

ORDER OF THE SUPREME COURT OF TEXAS

Misc Docket No. 99- 9210

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

The Supreme Court of Texas hereby appoints the Honorable Roger Jeff Walker, Judge of the 96th District Court of Tarrant County, Texas, to preside in the Disciplinary Action styled:

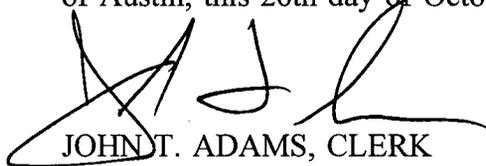
The Commission for Lawyer Discipline v. Hylon L. Adams

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,

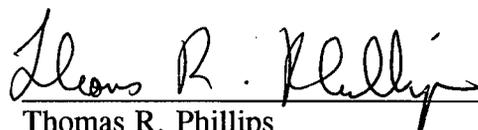
with the Seal thereof affixed at the City
of Austin, this 26th day of October, 1999.



JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 99-9210, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code, §74.057.

Signed this 1 day of November, 1999.



Thomas R. Phillips
Chief Justice

CAUSE NO. _____

COMMISSION FOR LAWYER
DISCIPLINE

V.

HYLON L. ADAMS

§
§
§
§
§
§

IN THE DISTRICT COURT OF

TRAVIS COUNTY, TEXAS

_____ 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, HYLON L. ADAMS, State Bar Card No. 00860400 (hereinafter called "Respondent"), showing the Court:

I.

Pursuant to Rule 190.1, Texas Rules of Civil Procedure, discovery in this case is governed by Discovery Control Plan -- Level 2, as provided in Rule 190.3, T.R.C.P.

II.

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 January 22, 1999.

III.

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 Travis County, Texas. An officer may serve citation on Respondent at his office address located at 101 E. 9th Street, Suite 1515, Austin, Travis County, Texas.

IV.

In or around August of 1998, Robert M. Daniels (hereinafter, "Complainant") contacted Respondent's law firm in order to obtain representation regarding personal injuries received in a motor vehicle accident. Complainant was only able at that time and on other occasions to consult with a non-attorney employee of Respondent; the non-attorney employee conducted the case screening and intake, and provided legal advice to Complainant.

During the period of time in which Respondent represented Complainant, he was publicly holding himself out under the law firm name of "Hylon L. Adams and Associates, Attorneys at Law," in spite of the fact that at this time no other attorneys were associated with or employed by Respondent.

For several months and on numerous occasions, when Complainant contacted the law firm attempting to speak with Respondent, he was allowed to speak only with Respondent's non-attorney employee. Respondent did not return Complainant's phone calls nor correspond with Complainant to inform him of the status of his case. Further, although Complainant felt that there was the possibility that the brakes and airbag on his vehicle may have been defective, Respondent neither investigated the possibility of pursuing a claim against the vehicle dealer or manufacturer, nor did

he disclose to Complainant that he was not going to do so nor attempt to explain to Complainant why he would not pursue such a claim. Finally, Respondent never adequately explained to Complainant that Complainant should act to mitigate his property damages by pursuing a claim against his own vehicle insurance carrier.

V.

By his conduct as alleged above, Respondent has violated the following Disciplinary Rules of Professional Conduct in violation of Rule 8.04(a)(1): Rule 1.01(b)(1) [neglect a legal matter entrusted to the lawyer]; Rule 1.01(b)(2) [frequently fail to carry out completely the obligations that the lawyer owes to a client]; Rule 1.03(a) [keep a client reasonably informed about the status of a matter]; Rule 1.03(b) [explain a matter to the extent reasonably necessary to permit the client to make informed decisions about the representation]; Rule 5.05(b) [assist a person who is not a member of the bar in the performance of activity that constitutes the unauthorized practice of law]; Rule 7.01(a) [practice under a name that is misleading as to the identity of the lawyer or lawyers practicing under such name]; Rule 7.01(d) [holding himself out as being an associate with one or more other lawyers unless they are in fact associates]; Rule 7.01(f) [using letterhead that makes a false or misleading communication].

VI.

The complaint which forms the basis of the Cause of Action hereinabove set forth was brought to the attention of the Office of the Chief Disciplinary Counsel of the State Bar of Texas by Robert M. Daniels filing a complaint on or about January 22, 1999.

PRAYER

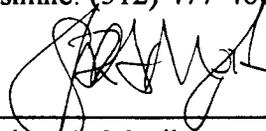
WHEREFORE, PREMISES CONSIDERED, Petitioner prays for judgment that Respondent be disciplined as the facts shall warrant; and that Petitioner have such other and further relief to which entitled, including costs of court and attorneys fees.

Respectfully submitted,

Dawn Miller
Acting Chief Disciplinary Counsel

Stephen A. Moyik
Assistant Disciplinary Counsel

Office of the Chief Disciplinary Counsel
STATE BAR OF TEXAS
P.O. Box 12487, Capitol Station
Austin, Texas 78711-2487
Telephone: (512) 463-1463
Facsimile: (512) 477-4607



Stephen A. Moyik
State Bar Card No. 14614300
Attorneys for Petitioner

STATE BAR OF TEXAS



Office of the General Counsel

September 21, 1999

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

Re: Commission for Lawyer Discipline v. Hylon L. Adams

Dear Mr. Adams:

Enclosed is an original and two (2) copies of a Disciplinary Petition being filed by the Commission for Lawyer Discipline against Hylon L. Adams. Mr. Adams 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 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:

Hylon L. Adams
101 E. 9th Street, Suite 1515
Austin, Travis County, Texas 78701-2457

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.

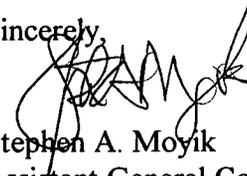
Once a trial judge has been appointed, please forward the original and two (2) copies of the Disciplinary Petition, the filing fee and personal service checks, also enclosed, and the Court's appointing order to the District Clerk of Travis County, Texas, with the request that the suit be filed, service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

Mr. John Adams
September 21, 1999
Page 2 of 2

Also enclosed are a pre-addressed envelope for your use in transmitting the petition, etc., 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 file-marked copy of the Petition to me.

Please call me if you have any questions or comments.

Sincerely,



Stephen A. Moyik
Assistant General Counsel

SAM/lac
Enclosures

G:\GENERAL\STEVE\ADAMS\CORRESPOND\SUPCT.LTR



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

NOV 09 1999

Mr. Stephen A. Moyik
Assistant General Counsel, State Bar of Texas
P.O. Box 12487
Austin, Texas 78711-2487

Mr. Hylon L. Adams
101 E. 9th Street, Suite 1515
Austin, Texas 78701-2457

Dear Mr. Moyik and Mr. Adams:

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 Roger Jeff Walker, Judge of the 96th District Court, Fort Worth, Texas to preside in

Commission for Lawyer Discipline v. Hylon L. Adams

Sincerely,

SIGNED

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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CLERK
JOHN T. ADAMS

EXECUTIVE ASS'T
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASS'T
JIM HUTCHESON

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

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

Dear Ms. 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. Hylon L. Adams*, and a copy of the Supreme Court's order appointing the Honorable Roger Jeff Walker, Judge of the 96th District Court, Fort Worth, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Hon. Roger Jeff Walker
Mr. Stephen A. Moyik
Mr. Hylon L. Adams



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

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HARRIET O'NEILL
ALBERTO R. GONZALES

NOV 11 1999

Honorable Roger Jeff Walker
Judge, 96th District Court
401 W. Belknap Street
Fort Worth, Texas 76196-0223

Dear Judge Walker:

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. Adams and Mr. Moyik, 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