

ORDER OF THE SUPREME COURT OF TEXAS

Misc. Docket No. 93- 0121

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

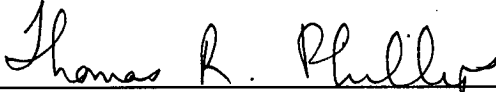
The Supreme Court of Texas hereby appoints the Honorable Ann Tyrell Cochran, Judge of the 270th District Court, to preside in the Disciplinary Action styled:

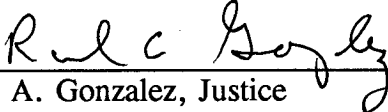
The Commission on Lawyer Discipline v. David K. Line


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

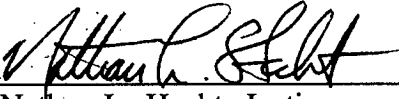
The Clerk of the Supreme Court shall promptly forward to the District Clerk of Dallas County, Texas, a copy of this Order and of the Disciplinary Petition for filing and service pursuant to Rule 3.03, Texas Rules of Disciplinary Procedure.

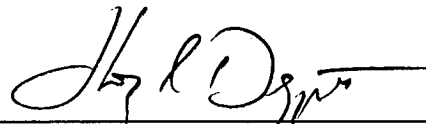
In Chambers, this 28<sup>th</sup> day of June, 1993.

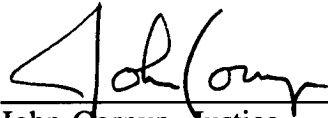
  
\_\_\_\_\_  
Thomas R. Phillips, Chief Justice

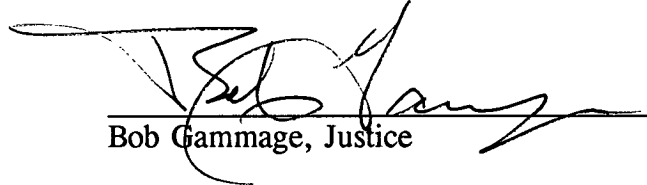
  
\_\_\_\_\_  
Raul A. Gonzalez, Justice

  
\_\_\_\_\_  
Jack Hightower, Justice

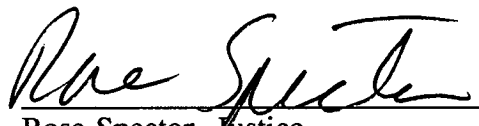
  
\_\_\_\_\_  
Nathan L. Hecht, Justice

  
Lloyd Doggett, Justice

  
John Cornyn, Justice

  
Bob Gammage, Justice

  
Craig Enoch, Justice

  
Rose Spector, Justice



complex. Respondent subsequently made several unsuccessful attempts to contact the purported owners of the premises where Dantzler sustained his injuries in order to notify them of Dantzler's claim. At no time did Respondent attempt to verify who the actual owners of the apartment complex were and whether or not he had sent the notice letters to the actual owners.

#### IV.

After having failed to elicit a response from the purported owners of the apartment complex, Respondent failed to take any further action to prosecute Dantzler's claim. On or about September 11, 1989, five days before the expiration of the statute of limitations, Respondent had Dantzler sign a release form terminating the attorney-client relationship. In addition, the release form exonerated Respondent and his firm for any liability for any acts or omissions with regard to legal services rendered to Dantzler. Respondent agreed to file the lawsuit on Dantzler's behalf in the event he could not find another attorney to represent him before the statute of limitations expired. Dantzler was not able to find another attorney, so Respondent timely filed the lawsuit; however, Respondent sued the wrong parties. Since the statute of limitations had already expired, Dantzler was not able hire another attorney to refile the lawsuit against the proper parties.

#### V.

Such acts and/or omissions on the part of Respondent as are described in Paragraphs III. and IV. hereinabove on the part of Respondent which occurred prior to January 1, 1990, constitute conduct violative of Disciplinary Rules 1-102(A)(6), 2-110(A)(2), 6-101(A)(2), 6-101(A)(3), 6-102(A), 7-101(A)(1) and/or 7-101(A)(2) of the Texas Code of Professional Responsibility. Such acts and/or omissions on the part of Respondent as are described in

Paragraphs III. and IV. hereinabove which occurred on or after January 1, 1990, constitute conduct violative of Rules 1.01(b)(1), 1.03(a), and/or 1.15(d) of the Texas Disciplinary Rules of Professional Conduct.

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 General Counsel of the State Bar of Texas by Andy Dantzler's filing of a complaint on or about September 21, 1992.

PRAYER

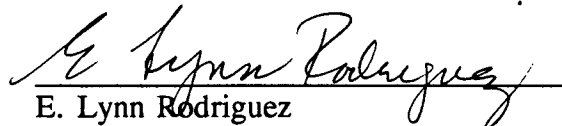
WHEREFORE, PREMISES CONSIDERED, Petitioner prays for judgment that Respondent be disciplined as the facts shall warrant; and that Petitioner have such other relief to which entitled, including costs of court and attorney's fees.

Respectfully submitted,

James M. McCormack  
General Counsel

E. Lynn Rodriguez  
Assistant General Counsel

Office of the General Counsel  
State Bar of Texas  
P.O. Box 12487  
Austin, Texas 78711  
(512) 463-1381

  
E. Lynn Rodriguez  
State Bar of Texas No. 17143880  
ATTORNEYS FOR PETITIONER



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  
JACK HIGHTOWER  
NATHAN L. HECHT  
LLOYD DOGGETT  
JOHN CORNYN  
BOB GAMMAGE  
CRAIG ENOCH  
ROSE SPECTOR

EXECUTIVE ASS'T.  
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T.  
MARY ANN DEFIBAUGH

July 6, 1993

Mr. James M. McCormack  
General Counsel, State Bar of Texas  
Post Office Box 12487  
Austin, Texas 78711

Mr. David K. Line  
400 South Zang Blvd., Suite 1313  
Dallas, Texas 75208-6625

RE: COMMISSION FOR LAWYER DISCIPLINE v. DAVID K. LINE.

Dear Mr. McCormack and Mr. Line,

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 Ann Tyrell Cochran, Judge of the 270th District Court, Harris County Courthouse, 301 Fannin, Houston, Texas 77002, to preside in the above referenced action.

Copies of pertinent documents are enclosed for your use.

Sincerely,

A handwritten signature in black ink, appearing to be "John T. Adams", written over a circular stamp or mark.

John T. Adams  
Clerk

Encl.

cc: Hon. Ann Tyrell Cochran



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE  
THOMAS R. PHILLIPS

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ROSE SPECTOR

EXECUTIVE ASS'T.  
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T.  
MARY ANN DEFIBAUGH

July 6, 1993

The Honorable Ann Tyrell Cochran  
270th District Court  
Harris County Courthouse  
301 Fannin  
Houston, Texas 77002

RE: COMMISSION FOR LAWYER DISCIPLINE v. DAVID K. LINE.

Dear Judge Cochran,

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 the State Bar General Counsel and respondent's attorney in the referenced case.

Sincerely,

**SIGNED**

John T. Adams  
Clerk

Encl.



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE  
THOMAS R. PHILLIPS

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ROSE SPECTOR

EXECUTIVE ASST.  
WILLIAM L. WILLIS

ADMINISTRATIVE ASST.  
MARY ANN DEFIBAUGH

July 6, 1993

Hon. Bill Long  
District Clerk  
Dallas County Courthouse  
600 Commerce  
Dallas, Texas 75202

RE: COMMISSION FOR LAWYER DISCIPLINE v. DAVID K. LINE.

Dear Mr. Long,

Pursuant to Rule 3.03 of the Texas Rules of Disciplinary Procedure, I am sending for filing, the State Bar of Texas Disciplinary Action referenced above and a copy of the Supreme Court's order appointing a judge to preside in this action.

Sincerely,

SIGNED

John T. Adams  
Clerk

Encl.

cc: Hon. Ann Tyrell Cochran  
Mr. David K. Line  
Mr. James M. McCormack