

**CITATION - PERSONAL SERVICE**  
**THE STATE OF TEXAS, COUNTY OF WILLIAMSON**  
**NO. 12-1093-C26**

**COMMISSION FOR LAWYER DISCIPLINE V. KEN ANDERSON**

TO: Ken Anderson  
277th District Court  
405 Martin Luther King  
Georgetown TX 78627

DEFENDANT in the above styled and numbered cause:

YOU HAVE BEEN SUED. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment for the relief demanded in the petition may be taken against you.

Attached is a copy of the DISCIPLINARY PETITION in the above styled and numbered cause, which was filed on the 4th day of October, 2012 in the 26th Judicial District Court of Williamson County, Texas. This instrument describes the claim against you. Also attached is a copy of the ORDER OF THE SUPREME COURT OF TEXAS filed with Williamson County, Texas.

ISSUED AND GIVEN UNDER MY HAND AND SEAL of said Court at office on this the 4th day of October, 2012.

ADDRESS OF LEAD ATTORNEY FOR PLAINTIFF:

Laura Bayouth Popps  
Office of the Chief Disciplinary Counsel  
State Bar of Texas  
PO Box 12487 Capitol Station  
Austin TX 78711-2487

LISA DAVID, DISTRICT CLERK  
Williamson County, Texas  
P. O. Box 24, 405 M.L.K. Street  
Georgetown, Texas 78627-0024

BY: M. Sheffield  
Mirra Sheffield, Deputy

**RETURN OF SERVICE**

Came to hand on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_ o'clock \_\_\_\_ M. and executed at \_\_\_\_\_, within the County of \_\_\_\_\_, at \_\_\_\_ o'clock \_\_\_\_ M. on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by delivering to the within named \_\_\_\_\_, in person a true copy of this citation, with a true and correct copy of the DISCIPLINARY PETITION attached thereto, having first endorsed on such copy of citation the date of delivery.

\* **NOT EXECUTED**, the diligence used to execute being (show manner of delivery) \_\_\_\_\_; for the following reason \_\_\_\_\_

the defendant may be found at \_\_\_\_\_

*\*Strike if not applicable.*

TO CERTIFY WHICH WITNESS MY HAND OFFICIALLY \_\_\_\_\_ COUNTY, TEXAS  
\_\_\_\_\_ SHERIFF/CONSTABLE BY: \_\_\_\_\_ DEPUTY

**FEE FOR SERVICE OF CITATION : \$**

**COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE, OR CLERK OF THE COURT.**

*In accordance with Rule 107: The officer or authorized person who serves, or attempts to serve, a citation shall sign the return.*

My name is \_\_\_\_\_, my date of birth is \_\_\_\_\_, and my address is \_\_\_\_\_  
Please print (First, Middle, Last)

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT. \_\_\_\_\_ (Street, City, Zip)

Executed in \_\_\_\_\_ County, State of \_\_\_\_\_, on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Declarant/Authorized Process Server

ID # & expiration of certification

COPY



\* RETURN ORIGINAL TO WILLIAMSON COUNTY DISTRICT CLERK \*



# The Supreme Court of Texas

CHIEF JUSTICE  
WALLACE B. JEFFERSON

201 West 14th Street Post Office Box 12248 Austin TX 78711  
Telephone: 512/463-1312 Facsimile: 512/463-1365

CLERK  
BLAKE A. HAWTHORNE

JUSTICES  
NATHAN L. HECHT  
DAVID M. MEDINA  
PAUL W. GREEN  
PHIL JOHNSON  
DON R. WILLETT  
EVA M. GUZMAN  
DEBRA H. LEHRMANN

GENERAL COUNSEL  
JENNIFER L. CAFFERTY

ADMINISTRATIVE ASSISTANT  
NADINE SCHNEIDER

PUBLIC INFORMATION OFFICER  
OSLER McCARTHY

October 3, 2012

Ms. Laura Bayouth Popp  
Deputy Counsel for Administration  
State Bar of Texas  
P.O. Box 12487, Capitol Station  
Austin, Texas 78711-2487

Mr. Ken Anderson  
c/o Mr. Eric J. R. Nichols  
515 Congress Avenue, Ste. 1750  
Austin, Texas 78701-3503

Dear Ms. Popp and Mr. Anderson:

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 Kelly G. Moore, Judge of the 121st District Court, Terry and Yoakum Counties, Texas, to preside in the disciplinary case styled: *Commission for Lawyer Discipline v. Ken Anderson*. Unless otherwise directed, all future case papers should be filed in Williamson County.

Sincerely,

Blake Hawthorne  
Clerk

FILED

at 8 o'clock A.M.



OCT 04 2012

District Clerk, Williamson Co., TX.



The Supreme Court of Texas

CHIEF JUSTICE  
WALLACE B. JEFFERSON

201 West 14th Street Post Office Box 12248 Austin TX 78711  
Telephone: 512/463-1312 Facsimile: 512/463-1365

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JENNIFER L. CAFFERTY

ADMINISTRATIVE ASSISTANT  
NADINE SCHNEIDER

PUBLIC INFORMATION OFFICER  
OSLER MCCARTHY

October 3, 2012

The Honorable Kelly G. Moore  
121st District Court  
500 W. Main, Room 302W  
Brownfield, Texas 79316

Dear Judge Moore:

The Supreme Court has assigned you to a District Court of Williamson County to preside in a disciplinary case styled: *Commission for Lawyer Discipline v. Ken Anderson*. We enclose for your information a copy of the order of assignment, the Disciplinary Action, the notification letter to Ms. Popp and Mr. Anderson, and the letter to the District Clerk of Williamson County.

We recommend that within six to eight weeks, you contact the Williamson County District Clerk's Office (512.943.1212) to find out the district court to which this disciplinary case has been assigned, as well as the name and address of Respondent's counsel. We then recommend that, either before or immediately after you set the case for trial, you again contact the court administrator 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 (512.943.1226) to obtain information on lodging, allowable expenses, and claims forms for your expenses incident to presiding over this disciplinary case.

Sincerely,

*Blake A. Hawthorne*

Blake Hawthorne  
Clerk

Enclosures

FILED  
at 9 o'clock AM



OCT 04 2012

*Lisa David*

District Clerk, Williamson Co., TX.

ORDER OF THE SUPREME COURT OF TEXAS

Misc. Docket No. 12-9159

12-1093-C26

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

The Supreme Court of Texas hereby appoints the Honorable Kelly G. Moore, Judge of the 121st District Court, Terry and Yoakum Counties, Texas, to preside in the Disciplinary Action styled:

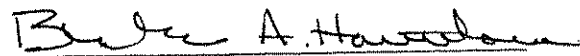
*The Commission for Lawyer Discipline v. Ken Anderson*

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 the Disciplinary Petition and 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 ~~26~~ day of September, 2012.

  
BLAKE HAWTHORNE, CLERK  
SUPREME COURT OF TEXAS

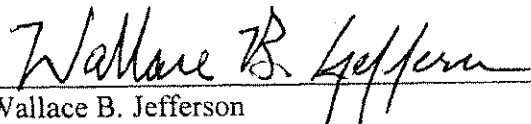
FILED  
at 9 o'clock A M

OCT - 4 2012

  
*Lisa David*  
District Clerk, Williamson Co., TX.

This assignment, made by Misc. Docket No. 12-9159, is also an assignment by the Chief Justice of the Supreme Court of Texas pursuant to Texas Government Code, § 74.057.

Signed this 26<sup>th</sup> day of September, 2012.

  
\_\_\_\_\_  
Wallace B. Jefferson  
Chief Justice

CAUSE NO. 12-1093-C26

COMMISSION FOR LAWYER  
DISCIPLINE

V.

KEN ANDERSON

§  
§  
§  
§  
§  
§

IN THE DISTRICT COURT OF

WILLIAMSON COUNTY, TEXAS

26 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, Ken Anderson, State Bar Card No. 01196500 (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, Texas Rules of Civil Procedure.

II.

Petitioner brings this disciplinary action pursuant to the State Bar Act, Tex. Gov't. Code Ann. § 81.001, et seq. (Vernon 1998), the Texas Disciplinary Rules of Professional Conduct and the Texas Rules of Disciplinary Procedure. The complaint which forms the basis of this Disciplinary Petition was filed on or about November 28, 2011.

III.

Respondent is an attorney licensed to practice law in Texas and a member of the State Bar of Texas. Respondent has his principal place of practice in Williamson County, Texas. Respondent, Ken Anderson, may be served with process by U. S. Mail, Certified, Return Receipt Requested to his attorney of record Eric J.R. Nichols, 515 Congress Ave., Ste. 1750, Austin, Texas 78701-3503.

**FILED**

at 8 o'clock AM



*Elizabeth*  
04 2012 *Dawide*

*Lisa David*

District Clerk, Williamson Co., TX.

#### IV.

In August of 1986, Christine Morton was murdered in Williamson County, Texas. Respondent, Ken Anderson, was the Williamson County District Attorney and lead prosecutor of Michael Morton who was charged with his wife's murder. The case against Michael Morton went to a jury trial in February of 1987. The defense theory at trial was that the murder was committed by an unknown intruder. The jury found Morton guilty of murder and he was sentenced to life in prison.

Before, during and after the 1987 trial, Respondent knew of the existence of several pieces of evidence and withheld same from defense counsel, including: (1) a memo to Don Wood, sheriff's deputy and lead investigator in the case, regarding a telephone tip about a check made out to Mrs. Morton that was cashed nine days after her murder, (2) a telephone message to Wood informing him that a credit card had been recovered in a San Antonio store, (3) a sheriff's deputy report stating that neighbors had described seeing a man park a green van on the street behind the Morton home on several occasions prior to the murder, (4) a transcript of a taped interview between Wood and Mrs. Morton's mother, Rita Kirkpatrick, wherein Kirkpatrick disclosed that the Mortons' 3-year old son had described to her witnessing the murder, had given details of the murder, and had told her that his father was not home at the time of the murder, and (5) a report from Wood prepared August 24, 1986, containing a condensed version of the transcript referenced above. Further, during a pre-trial hearing, Respondent affirmatively told the trial court that he had no evidence favorable to the accused. That statement was false.

#### V.

By his conduct as alleged in paragraph IV, Respondent has violated the following Texas Disciplinary Rules of Professional Conduct for which he should be disciplined pursuant to Rule 3.09 of the Texas Rules of Disciplinary Procedure.

- Rule 1-102(A)(5) A lawyer shall not engage in conduct that is prejudicial to the administration of justice;
- Rule 7-102(A)(3) In representing a client, a lawyer shall not conceal or knowingly fail to disclose that which he is by law required to reveal;
- Rule 7-102(A)(5) In his representation of a client, a lawyer shall not knowingly make a false statement of law or fact;
- Rule 7-103(B) A public prosecutor or other government lawyer in criminal litigation shall make timely disclosure to counsel for the defendant, or to the defendant if he has no counsel, of the existence of evidence, known to the prosecutor or other government lawyer, that tends to negate the guilt of the accused, mitigate the degree of the offense, or reduce the punishment; and
- Rule 7-109(A) A lawyer shall not suppress any evidence that he or his client has a legal obligation to reveal or produce.

## VI.

The complaint which forms the basis of the Cause of Action set forth above was brought to the attention of the Office of the Chief Disciplinary Counsel of the State Bar of Texas by Julie Oliver filing a complaint against Respondent on or about November 28, 2011.

## 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 attorney's fees.

Respectfully submitted,

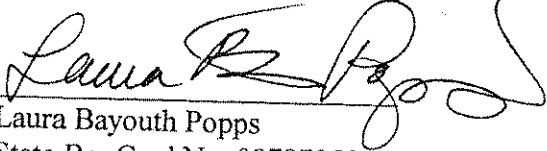
**Linda A. Acevedo**  
Chief Disciplinary Counsel

**Laura Bayouth Popp**  
Deputy Counsel for Administration

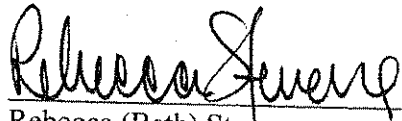
**Rebecca (Beth) Stevens**  
Assistant Disciplinary Counsel



Office of the Chief Disciplinary Counsel  
STATE BAR OF TEXAS  
P.O. Box 12487, Capitol Station  
Austin, Texas 78711-2487  
Telephone: 512.427.1350  
Facsimile: 512.427.4167



Laura Bayouth Popps  
State Bar Card No. 00787050



Rebecca (Beth) Stevens  
State Bar Card No. 24065381

Attorneys for Petitioner

# STATE BAR OF TEXAS



Office of the Chief Disciplinary Counsel

August 13, 2012

Lisa David  
Williamson County District Clerk  
P.O. Box 24  
Georgetown, TX 78627

*24*

Re: Commission for Lawyer Discipline v. Ken Anderson

Dear Ms. David:

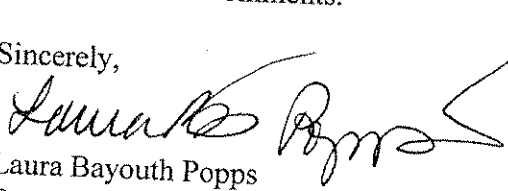
I have enclosed for filing the original and two (2) copies of Petitioner's Disciplinary Petition, along with State Bar of Texas check no. 174407 in the amount of \$243.00 in payment of filing fees and preparation of citation in this matter.

Along with this Disciplinary Petition you should have also received a Judicial Appointment from the Supreme Court of Texas assigning a Judge from outside Williamson County to hear this disciplinary matter. Please be sure to include this Judicial Appointment when you prepare Citation of the Disciplinary Petition.

Please file the original petition with the court and place your file-mark with today's date on the duplicate copies. Please return the file-marked copies of the Disciplinary Petition and Citation to me in the enclosed self-addressed, postage paid envelope. Our office will have these documents personally served on Mr. Anderson.

Thank you in advance for your assistance in this matter. Please do not hesitate to call me if you have any questions or comments.

Sincerely,

  
Laura Bayouth Popps  
Deputy Counsel for Administration  
Office of the Chief Disciplinary Counsel  
State Bar of Texas

RES/smh  
Enclosures

**FILED**

at \_\_\_\_\_ o'clock \_\_\_\_\_

OCT. 04 2012

  
District Clerk, Williamson Co., TX



# The Supreme Court of Texas

CHIEF JUSTICE  
WALLACE B. JEFFERSON

201 West 14th Street Post Office Box 12248 Austin TX 78711  
Telephone: 512/463-1312 Facsimile: 512/463-1365

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GENERAL COUNSEL  
JENNIFER L. CAFFERTY

ADMINISTRATIVE ASSISTANT  
NADINE SCHNEIDER

PUBLIC INFORMATION OFFICER  
OSLER McCARTHY

October 3, 2012

The Honorable Lisa David  
District Clerk, Williamson County  
P. O. Box 24  
Georgetown, Texas 78627

Dear Ms. David:

Pursuant to Rule 3.03 of the Texas Rules of Disciplinary Procedure, I am sending for filing State Bar of Texas Disciplinary Action styled: *Commission for Lawyer Discipline v. Ken Anderson* and a copy of the Supreme Court's order appointing the Honorable Kelly G. Moore, Judge of the 121st District Court, Terry and Yoakum Counties, Texas to preside in this Disciplinary Action.

Sincerely,

A handwritten signature in cursive script that reads "Blake A. Hawthorne".

Blake Hawthorne  
Clerk

cc: Hon. Kelly G. Moore, 121st District Court  
Ms. Laura Bayouth Popps, Deputy Counsel for Administration, State Bar of Texas  
Mr. Ken Anderson, Respondent

FILED

at \_\_\_\_\_ o'clock \_\_\_\_\_ M

OCT 04 2012

*Lisa David*  
District Clerk, Williamson Co., TX.