

ORDER OF THE SUPREME COURT OF TEXAS

Misc. Docket No. 01 **9066**

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 Stella H. Saxon, Judge of the
218th District Court of Karnes County, Texas, to preside in the Disciplinary Action styled:

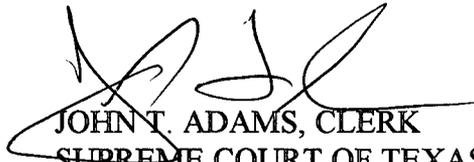
The Commission for Lawyer Discipline v. Grady Wilson James

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 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 26th day of April, 2001.


JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 01-9066, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this ___ day of April, 2001.

Thomas R. Phillips
Chief Justice

CAUSE NO.

| | | |
|----------------------------------|---|--------------------------|
| COMMISSION FOR LAWYER DISCIPLINE | § | IN THE DISTRICT COURT OF |
| Petitioner | § | |
| | § | |
| v. | § | HARRIS COUNTY, TEXAS |
| | § | |
| GRADY WILSON JAMES, JR. | § | |
| Respondent | § | |
| | § | _____ 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 (hereinafter called "Petitioner"), complaining of Respondent, GRADY WILSON JAMES, JR. (hereinafter called "Respondent"), Texas Bar Card number 10555500, and would respectfully show unto the Court the following:

I. DISCOVERY CONTROL PLAN - LEVEL I

Pursuant to Rules 190.1 and 190.2 TEXAS RULES OF CIVIL PROCEDURE (TRCP), Petitioner intends discovery in this case to be conducted under the Level I Discovery Control Plan.

II. NATURE OF PROCEEDING

Petitioner 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.

III. VENUE

Respondent is an attorney licensed to practice law in Texas and is a member of the STATE BAR OF TEXAS. Respondent's residence and principal place of practice is Harris County, Texas; therefore, venue is appropriate in Harris County, Texas, pursuant to Rule 3.03 of the TEXAS RULES OF DISCIPLINARY PROCEDURE. An officer may serve citation on Respondent by and through his attorney of record, Norman W. Peters, Jr., at 700 Louisiana, Suite 220, Houston, Texas 77002.

IV. CAUSE OF ACTION

On or about March 5, 1998, Jill Korba (hereinafter "Korba") retained Respondent to represent her in a divorce matter and to obtain custody of her minor children. Respondent demanded that Korba pay Ten Thousand Dollars (\$10,000.00) as a retainer because of potential custody issues (regular retainer - \$2,500.00). Upon discovery that the case would not involve custody issues, Respondent refused to return the excess money to Korba. Further, Respondent failed to deposit the retainer into a trust account and failed to furnish an accounting statement to Korba showing the prepaid attorneys' fees that were in the trust account.

A hearing was held on April 4, 1998, regarding temporary custody and child support. In late May, 1998, Korba attempted to contact Respondent several times concerning the child support. Respondent failed to return Korba's telephone calls.

From April 4, 1998 through early September 1998, Korba repeatedly called Respondent to seek his legal advice regarding her property and retirement fund, which her estranged husband was depleting during the divorce proceedings. Respondent promised Korba that he would hire a private investigator to look into her husband's activities. A private investigator was never hired to protect

the Korba's assets. Finally, Respondent had another attorney, James Kenz prepare an Assumption and Owelty Deed and a Deed of Trust for Korba so the title of the couple's home would be solely in Korba's name. Respondent failed to review the deed, and the opposing counsel found a serious error in the document regarding the transfer of ownership before it was filed by the Respondent. Throughout the course of representation, Respondent failed to keep Korba informed or explain matters to Korba so an informed decision could be made regarding her representation.

V. RULE VIOLATIONS

The acts and/or omissions on the part of Respondent described in Paragraph IV above constitute conduct which violates Rules **1.01(b)(1)** [neglecting a legal matter entrusted to the lawyer]; **1.01(b)(2)** [failing to carry out completely the obligations owed to a client], **1.03(a)** [failing to keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information]; **1.03(b)** [failing to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation request for information]; **1.14(a)** [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]; and **1.14(b)** [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] of the TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT.

VI.

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 Complainant, JILL

KORBA's filing of a complaint on or about April 23, 1999.

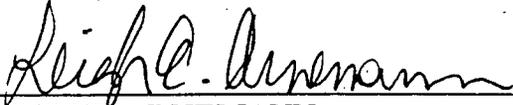
PRAYER FOR RELIEF

WHEREFORE, PREMISES CONSIDERED, Petitioner, COMMISSION FOR LAWYER DISCIPLINE, respectfully prays that this Court discipline Respondent, GRADY W. JAMES, JR., by reprimand, suspension or disbarment, as the facts shall warrant; order restitution to Jill Korba, if applicable; and grant all other relief to which Petitioner may show itself to be justly entitled, including costs of court and attorneys' fees.

Respectfully submitted,

DAWN MILLER,
Chief Disciplinary Counsel

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



LEIGH E. ARNEMANN
Assistant Disciplinary Counsel
State Bar No. 24025229

**ATTORNEYS FOR PETITIONER,
COMMISSION FOR LAWYER
DISCIPLINE**

CERTIFICATE OF SERVICE

I hereby certify that on the 6 day of February, 2001, a true and correct copy of the Original Disciplinary Petition was delivered to Respondent, Grady W. James, Jr., by and through his attorney of record, Norman W. Peters, Jr., at 700 Louisiana, Suite 2200, Houston, Texas 77002.



LEIGH E. ARNEMANN
ASSISTANT DISCIPLINARY COUNSEL

STATE BAR OF TEXAS



Office of Chief Disciplinary Counsel

February 6, 2001

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

Re: Commission for Lawyer Discipline v. Grady Wilson James, Jr.

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 Grady Wilson James, Jr. Mr. James has designated Harris 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 Respondent at the address shown below and the undersigned of the identity and address of the judge assigned:

Grady Wilson James, Jr.
c/o Norman W. Peters, Jr.
700 Louisiana, Suite 2200
Houston, Texas 77002

As a practical matter, I would respectfully suggest that you inquire with the judge to be appointed as to: (1) 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, service be obtained, and a file-marked copy of the petition be returned to the undersigned.

Mr. John Adams, Clerk
Supreme Court of Texas
February 6, 2001

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I have enclosed a pre-addressed, postage prepaid, 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,

A handwritten signature in cursive script that reads "Leigh E. Arnemann". The signature is written in black ink and is positioned above the typed name.

Leigh E. Arnemann
Assistant Disciplinary Counsel

LEA/rr
Enclosures



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
WALLACE B. JEFFERSON

EXECUTIVE ASSISTANT
WILLIAM L. WILLIS

ADMINISTRATIVE ASSISTANT
NADINE SCHNEIDER

MAY 01 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. Grady Wilson James*, and a copy of the Supreme Court's order appointing the Honorable Stella H. Saxon, Judge of the 218th District Court, Karnes City, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Honorable Stella H. Saxon
Ms. Leigh E. Arnemann
Mr. Grady Wilson James, Jr.
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

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HARRIET O'NEILL
WALLACE B. JEFFERSON

EXECUTIVE ASSISTANT
WILLIAM L. WILLIS

ADMINISTRATIVE ASSISTANT
NADINE SCHNEIDER

MAY 01 2001

Honorable Stella H. Saxon
Judge, 218th District Court
2 Courthouse
101 N. Panna Maria Avenue
Karnes City, Texas 78118-2930

Dear Judge Saxon:

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. James and Ms. Arnemann, 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



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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HARRIET O'NEILL
WALLACE B. JEFFERSON

EXECUTIVE ASSISTANT
WILLIAM L. WILLIS

ADMINISTRATIVE ASSISTANT
NADINE SCHNEIDER

MAY 01 2001

Ms. Leigh E. Arnemann
Assistant General Counsel, State Bar of Texas
1111 Fannin, Suite 1370
Houston, Texas 77002

Mr. Grady Wilson James, Jr.
c/o Norman W. Peters, Jr.
700 Louisiana, Suite 2200
Houston, Texas 77002

Dear Ms. Arnemann and Mr. James:

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 Stella H. Saxon, Judge of the 218th District Court, Karnes City, Texas to preside in

Commission for Lawyer Discipline v. Grady Wilson James, Jr.

Sincerely,

SIGNED

John T. Adams
Clerk