

ORDER OF THE SUPREME COURT OF TEXAS

Misc. Docket No. 02 - **9105**

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

The Supreme Court of Texas hereby appoints the Honorable Roy T. Sparkman, Judge of the 78th District Court of Wichita County, Texas, to preside in the Disciplinary Action styled

The Commission for Lawyer Discipline v. Bryan L. Walter

filed in the District Court of Collin County, Texas.

The Clerk of the Supreme Court shall promptly forward to the District Clerk of Collin County, Texas, a copy of the Disciplinary Petition and this Order for filing pursuant to Rule 3.03, Texas Rules of Disciplinary Procedure.

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

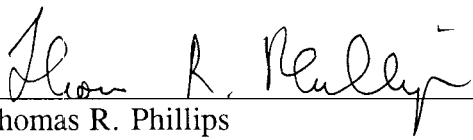
With the Seal thereof affixed at the City
Of Austin, this 7th day of June, 2002.



JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 02-9105, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code, §74.057.

Signed this 10 day of June, 2002.



Thomas R. Phillips
Chief Justice



The Supreme Court of Texas

CHIEF JUSTICE
THOMAS R. PHILLIPS

201 West 14th Street Post Office Box 12248 Austin TX 78711
Telephone: 512/463-1312 Facsimile: 512/463-1365

CLERK
JOHN T. ADAMS

JUSTICES
NATHAN L. HECHT
CRAIG T. ENOCH
PRISCILLA R. OWEN
JAMES A. BAKER
DEBORAH G. HANKINSON
HARRIET O'NEILL
WALLACE B. JEFFERSON
XAVIER RODRIGUEZ

EXECUTIVE ASSISTANT
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASST
JIM HUTCHESON

ADMINISTRATIVE ASSISTANT
NADINE SCHNEIDER

JUN 14 2002

The Honorable Hannah Kunkle
District Clerk of Collin County
210 S. McDonald Street
McKinney, Texas 75069

Dear Ms. Kunkle:

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. Bryan L. Walter*, and a copy of the Supreme Court's order appointing the Honorable Roy T. Sparkman, Judge of the 78th District Court, Wichita Falls, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Honorable Roy T. Sparkman
Mr. Luther Jones
Mr. Bryan L. Walter



The Supreme Court of Texas

CHIEF JUSTICE
THOMAS R. PHILLIPS

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EXECUTIVE ASSISTANT
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASST
JIM HUTCHESON

ADMINISTRATIVE ASSISTANT
NADINE SCHNEIDER

JUN 14 2002

Honorable Roy T. Sparkman
Judge, 78th District Court
314 Courthouse
900 7th Street
Wichita Falls, Texas 76301

Dear Judge Sparkman:

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. Walter and Mr. Jones, and a copy of the letter to the District Clerk of Collin County.

It is recommended that, a month or six weeks after receipt of this letter, you or your coordinator contact the District Clerk of Collin County to find out the district court to which this disciplinary case has been assigned, names and addresses of counsel, etc. We then recommend that, either before or immediately after you set the case for trial, you contact the Presiding Judge of the Administrative Judicial Region into which you have been assigned (214-653-2943) to reserve a courtroom, obtain a court reporter, obtain 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

JUN 14 2002

Mr. Luther Jones
Assistant Disciplinary Counsel, State Bar of Texas
3710 Rawlins, Suite 800
Dallas, Texas 75219

Mr. Bryan L. Walter
1009 Henderson Street
Ft. Worth, Texas 76102

Dear Mr. Jones and Mr. Walter:

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 Roy T. Sparkman, Judge of the 78th District Court, Wichita Falls, Texas to preside in

Commission for Lawyer Discipline v. Bryan L. Walter

Sincerely,

SIGNED

John T. Adams
Clerk

CAUSE NO. _____

COMMISSION FOR
LAWYER DISCIPLINE

V.

BRYAN L. WALTER

§
§
§
§
§
§

IN THE DISTRICT COURT OF

COLLIN COUNTY, TEXAS

_____ JUDICIAL DISTRICT

DISCIPLINARY PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

Petitioner, the Commission for Lawyer Discipline, a committee of the State Bar of Texas (hereinafter called "Petitioner"), complains of Respondent, Bryan L. Walter, (hereinafter called "Respondent"), showing the Court:

I.

Discovery Control Plan

Pursuant to Rules 190.1 and 190.3, TEXAS RULES OF CIVIL PROCEDURE (TRCP), Petitioner intends discovery in this case to be conducted under the Level III Discovery Control Plan. Rule 3.07 of the Texas Rules of Disciplinary Procedure requires the court set a trial date for this matter to commence no later than 180 days after the date this Disciplinary Petition is filed with the District Clerk.

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 May 1, 1992.

III.

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 Collin County, Texas. Respondent can be served at 1009 Henderson Street, Fort Worth, Texas 76102. Multi-Service Process will serve citation.

IV.

Respondent's ex-wife, Nytonya Spayde ("Spayde"), hired attorney Janice Schattman ("Schattman") to represent her in an ongoing custody dispute with Respondent in Cause No. 322-214249-94 styled "In the Interest of Danielle Bryana Walter, A Child" filed in the 322nd District Court of Tarrant County, Texas.

V.

On or about March 8, 2000, Respondent caused his current wife, Barbie Walter, to contact the office of Schattman and impersonate Spayde in an attempt to obtain privileged information from Schattman's staff about the custody matter.

VI.

On Friday, March 10, 2000, a temporary hearing began before Judge Frank Sullivan. The temporary hearing concluded on March 20, 2000 with the Judge taking the matter under advisement. Respondent engaged in *ex parte* communication with Judge Sullivan by submitting a proposed order directly to the court by fax on March 30, 2000, and later by submitting an original of the order to the court without providing opposing counsel a copy of either order as required by the local rules and rules of procedures.

VII.

Such acts and/or omissions on the part of Respondent as are described in Paragraphs V and VI, hereinabove, which occurred on or after January 1, 1990, constitute conduct which violates Rules 3.05(b)(2) and 8.04(a)(3) of the Texas Disciplinary Rules of Professional Conduct.

VIII.

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 Janice A. Schattman filing a complaint on or about May 18, 2001.

PRAYER

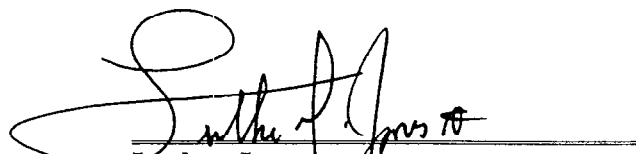
WHEREFORE, PREMISES CONSIDERED, Petitioner prays for judgment that Respondent be disciplined as the facts shall warrant; and that Petitioner have such other relief to which entitled, including costs of Court and attorney's fees.

Respectfully submitted,

Dawn Miller
Chief Disciplinary Counsel

Luther Jones
Assistant Disciplinary Counsel

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(214) 559-4353
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Luther Jones
State Bar Card No. 10973200

ATTORNEYS FOR PETITIONER