

ORDER OF THE SUPREME COURT OF TEXAS

9184

Misc. Docket No. 01-----

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

The Supreme Court of Texas hereby appoints the Honorable John G. Hyde, Judge of the 238thth District Court of Midland County, Texas, to preside in the Disciplinary Action styled

The Commission for Lawyer Discipline v. James Jeffery Crook

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

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

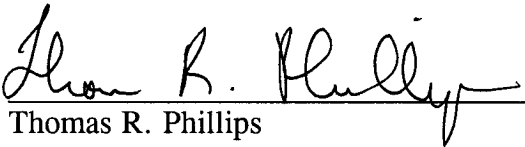
With the Seal thereof affixed at the City
Of Austin, this 30th day of October, 2001.



JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 01-9184, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 29 day of October, 2001.



Thomas R. Phillips
Chief Justice

NO. _____

COMMISSION FOR LAWYER DISCIPLINE	§	IN THE DISTRICT COURT OF
	§	
V.	§	EL PASO COUNTY, TEXAS
	§	
JAMES JEFFERY CROOK	§	_____ 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, James Jeffery Crook (hereinafter called "Respondent"), showing the Court:

I.

Discovery Control Plan

Pursuant to Rules 190.1 and 190.3, Texas Rules of Civil Procedure, Petitioner intends discovery in this case be conducted under Discovery Control Plan - Level 2.

II.

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 complaints which form the basis of the Disciplinary Petition are No. F3059902221, filed on or after May 13, 1999; No. F3069902225, filed on or after May 26, 1999; No. F3069902226, filed on or after May 26, 1999; and No. F3119902367, filed on or after October 28, 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, El Paso County, Texas. Citation may be served on Respondent by personal service, at 1 Texas Tower, 109 North Oregon Street, Suite 602, El Paso, Texas, 79901.

IV.

CAUSE OF ACTION ARISING FROM THE ARMENDARIZ' COMPLAINTS

On or about June 17, 1998, James J. Crook ("Respondent") was employed to represent Sonia Armendariz, Elizabeth Armendariz, and Sofia Armendariz ("Complainants") in a personal injury matter arising from an automobile accident. Sonia Armendariz was the driver of the vehicle and her two sisters, Elizabeth Armendariz and Sofia Armendariz, were passengers in the vehicle.

Complainants employed Respondent upon the referral of an auto repairman, who explained to Sonia Armendariz that he had gotten her name from a police report.

During the course of representation, the insurance carrier made an offer of settlement. Respondent failed to inform Complainants that settlement negotiations were underway and failed to inform Complainants that a settlement offer had been made by the insurance carrier.

Thereafter, Respondent accepted the settlement offer without consulting with Complainants.

In addition, Respondent failed to properly communicate with Complainants by failing to respond to Complainants' numerous requests for information regarding the status of the case.

The foregoing acts and/or omissions on the part of Respondent occurred on or after January 1, 1990, and constitute conduct violative of Rules 1.02(a)(1) [failing to abide by the client's decisions concerning the objectives and general methods of representation]; 1.02(a)(2)

[failing to abide by the client's decisions concerning whether to accept an offer of settlement]; 1.03(a) [failing to keep a client reasonably informed about the status of a matter]; and 1.03(b) [failing to explain a matter to the extent reasonably necessary to permit the client to make informed decisions] of the Texas Disciplinary Rules of Professional Conduct. Such conduct constitutes professional misconduct under Rule 8.04(a)(1) of the Texas Disciplinary Rules of Professional Conduct, Article X, Section 9, State Bar Rules, effective January 1, 1990.

V.

The complaints which form the basis of the cause of action hereinabove set forth were brought to the attention of the Office of the Chief Disciplinary Counsel of the State Bar of Texas by complaint No. F3059902221, filed on or about May 13, 1999, by Sonia Armendariz; complaint No. F3069902225, filed on or about May 26, 1999, by Elizabeth Armendariz; and complaint No. F3069902226, filed on or about May 26, 1999, by Sofia Armendariz.

VI.

CAUSE OF ACTION ARISING FROM THE MORALES COMPLAINT

On or about March 1, 1999, James Jeffery Crook ("Respondent") was employed to represent Yvette S. Morales ("Complainant") in a personal injury matter arising out of an automobile accident. Complainant retained the services of Respondent after receiving an unsolicited telephone call from Respondent's employee in which the employee offered the services of Respondent in the personal injury case. Thereafter, Respondent continued his representation of Complainant.

During the course of the representation, Respondent failed to keep Complainant informed as to the status of the case and failed to advise Complainant that settlement negotiations were

taking place with the insurance carrier. Respondent failed to advise Complainant that an offer of settlement had been made by the insurance carrier and what the settlement offer was until receipt of the settlement checks. Once the settlement checks were received by Respondent's office, Complainant was called in and advised for the first time of the settlement amount. In making the distribution to Complainant, Respondent did not abide by the terms of the employment contract.

The foregoing acts and/or omissions on the part of Respondent occurred on or after January 1, 1990, and constitute conduct violative of Rules 1.03(a) [failing to keep a client reasonably informed about the status of a matter]; 1.03(b) [failing to explain a matter to the extent reasonably necessary to permit the client to make informed decisions]; 5.03(a) [failing to properly supervise a nonlawyer employee]; 5.03(b)(1) [culpability for conduct of supervised nonlawyer employee]; and 7.06 [accepting or continuing employment when a lawyer knows or reasonably should know that the person who seeks the lawyer's services does so as a result of prohibited conduct] of the Texas Disciplinary Rules of Professional Conduct. Such conduct constitutes professional misconduct under Rule 8.04(a)(1) of the Texas Disciplinary Rules of Professional Conduct, Article X, Section 9, State Bar Rules, effective January 1, 1990.

VII.

The complaint which forms the basis of the cause of action hereinabove set forth was brought to the attention of the Office of the Chief Disciplinary Counsel of the State Bar of Texas by complaint No. F3119902367, filed on or about October 28, 1999, by Yvette S. Morales.

PRAYER

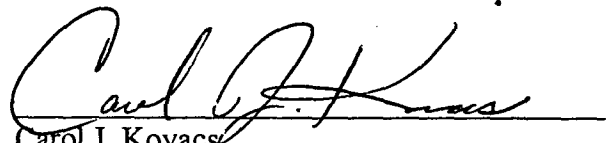
WHEREFORE, PREMISES CONSIDERED, Petitioner prays for judgment that Respondent be disciplined as the facts shall warrant; and that Petitioner have such other relief to which entitled, including costs of Court and attorneys' fees.

Respectfully submitted,

Dawn Miller
Chief Disciplinary Counsel

Carol J. Kovacs
Assistant Chief Disciplinary Counsel

Office of the Chief Disciplinary Counsel
STATE BAR OF TEXAS
6100 Southwest Blvd., Suite 320
Fort Worth, Texas 76109
(817) 763-8066
(817) 763-5827 (Fax)



Carol J. Kovacs
State Bar Card No. 24029672

ATTORNEYS FOR PETITIONER

STATE BAR OF TEXAS



Office of the Chief Disciplinary Counsel

September 28, 2001

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

Re: Commission for Lawyer Discipline v. James Jeffery Crook

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 James Jeffery Crook. Mr. Crook is a resident of El Paso 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 hereby made that you notify the Respondent at the address shown below and the undersigned of the identity and address of the judge assigned:

1 Texas Tower
109 North Oregon Street
Suite 602
El Paso, Texas 79901

As a practical matter, I would respectfully suggest that you inquire with the judge to be appointed whether he or she will be able to comply with the 180 day deadline by which the case must be set for trial pursuant to Section 3.07 of the Texas Rules of Disciplinary Procedure; and (2) whether he or she can accommodate compliance with Mellon Service Co., et al v. Touche Ross Co., 946 S.W.2d 862 (Tex. App. - Houston [14th Dist.] 1997), which requires that all proceedings incident to a case occur in the county of proper venue. 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 Ector 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. Further, please provide the undersigned a copy of the Court's appointing order in the pre-addressed envelope enclosed.

6100 Southwest Blvd., Suite 320, Ft. Worth, Tx. 76109 (817) 763-8066 763-5827 (Fax)

John T. Adams, Clerk
September 28, 2001
Page Two

Also enclosed is a pre-addressed envelope for your use in transmitting the petition, etc., to the District Clerk of El Paso County, Texas, and a return envelope to be sent to the District Clerk of El Paso County, Texas, for the Clerk's use in returning a filemarked copy of the petition to the undersigned.

If you have any questions, please contact me. Thank you for your assistance.

Sincerely,

A handwritten signature in cursive script that reads "Carol J. Kovacs". The signature is written in black ink and is positioned above the typed name.

Carol J. Kovacs
Assistant Chief Disciplinary Counsel
Office of the Chief Disciplinary Counsel
State Bar of Texas

CJK/dld

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

JUSTICES
NATHAN L. HECHT
CRAIG T. ENOCH
PRISCILLA R. OWEN
JAMES A. BAKER
DEBORAH G. HANKINSON
HARRIET O'NEILL
WALLACE B. JEFFERSON
XAVIER RODRIGUEZ

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CLERK
JOHN T. ADAMS

EXECUTIVE ASSISTANT
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASST
JIM HUTCHESON

ADMINISTRATIVE ASSISTANT
NADINE SCHNEIDER

Ms. Carol Kovacs
Assistant General Counsel, State Bar of Texas
6100 Southwest Boulevard, Suite 320
Fort Worth, Texas 76109

Mr. James Jeffery Crook
1 Texas Tower
109 North Oregon Street, Suite 602
El Paso, Texas 79901

Dear Ms. Kovacs and Mr. Crook:

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 G. Hyde, Judge of the 238th District Court, Midland, Texas to preside in

Commission for Lawyer Discipline v. James Jeffery Crook

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

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CLERK
JOHN T. ADAMS

EXECUTIVE ASSISTANT
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASST
JIM HUTCHESON

ADMINISTRATIVE ASSISTANT
NADINE SCHNEIDER

The Honorable Edie Rubalcaba
District Clerk of El Paso County
500 East San Antonio Avenue, Room 103
El Paso, Texas 79901-2496

Dear Mr. Rubalcaba:

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. James Jeffery Crook*, and a copy of the Supreme Court's order appointing the Honorable John G. Hyde, Judge of the 238th District Court, Midland, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Honorable John G. Hyde
Ms. Carol J. Kovacs
Mr. James Jeffery Crook



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

JUSTICES
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CLERK
JOHN T. ADAMS

EXECUTIVE ASSISTANT
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASST
JIM HUTCHESON

ADMINISTRATIVE ASSISTANT
NADINE SCHNEIDER

Honorable John G. Hyde
Judge, 238th District Court
400 Courthouse
200 W. Wall Street
Midland, Texas 79701

Dear Judge Hyde:

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. Crook and Ms. Kovacs, and a copy of the letter to the District Clerk of El Paso County.

It is recommended that, a month or six weeks after receipt of this letter, you or your coordinator contact the District Court Administrative Office (915-546-2143) 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 (915-546-8135) 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