

ORDER OF THE SUPREME COURT OF TEXAS

Misc. Docket No. 97- 9163

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

The Supreme Court of Texas hereby appoints the Honorable Charles A. Gonzalez, Judge of the 57th District Court of Bexar County, Texas, to preside in the Disciplinary Action styled:

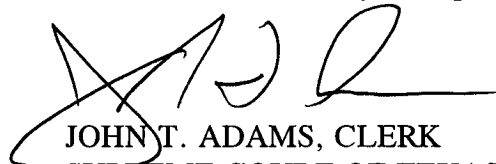
The Commission for Lawyer Discipline v. Gordon Blaine Morgan

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.

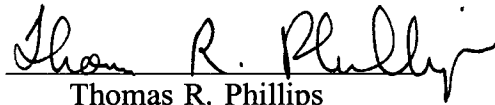
As ordered by the Supreme Court of Texas, in chambers.

with the Seal thereof affixed at the City
of Austin, this 18th day of September, 1997.


JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 97-9163, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 22 day of September, 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	§	IN THE DISTRICT COURT OF
	§	
VS	§	_____ COUNTY, TEXAS
	§	
GORDON B. MORGAN	§	_____ 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, complaining of Respondent, Gordon B. Morgan, 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 with the State Bar of Texas on or after October 30, 1995.

II.

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. An officer may serve citation on Respondent, by and through his attorney of record, Tina K. Salem, 4300 Scotland, Houston, Texas 77007.

III.

Kristin Way was the owner of Sloan Medical Clinic, which has gone out of

business. Sloan Medical Clinic provided medical services to a number of Respondent's clients under letters of protection which Respondent provided to Sloan Medical Clinic during a period from June 1994 through May 1995.

Following the periods of treatments, Respondent failed to either notify Kristin Way or Sloan Medical Clinic of the settlement of his client's personal injury cases and/or failed to issue full or timely payment to her clinic for medical services rendered to Respondent's clients.

Respondent failed to notify his clients and patients of Sloan Medical Clinic, Anthony Blake, Rebecca Wallace, Felipe Rojas, and Jose Rosales of receipt of settlement funds.

Respondent failed to maintain adequate attorney trust account records in his trust account number 35424 from June 1, 1994 through July 31, 1995, to show whether he had maintained the funds to pay the medical provider.

Respondent failed to promptly deliver funds to Anthony Blake and Felipe Rojas in settlement of their cases.

Respondent disbursed funds to himself that he was not entitled to receive on June 20, 1996, in the amount of Four Thousand Dollars (\$4,000.00).

Respondent disbursed funds to himself that he was not entitled to receive on June 23, 1996, in the amount of Four Thousand Dollars (\$4,000.00).

Respondent disbursed funds to himself that he was not entitled to receive on June 25, 1996, in the amount of Eight Thousand Dollars (\$8,000.00).

Respondent disbursed funds to himself that he was not entitled to receive on

June 30, 1996, in the amount of Four Thousand Dollars (\$4,000.00).

IV.

By failing to pay his clients medical provider, Sloan Medical Clinic, for providing medical services, in accordance with his letters of protection, Respondent engaged in conduct in violation of Rules 1.14(a)[a lawyer shall hold funds and other property belonging in whole or in part to client or third persons in a lawyer's possession separate from the lawyer's own property]; 1.14(b)[a lawyer shall, upon receiving funds or other property in which a client or third person has an interest, promptly notify the client or third person and render a full accounting upon request]; and 1.14(c)[a lawyer shall keep funds or other property in which both the lawyer and another person claim interests separate until there is an accounting and severance of their interests] of the Texas Disciplinary Rules of Professional Conduct, and of Rule 1.06(Q) of the Texas Rules of Disciplinary Procedure.

By disbursing to himself funds that he was not entitled to receive, Respondent engaged in conduct in violation of Rules 1.14(a)[a lawyer shall hold funds and other property belonging in whole or in part to client or third persons in a lawyer's possession separate from the lawyer's own property]; 1.14(c)[a lawyer shall keep funds or other property in which both the lawyer and another person claim interests separate until there is an accounting and severance of their interests]; and 8.04(a)(3)[a lawyer shall not engage in conduct involving dishonesty, deceit, fraud, or misrepresentation] of the Texas Rules of Disciplinary Procedure and of Rule 1.06(Q) of the Texas Rules of Disciplinary Procedure.

V.

The complaint which forms the basis of this lawsuit as hereinabove set forth was brought to the attention of the Office of the General Counsel of the State Bar of Texas by the filing of a complaint by Kristin Way on or about October 30, 1995.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Petitioner prays for judgment that Respondent be disciplined by reprimand, suspension, or disbarment, as the facts shall warrant; and that Petitioner have such other and further relief to which entitled, including costs of Court and attorney's fees.

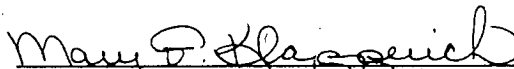
Respectfully submitted,

Steven W. Young
General Counsel

Mary F. Klapperich
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


MARY F. KLAPPERICH
State Bar No. 11550700

ATTORNEYS FOR PETITIONER

STATE BAR OF TEXAS



Office of the General Counsel

July 28, 1997

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

Re: Commission for Lawyer Discipline v. Gordon Blaine Morgan

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 Gordon Blaine Morgan. Mr. Morgan is a resident of Harris 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 hereby made that you notify the Respondent at the address shown below and the undersigned of the identity and address of the judge assigned:

Mr. Gordon Blaine Morgan
c/o Tina Salem
Attorney-at-Law
4300 Scotland Street
Houston, Texas 77007

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 Harris County, Texas, with the request that the suit be filed, citation be issued, and the citation, alone with a file-stamped copy of the petition, be returned to the undersigned.

Mr. John T. Adams, Clerk
Supreme Court of Texas
July 28, 1997
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I have enclosed a pre-addressed envelope for your use in transmitting the above reference documents, 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-stamped copy of the petition to the undersigned.

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

Very truly yours,



Mary F. Klapperich
Assistant General Counsel

MFK/rr
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

OCT 02 1997

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

Ms. Mary F. Klapperich
Assistant General Counsel, State Bar of Texas
1111 Fannin, Suite 1370
Houston, Texas 77002

Mr. Gordon Blaine Morgan
c/o Tina Salem
4300 Scotland Street
Houston, Texas 77007

Dear Ms. Klapperich and Mr. Morgan:

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 Charles A. Gonzalez, Judge of the 57th District Court of San Antonio, Texas to preside in

Commission for Lawyer Discipline v. Gordon Blaine Morgan

Sincerely,

JT ADAMS

John T. Adams
Clerk



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

POST OFFICE BOX 12248 AUSTIN, TEXAS 78711

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JAMES A. BAKER
GREG ABBOTT

CLERK
JOHN T. ADAMS

EXECUTIVE ASS'T
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

The Honorable Charles Bacarisse
District Clerk of Harris County
P.O. Box 4651
Houston, Texas 77210

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. Gordon Blaine Morgan, and a copy of the Supreme Court's order appointing the Honorable Charles A. Gonzalez, Judge of the 57th District Court of San Antonio, Texas, to preside in this Disciplinary Action.

Sincerely,

A handwritten signature in dark ink, appearing to read "John T. Adams".

John T. Adams
Clerk

cc: Hon. Charles A. Gonzalez
Ms. Mary F. Klapperich
Mr. Gordon Blaine Morgan



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

POST OFFICE BOX 12248 AUSTIN, TEXAS 78711

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OCT 02 1997

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

Honorable Charles A. Gonzalez
Judge, 57th District Court
100 Dolorosa Street
San Antonio, Texas 78205

Dear Judge Gonzalez:

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. Morgan and Ms. Klapperich, 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,

BY: JED

John T. Adams
Clerk