

ORDER OF THE SUPREME COURT OF TEXAS

Misc Docket No. 98-~~9154~~

Appointment of a District Judge to Preside
in an Attorney Disciplinary Action

The Supreme Court of Texas hereby appoints the Honorable Horace D. Black, Judge of the 77th District Court of Limestone County, Texas, to hear and rule on a Motion to Recuse the Honorable Robert McCoy, filed in the Disciplinary Action styled:


The Commission for Lawyer Discipline v. Robert R. Wightman

filed as No. 97-01255-M in the 298th 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 for filing pursuant to Rule 3.03, Texas Rules of Disciplinary Procedure.

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

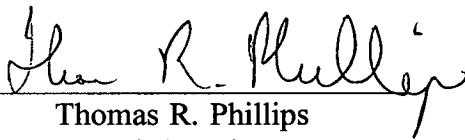
with the Seal thereof affixed at the City
of Austin, this 8th day of September, 1998.



JOHN F. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 98-9154, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 10 day of September, 1998.

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

Thomas R. Phillips
Chief Justice



BOB MCCOY

DISTRICT JUDGE

48TH JUDICIAL DISTRICT OF TEXAS

401 W. BELKNAP

FORT WORTH, TEXAS 76106-0221

ANN WOODS, CSR
CERTIFIED SHORTHAND REPORTER

CINDY PARTEN
BAILIFF

TRACY KEM, CERTIFIED PLS
COURT COORDINATOR
SPECIALTY CERTIFIED-TEXAS CIVIL LITIGATION

September 9, 1998

Chief Justice Thomas R. Phillips
Supreme Court of Texas
Supreme Court Building
P. O. Box 12248
Austin, Texas 78711-2248

Dear Chief Justice Phillips,

Re: 97-01255-M
Commission for Lawyer Discipline
vs.
Robert R. Wightman

I have received the attached motion entitled "Defendant Robert R. Wightman's Motion to Recuse Judge Bob McCoy". After having considered the motion, I am respectfully declining to recuse myself and am requesting that the matter be presented to a judge appointed to hear this motion.

Sincerely,

Bob McCoy

cc: Mr. Robert R. Wightman
Mr. Mike McCurley
Mr. Craig Carter
Mr. James W. Watson
Mr. Charles Fortunato
Mr. R. Lynn Fielder
Ms. Margaret Deason, 298th District Court

**ROBERT R. WIGHTMAN
ATTORNEY AND MEDIATOR**

**P.O. BOX 190603
DALLAS, TEXAS 75219**

TELEPHONE (214) 720-1838

TELECOPIER (214) 720-1839

ADMITTED TO THE UNITED STATES AND TEXAS SUPREME COURTS

August 28, 1998

**Bob McCoy,
District Court Judge, 48th
Tarrant County Justice Center
Fort Worth, Texas 76196-0228
Via Facsimile 817-884-2384 (6 Pages)**

**Jim Watson
Watson, Caraway, Harrington,
Nelson, Midkiff & Lunningham, L.L.P.
1000 Commerce Building
307 West 7th Street
Fort Worth, Texas 76102
VIA Facsimile 817-338-4842 (6 Pages)**

**Lynn Fielder
Fisk and Fielder
2710 Stemmons Freeway
400 Tower North
Dallas, Texas 75207
Via Facsimile 214-638-5105 (6 PAGES)**

**Mike McCurley
McCurley, Kinser, McCurley & Nelson L.L.P.
4242 Renaissance Tower, 1201 Elm
Dallas, Texas 75270
VIA Facsimile 748-6567 (6)**

**Craig Carter
Assistant Attorney General
P.O. Box 12548, Capitol Station
Austin, Texas 78711-2548
Via Facsimile (512) 320-0667 (6 Pages)**

Aug. 28 '98 15:13

WIGHTMAN

FAX 2147201638

P. 2

Judge McCoy, Jim Watson, Lynn Fielder, Mike McCurley, Craig Carter

Page 2 of 2

July 21, 1998

Commission for Lawyers Discipline v. Robert R. Wightman v. Commission for Lawyer Discipline, Marilee Neff, Nancy Thursby, Angela Mathvin, Texas Supreme Court, Transportation Insurance, AAA Glass and Mirror, Fisk & Fielder, and Judge Pat McDowell, 298th Judicial District Court; Court Number 9701255-M, Dallas County, Texas

Dear Judge McCoy, and Gentlemen:

Enclosed please find my Motion to Recuse Judge McCoy filed today in the 298th District Court. Filed separately with the Counsel on Judicial Conduct is a complaint alleging the same violations. On Monday I will be in Austin filing a § 1983 civil rights lawsuit to include Judge McCoy and Watson, Caraway, and all Justices except the Honorable Rose Spector. It is time the game playing stop.

Sincerely,



Robert R. Wightman

RCI

file

CAUSE NO. 97-01255-M

FILED

COMMISSION FOR LAWYER DISCIPLINE §

IN THE DISTRICT COURT OF

98 AUG 28 PM 2:50

V. §

DALLAS COUNTY, TEXAS §

ROBERT R. WIGHTMAN §

V. §

COMMISSION FOR LAWYER DISCIPLINE §
MARTILEE NEFF, NANCY THURSBY, AND §
ANGELA METHVIN, TEXAS SUPREME §
COURT, TRANSPORTATION INSURANCE §
AAA GLASS AND MIRROR, FISK AND §
FIELDER, JUDGE PAT MCDOWELL §

298TH JUDICIAL DISTRICT

**DEFENDANT ROBERT R. WIGHTMAN'S
MOTION TO RECUSE JUDGE BOB MCCOY**

TO THE HONORABLE JUDGE OF SAID COURT:

1. COMES NOW Robert R. Wightman and files this Motion to Recuse Judge Bob McCoy from the above referenced matter as being impartial and biased in violation of the Code of Judicial Conduct. Canon 4(D)(1)

2. Specifically, Judge Bob McCoy has accepted financial benefit from the law firm representing Transportation Insurance and AAA Glass and Mirror, in that the law firm of Watson, Caraway, Harrington, Nelson, Midkiff, & Lunningham, L.L.P., offered Judge McCoy's wife employment, which she accepted, while the above referenced case was pending before Judge McCoy. This is a violation of Canon 4(D)(1).

The Honorable Associate Justice Sandra Day O'Connor, who serves on the United States Supreme Court has led the way in

Aug. 28 '98 16:15

WIGHTMAN

FAX 2147201838

P. 4

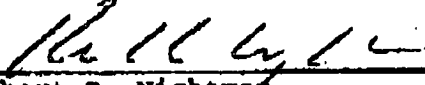
recognizing why such conduct undermines the integrity of the legal profession. As a matter of course Associate Justice O'Connor recuses herself from all cases wherein her husband's law firm is representing a party to the Petition for Writ of Certiorari.

WHEREFORE, Based on the facts alleged above recusal is mandatory. Therefore, Mr. Wightman requests that Judge McCoy be recused from hearing any further matters in this case.

RESPECTFULLY SUBMITTED,

LAW OFFICE OF ROBERT R. WIGHTMAN

P.O. Box 190603
Dallas, Texas 75219
TELEPHONE (214)720-1838
FACSIMILE (214)720-1839


Robert R. Wightman
Attorney for Robert R. Wightman
Texas Bar No. 21443200

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing Defendant's Motion to Recuse Judge McCoy was served on Opposing Counsel via facsimile, on August 28, 1998.

1. Mike McCurley
McCurley, Kinser, McCurley & Nelson, L.L.P.
4242 Renaissance Tower
1201 Elm Street
Dallas, Texas 75270
Office (214) 744-4620
Facsimile (214) 748-5567

For Commission on Lawyer Discipline, for the Commission on Lawyer Discipline, Angela Methvin, Nancy Thursby, and Marilee Neff, in a Defensive Posture

Aug. 20 '98 16:15

WIGHTMAN

FAX 2147281838

P. 8

2. Lynn Fielder
Fisk and Fielder,
2710 Stemmons Freeway, 400 Tower North,
Dallas, Texas 75207
Office (214) 638-3744
Facsimile (214) 638-5105

For Fisk & Fielder;

3. Craig Carter
Assistant Attorney General
P.O. Box 12548, Capitol Station
Austin, Texas 78711-2548
Office (512)463-2120
Facsimile (512) 320-0667
For Judge Pat McDowell; and Texas Supreme Court

4. Jim Watson
Watson, Caraway, Harrington,
Nelson, Midkiff & Lunningham, L.L.P.
1000 Commerce Building
307 West 7th Street
Fort Worth, Texas 76102
Facsimile 817-338-4842
Transportation Insurance; and AAA Glass and Mirror



Robert. R. Wightman

NOTICE OF SUBMISSION TO THE COURT

All counsel are hereby informed that movant expects this motion to be presented to the judge three days from today August 28, 1998, unless otherwise ordered by the judge.



ROBERT R. WIGHTMAN

Aug. 28 '98 15:16

WIGHTMAN

FAX 2147221638

P. 6

VERIFICATION

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

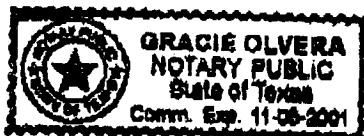
BEFORE ME, the undersigned Notary Public, on this the 26th day of August 1998, personally appeared Robert R. Wightman, who being by me duly sworn on his oath deposed and said that he is Counsel for Robert R. Wightman in the above entitled and numbered cause; and that he has read the above and foregoing pleading and that the allegations contained therein are within his personal knowledge and are true and correct, unless clearly identified as hearsay.

Robert R. Wightman
ROBERT R. WIGHTMAN

SUBSCRIBED AND SWORN TO BEFORE ME, ON THE 28th day of August 1998, to certify which witness my hand and official seal.

Gracie Olvera
Notary Public in and for Texas

My Commission Expires on 11-5-01





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 ASST
WILLIAM L. WILLIS

ADMINISTRATIVE ASST
NADINE SCHNEIDER

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

September 14, 1998

The Honorable Bill Long
District Clerk of Dallas County
George Allen Courts Building
600 Commerce
Dallas, Texas 75202

Dear Mr. Long:

Pursuant to Rule 3.03 of the Texas Rules of Disciplinary Procedure, I am sending for filing in State Bar of Texas Disciplinary Action styled: The Commission for Lawyer Discipline v. Robert R. Wightman, No. 97-01255-M in the 298th District Court of Dallas County, a copy of the Supreme Court's order appointing the Honorable Horace D. Black, Jr., Judge of the 77th District Court, Groesbeck, Texas, to hear and rule on a Motion to Recuse the Honorable Robert McCoy in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Hon. Horace D. Black, Jr.
Mr. Robert R. Wightman
Mr. Mike McCurley



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

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

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

September 14, 1998

The Honorable Horace D. Black, Jr.
Judge, 77th District Court
P. O. Box 230
Groesbeck, Texas 76642-0230

Dear Judge Black:

We enclose for your information a copy of the order of assignment, a copy of the Motion to Recuse, a copy of the notification letter to Mr. Wightman and Mr. McCurley, and a copy of the letter to the District Clerk of Dallas County.

We then recommend that your coordinator call the court coordinator at 512 653-6781 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 (214 653-2945) to obtain claims forms for your expenses and other information incident to presiding over this disciplinary case.

Sincerely,

SIGNED

John T. Adams
Clerk



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

September 14, 1998

Mr. Mike McCurley
McCurley, Kinser, McCurley & Nelson
4242 Renaissance Tower
1201 Elm Street
Dallas, Texas 75206

Mr. Robert R. Wightman
P. O. Box 190603
Dallas, Texas 75219

Dear Mr. McCurley and Mr. Wightman:

I hereby notify you that the Supreme Court of Texas has appointed the Honorable Horace D. Black, Jr., Judge of the 77th District Court, Groesbeck, Texas to hear and rule on the Motion to Recuse filed in

Commission for Lawyer Discipline v. Robert R. Wightman.

Sincerely,

SIGNED

John T. Adams
Clerk