

**ORDER OF THE SUPREME COURT OF TEXAS**

**Misc Docket No. 97- 9223**

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

The Supreme Court of Texas hereby appoints the Honorable Robin D. Sage, Judge of the 307th District Court of Gregg County, Texas, to preside in the Disciplinary Action styled:

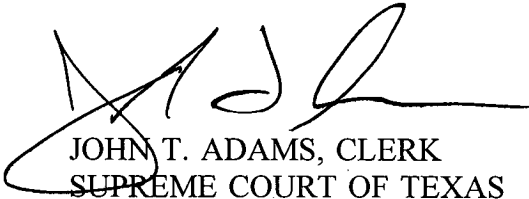
**The Commission for Lawyer Discipline v. Adjua A. Umoja**

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

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

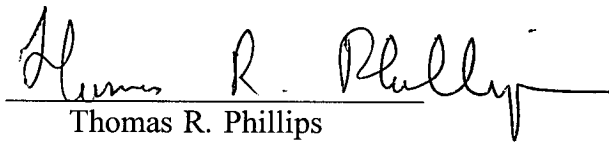
with the Seal thereof affixed at the City  
of Austin, this 10th day of December, 1997.



JOHN T. ADAMS, CLERK  
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 97-9223, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 11 day of December, 1997.

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

Thomas R. Phillips  
Chief Justice

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

COMMISSION FOR LAWYER DISCIPLINES

IN THE DISTRICT COURT OF

VS

§

\_\_\_\_\_ COUNTY, TEXAS

§

ADJUA A. UMOJA

§

\_\_\_\_\_ JUDICIAL DISTRICT

§

ORIGINAL 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, complaining of Respondent, **Adjua A. Umoja**, showing the Court:

I.

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 with the State Bar of Texas on or after May 1, 1992.

II.

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 her principal place of practice in Harris County, Texas. An officer may serve citation on Respondent at her business address located at 6100 Hillcroft, Suite 770, Houston, Harris County, Texas 77081.

### III.

Respondent represented Shaston Jiles in a personal injury matter. Ms. Jiles was treated by Rawle Andrews, a medical provider. Respondent had sent a letter guaranteeing payment of the medical bills upon settlement of Ms. Jiles' case. Respondent settled Mr. Jiles' case for Nine Thousand Dollars (\$9,000.00). Respondent withheld Three Thousand Dollars (\$3,000.00) from the settlement to pay the medical bills. However, the medical bills for treatment for Mr. Jiles were Eight Thousand Dollars (\$8,000.00).

On or about November 13, 1995, Respondent offered to pay Dr. Andrews One Thousand Dollars (\$1,000.00) and the balance of his total bill within six (6) weeks. On November 15, 1995, Dr. Andrews wrote to Respondent and agreed to accept the \$3,000.00 Respondent had withheld from the settlement, and accept the balance due and owing by December 31, 1995. Respondent did not pay anything to Dr. Andrews at that time.

On or about June 30, 1994, the balance in Respondent's attorney trust account was a negative Fifteen Dollars and Fifty-nine Cents (-\$15.59). On July 1, 1994, Respondent deposited the settlement funds for Mr. Jiles into her Client Trust Account. The settlement amount was Nine Thousand Dollars (\$9,000.00) and Respondent deposited Eight Thousand Nine Hundred Dollars (\$8,900.00), withdrawing One Hundred Dollars (\$100.00) in cash at the time of the deposit.

On or about July 7, 1994, Respondent wrote check number 1560, payable to herself, in the amount of One Thousand Five Hundred Dollars (\$1,500.00), noting that

it was for attorneys' fees in the Jiles' case. On or about July 8, 1994, Respondent wrote her check number 1562 payable to attorney Arthur L. Jackson in the amount of One Thousand Five Hundred Dollars (\$1,500.00), noting it was for attorneys' fees on the Jiles' case. On or about July 8, 1994, Respondent also wrote check number 1563 payable to attorney Arthur L. Jackson in the amount of Two Thousand Two Hundred Fifty Dollars (\$2,250.00), noting that it was for attorneys' fees on the Shaston Jiles criminal case.

As of July 8, 1994, Respondent had already disbursed Five Thousand Three Hundred Fifty Dollars (\$5,350.00) from the Jiles settlement funds. This left a remainder of Three Thousand Six Hundred Fifty Dollars (\$3,650.00) in her attorney trust account for the Jiles settlement. The bank records show no evidence that Shaston Jiles was ever paid any money from the settlement after the funds were received except for the funds paid to his attorney Arthur L. Jackson for the criminal case. At the end of July 1994, the balance in Respondent's attorney trust account was Two Thousand Two Hundred Twenty-seven Dollars and Ten Cents (\$2,227.00).

In subsequent months, Respondent's attorney trust account indicated a pattern of use for the operation of her law practice and for her personal use. On or about August 8, 1994, the balance in Respondent's attorney trust account was One hundred Eight Dollars and Forty Cents (\$108.40). On or about September 9, 1994, the balance in Respondent's attorney trust account was once again in the negative in the amount of Twenty-seven Dollars and Forty-two Cents (-\$27.42), and Respondent was issuing checks on insufficient funds. During this time, Respondent had made other deposits, yet the trust account records indicate Respondent had spent

all of the money she had withheld from the Jiles settlement to pay to Rawle Andrews.

At the time of Respondent's offer in November 1995 to pay One Thousand Dollars (\$1,000.00) to Complainant, over a year from the time of Respondent's receipt of the money, none of the money from the Jiles settlement was in Respondent's trust account.

#### IV.

By failing to maintain the money Respondent received from the Jiles settlement in a trust or escrow account until the disputes over its ownership were resolved, Respondent engaged in conduct in violation of Rules 1.14(a)[ a lawyer shall hold funds and other property belonging in whole or in part to clients or third persons in a lawyer's possession in connection with a representation separate from the lawyer's own property in a trust or escrow account]; 1.14(b)[a lawyer shall, upon receiving funds or other property in which a client or a third person has an interest, promptly notify the client or third person and render a full accounting upon request]; 1.14(c) [ when in the course of a representation a lawyer is in possession of funds or other property in which both the lawyer and another person claim interests, the property shall be kept separate by the lawyer until there is an accounting and severance of their interest. If a dispute arises concerning their respective interests, the portion in dispute shall be kept separate by the lawyer until the dispute is resolved, and the undisputed portion shall be distributed appropriately]; 1.15(d)[upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the

client is entitled); **8.04(a)(1)**[a lawyer shall not knowingly violate the Texas Disciplinary Rules of Professional Conduct]; **8.04(a)(2)**[ a lawyer shall not commit a serious crime or commit any other criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects]; **8.04(a)(3)**[ a lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation]; and **8.04(a)(12)**[ a lawyer shall not violate any other laws of this state relating to the professional conduct of lawyers and to the practice of law] of the Texas Disciplinary Rules of Professional Conduct, and of Rule 1.06(Q) of the Texas Rules of Disciplinary Procedure.

**V.**

The complaint which forms the basis of this lawsuit as hereinabove set forth was brought to the attention of the Office of the General Counsel of the State Bar of Texas by the filing of a complaint by Rawle Andrews on or about August 7, 1996.

**PRAYER**

**WHEREFORE, PREMISES CONSIDERED,** Petitioner prays for judgment that Respondent, Adjua A. Umoja, be disciplined by reprimand, suspension, or disbarment, 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,

**Steven W. Young**  
General Counsel

**Mary F. Klapperich**  
Assistant General Counsel

Office of the General Counsel  
State Bar of Texas

1111 Fannin, Suite 1370  
Houston, Texas 77002  
(713) 759-6932  
(713) 752-2158 FAX

*Mary F. Klapperich*

**MARY F. KLAPPERICH**

State Bar of Texas No. 11550700

**ATTORNEYS FOR PETITIONER**



# STATE BAR OF TEXAS



Office of the General Counsel

November 6, 1997

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

***Re: Commission for Lawyer Discipline v. Adjua A. Umoja***

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 Adjua A. Umoja. Ms. Umoja is a resident of Harris County, Texas. 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 hereby made that you notify the Respondent at the address shown below and the undersigned of the identity and address of the judge assigned:

Ms. Adjua a. Umoja  
c/o Kurt G. Clarke  
Attorney-at-Law  
6100 Hillcroft, Suite 770  
Houston, Texas 77081

As a practical matter, I would respectfully suggest that you inquire with the judge to be appointed as to 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. If not, I would respectfully request that an alternate appointment be made.

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 Harris County, Texas, with the request that the suit be filed, citation be issued, and the citation, alone with a file-stamped copy of the petition, be returned to the undersigned.

Mr. John T. Adams, Clerk  
Supreme Court of Texas  
November 6, 1997

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I have enclosed a pre-addressed envelope for your use in transmitting the above reference documents, to the District Clerk of Harris County, Texas, and a return envelope to be sent to the District Clerk of Harris County, Texas, for the Clerk's use in returning a file-stamped copy of the petition to the undersigned.

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

Very truly yours,

A handwritten signature in cursive script, reading "Mary F. Klapperich". The signature is written in dark ink and is positioned above the typed name.

Mary F. Klapperich  
Assistant General Counsel

MFK/rr  
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

JUSTICES  
RAUL A. GONZALEZ  
NATHAN L. HECHT  
JOHN CORNYN  
CRAIG ENOCH  
ROSE SPECTOR  
PRISCILLA R. OWEN  
JAMES A. BAKER  
GREG ABBOTT

EXECUTIVE ASST  
WILLIAM L. WILLIS

ADMINISTRATIVE ASST  
NADINE SCHNEIDER

DEC 18 1997

Ms. Mary F. Klapperich  
Assistant General Counsel, State Bar of Texas  
1111 Fannin, Suite 1370  
Houston, Texas 77002

Mr. Adjua A. Umoja  
c/o Kurt G. Clarke  
Attorney at Law  
6100 Hillcroft, Suite 770  
Houston, Texas 77081

Dear Ms. Klapperich and Mr. Umoja:

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 Robin D. Sage, Judge of the 307<sup>th</sup> District Court of Longview, Texas to preside in

Commission for Lawyer Discipline v. Adjua A. Umoja

Sincerely,

**SIGNED**

John T. Adams  
Clerk



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE  
THOMAS R. PHILLIPS

POST OFFICE BOX 12248 AUSTIN, TEXAS 78711

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CLERK  
JOHN T. ADAMS

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NATHAN L. HECHT  
JOHN CORNYN  
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PRISCILLA R. OWEN  
JAMES A. BAKER  
GREG ABBOTT

EXECUTIVE ASS'T  
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T  
NADINE SCHNEIDER

DEC 18 1997

The Honorable Charles Bacarisse  
District Clerk of Harris County  
P.O. Box 4651  
Houston, Texas 77210

Dear Mr. Bacarisse:

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. Adjua A. Umoja, and a copy of the Supreme Court's order appointing the Honorable Robin D. Sage, Judge of the 307<sup>th</sup> District Court of Longview, Texas, to preside in this Disciplinary Action.

Sincerely,

**SIGNED**

John T. Adams  
Clerk

cc: Hon. Robin D. Sage  
Ms. Mary F. Klapperich  
Mr. Adjua A. Umoja

=



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE  
THOMAS R. PHILLIPS

POST OFFICE BOX 12248 AUSTIN, TEXAS 78711

CLERK  
JOHN T. ADAMS

JUSTICES  
RAUL A. GONZALEZ  
NATHAN L. HECHT  
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EXECUTIVE ASS'T  
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T  
NADINE SCHNEIDER

DEC 18 1997

Honorable Robin D. Sage  
Judge, 307<sup>th</sup> District Court  
101 E. Methvin Street, #463  
Longview, Texas 75601

Dear Judge Sage:

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. Umoja and Ms. Klapperich, and a copy of the letter to the District Clerk of Harris County.

It is recommended that, six to eight weeks after receipt of this letter, you contact the Harris County District Court Administrative Office (713-755-7593) 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, you again contact the Harris County District Court Administrative Office (713-755-6593) 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 (713-471-3911) 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