

ORDER OF THE SUPREME COURT OF TEXAS

Misc Docket No. 97-9131

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

The Supreme Court of Texas hereby appoints the Honorable John W. Weeks, Judge of the 42nd District Court of Taylor County, Texas, to preside in the Disciplinary Action styled:

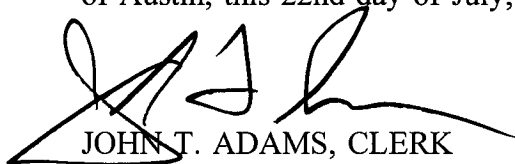
The Commission for Lawyer Discipline v. Sabrina E. Moss

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.

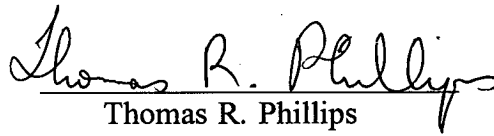
As ordered by the Supreme Court of Texas, in chambers,

with the Seal thereof affixed at the City
of Austin, this 22nd day of July, 1997.


JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 97-9131, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 22 day of July, 1997.

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

Thomas R. Phillips
Chief Justice

NO. _____

COMMISSION FOR LAWYER DISCIPLINE	§	IN THE DISTRICT COURT OF
V.	§	DALLAS COUNTY, TEXAS
SABRINA E. MOSS	§	_____ 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, Sabrina E. Moss, (hereinafter called "Respondent"), 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 on or after May 1, 1992.

II.

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 her principal place of practice in Dallas County, Texas. An officer may serve citation on Respondent at The Courtyard @ Las Colinas, 1320 Greenway Drive, Suite 220, Irving, Texas 75038.

FIRST CAUSE OF ACTION

III.

On or about November 30, 1992, Verna L. Cooks ("Cooks") hired Respondent to represent

her in a personal injury matter and signed a Power of Attorney and Contract (the "Contract"). Pursuant to the Contract, if a settlement was reached and Cooks recovered on her claim, Cooks agreed to allow Respondent to pay all of her medical expenses from the proceeds of the settlement, deduct attorney's fees and deliver the balance or net settlement to Cooks.

IV.

Cooks' claim subsequently settled for \$47,500.00, and on February 9, 1995, Cook signed a Disbursement of Recovery Statement (the "Statement") prepared by Respondent. The Statement listed the amount of Cooks' recovery; itemized deductions for medical expenses, miscellaneous expenses and attorney's fees; and set forth the balance of \$14,000.00 owed to Cooks. Respondent paid Cooks the \$14,000.00 and withheld the balance of the funds stating that she had paid or would pay Cooks' medical providers. Respondent failed to pay the medical providers.

V.

Approximately six months after her case was settled, Cooks began receiving telephone calls from her medical providers demanding payment. Respondent had failed to promptly notify the medical providers and advise them that she had received Cook's settlement and had failed to pay the medical providers with the funds she had withheld from the settlement.

VI.

As a result of the conduct described in Paragraph III, IV and V, Cooks filed a complaint against Respondent with the State Bar of Texas on August 12, 1996. On August 21, 1996, the State Bar of Texas sent, by certified mail return receipt requested, a letter to Respondent notifying her that a complaint alleging professional misconduct on her part had been filed against her by Cooks. In said letter, Respondent was advised that, pursuant to Rule 2.09 of the Texas Rules of Disciplinary

Procedure, she was required to file a written response with the State Bar of Texas within thirty (30) days of her receipt of the letter. Respondent received the letter on August 23, 1996. On September 20, 1996, Respondent requested and was granted a thirty (30) day extension within which to respond to Cooks' complaint. Respondent failed to furnish the State Bar of Texas a written response to the complaint within the time granted by the extension, and she failed to timely assert a privilege or other legal ground for her failure to furnish her response.

VII.

Such acts and/or omissions on the part of Respondent as are described in Paragraphs III, IV and V, hereinabove, which occurred on or after January 1, 1990, constitute conduct which violates Rules 1.14(b), 8.04(a)(1), 8.04(a)(2) and 8.04(a)(8) of the Texas Disciplinary Rules of Professional Conduct.

VIII.

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 Verna L. Cooks filing a complaint on or about August 12, 1996.

SECOND CAUSE OF ACTION

IX.

On or about August 29, 1995, Respondent issued Dr. Mark S. Bickley ("Bickley") a letter of protection confirming she had been retained to represent the interests of Barbara Felder ("Felder") in her claim for injuries and damages. In her letter of protection, Respondent agreed to protect Bickley's claims for services rendered at the time of monetary settlement.

X.

Relying on Respondent's letter of protection and anticipating payment from settlement proceeds, Bickley saw and treated Felder. The services that Bickley rendered to Felder amounted to thousands of dollars in fees.

XI.

Subsequently, Felder's case settled and Respondent withheld funds from the settlement amount to pay Bickley. Thereafter, Respondent failed to promptly notify Bickley that she had received remittance in settlement of her client's claim, and she failed to provide the funds withheld to Bickley, as promised in her letter of protection.

XII.

As a result of the conduct described in Paragraph IX, X and XI, Bickley filed a complaint against Respondent with the State Bar of Texas on July 26, 1996. On August 21, 1996, the State Bar of Texas sent, by certified mail return receipt requested, a letter to Respondent notifying her that a complaint alleging professional misconduct on her part had been filed against her by Cooks. In said letter, Respondent was advised that, pursuant to Rule 2.09 of the Texas Rules of Disciplinary Procedure, she was required to file a written response with the State Bar of Texas within thirty (30) days of her receipt of the letter. Respondent received the letter on August 23, 1996. On September 20, 1996, Respondent requested and was granted a thirty (30) day extension within which to respond to Cooks' complaint. Respondent failed to furnish the State Bar of Texas a written response to the complaint within the time granted by the extension, and she failed to timely assert a privilege or other legal ground for her failure to furnish her response.

XIII.

Such acts and/or omissions on the part of Respondent as are described in Paragraphs III, IV and V, hereinabove, which occurred on or after January 1, 1990, constitute conduct which violates Rules 1.14(b), 8.04(a)(1), 8.04(a)(2) and/or 8.04(a)(8) of the Texas Disciplinary Rules of Professional Conduct.

XIV.

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 Mark S. Bickley filing a complaint on or about July 26, 1996.

PRAYER

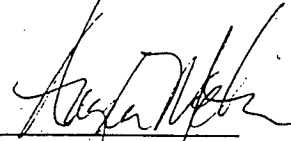
WHEREFORE, PREMISES CONSIDERED, Petitioner prays for judgment that Respondent be disciplined as the facts shall warrant; and that Petitioner have such other relief to which entitled, including costs of Court and attorney's fees.

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



Angela Methvin
State Bar Card No. 00792698

ATTORNEYS FOR PETITIONER

STATE BAR OF TEXAS



Office of the General Counsel

June 25, 1997

CMRRR NO. Z 339 406 512

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

RE: Commission for Lawyer Discipline v. Sabrina E. Moss

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 Sabrian E. Moss. Ms. Moss is a resident of Dallas 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 made that you notify the Respondent at the address shown below and the undersigned of the identity and address of the judge assigned:

**Sabrina E. Moss
The Courtyard @ Las Colinas
1320 Greenway Drive
Suite 220
Irving, Texas 75038**

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

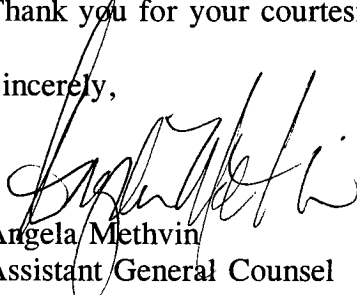
Regency Plaza, 3710 Rawlins, Suite 800, Dallas, Texas 75219
Telephone: (214) 559-4353 Fax: (214) 559-4335

John T. Adams, Clerk
June 25, 1997
Page 2

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 stamped copy of the petition to the undersigned.

Thank you for your courtesies in this matter.

Sincerely,



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 ASST
WILLIAM L. WILLIS

ADMINISTRATIVE ASST
NADINE SCHNEIDER

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

JUL 23 1997

Honorable John W. Weeks
Judge, 42nd District Court
300 Oak Street
Abilene, Texas 79602

Dear Judge Weeks:

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 Ms. Moss, 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

ADMINISTRATIVE ASS'T
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ROSE SPECTOR
PRISCILLA R. OWEN
JAMES A. BAKER
GREG ABBOTT

JUL 23 1997

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

Dear Mr. Long:

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. Sabrina E. Moss, and a copy of the Supreme Court's order appointing the Honorable John W. Weeks, Judge of the 42nd District Court, Abilene, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Hon. John W. Weeks
Ms. Sabrina E. Moss
Ms. Angela Methvin



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
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GREG ABBOTT

EXECUTIVE ASS'T
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ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

JUL 23 1997

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

Ms. Sabrina E. Moss
The Courtyard @ Las Colinas
1320 Greenway Drive, Suite 220
Irving, Texas 75038

Dear Ms. Methvin and Ms. Moss:

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 John W. Weeks, Judge of the 42nd District Court, Abilene, Texas, to preside in

Commission for Lawyer Discipline v. Sabrina E. Moss

Sincerely,

SIGNED

John T. Adams
Clerk