

**ORDER OF THE SUPREME COURT OF TEXAS**

**Misc Docket No. 97- 9233**

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

The Supreme Court of Texas hereby appoints the Honorable David K. Brooks, Judge of the 191st District Court of Dallas County, Texas, to preside in the Disciplinary Action styled:


**The Commission for Lawyer Discipline v. Regina M. Scrivner-Tibbs**

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

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

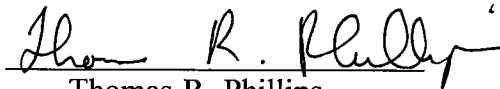
with the Seal thereof affixed at the City  
of Austin, this 30th day of December, 1997.

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

JOHN T. ADAMS, CLERK  
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 97-9233, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 5 day of January, 1998.

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

Thomas R. Phillips  
Chief Justice

COPY

No. \_\_\_\_\_

COMMISSION FOR LAWYER  
DISCIPLINE

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IN THE DISTRICT COURT OF

V.

BEXAR COUNTY, TEXAS

REGINA M. SCRIVNER-TIBBS

\_\_\_\_TH JUDICIAL DISTRICT

**DISCIPLINARY PETITION**

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now, Petitioner, COMMISSION FOR LAWYER DISCIPLINE, complaining of Respondent, REGINA M. SCRIVNER-TIBBS, and in support thereof would respectively show the Court the following:

**Parties**

Petitioner is the COMMISSION FOR LAWYER DISCIPLINE, a committee of the State Bar of Texas. Respondent, REGINA M. SCRIVNER-TIBBS, State Bar No. 17931200, is an attorney licensed to practice law in the State of Texas and is a member of the State Bar of Texas. Respondent is a resident of Bexar County, Texas, and her usual place of employment is 16239 Deer Crest, San Antonio, Bexar County, Texas 78248. No service is required.

**Venue**

Respondent's principal place of law practice is in Bexar County, Texas. Accordingly, pursuant to Texas Rules of Disciplinary Procedure 3.03, venue is proper in Bexar County, Texas.

## Professional Misconduct

### I.

Petitioner brings this disciplinary action pursuant to State Bar Act, Tex. Gov't. Code Ann., Sec. 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 this action was filed on or about June 2, 1997 by Hipolito Fabela. The acts and conduct of Respondent, as hereinafter alleged, constitute professional misconduct.

### II.

On or about January 7, 1997, Mr. Hipolito Fabela hired Respondent for representation in matters related to a December 13, 1996 auto accident in which Mr. Fabela's wife, Cynthia Carrisal Fabela, was killed. Respondent received a fee of \$51,000, which included a \$16,000 initial lump sum plus a 33 1/3% contingency fee on a \$104,000 insurance claim. Respondent failed to clearly communicate the basis or rate of her fee to Mr. Fabela. Respondent did not enter into a written contingent fee agreement with Mr. Fabela at the inception of the attorney-client relationship.

### III.

Respondent failed to provide Mr. Fabela with a settlement statement of insurance funds received and a statement of the fees to be charged for services rendered by Respondent.

### IV.

During the course of representation, Respondent failed to keep Mr. Fabela adequately informed about the status of his claims or failed to respond to some of Mr. Fabela's requests for information.

V.

The conduct of Respondent described above constitutes violations of Texas Disciplinary Rules of Professional Conduct as follows:

**Rule 1.03(b)** -- A lawyer shall explain a matter to the extent reasonable necessary to permit the client to make informed decisions regarding the representation.

**Rule 1.04(c)** -- When the lawyer has not regularly represented the client, the basis or rate of the fee shall be communicated to the client, preferably in writing, before or within a reasonable time after commencing the representation.

**Rule 1.04(d)** -- A contingent fee shall be in writing and shall state the method by which the fee is to be determined.

**Prayer**

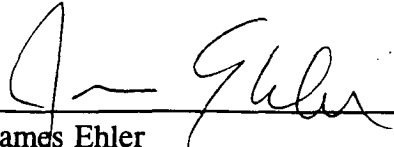
WHEREFORE, PREMISES CONSIDERED, Petitioner prays that a judgment of professional misconduct be entered against Respondent, REGINA M. SCRIVNER-TIBBS, and that Petitioner have such other relief to which it is entitled, including costs of court and attorney's fees.

Respectfully submitted,

Steven W. Young  
General Counsel

James Ehler  
Assistant General Counsel

Office of the General Counsel  
State Bar of Texas  
425 Soledad, Suite 300  
San Antonio, Texas 78205  
Telephone: (210) 271-7881  
Telecopier: (210) 271-9642



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James Ehler  
State Bar No. 06484650

ATTORNEYS FOR PETITIONER

# STATE BAR OF TEXAS



**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
P 135 471 523**

Office of the General Counsel  
Regional Office  
Soledad Plaza West  
425 Soledad, Suite 300  
San Antonio, Texas 78205  
(210) 271-7881  
FAX: (210) 271-9642

November 25, 1997

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

RE: Commission for Lawyer Discipline v. Regina M. Scrivner-Tibbs

Dear Mr. Adams:

Enclosed please find an original and three (3) copies of a Disciplinary Petition being filed by the Commission for Lawyer Discipline against Regina M. Scrivner-Tibbs. Ms. Scrivner-Tibbs has designated **Bexar County** as her 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 made that you notify the Respondent at the address shown below and the undersigned of the identity and address of the judge assigned:

Regina M. Scrivner-Tibbs  
16239 Deer Crest  
San Antonio, Texas 78248

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 as 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 three (3) copies of the Disciplinary Petition and the filing fee check, also enclosed herewith, and the Court's appointing order to the District Clerk of Bexar County, Texas, with the request that the suit be filed, service be obtained, and a filemarked copy of the petition returned to the undersigned.

Also enclosed are a pre-addressed envelope for your use in transmitting the petition, etc., to the District Clerk of Bexar County, Texas and a return envelope to be sent to the District Clerk of Bexar County, Texas, for the Clerk's use in returning a filemarked 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 "J. Ehler". The signature is written in a cursive style with a large initial "J" and a distinct "Ehler" following.

James Ehler  
Assistant General Counsel

Enclosures

JAE/tmg





## 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  
CRAIG T. ENOCH  
ROSE SPECTOR  
PRISCILLA R. OWEN  
JAMES A. BAKER  
GREG ABBOTT  
DEBORAH G. HANKINSON

TEL: (512) 463-1312

FAX: (512) 463-1365

EXECUTIVE ASS'T  
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T  
NADINE SCHNEIDER

JAN 09 1998

Honorable David K. Brooks  
Judge, 191<sup>st</sup> District Court  
George L. Allen Sr. Courts Building  
600 Commerce Street  
Dallas, Texas 75202

Dear Judge Brooks:

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. Ehler and Ms. Scrivner-Tibbs, and a copy of the letter to the District Clerk of Bexar County.

It is recommended that, six to eight weeks after receipt of this letter, you or your coordinator contact the Bexar County Administrative Office (210-220-2300) to find out the district court to which this disciplinary case has been assigned, names and addresses of counsel, etc. We then recommend that, either before or immediately after you set the case for trial, you contact the Presiding Judge of the Administrative Judicial Region into which you have been assigned (210-769-3519) to reserve a courtroom, obtain a court reporter, obtain 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

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EXECUTIVE ASS'T  
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T  
NADINE SCHNEIDER

JAN 09 1998

The Honorable David J. Garcia  
District Clerk of Bexar County  
100 Dolorosa Street  
San Antonio, Texas 78205-1205

Dear Mr. Garcia:

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. Regina M. Scrivner-Tibbs, and a copy of the Supreme Court's order appointing the Honorable David K. Brooks, Judge of the 191<sup>st</sup> District Court, Dallas, Texas, to preside in this Disciplinary Action.

Sincerely,

**SIGNED**

John T. Adams  
Clerk

cc: Hon. David K. Brooks  
Ms. Regina M. Scrivner-Tibbs  
Mr. James Ehler



## THE SUPREME COURT OF TEXAS

CHIEF JUSTICE  
THOMAS R. PHILLIPS

POST OFFICE BOX 12248      AUSTIN, TEXAS 78711

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EXECUTIVE ASS'T  
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T  
NADINE SCHNEIDER

JAN 09 1998

Mr. James Ehler  
Assistant General Counsel, State Bar of Texas  
425 Soledad, Suite 300  
San Antonio, Texas 78205

Ms. Regina M. Scrivner-Tibbs  
15239 Deer Crest  
San Antonio, Texas 78248

Dear Mr. Ehler and Ms. Scrivner-Tibbs:

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 David K. Brooks, Judge of the 191<sup>st</sup> District Court, Dallas, Texas to preside in

Commission for Lawyer Discipline v. Regina M. Scrivner-Tibbs

Sincerely,

**SIGNED**

John T. Adams  
Clerk