

ORDER OF THE SUPREME COURT OF TEXAS

9151

Misc. Docket No. 00-----

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

The Supreme Court of Texas hereby appoints the Honorable Gus J. Strauss, Judge of the 2nd 25th District Court of Lavaca County, Texas, to preside in the Disciplinary Action styled:

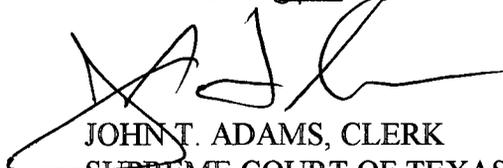
The Commission for Lawyer Discipline v. Robbie D. Bookman

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 the Disciplinary petition for filing and service pursuant to Rule 3.03, Texas Rules of Disciplinary Procedure.

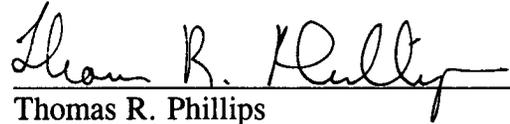
As ordered by the Supreme Court of Texas, in chambers,

With the Seal thereof affixed at the City
Of Austin, this 20th day of October, 2000.


JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 00-9151, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 23 day of October, 2000.



Thomas R. Phillips
Chief Justice

CAUSE NO. _____

COMMISSION FOR LAWYER DISCIPLINE §
VS. §
ROBBIE D. BOOKMAN §
IN THE DISTRICT COURT OF
HARRIS COUNTY, TEXAS
_____ JUDICIAL DISTRICT

ORIGINAL DISCIPLINARY PETITION

TO THE HONORABLE JUDGE OF THE COURT:

Petitioner the COMMISSION FOR LAWYER DISCIPLINE, a committee of the State Bar of Texas (hereinafter referred to as the "CFLD"), complains of ROBBIE D. BOOKMAN ("hereinafter referred to as "Respondent") as follows:

**I.
DISCOVERY CONTROL PLAN**

Pursuant to Rule 190.1 of the Texas Rules of Civil Procedure, CFLD intends discovery in this case to be conducted under Discovery Control Plan - Level 2 as provided in Rule 190.3 of the Texas Rules of Civil Procedure.

**II.
PROCEDURAL BASIS FOR SUIT**

The CFLD brings this disciplinary action pursuant to the State Bar Act, Texas Government Code Annotated §81.001, *et seq.* (Vernon 1988 and supp. 1994), the Texas Disciplinary Rules of Professional Conduct, and the Texas Rules of Disciplinary Procedure. The complaint that forms the basis of this Disciplinary Petition was filed on or after May 1, 1992.

**III.
VENUE AND SERVICE**

Respondent is an attorney licensed to practice law in Texas and is a member of the State Bar of Texas. Respondent's principal place of practice is Harris County, Texas, and therefore venue is appropriate in Harris County, Texas, pursuant to Rule 3.03 of the Texas Rules of Disciplinary Procedure. An officer may service citation upon Respondent by and through her attorney of record, John L. Green located at 4888 Loop Central Dr., Ste. 445, Houston, Texas 77081.

**IV.
FIRST CAUSE OF ACTION
DEJEAN COMPLAINT**

On or about July 25, 1995, Robert Lee Dejean (hereinafter referred to as "Dejean") retained Respondent for representation in a personal injury accident.

When Dejean was released to return to work, he contacted Respondent to inform her that he would be returning to work and forwarded necessary paperwork to complete. Respondent informed him that she would finalize this matter and failed to do so.

In or around February 1997, Dejean contacted Respondent to inquire about the status of the matter as he had not had any contact with her. Respondent apologized for not completing the matter sooner and that she would take of finalizing it. Respondent failed to do so.

The acts and/or omissions of the Respondent described in Paragraph III(A) above, which occurred on or after January 1, 1990, constitute conduct in violation of the following Rules of the Texas Disciplinary Rules of Professional Conduct ("TDRPC"):

1.01(b)(1) for neglecting a legal matter entrusted to the lawyer;

1.01(b)(2) for failing to carry out completely the obligations owed to a client;

1.01© as used in this Rule “neglect” signifies inattentiveness involving a conscious disregard for the responsibilities owed to a client or clients;

1.03(a) for failing to keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information;

8.04(a)(1) for violating these Rules, knowingly assisting or inducing another to do so, or doing so through the acts of another, whether or not such violation occurred in the course of a client-lawyer relationship; and

8.04(a)(3) for engaging in conduct involving dishonesty, fraud, deceit or misrepresentation.

The complaint that forms the basis of this cause of action was brought to the attention of the Office of the Chief Disciplinary Counsel of the State Bar of Texas by Robert Lee Dejean filing a complaint on or about September 1, 1998.

**V.
SECOND CAUSE OF ACTION
STATE BAR OF TEXAS COMPLAINT**

On or about August 19, 1998, Respondent agreed to a Public Reprimand in State Bar File No. H0129717188. In that judgment, Respondent agreed to pay \$3,900.00 restitution by December 1, 1998, and pay \$500.00 attorneys’ fees by February 1, 1999. Respondent also agreed to complete fifteen (15) hours of continuing legal education through the State Bar of Texas Professionalism Enhancement Program.

On or about January 5, 1999, Respondent remitted two separate money orders for the amount of \$150.00 each, of which were applied to the attorneys’ fees, leaving a balance of \$350.00 in attorneys’ fees and \$3,700.00 in restitution.

On or about October 23, 1998, Respondent requested an extension from the State Bar of Texas to allow time to pay the remaining balances (restitution and attorneys' fees). The State Bar of Texas agreed to allow Respondent to make payments of \$100.00 per month until paid in full. However, Respondent failed to make any payments toward the attorneys' fees or restitution.

Respondent further failed to participate and complete the hours in the Professionalism Enhancement Program.

The acts and/or omissions of the Respondent described in Paragraph III(A) above, which occurred on or after January 1, 1990, constitute conduct in violation of the following Rules of the Texas Disciplinary Rules of Professional Conduct ("TDRPC"):

8.04(a)(1) for violating these Rules, knowingly assisting or inducing another to do so, or doing so through the acts of another, whether or not such violation occurred in the course of a client-lawyer relationship; and

8.04(a)(7) for violating any disciplinary or disability order or judgment.

The complaint that forms the basis of this cause of action was brought to the attention of the Office of the Chief Disciplinary Counsel of the State Bar of Texas by the State Bar of Texas filing a complaint on or about August 5, 1999.

**VI.
THIRD CAUSE OF ACTION
RICHARD COMPLAINT**

On or about October 9, 1998, Jo E. Richard (hereinafter referred to as "Richard") retained Respondent for representation in a personal injury matter. Richard signed a Power of Attorney to Respondent and sought treatment from the JBI Therapy Clinic.

Upon settling the matter, Respondent received a settlement check dated February 3, 1999, for the amount of \$15,000.00 made payable to Respondent and Richard. Respondent endorsed

Richard's name to the check and placed it in account number 00-9587-7, but failed to contact Richard of the receipt of these funds.

Upon discovering that a check had been issued, Richard attempted to contact Respondent's office on numerous occasions but was unsuccessful and left messages to which Respondent failed to respond. Additionally, the medical provider attempted to contact Respondent for payment of medical services rendered to Richard and has been unsuccessful in obtaining payment for services rendered to Richard.

To date, Respondent has failed to disburse any funds to Richard and/or JBI Therapy Clinic.

The acts and/or omissions of the Respondent described in Paragraph III(A) above, which occurred on or after January 1, 1990, constitute conduct in violation of the following Rules of the Texas Disciplinary Rules of Professional Conduct ("TDRPC"):

1.01(b)(1) for neglecting a legal matter entrusted to the lawyer;

1.01(b)(2) for failing to carry out completely the obligations owed to a client;

1.01© as used in this Rule "neglect" signifies inattentiveness involving a conscious disregard for the responsibilities owed to a client or clients;

1.03(a) for failing to keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information;

1.14(a) for failing to hold funds and other property belonging in whole or part to clients or third persons in a lawyer's possession separate from the lawyer's own property;

1.14(b) for failing, upon receiving funds or other property in which a client or third person has an interest, to promptly notify the client or third person and render a full accounting upon request;

1.14© for failing to keep funds or other property in which both the lawyer and another person claim interests separate until there is an accounting and severance of their interests;

8.04(a)(1) for violating these Rules, knowingly assisting or inducing another to do so, or doing so through the acts of another, whether or not such violation occurred in the course of a client-lawyer relationship;

8.04(a)(3) for engaging in conduct involving dishonesty, fraud, deceit or misrepresentation;

8.04(a)(12) for violating any other laws of this state relating to the professional conduct of lawyers and to the practice of law; and

8.04(b) As used in subsection **(a)(2)** of this Rule, "serious crime" means barratry; any felony involving moral turpitude; any misdemeanor involving theft, embezzlement, or fraudulent or reckless misappropriation of money or other property; or any attempt, conspiracy, or solicitation of another to commit any of the foregoing crimes.

The complaint that forms the basis of this cause of action was brought to the attention of the Office of the Chief Disciplinary Counsel of the State Bar of Texas by the State Bar of Texas filing a complaint on or about August 5, 1999.

Prayer

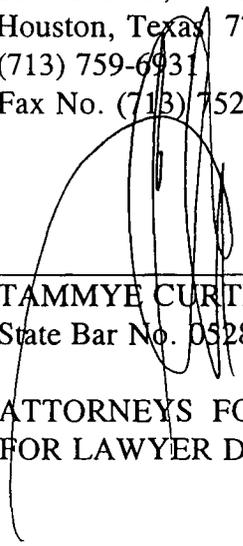
WHEREFORE, PREMISES CONSIDERED, Petitioner the COMMISSION FOR LAWYER DISCIPLINE respectfully prays that this Court discipline Respondent by reprimand, suspension or disbarment, as the facts shall warrant; and that the Petitioner have all other relief to which it may show itself to be justly entitled, including costs of court and attorneys' fees.

Respectfully submitted,

Dawn Miller
Chief Disciplinary Counsel

Tammye Curtis-Jones
Assistant Disciplinary Counsel

Office of the Chief Disciplinary Counsel
STATE BAR OF TEXAS
1111 Fannin, Suite 1370
Houston, Texas 77002
(713) 759-6931
Fax No. (713) 752-2158



TAMMYE CURTIS-JONES
State Bar No. 05286900

ATTORNEYS FOR THE COMMISSION
FOR LAWYER DISCIPLINE

J:\BOOKMAN.RD\CFLD2.TSC\BOOKMAN.DP

Cause No. _____

Commission for Lawyer Discipline

Plaintiff §
§
§
§
Defendant §

IN THE DISTRICT COURT OF
HARRIS COUNTY, TEXAS
_____ JUDICIAL DISTRICT

Hobbie O Bookman

CIVIL CASE INFORMATION SHEET

This form must be completed and filed with every original petition, and a copy attached to every original petition served. The information should be the best available at the time of filing, understanding that such information may change before trial. This form does not constitute a discovery request, response, or supplementation, and is not admissible at trial.

Service must be obtained promptly. Notice is hereby given that, per Harris County Local Rule 3.6, any case in which no answer has been filed or default judgement signed SIX (6) MONTHS from filing will be eligible for DISMISSAL FOR WANT OF PROSECUTION.

Type of Action: Commercial Personal Injury Death Other

Check all claims pled:

- Account due
 - Admiralty
 - Assault
 - Asbestos
 - Auto
 - Bill of review
 - Business dissolution
 - Conspiracy
 - Contract
 - Deed restriction
 - Declaratory judgment
 - Defamation
 - Disbarment
 - Discrimination
 - Dram shop
 - DTPA
 - Employment discharge
 - Environmental tort
 - Expunction
 - False imprisonment
 - Foreclosure
 - Forfeiture
 - Fraud
 - Garnishment
 - Injunction/TRO
 - Insurance bad faith
 - Malicious prosecution
 - Malpractice/Legal
 - Malpractice/Medical
 - Malpractice/Other
 - Name change
 - Note
 - Premises liability
 - Product liability
 - Post judgment
 - Railroad
 - Real estate
 - Securities fraud
 - Sequestration
 - Silicone implant
 - Tax
 - Tortious interference
 - Trespass
 - Workers compensation
- Other _____

Has this dispute previously been in the Harris County courts? No Yes, in the following court: _____

Monetary damages sought: less than \$100,000 greater than \$100,000

Estimated time needed for discovery 0-3 months 4-6 months 7-12 months >1 year

Estimated time needed for trial: 1-2 days 3-5 days 6-10 days >10 days

Is there a likelihood of experts other than treating physicians or experts on attorney's fees? Yes No

Is immediate ADR requested? Yes No

Name of party filing this cover sheet:

Signature of attorney or pro se filing cover sheet:

Tammy S. Curtis-Jones (ed)

Name printed: Tammy S. Curtis-Jones

Phone No.: 713-759-6931

Bar No. 05286900

FOR COURT USE ONLY:

Track assigned: Track 1 Track 2 Track 3

Court Coordinator _____ Date: _____

STATE BAR OF TEXAS



Office of the Chief Disciplinary Counsel

June 30, 2000

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

Re: Commission for Lawyer Discipline v. Robbie D. Bookman

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 Robbie D. Bookman. Ms. Bookman has designated Harris County, Texas, 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 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:

Robbie D. Bookman
C/O John L. Green
4888 Loop Central Dr., Ste. 445
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 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 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, service be obtained, and a file-marked copy of the petition be returned to the undersigned.

Mr. John Adams
June 30, 2000
Page Two

Also enclosed are a pre-addressed envelope for your use in transmitting the petition, etc., 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-marked copy of the Petition to the undersigned.

Thank you for your courtesies in this matter.

Sincerely,



Tammye Curtis-Jones
Assistant Disciplinary Counsel

TCJ/vr

Enclosures

J:\BOOKMAN.RD\CFLD2.TSC\CLERK1.SCT



The Supreme Court of Texas

CHIEF JUSTICE
THOMAS R. PHILLIPS

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

CLERK
JOHN T. ADAMS

JUSTICES
NATHAN L. HECHT
CRAIG T. ENOCH
PRISCILLA R. OWEN
JAMES A. BAKER
GREG ABBOTT
DEBORAH G. HANKINSON
HARRIET O'NEILL
ALBERTO R. GONZALES

EXECUTIVE ASSISTANT
WILLIAM L. WILLIS
DEPUTY EXECUTIVE ASST
JIM HUTCHESON

ADMINISTRATIVE ASSISTANT
NADINE SCHNEIDER

OCT 25 2009

The Honorable Charles Bacarisse
District Clerk of Harris County
P.O. Box 4651
Houston, Texas 77002

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. Robbie D. Bookman*, and a copy of the Supreme Court's order appointing the Honorable Gus J. Strauss, Judge of the 2nd 25th District Court, Hallettsville, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Honorable Gus J. Strauss
Ms. Tammye Curtis-Jones
Mr. Robbie D. Bookman
Ms. Melissa Dartez



The Supreme Court of Texas

CHIEF JUSTICE
THOMAS R. PHILLIPS

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

CLERK
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JIM HUTCHESON

ADMINISTRATIVE ASSISTANT
NADINE SCHNEIDER

OCT 25 2000

Ms. Tammye Curtis-Jones
Assistant General Counsel, State Bar of Texas
1111 Fannin, Suite 1370
Houston, Texas 77002

Mr. Robbie D. Bookman
c/o John L. Green
4888 Loop Central Drive, Suite 445
Houston, Texas 77081

Dear Ms. Curtis-Jones and Mr. Bookman:

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 Gus J. Strauss, Judge of the 2nd 25th District Court, Hallettsville, Texas to preside in

Commission for Lawyer Discipline v. Robbie D. Bookman

Sincerely,

SIGNED

John T. Adams
Clerk



The Supreme Court of Texas

CHIEF JUSTICE
THOMAS R. PHILLIPS

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

CLERK
JOHN T. ADAMS

JUSTICES
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EXECUTIVE ASSISTANT
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JIM HUTCHESON

ADMINISTRATIVE ASSISTANT
NADINE SCHNEIDER

OCT 25 2000

Honorable Gus J. Strauss
Judge, 2nd 25th District Court
P.O. Box 511
Hallettsville, Texas 77964-0511

Dear Judge Strauss:

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. Bookman and Ms. Curtis-Jones, 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