

PETITION FOR SUSPENSION OR
DISBARMENT OF

JAMES W. HOWELL, ATTORNEY AT LAW

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW
8001

TO THE HONORABLE TELFAIR J. MASHBURN, JUDGE OF THE CIRCUIT COURT
OF BALDWIN COUNTY, ALABAMA:

Now comes William H. Morrow, as General Counsel of the
Alabama State Bar Association, and shows unto the court and your
Honor as follows:

1. James W. Howell is over twenty-one years of age, and a
resident of Baldwin County, Alabama, who is licensed to practice as
an Attorney at Law in Baldwin County, Alabama, and is now practic-
ing as an Attorney at Law at Foley in Baldwin County, Alabama.

2. Prior to the filing of this proceeding the said James W.
Howell has been guilty of deceit or wilful misconduct in the prac-
tice of his profession in each of the following separate and sev-
eral instances:

(A) Prior to February 4, 1967, the said James W.
Howell had been employed as an attorney to represent Pauline
Williams in connection with the sale of real property owned by
Pauline Williams and situated in Baldwin County, Alabama. James W.
Howell acted as attorney for Pauline Williams and sold real prop-
erty in Baldwin County, Alabama belonging to her. On, to-wit,
February 4, 1967, Rhodes Bros. Farm gave its check for \$1,000.00,
drawn on the Farmers and Merchants Bank, Foley, Alabama, to James W.
Howell, Attorney in Fact for Pauline M. Williams. This check was
endorsed by James W. Howell. On, to-wit, February 28, 1967, Rhodes
Bros. Farm gave its check for \$9,000.00, drawn on the Farmers and
Merchants Bank, Foley, Alabama, payable to James W. Howell, Attorney
in Fact for Pauline Moore Williams. This check was endorsed by
James W. Howell. While acting as attorney for Pauline Williams,

who is the same person as Pauline Moore Williams, James W. Howell collected \$560.00 rent from Louis Mannich, which said rent money was the property of Pauline Williams.

The said James W. Howell retained the said sum of \$10,560.00 and did not remit it to his said client and on, to-wit, December 20, 1967, Paul LaRue, as the agent of Pauline Williams, notified the Secretary of the Alabama State Bar Association of the said facts, after which a letter was written to the said James W. Howell by the Alabama State Bar stating, in substance, that a complaint had been made against him because of his handling of the Williams matter. Subsequent to the writing of the said letter James W. Howell went to North Carolina and delivered a check for \$8,000.00 to his client, Pauline Williams. He still retains \$2560.00.

(B) During the month of December, 1967, or during the month of January, 1968, the said James W. Howell, while acting as an Attorney at Law, falsely represented to Thomas M. Stevens, II, certain facts, all of the details of which are not now known to the undersigned General Counsel for the Alabama State Bar, but by means of such false representations obtained from the said Thomas M. Stevens, II, the sum of \$18,000.00. The said Thomas M. Stevens, II, has filed a suit against James W. Howell on the law side of the Circuit Court of Mobile County, Alabama, which is case No. 24606, in which he is seeking to recover the said sum of \$18,000.00 and in the said case has issued a writ of garnishment to Alice J. Duck, as Clerk of the Circuit Court of Baldwin County, Alabama, as garnishee. The undersigned alleges that the said sum of \$18,000.00, which was obtained by the said James W. Howell from the said Thomas M. Stevens, II, was deposited in the First National Bank, Mobile, Alabama, in a trust account in the name of James W. Howell.

The said First National Bank has also been named as a garnishee in the said suit which was filed by Thomas M. Stevens, II, against the said James W. Howell.

(C) During the month of December, 1967, or in the month of January, 1968, the said James W. Howell, while acting as an Attorney at Law, made false representations, the details of which are not now fully known to the undersigned, to Donald C. Linden and Harry M. Linden and obtained from them the sum of \$6,000.00. The said Donald C. Linden and Harry M. Linden have filed a suit against James Howell, who is the same person as James W. Howell, in the Circuit Court of Baldwin County, Alabama, Law Side, which is case No. 7973, to recover the said sum of \$6,000.00, which case is now pending.

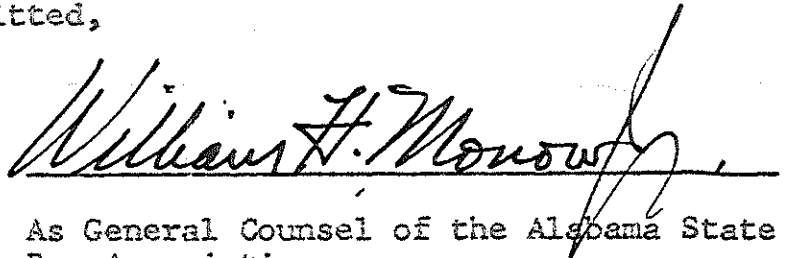
(D) Prior to September 25, 1967, the said James W. Howell was employed as an attorney to represent the Loan Star Cement Corporation in selling to Howard and Latham Rhodes a tract of land in Baldwin County, Alabama, which sale was completed by the delivery of a deed from Loan Star Cement Corporation to Howard Rhodes and Latham Rhodes dated on, to-wit, October 6, 1967. The selling price of the said property, as described in the said deed, which is referred to above, was \$12,600.00, which amount was paid to James W. Howell as said attorney. He retained the said sum of money and did not remit it to his client until on, to-wit, January 10, 1968, when he sent to his client check No. 2 drawn by James W. Howell, Trust Account, on the First National Bank, Mobile, Alabama, in the amount of \$11,300.00, which was dated January 10, 1967. The said check was returned by the bank on which it was drawn with a notation to the effect that there was a garnishment against the account. It is alleged on information and belief that

the money deposited in the said trust account of the said James W. Howell in the First National Bank, Mobile, Alabama, is the \$18,000 which was obtained by him from Thomas M. Stevens, II, as outlined in paragraph 2(B) above.

WHEREFORE, petitioner prays that a date be set for hearing this petition and that notice of the filing of this petition and of the date set for hearing same be given to the said James W. Howell; that on the date set for hearing the said petition the said James W. Howell be removed, suspended or disbarred from the practice of law as provided by Title 46, Sections 50 and 51 of the Code of Alabama.

Petitioner further prays that such other orders be made in this matter as are necessary and proper.

Respectfully submitted,


As General Counsel of the Alabama State
Bar Association

FILED
FEB 19 1968

AME J. DUCK CLERK
REGISTER

IN THE MATTER OF

PETITION FOR SUSPENSION OR
DISBARMENT OF JAMES W. HOWELL,
ATTORNEY AT LAW

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. _____

ORDER SETTING DAY TO HEAR PETITION

Proceedings to remove, suspend or disbar James W. Howell, an attorney practicing in Baldwin County, Alabama, having been filed in this cause on this date by William H. Morrow, Jr., as General Counsel of the Alabama State Bar Association, and the said motion or petition having been considered by this court, it is ORDERED AND ADJUDGED that the said motion or petition be and the same is hereby set for hearing on its merits at 1:30 o'clock P. M., on February 28, 1968, at the courthouse in Bay Minette, Alabama.

Notice of the filing of the said motion or petition and of the date set for hearing same shall be given to the said James W. Howell by serving a copy of the said motion or petition and a copy of this order on him.

Done on this the 19th day of February, 1968.

William H. Morrow
Judge

FILED

FEB 19 1968

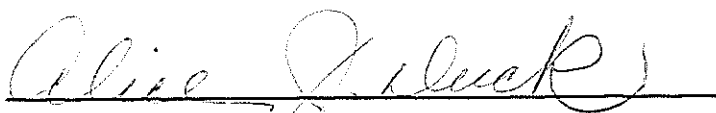
ALICE J. BEEK
CLERK
REGISTER

STATE OF ALABAMA Ø
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BALDWIN COUNTY Ø

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon JAMES W. HOWELL, Foley, Alabama, to appear at the courthouse in Bay Minette, Alabama, at 1:30 o'clock P. M., on February 28, 1968, to answer the petition filed in this cause on this date by William H. Morrow, Jr., as General Counsel of the Alabama State Bar Association, a copy of which petition is hereto attached, which petition has been set for hearing as appears from a copy of the order of this court made on this date which is hereto attached.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 19th day of February, 1968.



Clerk, Circuit Court

8001

Petition for Suspension
or Disbarment of

James W. Howell
Atty At Law.

19 day of Dec. 1868

19 day of Dec. 1868

copy of the within Pet.
James W. Howell

seen

TAYLOR WILKINS, Sheriff
Charles L. Childers

July

month ending 22 1868

by Charles Childers
DEPUTY SHERIFF

William A. Morrow, Jr.

PETITION FOR SUSPENSION OR
DISBARMENT OF

JAMES W. HOWELL, ATTORNEY AT LAW

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

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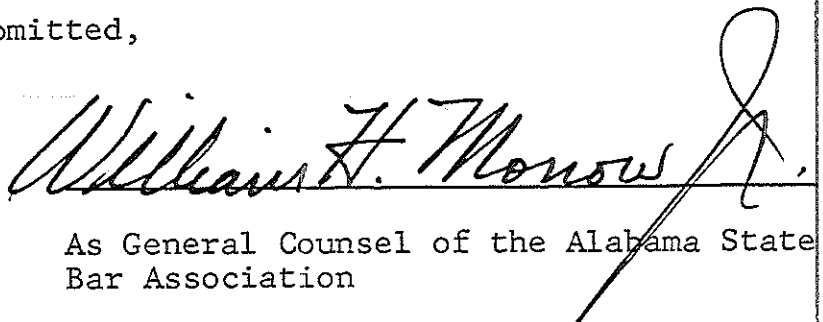
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Respectfully submitted,


As General Counsel of the Alabama State
Bar Association

FILED

FEB 19 1968

ALICE J. DICK CLERK
REGISTER

IN THE MATTER OF

PETITION FOR SUSPENSION OR
DISBARMENT OF JAMES W. HOWELL,
ATTORNEY AT LAW

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 8001

ORDER SETTING DAY TO HEAR PETITION

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Done on this the 19th day of February, 1968.

James W. Morrow
Judge

71 58
71 12
FEB 19 1968

ALICE A. FURST CLERK
ALICE C. BOON REGISTER

IN THE MATTER OF

PETITION FOR SUSPENSION OR
DISBARMENT OF JAMES W. HOWELL,
AN ATTORNEY AT LAW

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 8001

FINAL JUDGMENT

In this cause the court judicially knows that shortly after the filing of the petition in this cause, the defendant, James W. Howell, surrendered his license to practice law to the Supreme Court of Alabama, moved from the State of Alabama, and is no longer practicing law, because of which this cause has become moot.

This cause shall be and it is hereby dismissed with prejudice, and the costs of this proceeding are hereby taxed against the Alabama State Bar Association.

DONE on this the 14th day of June, 1971.

Jeffrey J. Marshall
Circuit Judge