

**ORDER OF THE SUPREME COURT OF TEXAS**

**Misc Docket No. 99- 9138**

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

The Supreme Court of Texas hereby appoints the Honorable James O. Mullin, Judge of the 43rd District Court of Parker County, Texas, to preside in the Disciplinary Action styled:

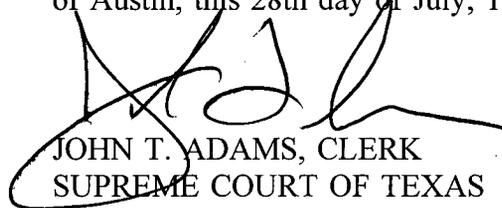
**The Commission for Lawyer Discipline v. Willie R. Barragan**

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.

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

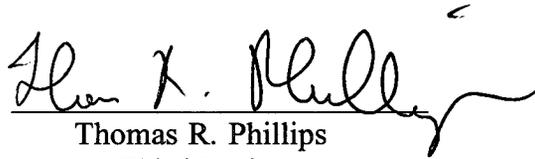
with the Seal thereof affixed at the City  
of Austin, this 28th day of July, 1999.



JOHN T. ADAMS, CLERK  
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 99-9138, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 30 day of July, 1999.

A handwritten signature in cursive script, reading "Thomas R. Phillips", with a long horizontal flourish extending to the right.

Thomas R. Phillips  
Chief Justice

NO. \_\_\_\_\_

COMMISSION FOR LAWYER DISCIPLINE	§	IN THE DISTRICT COURT OF
V.	§	DALLAS COUNTY, TEXAS
WILLIE R. BARRAGAN	§	_____ 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, Willie R. Barragan, (hereinafter called "Respondent"), showing the Court:

**I.**

**Discovery Control Plan**

Pursuant to Rules 190.1 and 190.2, TEXAS RULES OF CIVIL PROCEDURE (TRCP), Petitioner intends discovery in this case to be conducted under the Level II Discovery Control Plan.

**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 Dallas County, Texas.

An officer may serve citation on Respondent through his attorney of record, Carl Hays, 727 S.R.L. Thornton Freeway, Dallas, Texas 75203.

#### IV.

On or about August 21, 1996, Charles Ojeda ("Ojeda") hired Respondent to represent him in a divorce. Ojeda paid Respondent \$1,000.00 for the representation. On or about October 24, 1996, Respondent filed the Original Petition for Divorce. Thereafter, Respondent neglected the case which resulted in the divorce being dismissed for want of prosecution on October 31, 1997. Between late September 1997 and early 1998, Ojeda repeatedly attempted to communicate with Respondent regarding the status of his divorce case. Respondent repeatedly failed to respond to Ojeda's inquiries and failed to inform Ojeda that his case had been dismissed. In January of 1998, Ojeda discovered the dismissal when he contacted the court himself.

#### V.

Such acts and/or omissions on the part of Respondent as are described in Paragraphs IV hereinabove, which occurred on or after January 1, 1990, constitute conduct which violates Rules 1.01(b)(1) and 1.03(a) 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 General Counsel of the State Bar of Texas by Charles Ojeda filing a complaint on or about February 13, 1998.

## SECOND CAUSE OF ACTION

### **VII.**

In or around March 1996, Armondo Almaraz ("Almaraz") plead guilty to a criminal charge. For his sentence, Almaraz received deferred adjudication probation. Prior to the conviction, Almaraz had been granted legal alien status and thus had permanent residency status. However, because of the conviction, the Immigration and Naturalization Service (INS) instituted deportation proceedings against Almaraz and he was detained by the INS with bond set at \$40,000.00.

On or about November 7, 1996, Pedro Almaraz ("Pedro") paid Respondent to represent his son, Almaraz, in both the criminal law and immigration law aspects of Almaraz's case. Almaraz paid Respondent a flat fee of \$3,500.00 for the representation. Since Respondent was not familiar with the new immigration law statutes, Respondent associated another attorney, Jesus Saucedo, to handle the immigration law portion of the case and transferred \$500.00 of his fee to Mr. Saucedo. Respondent failed to adequately explain to Almaraz that Respondent would not personally handle the immigration law portion of his case, that all of Mr. Saucedo's services would not be covered by the previously paid flat fee and that Mr. Saucedo would require additional compensation.

### **VIII.**

In or around November or December 1996, both Mr. Saucedo and Respondent appeared at a bond reduction hearing scheduled in Almaraz's immigration matter. The immigration court did not lower the bond and Almaraz wanted the court's decision to be appealed. During the first half of 1997, Respondent advised Almaraz that the appeal was in progress. In June of 1997, Mr. Saucedo requested additional fees from Almaraz in order to complete the appeal. Almaraz did not

provide any additional funds since he had paid Respondent a flat fee to handle the entire case. Neither Respondent nor Mr. Saucedo completed the appeal, nor did they perform any further legal work in the immigration law portion of the case. As a result, Almaraz's appeal rights expired and he was deported in October of 1997.

With respect to the criminal law portion of the case, Respondent failed to perform any meaningful legal services on Almaraz's son's behalf so as to earn the fee that he charged Almaraz.

**IX.**

Such acts and/or omissions on the part of Respondent as are described in Paragraphs VII, VIII, and IX, hereinabove, which occurred on or after January 1, 1990, constitute conduct which violates Rules 1.03(a), 1.01(b)(1)and(2) and 1.04(a) of the Texas Disciplinary Rules of Professional Conduct.

**X.**

The complaint which forms the basis of the cause of action hereinabove set forth was brought to the attention of the Office of General Counsel of the State Bar of Texas by Pedro Alzaraz filing a complaint on or about November 7, 1997.

**PRAYER**

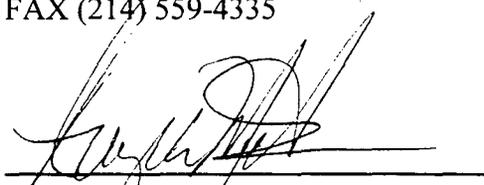
**WHEREFORE, PREMISES CONSIDERED,** Petitioner prays for judgment that Respondent be disciplined as the facts shall warrant; and that Petitioner have such other relief to which entitled, including costs of Court and attorney's fees.

Respectfully submitted,

**Steve W. Young**  
General Counsel

**Angela Methvin**  
Assistant General Counsel

State Bar of Texas  
Litigation - Dallas  
3710 Rawlins  
Suite 800  
Dallas, Texas 75219  
(214) 559-4997  
FAX (214) 559-4335

A handwritten signature in black ink, appearing to read 'Angela Methvin', is written over a horizontal line.

**Angela Methvin**  
State Bar Card No. 00792698

ATTORNEYS FOR PETITIONER

# STATE BAR OF TEXAS



Office of the General Counsel

May 11, 1999

**CMRRR NO. Z 359 583 391**

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

**RE:: *Commission for Lawyer Discipline v. Willie R. Barragan***

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 Willie R. Barragan. Mr. Barragan has designated Dallas 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 resides to preside in this case. Upon appointment, request is made that you notify the Respondent's attorney at the address shown below and the undersigned of the identity and address of the judge assigned:

**Willie R. Barragan  
c/o Carl Hays  
Attorney at Law  
727 S. R.L. Thornton Fwy.  
Dallas, Texas 75203**

As a practical matter, I would respectfully suggest that you inquire with the judge to be appointed as to: (1) 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; and (2) whether he or she can accommodate compliance with *Mellon Service Co., et al v. Touche Ross Co.*, 946 S.W.2d 862 (Tex. App. - Houston [14th Dist.] 1997), which requires that all proceedings incident to a case occur in the county of proper venue. If not, I would respectfully request that an alternate appointment be made.

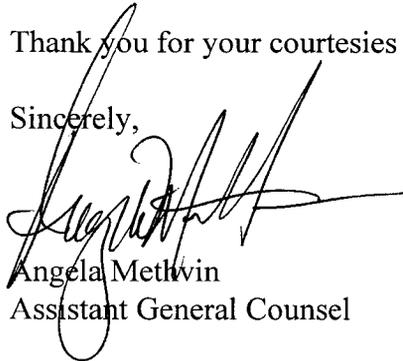
Regency Plaza, 3710 Rawlins, Suite 800, Dallas, Texas 75219  
Telephone: (214) 559-4353 Fax: (214) 559-4335

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 Dallas County, Texas, with the request that the suit be filed, service be obtained, and a file-marked copy of the petition be returned to the undersigned.

Also enclosed are a pre-addressed envelope for your use in transmitting the petition, etc., to the District Clerk of Dallas County, Texas, and a return envelope to be sent to the District Clerk of Dallas County, Texas, for the Clerk's use in returning a file-marked copy of the Petition to the undersigned.

Thank you for your courtesies in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Angela Methvin', written over a printed name and title.

Angela Methvin  
Assistant General Counsel

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

EXECUTIVE ASS'T  
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASS'T  
JIM HUTCHESON

ADMINISTRATIVE ASS'T  
NADINE SCHNEIDER

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

AUG 04 1999

Honorable James O. Mullin  
Judge, 43<sup>rd</sup> District Court  
One Courthouse Square  
Weatherford, Texas 76086

Dear Judge Mullin:

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 Ms. Methvin and Mr. Barragan, and a copy of the letter to the District Clerk of Dallas County.

We then recommend that, either before or immediately after you set the case for trial, the Dallas County District Court Administrative Office (214-653-6510) 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 (214-653-2943) 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



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

DEPUTY EXECUTIVE ASS'T  
JIM HUTCHESON

ADMINISTRATIVE ASS'T  
NADINE SCHNEIDER

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

AUG 04 1999

The Honorable Jim Hamlin  
District Clerk of Dallas County  
George L. Allen Courts Building  
600 Commerce Street  
Dallas, Texas 75202

Dear Mr. Hamlin:

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. Willie R. Barragan, and a copy of the Supreme Court's order appointing the Honorable James O. Mullin, Judge of the 43<sup>rd</sup> District Court of Weatherford, Texas, to preside in this Disciplinary Action.

Sincerely,

**SIGNED**

John T. Adams  
Clerk

cc: Honorable James O. Mullin  
Ms. Angela Methvin  
Mr. Willie R. Barragan



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

DEPUTY EXECUTIVE ASS'T  
JIM HUTCHESON

ADMINISTRATIVE ASS'T  
NADINE SCHNEIDER

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

436 0 4 1999

Ms. Angela Methvin  
Assistant General Counsel, State Bar of Texas  
3710 Rawlins, Suite 800  
Dallas, Texas 75219

Mr. Willie R. Barragan  
c/o Carl Hays  
727 S. R.L. Thornton Freeway  
Dallas, Texas 75203

Dear Ms. Methvin and Mr. Barragan:

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 James O. Mullin, Judge of the 43<sup>rd</sup> District Court, Weatherford, Texas to preside in

*Commission for Lawyer Discipline v. Willie R. Barragan*

Sincerely,

**SIGNED**

John T. Adams  
Clerk