

**ORDER OF THE SUPREME COURT OF TEXAS**

**Misc Docket No. 97- 9117**

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

The Supreme Court of Texas hereby appoints the Honorable Barbara L. Walther, Judge of the 51st District Court of Tom Green County, Texas, to preside in the Disciplinary Action styled:

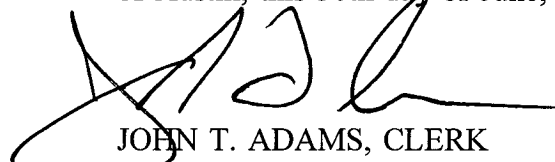
**The Commission for Lawyer Discipline v. William David Bays**

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

The Clerk of the Supreme Court shall promptly forward to the District Clerk of Travis 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,

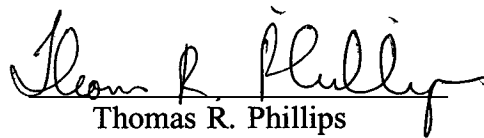
with the Seal thereof affixed at the City  
of Austin, this 30th day of June, 1997.



JOHN T. ADAMS, CLERK  
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 97-9117, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 30 day of June, 1997.

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

V.

WILLIAM DAVID BAYS

§  
§  
§  
§  
§

IN THE DISTRICT COURT OF

TRAVIS COUNTY, TEXAS

\_\_\_\_\_ JUDICIAL DISTRICT

**ORIGINAL DISCIPLINARY PETITION**

Comes now, Petitioner, the Commission for Lawyer Discipline, and would show unto the Court as follows:

**I. PARTIES**

Petitioner is the Commission for Lawyer Discipline, a Committee of the State Bar of Texas.

Respondent is William David Bays, an attorney licensed to practice law in the State of Texas. He may be served with process at his law offices, The Law Offices of David Bays, 707 Rio Grande, Suite 200, Austin, Texas 78701.

**II. VENUE AND JURISDICTION**

Venue is proper in Travis County in that:

- A. It is the county of Respondent's residence.
- B. It is the county of Respondent's principal place of practice.
- C. It is the county where the alleged Professional Misconduct occurred in whole or in part.

This Court has specific jurisdiction over this matter as provided by the State Bar Act, Tex. Gov't. Code. Ann. §81.001, *et. seq.* (Vernon 1988), the Texas Rules of Professional Conduct, and the Texas Rules of Disciplinary Procedure.

### **III. FACTS**

On or about July 24, 1996 and/or July 25, 1996, Elizabeth Tulliver was working at the Sun Harvest grocery store at 4006 South Lamar Blvd., in Austin. Respondent approached her, handed her his business card, and suggested that she could receive financial benefit by having an on-the-job injury. He told her that he could represent her in that claim.

### **IV. VIOLATIONS OF THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT**

Respondent violated the following Texas Disciplinary Rules of Professional Conduct:

#### **Rule 7.03 (a) [Prohibited Solicitations and Payments]**

Respondent contacted Ms. Tulliver in person. Through his actions and statements, he sought professional employment concerning a matter arising out of a particular event, from a prospective client who had not sought the lawyer's advice regarding employment. Respondent's primary motivation for these actions and statements was his own pecuniary gain.

#### **Rule 8.04 (a) (3) [Misconduct]**

Respondent, by the actions and statements described above, engaged in conduct that involved dishonesty, fraud, deceit, or misrepresentation.

**V. PRAYER**

Petitioner prays as follows:

1. For recovery of reasonable attorneys' fees and court costs associated with the prosecution of this Disciplinary Action.
2. For the imposition against Respondent of appropriate Sanctions.
3. For such other and further relief as to which Petitioner might show itself justly entitled.

Respectfully submitted,

Steven W. Young  
General Counsel

Christopher R. Scott  
Assistant General Counsel  
Office of the General Counsel  
State Bar of Texas  
P.O. Box 12487, Capitol Station  
Austin, Texas 78711-2487  
1-800-204-2222, Ext. 2339  
512/463-1463, Ext. 2339  
FAX: (512) 477-4607



Christopher R. Scott  
State Bar Card No. 17891550

ATTORNEYS FOR PETITIONER  
THE STATE BAR OF TEXAS

# STATE BAR OF TEXAS



Office of the General Counsel

May 27, 1997

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

Re: Commission For Lawyer Discipline v. William David Bays.

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 David Bays. Mr. Bays has designated Travis 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 practices to preside in this case. Upon appointment, request is hereby made that you notify the Respondent at the address shown below and the undersigned of the identity and address of the judge assigned:

William David Bays  
707 Rio Grande, Suite 200  
Austin, Texas 78701

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 Civil Case Information Sheet, and the filing fee check, also enclosed herewith, and the Court's appointing order to the District Clerk of Travis County, Texas, with the request that the suit be filed, citation be issued, and citation, along with a file-stamped copy of the petition be returned to the undersigned.

Also enclosed is a pre-addressed envelope for your use in transmitting the above referenced documents to the District Clerk of Travis County, Texas, and a return envelope to be sent to the District Clerk of Travis County, Texas, for the Clerk's use in returning a filemarked

Mr. John T. Adams, Clerk  
Supreme Court of Texas  
May 27, 1997  
Page 2 of 2

copy of the petition to the undersigned.

If you have any questions, please call me. Thank you for your assistance.

Sincerely,



Christopher R. Scott  
Assistant General Counsel

CRS/lac  
Enclosures

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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

ADMINISTRATIVE ASS'T  
NADINE SCHNEIDER

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

July 3, 1997

The Honorable Amalia Rodriguez-Mendoza  
District Clerk of Travis County  
P.O. Box 1748  
Austin, Texas 78767-1748

Dear Mr. Rodriguez-Mendoza:

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 David Bays, and a copy of the Supreme Court's order appointing the Honorable Barbara L. Walther, Judge of the 51<sup>st</sup> District Court, San Angelo, Texas, to preside in this Disciplinary Action.

Sincerely,

**SIGNED**

John T. Adams  
Clerk

cc: Hon. Barbara L. Walther  
Mr. William David Bays  
Mr. Christopher R. Scott





# THE SUPREME COURT OF TEXAS

CHIEF JUSTICE  
THOMAS R. PHILLIPS

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GREG ABBOTT

July 3, 1997

Mr. Christopher R. Scott  
Assistant General Counsel, State Bar of Texas  
P.O. Box 12487  
Austin, Texas 78711-2487

Mr. William David Bays  
707 Rio Grande, Suite 200  
Austin, Texas 78701

Dear Mr. Scott and Mr. Bays:

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 Barbara L. Walther, Judge of the 51<sup>st</sup> District Court, San Angelo, Texas to preside in

Commission for Lawyer Discipline v. William David Bays

Sincerely,

**SIGNED**

John T. Adams  
Clerk



# THE SUPREME COURT OF TEXAS

CHIEF JUSTICE  
THOMAS R. PHILLIPS

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GREG ABBOTT

July 3, 1997

Honorable Barbara L. Walther  
Judge, 51<sup>st</sup> District Court  
112 W. Beauregard Avenue  
San Angelo, Texas 76903-5850

Dear Judge Walther:

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. Scott and Mr. Bays, and a copy of the letter to the District Clerk of Travis County.

It is recommended that, about a month or six weeks after receipt of this letter, you contact the Travis County Court Administrative Office (512-753-9300) (certainly just before or immediately after you set the case for trial) 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 (210-379-8556) 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