

ORDER OF THE SUPREME COURT OF TEXAS

Misc Docket No. 98- 9015

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

The Supreme Court of Texas hereby appoints the Honorable K. Stephen Williams, Judge of the 135th District Court of Victoria County, Texas, to preside in the Disciplinary Action styled:

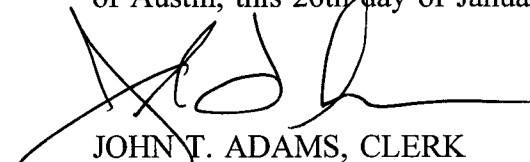
The Commission for Lawyer Discipline v. E. J. Van Buren, Jr.

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,

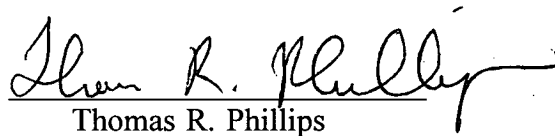
with the Seal thereof affixed at the City
of Austin, this 26th day of January, 1998.



JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 98-9015, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 30 day of January, 1998.

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

CAUSE NO. _____

COMMISSION FOR LAWYER DISCIPLINE § IN THE DISTRICT COURT OF
V. § HARRIS COUNTY, TEXAS
E.J. VAN BUREN, JR. § _____
 § JUDICIAL DISTRICT

DISCIPLINARY PETITION

TO THE HONORABLE JUDGE OF THE COURT:

The Commission for Lawyer Discipline ("Petitioner"), a permanent committee of the State Bar of Texas, complains of E.J. Van Buren, Jr. ("Respondent"), an attorney licensed to practice law in the State of Texas, showing the Court as follows:

1. NATURE OF PROCEEDING

Petitioner brings this disciplinary action pursuant to the State Bar Act, the 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.

2. VENUE

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 Harris County, Texas. Respondent's principal place of practice is located in Harris County, Texas. Therefore venue is appropriate in Harris County, Texas, pursuant to Rule 3.03 of the Texas Rules of Disciplinary Procedure.

3. ISSUANCE OF CITATION AND SERVICE OF PROCESS REQUESTED

Petitioner requests that citation be issued and Respondent be served. An officer may serve citation on Respondent at his business address located at 211 Walton at North Main, Houston, Harris County, Texas 77009.

4. CHRONOLOGY OF EVENTS GIVING RISE TO PROCEEDING

4.01 On or about January 8, 1991, Anthony McCain ("McCain") was sent by Mike Cox ("Cox") of Jack Cox Bail Bonds to Respondent's office. McCain was to get Respondent to execute a promissory note for \$20,000, to cover the cost of a bail bond for one of Respondent's clients. Respondent did not want to execute the note, but McCain explained to him that his client could not get a bail bond without it. Thereafter, Respondent executed the promissory note securing the bail bond for his client. Respondent's client skipped on the bond and Jack Cox Bail Bonds called in the promissory note to cover the bond cost. Respondent refused to honor the note and Cox filed a lawsuit in the Civil Court at Law No. 2 of Harris County, Texas, Cause No. 613832 styled *Jack Paul Cox v. E.J. Van Buren, Jr.* ("the lawsuit").

4.02 On or about March 11, 1996, Respondent paged McCain. When McCain returned the call, Respondent asked him if he would help him in the lawsuit. McCain said yes and Respondent told him that he would pay him \$500 not to testify. McCain agreed and Respondent asked him to come see him at his office. When they met, Respondent asked McCain if he had seen him sign the promissory note on January 8, 1991. McCain answered yes. Respondent then said that he would give him \$300 when he signed an affidavit and \$200 after March 20, 1996. McCain executed the affidavit, which stated that McCain had dropped off the promissory note with Johnny

Longoria and later returned and the note was signed. Respondent paid McCain \$300.00 in cash.

5. SPECIFIC VIOLATIONS OF THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT

The acts and/or omissions of the Respondent described in Section 4 above, which occurred on or after January 1, 1990, constitute conduct in violation of Rule(s) 3.03(a)(5) [a lawyer shall not knowingly offer or use evidence that the lawyer knows to be false]; 3.04(b) [a lawyer shall not falsify evidence, counsel or assist a witness to testify falsely, or pay, offer to pay, or acquiesce in the offer or payment of compensation to a witness or other entity contingent upon the content of the testimony of the witness or the outcome of the case]; 8.04(a)(1) [a lawyer shall not violate these rules, knowingly assist or induce another to do so, or do so through the acts of another, whether or not such violation occurred in the course of a client-lawyer relationship]; 8.04(a)(2) [a lawyer shall not commit a serious crime or commit any other criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects]; 8.04(a)(3) [a lawyer shall not engage in conduct involving dishonesty, fraud, deceit or misrepresentation]; 8.04(a)(4) [a lawyer shall not engage in conduct constituting obstruction of justice]; and 8.04(a)(12) [a lawyer shall not violate any other laws of this state relating to the professional conduct of lawyers and to the practice of law] of the Texas Disciplinary Rules of Professional Conduct.

6. TIMELINESS OF FILING

The complaint that forms the basis of this cause of action was brought to the

attention of the Office of the General Counsel by J. Michael O'Donnell's filing this complaint on or about April 16, 1996.

7. PRAYER

Petitioner prays that this Court discipline Respondent by disbarment, suspension or reprimand, 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,

Steven W. Young
General Counsel

Diego J. Vargas
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



DIEGO J. VARGAS
State Bar No. 00791847

ATTORNEYS FOR PETITIONER/ THE COMMISSION
FOR LAWYER DISCIPLINE



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

JUSTICES
RAUL A. GONZALEZ
NATHAN L. HECHT
CRAIG T. ENOCH
ROSE SPECTOR
PRISCILLA R. OWEN
JAMES A. BAKER
GREG ABBOTT
DEBORAH G. HANKINSON

EXECUTIVE ASS'T
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

February 6, 1998

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. E. J. Van Buren, Jr. and a copy of the Supreme Court's order appointing the Honorable K. Stephen Williams, Judge of the 135th District Court of Victoria, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Hon. K. Stephen Williams
Mr. Diego J. Vargas
Mr. E. J. Van Buren, Jr.



THE SUPREME COURT OF TEXAS

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EXECUTIVE ASST
WILLIAM L. WILLIS

ADMINISTRATIVE ASST
NADINE SCHNEIDER

February 6, 1998

Honorable K. Stephen Williams
Judge, 135th District Court
115 N. Bridge Street
Victoria, Texas 77901

Dear Judge Williams:

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. Van Buren and Mr. Vargas, 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

February 6, 1998

Mr. Diego J. Vargas
Assistant General Counsel, State Bar of Texas
1111 Fannin, Suite 1370
Houston, Texas 77002

Mr. E. J. Van Buren, Jr.
211 Walton @ North Main
Houston, Texas 77009

Dear Mr. Vargas and Mr. Van Buren:

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 K. Stephen Williams, Judge of the 135th District Court of Victoria, Texas to preside in

Commission for Lawyer Discipline v. E. J. Van Buren, Jr.

Sincerely,

SIGNED

John T. Adams
Clerk