon Respondent located at 801 Congress, Suite 215, Houston, Texas 77002.

**IV.
FIRST CAUSE OF ACTION**

On or about March 5, 1997, Stephanie Ardoin-Thompson (hereinafter referred to as "Complainant") retained Respondent for representation in a divorce matter. At the time of employment, Complainant paid \$450.00 of Respondent's requested \$1,600.00 retainer fee.

On or about March 12, 1997, Respondent filed an original petition for divorce with the District Clerk of Harris County, Texas. Subsequent to this, Respondent filed a Motion for Temporary Orders and a hearing was scheduled for June 25, 1997. Respondent failed to notify Complainant of the hearing and did not appear at the hearing. Upon Complainant's discovery that a hearing on temporary orders had been held, she contacted Respondent on several occasions to discuss her case. Respondent failed to respond to her requests for information and a status.

On or about July 23, 1997, another hearing for Temporary Orders was scheduled and once again, Respondent failed to notify Complainant of such and did not appear. On or about July 24, 1997, Respondent entered into an agreement for Temporary Orders without the consent of Complainant.

From the time the Temporary Orders were entered, Complainant was not advised that orders were filed and did not know the status of her case. Thereafter, on or about August 15, 1997, Complainant contacted Respondent to clear up the confusion and to obtain a copy of the Temporary Orders as she had never been provided a copy of the orders. Respondent informed her he would send her a copy to Complainant via facsimile transmission but failed to do so. On or about August 19, 1997, Complainant sent a letter terminating services with Respondent.

On or about August 21, 1997, Complainant contacted the 311th Judicial District Court of Harris County, Texas and learned that her matter had been scheduled on the trial docket for September 11, 1997. Respondent failed to inform Complainant of this. This left little time for Complainant to retain to other counsel and/or prepare for trial.

The acts and/or omissions of the Respondent described in Paragraph III(A) above, which occurred on or after January 1, 1990, constitute conduct in violation of the following Rules of the Texas Disciplinary Rules of Professional Conduct ("TDRPC"):

1.01(b)(1) for neglecting a legal matter entrusted to the lawyer;

1.01(b)(2) for failing to carry out completely the obligations owed to a client;

1.01(c) as used in this Rule "neglect" signifies inattentiveness involving a conscious disregard for the responsibilities owed to a client or clients;

1.02(a)(1) for failing to abide by a client's decisions concerning the objectives and general methods of representation;

1.02(a)(2) for failing to abide by a client's decisions regarding acceptance of an offer of settlement of a matter;

1.02(b) for failing to obtain the client's consent prior to limiting the scope, objectives and general methods of the representation;

1.03(a) for failing to keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information;

1.03(b) for failing to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation;

1.15(d) for failing, upon termination of representation, to reasonably protect a client's interests, give notice to the client to seek other counsel, or surrender papers and property which belongs to the client;

8.04(a)(1) for violating these Rules, knowingly assisting or inducing another to do so, or doing so through the acts of another, whether or not such violation occurred in the course of a client-lawyer relationship; and

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 Stephanie Thompson-Ardoin filing a complaint on or about January 25, 1999.

Prayer

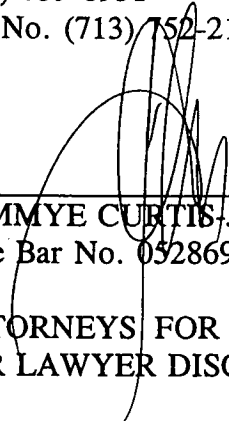
WHEREFORE, PREMISES CONSIDERED, Petitioner the COMMISSION FOR LAWYER DISCIPLINE respectfully prays that this Court discipline Respondent by reprimand, suspension or disbarment, as the facts shall warrant; and that the Petitioner have all other relief to which it may show itself to be justly entitled, including costs of court and attorneys' fees.

Respectfully submitted,

Dawn Miller
Acting General Counsel/Chief Disciplinary
Counsel

Tammye Curtis-Jones
Assistant General Counsel

Office of the General Counsel
STATE BAR OF TEXAS
1111 Fannin, Suite 1370
Houston, Texas 77002
(713) 759-6931
Fax No. (713) 752-2158



TAMMYE CURTIS-JONES
State Bar No. 05286900

ATTORNEYS FOR THE COMMISSION
FOR LAWYER DISCIPLINE

J:\BOSTON\CFLD.TSC\BOSTON.DP

STATE BAR OF TEXAS



Office of the General Counsel

October 6, 1999

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

Re: Commission for Lawyer Discipline v. Tommy O. Boston

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 Tommy O. Boston. Mr. Boston 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:

Tommy O. Boston
801 Congress, Ste. 215
Houston, Texas 77002

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 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.

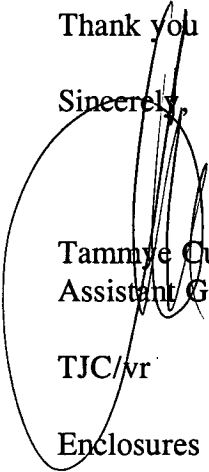
Once a trial judge has been appointed, please forward the original and two (2) copies of the Disciplinary Petition, the filing fee check, also enclosed herewith, and the Court's appointing order to the District Clerk of Harris County, Texas, with the request that the suit be filed, service be obtained,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

Mr. John Adams
October 6, 1999
Page Two

Also enclosed are 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,



Tammye Curtis-Jones
Assistant General Counsel

TJC/vr

Enclosures

J:\BOSTON\CFLD.TSC\CLERK1.SCT



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

EXECUTIVE ASS'T
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASS'T
JIM HUTCHESON

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

JUSTICES

NATHAN L. HECHT
CRAIG T. ENOCH
PRISCILLA R. OWEN
JAMES A. BAKER
GREG ABBOTT
DEBORAH G. HANKINSON
HARRIET O'NEILL
ALBERTO R. GONZALES

DEC 10 1999

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. Tommy O. Boston*, and a copy of the Supreme Court's order appointing the Honorable Bob McGrath, Judge of the 342nd District Court, Fort Worth, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Honorable Bob McGrath
Ms. Tammye Curtis-Jones
Mr. Tommy O. Boston
Ms. Melissa Dartez



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

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HARRIET O'NEILL
ALBERTO R. GONZALES

DEC 10 1999

Honorable Bob McGrath
Judge, 342nd District Court
401 W. Belknap Street
Fort Worth, Texas 76196-0280

Dear Judge McGrath:

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. Boston and Ms. Curtis-Jones, 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

POST OFFICE BOX 12248 AUSTIN, TEXAS 78711

TEL: (512) 463-1312

FAX: (512) 463-1365

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DEC 10 1999

CLERK
JOHN T. ADAMS

EXECUTIVE ASS'T
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASS'T
JIM HUTCHESON

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

Ms. Tammye Curtis-Jones
Assistant General Counsel, State Bar of Texas
1111 Fannin, Suite 1370
Houston, Texas 77002

Mr. Tommy O. Boston
801 Congress, Suite 215
Houston, Texas 77002

Dear Ms. Curtis-Jones and Mr. Boston:

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 McGrath, Judge of the 342nd District Court, Fort Worth, Texas to preside in

Commission for Lawyer Discipline v. Tommy O. Boston

Sincerely,

SIGNED

John T. Adams
Clerk