

ORDER OF THE SUPREME COURT OF TEXAS

Misc Docket No. 97- 9132

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

The Supreme Court of Texas hereby appoints the Honorable Robert M. Blackmon, Judge of the 117th District Court of Nueces County, Texas, to preside in the Disciplinary Action styled:


The Commission for Lawyer Discipline v. Paul N. Buchanan

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.

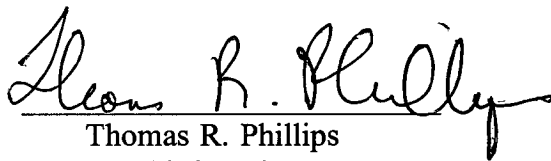
As ordered by the Supreme Court of Texas, in chambers,

with the Seal thereof affixed at the City
of Austin, this 30th day of July, 1997.


JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 97-9132, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 6 day of August, 1997.

A handwritten signature in cursive script that reads "Thomas R. Phillips". The signature is written in black ink and is positioned above a horizontal line.

Thomas R. Phillips
Chief Justice

COPY

CAUSE NO. _____

COMMISSION FOR LAWYER
DISCIPLINE

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IN THE DISTRICT COURT OF

V.

HARRIS COUNTY, T E X A S

PAUL N. BUCHANAN

_____ JUDICIAL DISTRICT

ORIGINAL 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, Paul N. Buchanan, 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 May 1, 1992.

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 Williamson County, Tennessee. An officer may serve citation on Respondent at his business address located at 1320 Andrew Jackson Building, 500 Deaderick Street, Nashville, Williamson County, Tennessee 37243.

III.

Respondent is married to Nancy Winn Waters. Nancy Winn Waters is the ex-wife of the Complainant, Alan Lee Waters. Complainant Waters and Respondent were friends and acquaintances, despite the fact that Respondent married Complainant's ex-wife.

The divorce decree between Complainant and his ex-wife in Cause No. 91-55479; styled *In the Matter of the Marriage of Alan Lee Waters and Nancy Winn Waters and in the Interest of Shealy Winn Waters, a Minor Child*, in the 309th Judicial District Court of Harris County, Texas, ordered Complainant to pay child support to Nancy Winn Waters in the amount of nine hundred fifty dollars (\$950.00) per month. In 1993, Respondent suggested to Complainant that, in lieu of paying his monthly child support payments of nine hundred fifty dollars (\$950.00) per month, Complainant could pre-pay the child support by transferring his import-export business to his ex-wife, Nancy Winn Waters. Respondent failed to inform Complainant that the transfer of the business would not absolve Complainant from his child support obligations under the divorce decree. Respondent prepared the paperwork for the transfer of the business, which was completed in November 1993. On November 30, 1993, Nancy Winn Waters signed a document in which she stipulated that the court-ordered child support had been paid in full through the receipt of moneys and real property valued in excess of One Hundred Thirty-nine Thousand Six Hundred Fifty Dollars (\$139,650.00), the equivalent of 147 months of child support at \$950.00 per month. Nancy Winn Waters also stated that she waived all further rights to future funds except for visitation and health insurance

provisions outlined in the divorce action.

Respondent moved his office in with the import-export business. The business declined, and Nancy Winn Waters filed suit to collect child support from Complainant in February 1994. At that time, Complainant learned that he was not relieved of his child support obligations, despite transferring the company to his ex-wife.

Complainant learned at mediation that Respondent had entered into a business transaction with Complainant to obtain the interest in Complainant's business, but had failed to fully disclose the ramifications of this business transaction so as to allow Complainant to reasonably understand the terms of the transaction.

IV.

By entering into a business transaction with Alan Lee Waters to obtain Waters' import-export company, Respondent engaged in conduct in violation of Rules **1.03(b)**[failing to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation]; **1.08(a)(1)**[a lawyer shall not enter into a business transaction with a client unless the transaction and terms on which the lawyer acquires the interest are fair and reasonable to the client and are fully disclosed in a manner which can be reasonably understood by the client]; **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]; and **8.04(a)(3)**[a lawyer shall not engage in conduct involving dishonesty, deceit, fraud, or misrepresentation] of the Texas Disciplinary Rules

of Professional Conduct, 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 Alan Lee Waters on or about May 23, 1996.

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 16, 1997

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

Re: Commission for Lawyer Discipline v. Paul N. Buchanan

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 Paul N. Buchanan. Mr. Buchanan is a resident of Williamson County, Tennessee. 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. Paul N. Buchanan
1320 Andrew Jackson Building
500 Deaderick Street
Nashville, Williamson County, TN 37243

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 16, 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,

A handwritten signature in cursive script that reads "Mary F. Klapperich". The signature is written in black ink and is positioned above the typed name.

Mary F. Klapperich
Assistant General Counsel

MFK/lp

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

CLERK
JOHN T. ADAMS

JUSTICES
RAUL A. GONZALEZ
NATHAN L. HECHT
JOHN CORNYN
CRAIG ENOCH
ROSE SPECTOR
PRISCILLA R. OWEN
JAMES A. BAKER
GREG ABBOTT

EXECUTIVE ASS'T
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

AUG 12 1997

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. Paul N. Buchanan, and a copy of the Supreme Court's order appointing the Honorable Robert M. Blackmon, Judge of the 117th District Court of Corpus Christi, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Hon. Robert M. Blackmon
Mr. Paul N. Buchanan
Ms. Mary F. Klapperich



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

AUG 12 1997

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

Mr. Paul N. Buchanan
1320 Andrew Jackson Building
500 Deaderick Street
Nashville, Tennessee 37243

Dear Ms. Klapperich and Mr. Buchanan:

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 Robert M. Blackmon, Judge of the 117th District Court of Corpus Christi, Texas to preside in

Commission for Lawyer Discipline v. Paul N. Buchanan

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

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JAMES A. BAKER
GREG ABBOTT

EXECUTIVE ASS'T
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

AUG 12 1997

Honorable Robert M. Blackmon
Judge, 117th District Court
901 Leopard Street
Corpus Christi, Texas 78401

Dear Judge Blackmon:

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. Buchanan 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,

SIGNED

John T. Adams
Clerk