

ORDER OF THE SUPREME COURT OF TEXAS

Misc Docket No. 99- 9180

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

The Supreme Court of Texas hereby appoints the Honorable Carmine Kelsey, Judge of the 289th District Court of Bexar County, Texas, to preside in the Disciplinary Action styled:

The Commission for Lawyer Discipline v. Charles R. Lepley

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

The Clerk of the Supreme Court shall promptly forward to the District Clerk of Williamson 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,

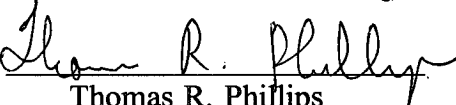
with the Seal thereof affixed at the City
of Austin, this 27th day of September, 1999.

A handwritten signature in black ink, appearing to read "J. Adams", written over a circular stamp or seal.

JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 99-9180, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 27 day of September, 1999.


Thomas R. Phillips
Chief Justice

NO. _____

COMMISSION FOR LAWYER
DISCIPLINE

V.

CHARLES R. LEPLEY

§
§
§
§
§
§

IN THE DISTRICT COURT OF

WILLIAMSON 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, CHARLES R. LEPLEY, State Bar Card No. 12219050 (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 September 20, 1998.

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 Williamson County, Texas. Respondent is represented by counsel herein. Service on Respondent is not necessary at this time as counsel has agreed to accept service on behalf of Respondent.

IV.

Respondent was retained in early 1997 by Sandra Tennant (hereinafter called "Complainant") for the purpose of reducing to judgment child support arrears, including medical reimbursement from previous orders. Complainant's ex-husband was served in November, 1997, with a motion to enforce, modify support and to transfer the case from Bexar County to Travis County, Texas. Although Complainant's ex-husband failed to answer and wholly defaulted, Respondent did not obtain a setting for a hearing on the matter until February 19, 1998, for the date of March 25, 1998. After the March 25, 1998, hearing, Respondent submitted an order containing incorrect calculations of the amounts owed. Respondent thereafter failed to prepare and submit a corrected order until June, 1998. Respondent scheduled an additional hearing approximately four months later, in October, 1998, for entry of his corrected order. Because the court required a review of the record of the original March 25th hearing, a final order was not signed until December 10, 1998, approximately one year after Complainant's ex-husband defaulted in the case.

V.

Such acts and omissions on the part of Respondent as are described in Paragraph IV hereinabove, constitute professional misconduct in violation of Rule 1.01(b)(1) [a lawyer shall not neglect a legal matter entrusted to the lawyer] of the Texas Disciplinary Rules of Professional Conduct and Part 1.06(Q)(1) of the Texas Rules of Disciplinary Procedure.

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 Sandra Tennant filing a complaint on or about September 20, 1998.

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 General Counsel/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

By: _____


Stephen A. Moyik

State Bar Card No. 14614300

ATTORNEYS FOR PETITIONER

STATE BAR OF TEXAS



Office of the General Counsel

August 20, 1999

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

Re: Commission For Lawyer Discipline v. Charles R. Lepley

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 Charles R. Lepley. Mr. Lepley has designated Williamson 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 practices to preside in this case. Upon appointment, request is hereby made that you notify the Respondent's counsel at the address shown below and the undersigned of the identity and address of the judge assigned:

Christopher Stanley
3007 C Williams Drive
Georgetown, Texas 78626

A tentative settlement may already have been reached by the time of the filing of this case, conditioned upon final approval of the terms of a proposed agreed judgment by both the Respondent and the Petitioner, the Commission for Lawyer Discipline. Due to the peculiarities of the disciplinary system, however, it is still necessary for us to file this lawsuit. I bring this possibility of a quick settlement to your attention in the hope that it might make appointment of a judge easier to accomplish.

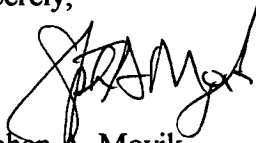
Once a trial judge has been appointed, please forward the original and two (2) copies of the Disciplinary Petition, the Civil Case Information Sheet, and the filing fee check, also enclosed herewith, and the Court's appointing order to the District Clerk of Williamson County, Texas, with the request that the suit be filed, citation be issued, and citation, along with a file-stamped copy of the petition be returned to the undersigned.

*Mr. John T. Adams, Clerk
Supreme Court of Texas
August 18, 1999
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Also enclosed is a pre-addressed envelope for your use in transmitting the above referenced documents to the District Clerk of Williamson County, Texas, and a return envelope to be sent to the District Clerk of Williamson County, Texas, for the Clerk's use in returning a file-marked copy of the petition to the undersigned.

If you have any questions, please call me. Thank you for your assistance.

Sincerely,



Stephen A. Moyik
Assistant Disciplinary Counsel

SAM/jdh
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

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

OCT 07 1999

CLERK
JOHN T. ADAMS

EXECUTIVE ASS'T
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASS'T
JIM HUTCHESON

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

Honorable Carmine Kelsey
Judge, 289th District Court
235 E. Mitchell Street
San Antonio, Texas 78210

Dear Judge Kelsey:

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. Lepley and Mr. Moyik, and a copy of the letter to the District Clerk of Williamson County.

We then recommend that, four or five weeks after receipt of this letter, you or your coordinator contact the presiding judge or the District Clerk of Williamson County 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, the judge or coordinator of that court be contacted 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 (512-943-1212) 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

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THOMAS R. PHILLIPS

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CLERK
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EXECUTIVE ASS'T
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASS'T
JIM HUTCHESON

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

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

Mr. Charles R. Lepley
c/o Christopher Stanley
3007-C Williams Drive
Georgetown, Texas 78626

Dear Mr. Moyik and Mr. Lepley:

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 Carmine Kelsey, Judge of the 289th District Court, San Antonio, Texas to preside in

Commission for Lawyer Discipline v. Charles R. Lepley

Sincerely,

SIGNED

John T. Adams
Clerk



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

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ALBERTO R. GONZALES

OCT 07 1999

The Honorable Bonnie Wolbrueck
District Clerk of Williamson County
P.O. Box 24
Georgetown, Texas 78626

Dear Ms. Wolbrueck:

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. Charles R. Lepley*, and a copy of the Supreme Court's order appointing the Honorable Carmine Kelsey, Judge of the 289th District Court, San Antonio, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Hon. Carmine Kelsey
Mr. Stephen A. Moyik
Mr. Charles R. Lepley