

ORDER OF THE SUPREME COURT OF TEXAS

9005

Misc. Docket No. 01-----

Appointment of a District Judge to Rule on a Motion
to Recuse filed in a State Bar Disciplinary Action

The Supreme Court of Texas hereby appoints the Honorable Manny D. Alvarez, Judge of Criminal District Court No. 5 of Dallas County, Texas, to preside in the Disciplinary Action styled:

The Commission for Lawyer Discipline v. Jason C. Galvez

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

The Clerk of the Supreme Court shall promptly forward to the District Clerk of Brazos County, Texas, a copy of the Disciplinary Petition and this Order for filing and service pursuant to Rule 3.03, Texas Rules of Disciplinary Procedure.

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

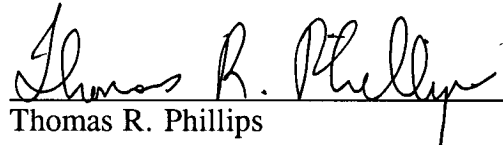
With the Seal thereof affixed at the City
Of Austin, this 5th day of January, 2001.

A handwritten signature in black ink, appearing to read "J. Adams", is written over the printed name of the clerk.

JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 01-9005, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 8 day of January, 2001.



Thomas R. Phillips
Chief Justice

TO CLERK: "FILE MARK THIS
COPY AND RETURN"

CAUSE NO. _____

COMMISSION FOR LAWYER DISCIPLINE	§	IN THE DISTRICT COURT OF
V.	§	BRAZOS COUNTY, TEXAS
JASON C. GALVEZ	§	_____ 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, JASON C. GALVEZ, State Bar Card No. 07599750 (hereinafter called "Respondent"), showing the Court:

I.

Pursuant to Rule 190.1, Texas Rules of Civil Procedure, discovery in this case is governed by Discovery Control Plan -- Level 2, as provided in Rule 190.3, Texas Rules of Civil Procedure.

II.

Petitioner brings this disciplinary action pursuant to the State Bar Act, Tex. Gov't. Code Ann. §81.001, et seq. (Vernon 1998), the Texas Disciplinary Rules of Professional Conduct and the Texas Rules of Disciplinary Procedure. The complaint which forms the basis of this Disciplinary Petition was filed on or about May 21, 1999.

III.

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 his principal place of practice in Brazos County,

Texas. An officer may serve citation on Respondent, Jason Galvez, whose address is 1200 Briarcrest, Suite 2000, Bryan, Texas 77802.

IV.

On April 28, 1996, Christy Rae Blair (hereinafter called "Complainant") was involved in a serious automobile accident in Burleson County, Texas. Complainant's car was rear-ended by Danny Heathman, a drunk driver, while Complainant was parked on the shoulder of a highway. A passenger in Complainant's car, Thomas Bolden, got out of the car just prior to the accident and suffered only minor injuries. Complainant was taken by ambulance to St. Joseph Regional Health Center in Bryan, Texas, where she received treatment, including surgery on her broken leg, until discharged on May 7, 1996. Respondent made two in-person contacts, seeking professional employment concerning the accident, while Complainant was hospitalized. During the first in-person contact, shortly after Complainant's surgery, Respondent identified himself as an attorney and told Complainant that she needed an attorney. At the second in-person contact (May 1, 1996), Respondent had Complainant sign a contingency-fee contract authorizing him to represent her in any claims against Mr. Heathman arising from the accident. Complainant did not seek Respondent's advice regarding employment prior to the two in-person contacts. Respondent had no family or past or present attorney-client relationship with Complainant. Pecuniary gain was a significant motive for Respondent seeking employment.

V.

By his conduct as alleged in the foregoing paragraph, Respondent has violated the following Texas Disciplinary Rules of Professional Conduct for which he should be disciplined pursuant to Rule 3.09 of the Texas Rules of Disciplinary Procedure.

7.03 (a) A lawyer shall not by in-person or telephone contact seek professional employment.

8.04(a)(9) A lawyer shall not ... engage in conduct that constitutes barratry as defined by the law of this state.

VI.

On or about May 8, 1996, Respondent also agreed to represent Thomas Bolden (Complainant's passenger) for his injuries suffered in the April 28 accident. Respondent had Mr. Bolden sign the same contingency-fee contract entered into with Complainant. At that time, Respondent had not determined whether Mr. Heathman had assets to satisfy a judgment in favor of Complainant. At no time did Respondent fully disclose the existence and nature and possible adverse consequences of the common representation to Complainant. At no time did Respondent obtain Complainant's consent to the common representation.

VII.

By his conduct as alleged in paragraphs IV and VI, Respondent has violated the following Texas Disciplinary Rule of Professional Conduct for which he should be disciplined pursuant to Rule 3.09 of the Texas Rules of Disciplinary Procedure.

1.06 ... a lawyer shall not represent a person if the representation of that person ... involves a substantially related matter in which that person's interests are materially and directly adverse to the interests of another client of the lawyer.

VIII.

The complaint which forms the basis of the Causes of Action set forth above was brought to the attention of the Office of the Chief Disciplinary Counsel of the State Bar of Texas by Christy Rae Blair filing a complaint on or about May 21, 1999.

PRAYER

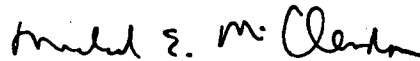
WHEREFORE, PREMISES CONSIDERED, Petitioner prays for judgment that Respondent be disciplined as the facts shall warrant and that Petitioner have such other and further relief to which entitled, including costs of court and attorneys fees.

Respectfully submitted,

Dawn Miller
Acting Chief Disciplinary Counsel

Michael E. McClendon
Assistant Disciplinary Counsel

Office of the Chief Disciplinary Counsel
STATE BAR OF TEXAS
P.O. Box 12487, Capitol Station
Austin, Texas 78711-2487
Telephone: (512) 463-1463
Facsimile: (512) 477-4607



Michael E. McClendon
State Bar Card No. 13408700

Attorneys for Petitioner

STATE BAR OF TEXAS



Office of the Chief Disciplinary Counsel

November 1, 2000

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

RE: Commission for Lawyer Discipline v. Jason C. Galvez

Dear Mr. Adams:

Enclosed is an original and two (2) copies of a Disciplinary Petition being filed by the Commission for Lawyer Discipline against Jason C. Galvez. Mr. Galvez has designated Brazos County, Texas, as his 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 Attorney for the Respondent at the address shown below and the undersigned of the identity and address of the judge assigned:

Steven L. Lee
Lione & Lee, P.C.
Attorneys at Law
3921 Steck Avenue, Suite A119
Austin, Texas 78759

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.

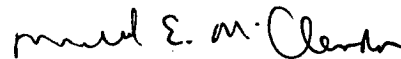
Once a trial judge has been appointed, please forward the original and two (2) copies of the Disciplinary Petition, the filing fee check, also enclosed, and the Court's appointing order to the District Clerk of Brazos County, Texas, with the request that the suit be filed and the two file-marked copies of the petition be returned to the undersigned for service.

Mr. John Adams
November 1, 2000
Page 2 of 2

Also enclosed are a pre-addressed envelope for your use in transmitting the petition, etc., to the District Clerk of Brazos County, Texas, and a return envelope to be sent to the District Clerk of Brazos County, Texas, for the Clerk's use in returning a file-marked copies of the Petition to me.

Please call me if you have any questions or comments.

Sincerely,



Michael E. McClendon
Assistant Disciplinary Counsel



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

JAN 12 2007

EXECUTIVE ASSISTANT
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASST
JIM HUTCHESON

ADMINISTRATIVE ASSISTANT
NADINE SCHNEIDER

Mr. Michael E. McClendon
Assistant General Counsel, State Bar of Texas
P.O. Box 12487, Capitol Station
Austin, Texas 78711-2487

Mr. Jason C. Galvez
c/o Steven L. Lee
Lione & Lee, P.C.
3921 Steck Avenue, Suite A119
Austin, Texas 78759

Dear Mr. McClendon and Mr. Galvez:

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 Manny D. Alvarez, Judge of the Criminal District Court No. 5, Dallas, Texas to preside in

Commission for Lawyer Discipline v. Jason C. Galvez

Sincerely,

SIGNED

John T. Adams
Clerk



The Supreme Court of Texas

CHIEF JUSTICE
THOMAS R. PHILLIPS

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JIM HUTCHESON

ADMINISTRATIVE ASSISTANT
NADINE SCHNEIDER

JAN 12 2007

Honorable Manny D. Alvarez
Judge, Criminal District Court No. 5
Frank Crowley Courts Building, 5th Floor
133 N. Industrial Boulevard, LB 42
Dallas, Texas 75207

Dear Judge Alvarez:

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. Galvez and Mr. McClendon, and a copy of the letter to the District Clerk of Brazos County.

It is recommended that, four or five weeks after receipt of this letter, you contact the District Clerk of Brazos County 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 contact the Presiding Judge of the Administrative Judicial Region into which you have been assigned (409-538-8176) 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

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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JAMES A. BAKER
GREG ABBOTT
DEBORAH G. HANKINSON
HARRIET O'NEILL
ALBERTO R. GONZALES

EXECUTIVE ASSISTANT
WILLIAM L. WILLIS

JAN 12 2001

DEPUTY EXECUTIVE ASST
JIM HUTCHESON

ADMINISTRATIVE ASSISTANT
NADINE SCHNEIDER

The Honorable Marc Hamlin
District Clerk of Brazos County
216 Courthouse
300 E. 26th Street
Bryan, Texas 77803

Dear Mr. Hamlin:

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. Jason C. Galvez* and a copy of the Supreme Court's order appointing the Honorable Manny D. Alvarez, Judge of the Criminal District Court No. 5, Dallas, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Honorable Manny D. Alvarez
Mr. Michael E. McClendon
Mr. Jason C. Galvez