

ORDER OF THE SUPREME COURT OF TEXAS

Misc Docket No. 97- 9030

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

The Supreme Court of Texas hereby appoints the Honorable Mike Lynch, Judge of the 167th District Court of Travis County, Texas, to preside in the Disciplinary Action styled:

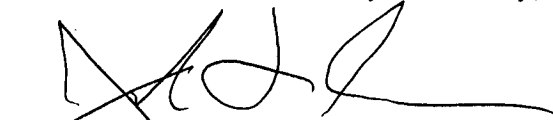
The Commission for Lawyer Discipline v. Robert R. Wightman

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 this Order and of the Disciplinary Petition for filing and service pursuant to Rule 3.03, Texas Rules of Disciplinary Procedure.

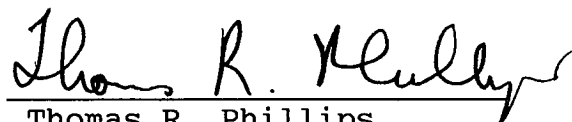
As ordered by the Supreme Court of Texas, in chambers,

with the Seal thereof affixed at the City
of Austin, this 29th day of January, 1997.


JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 97-9030, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 29 day of January, 1997.

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

Thomas R. Phillips
Chief Justice

NO. _____

COMMISSION FOR LAWYER DISCIPLINE	§	IN THE DISTRICT COURT OF
	§	
V.	§	DALLAS COUNTY, TEXAS
	§	
ROBERT R. WIGHTMAN	§	_____ JUDICIAL DISTRICT

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 called "Petitioner"), complaining of Respondent, Robert R. Wightman, (hereinafter called "Respondent"), showing the Court:

I.

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.

II.

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 at 3240 Carlisle Street, Dallas, Texas 75204.

FIRST CAUSE OF ACTION

III.

Respondent represented plaintiff in a cause of action styled, *Ann Huddleston v. AAA Glass & Mirror Co., Inc. and Transportation Insurance*; Cause No. 67-154274-94; in the 67th Judicial District Court of Tarrant County, Texas. Both defendants were represented by R. Lynn Fielder (hereinafter referred to as "Fielder") and Jeff D. Fudge. On behalf of their respective clients, defendants's counsel and Respondent agreed to mediate the dispute and engaged the services of Gary G. Berman (hereinafter referred to as "Berman").

On or about October 20, 1995, the parties met with Berman to mediate the disputed claim and were successful in reaching an agreement. Pursuant to their mediated agreement, the parties to the lawsuit and their respective counsel, including Respondent, signed a Rule 11 Settlement Agreement dated October 20, 1995, wherein the defendants agreed to pay plaintiff a specified monetary sum and, in turn, plaintiff and defendants mutually agreed to execute dismissal documents and releases of all claims and causes of action brought by the plaintiff against the defendants.

Following mediation, defendants's counsel drafted and forwarded a proposed Release and Settlement Agreement to Berman's offices, where, on or about October 25, 1995, Respondent went to review the document. Following his review of the Release and Settlement Agreement, Respondent declared it to be unacceptable but refused to explain his objections. Additionally, Respondent refused to make any revisions to the Release and Settlement Agreement, and he refused to offer an alternative draft. Later the day of October 25, 1995, Respondent faxed both Berman and Fielder a letter, which was dated October 24, 1995, and addressed to Berman, stating that he would not submit his proposed settlement and release agreement until he was given written confirmation from defendants that Fisk & Fielder had been discharged as their counsel. In his letter, Respondent also stated that defendants had the choice either to fire Fisk & Fielder or to take

their chances with another lawsuit. Earlier, on October 10, 1995, on behalf of plaintiff, Respondent had filed a Motion to Recuse Fielder as Defendants' Attorney. Defendants, however, did not succumb to Respondent's threat, and on or about October 31, 1995, on behalf of plaintiff, Respondent filed a suit styled, *Ann Huddleston v. Fisk & Fielder, P.C., AAA Glass & Mirror Co., Inc. and Transportation Insurance*; Cause No. 95-11495-L; in the 193rd Judicial District Court of Dallas County, Texas, against defendants and their attorneys alleging civil conspiracy and tortious interference with contract. Respondent's above-described actions resulted in Respondent bringing and/or asserting causes of action that were frivolous and resulted in Respondent taking a position that unreasonably increased the costs and other burdens of the litigation and unreasonably delayed resolution of the matter.

IV.

On or about March 1, 1996, the State Bar of Texas sent, by certified mail return receipt requested, a letter to Respondent notifying him that a complaint alleging professional misconduct on his part had been filed against him by Gary G. Berman. In said letter, Respondent was advised that, pursuant to Rule 2.09 of the Texas Rules of Disciplinary Procedure, he was required to file a written response with the State Bar of Texas within thirty (30) days of his receipt of the letter. Respondent received the letter on March 8, 1996, and on or about April 2, 1996, he requested an extension of time to prepare and file his written response to the complaint. Respondent was granted an extension and given until May 5, 1996, to prepare and file his response. Thereafter, on or about May 3, 1996, Respondent requested a second extension and was given until May 27, 1996, to prepare and file his response. Respondent, however, failed to furnish the State Bar of Texas with a written response to the complaint by May 27, 1996, and he failed to timely assert a privilege or other legal ground for his failure to furnish his written response.

V.

Such acts and/or omissions on the part of Respondent as are described in Paragraphs III and IV, hereinabove, which occurred on or after January 1, 1990, constitute conduct which violates Rules 3.01, 3.02 and/or 8.04(a)(8) 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 General Counsel of the State Bar of Texas by Gary G. Berman filing a complaint on or about January 11, 1996.

SECOND CAUSE OF ACTION

VII.

Respondent represented plaintiff in a cause of action styled, *Ann Huddleston v. AAA Glass & Mirror Co, Inc. and Transportation Insurance*; Cause No. 67-154274-94; in the 67th Judicial District Court of Tarrant County, Texas. Both defendants were represented by R. Lynn Fielder (hereinafter referred to as "Fielder") and Jeff D. Fudge. At the request of his clients, Fielder informed Respondent that any so called authority Respondent had allegedly received to speak directly with defendants was revoked and from that date forward, Respondent should direct all communications to Fielder, rather than to the defendants directly.

VIII.

On October 31, 1995, on behalf of plaintiff, Respondent filed a second suit against defendants and their attorneys styled, *Ann Huddleston v. Fisk & Fielder, P.C., AAA Glass & Mirror Co., Inc. and Transportation Insurance*; Cause No. 95-11495-L; in the 193rd Judicial District Court of Dallas County, Texas, alleging tortious interference with contract and civil

conspiracy. The basis for this second suit was the alleged wrongdoing of the defendants and their attorneys during the course of the first lawsuit, which was still pending. That same day, by letter dated October 31, 1995, addressed to Mr. Wright, the registered agent of defendant, AAA Glass & Mirror Co., Inc., Respondent directly communicated with Fielder's client. Respondent's letter contained his comments and advice regarding the defendants and their attorneys's actions in the first lawsuit and had attached a copy of the second lawsuit.

IX.

By way of letter dated November 21, 1995, addressed to Libby Israel, the registered agent of defendant, CNA Insurance/Transportation Insurance, Respondent directly communicated with defendant and proposed the terms by which Respondent's client would settle both the first and second lawsuits.

X.

By letter dated January 22, 1996, Respondent again directly communicated by letter with defendant, CNA Insurance/Transportation Insurance, through their registered agent, Libby Israel. In this letter, Respondent threatened to file a third lawsuit on behalf of plaintiff if defendant did not execute plaintiff's latest proposed settlement agreement by a specified date and time. In his letter, Respondent stated that plaintiff would allege that defendant wilfully sought the assistance of a corrupt judge for the purposes of [1] engaging in public corruption and [2] denying plaintiff her right to a fair trial.

XI.

By communicating directly with the defendants in the lawsuits, Respondent directly communicated with parties, which he knew were represented by Fielder, concerning the subject matter of the pending litigation.

XII.

During the pendency of the first and second lawsuits, Respondent filed a series of motions to recuse judges who presided over various aspects of the lawsuits. Initially, on behalf of plaintiff, Respondent filed a motion to recuse Judge George A. Crowley, who was the judge presiding over the first lawsuit. This first motion to recuse Judge Crowley was heard by Judge Clyde R. Ashworth, who denied Respondent's motion. Thereafter, on or about December 6, 1995, Respondent filed three (3) motions to recuse judges, namely, a second motion to recuse Judge Crowley, a motion to recuse Judge Ashworth and a motion to recuse Judge Michael J. O'Neill, the judge presiding over the second lawsuit that Respondent filed on behalf of plaintiff. This series of recusal motions was frivolous and without merit, and by filing these motions, Respondent took a position that unreasonably increased the costs and/or burdens of the litigation and unreasonably delayed resolution of plaintiff's claim and the collateral matters. Additionally, in all of the recusal motions referred to above, as well as in a letter dated December 4, 1995, addressed jointly to the 67th District Court Coordinator and to Judge Ashworth, Respondent made statements, with reckless disregard to their truth or falsity, impugning the qualifications and integrity of the several judges who were the subjects of his motions to recuse.

XIII.

On or about March 1, 1996, the State Bar of Texas sent, by certified mail return receipt requested, a letter to Respondent notifying him that a complaint alleging professional misconduct on his part had been filed against him by Robert Lynn Fielder. In said letter, Respondent was advised that, pursuant to Rule 2.09 of the Texas Rules of Disciplinary Procedure, he was required to file a written response with the State Bar of Texas within thirty (30) days of his receipt of the

letter. Respondent received the letter on March 5, 1996, and on or about April 2, 1996, he requested an extension of time to prepare and file his written response to the complaint. Respondent was granted an extension and given until May 5, 1996, to prepare and file his response. Thereafter, on or about May 3, 1996, Respondent requested a second extension and was given until May 27, 1996, to prepare and file his response. Respondent, however, failed to furnish the State Bar of Texas with a written response to the complaint by May 27, 1996, and he failed to timely assert a privilege or other legal ground for his failure to furnish his written response.

XIV.

Such acts and/or omissions on the part of Respondent as are described in Paragraphs VII, VIII, IX, X, XI, XII and XIII hereinabove, which occurred on or after January 1, 1990, constitute conduct which violates Rules 3.01, 3.02, 4.02(a), 8.02(a), 8.04(a)(1) and/or 8.04(a)(8) of the Texas Disciplinary Rules of Professional Conduct.

XV.

The complaint which forms the basis of the Cause of Action hereinabove set forth was brought to the attention of the Office of General Counsel of the State Bar of Texas by Robert Lynn Fielder filing a complaint on or about January 30, 1996.

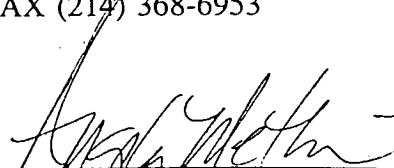
PRAYER

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,

Steve W. Young
General Counsel

Assistant General Counsel
Angela Methvin
State Bar of Texas
Litigation - Dallas
5910 N. Central Expressway
Suite 920
Dallas, Texas 75206
(214) 368-0083
FAX (214) 368-6953



Angela Methvin
State Bar Card No. 00792698

ATTORNEYS FOR PETITIONER

STATE BAR OF TEXAS



Office of the General Counsel
Litigation - Dallas

December 4, 1996

CMRRR NO. P 378 167 495

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

RE: Commission for Lawyer Discipline v. Robert R. Wightman

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 R. Wightman. Mr. Wightman is a resident of Dallas County, Texas. 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 R. Wightman
3240 Carlisle Street
Dallas, Texas 75204**

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 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.

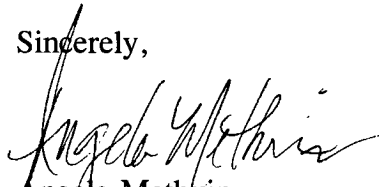
Once a trial judge has been appointed, please forward the original and two (2) copies of the Disciplinary Petition, the filing fee check, also enclosed herewith, and the Court's appointing order to the District Clerk of Dallas County, Texas, with the request that the suit be filed, service be obtained,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

John T. Adams, Clerk
December 4, 1996
Page 2

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 stamped copy of the petition to the undersigned.

Thank you for your courtesies in this matter.

Sincerely,



Angela Methvin
Assistant General Counsel

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

CLERK
JOHN T. ADAMS

EXECUTIVE ASST
WILLIAM L. WILLIS

ADMINISTRATIVE ASST
NADINE SCHNEIDER

JUSTICES
RAUL A. GONZALEZ
NATHAN L. HECHT
JOHN CORNYN
CRAIG ENOCH
ROSE SPECTOR
PRISCILLA R. OWEN
JAMES A. BAKER
GREG ABBOTT

February 4, 1997

Honorable Mike Lynch
Judge, 167th District Court
P.O. Box 1748
Austin, Texas 78767-1748

Dear Judge Lynch:

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 Ms. Methvin and Mr. Wightman, 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 Harris County District Court Administrative Office (214-653-6108) 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,

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
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EXECUTIVE ASST
WILLIAM L. WILLIS

ADMINISTRATIVE ASST
NADINE SCHNEIDER

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ROSE SPECTOR
PRISCILLA R. OWEN
JAMES A. BAKER
GREG ABBOTT

February 4, 1997

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

Dear Mr. Long:

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 R. Wightman, and a copy of the Supreme Court's order appointing the Honorable Mike Lynch, Judge of the 167th District Court, Austin, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Hon. Mike Lynch
Mr. Robert R. Wightman
Ms. Angela Methvin



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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ADMINISTRATIVE ASST
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JAMES A. BAKER
GREG ABBOTT

February 4, 1997

Ms. Angela Methvin
Assistant General Counsel, State Bar of Texas
5910 N. Central Expressway, Suite 920
Dallas, Texas 75206

Mr. Robert R. Wightman
3240 Carlisle Street
Dallas, Texas 75204

Dear Ms. Methvin and Mr. Wightman:

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 Mike Lynch, Judge of the 167th District Court, Austin, Texas to preside in

Commission for Lawyer Discipline v. Robert R. Wightman

Sincerely,

SIGNED

John T. Adams
Clerk