

**ORDER OF THE SUPREME COURT OF TEXAS**

**Misc Docket No. 96- 9097**

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

The Supreme Court of Texas hereby appoints the Honorable James R. Fry, Judge of the 15th District Court of Grayson County, Texas, to preside in the Disciplinary Action styled:

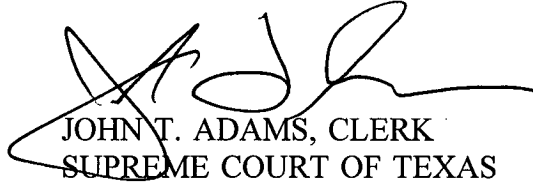
**The Commission for Lawyer Discipline v. Josephine M. Patterson**

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 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 8th day of April, 1996.

  
JOHN T. ADAMS, CLERK  
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 96-9097, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 9 day of April, 1996.

  
Thomas R. Phillips  
Chief Justice

NO. \_\_\_\_\_

COMMISSION FOR LAWYER DISCIPLINE   §   IN THE DISTRICT COURT OF  
V.   §   HARRIS COUNTY, TEXAS  
JOSEPHINE M. PATTERSON           §   \_\_\_\_ 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, Josephine M. Patterson (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 a member of the State Bar of Texas. Respondent is a resident of and has her principal place of practice in Harris County, Texas. An officer may serve citation on Respondent at 6009 Richmond, Suite 222, Houston, Harris County, Texas 77057.

III.

Frank Foster, hereinafter referred to as "Complainant" is a Special Investigator with Nationwide Insurance Companies. By letter dated July 27, 1994, addressed to Claims Representative Susan McCurdy, Nationwide Insurance was advised that Respondent was

representing Douglas Osorio as a result of a motor vehicle accident on July 25, 1994.

On October 6, 1994, Claims Representative, Susan McCurdy, addressed a letter to Respondent requesting the current status of her client's injury, treatment and expenses.

A demand letter signed by Respondent and dated January 5, 1994, was received by Nationwide Insurance on January 6, 1995. In the "Statement of Facts" section of this demand letter, Respondent stated under the "Medical History" section that "the claimant has no previous medical history of symptoms from which he continues to suffer as a result of this accident. Prior to this accident, Douglas Osorio enjoyed a healthy active life with his family and friends, free from physical and emotional duress, and looks forward to the return of his life without restriction after a reasonable healing period."

Further, the medical report Respondent provided to Nationwide Insurance executed by Dr. Poscablo under the section entitled "Past Medical History" stated "past medical history is unremarkable." In reality, Dr. Poscablo had treated Mr. Osorio for injuries he received in a past motor vehicle accident that occurred on or about April 5, 1994. Mr. Osorio was not discharged as a patient of Dr. Poscablo's on the April 5, 1994, accident until July 25, 1994. Dr. Poscablo wrote the information contained under "Past Medical History" on Mr. Osorio's new accident on July 26, 1994. Respondent had known of Mr. Osorio's prior motor vehicle accident and medical treatment because she represented him on both motor vehicle accident claims.

#### IV.

The January 5, 1995 demand letter was prepared by a paralegal in Respondent's office. The demand letter and past medical report omitted information regarding Mr. Osorio's prior motor vehicle accident. Respondent failed to read the demand letter prepared by her paralegal

to ensure its accuracy before it was sent to Nationwide Insurance. Respondent further overlooked the "Past Medical History" section of Dr. Poscablo's medical report and allowed her staff to disseminate it to Nationwide Insurance. Respondent usually does not proofread demand letters prepared by her non-lawyer staff.

V.

In the Respondent's response letter to the State Bar of Texas dated September 1, 1995, Respondent stated "I did not represent Mr. Osorio for an accident dated April 5, 1994." During the October 10, 1995, grievance committee hearing, Respondent acknowledged that the aforementioned statement in her letter to the State Bar of Texas was false.

VI.

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 violative of Rules 3.03(a)(1), 4.01(a), 5.03(a), 5.03(b)(1), and 8.04(a)(3) of the Texas Rules of Professional Conduct.

VI.

The complaint which forms the basis of these cause of actions hereinabove set forth was brought to the attention of the Office of the General Counsel of the State Bar of Texas by a complaint filed by Frank Foster on or about May 4, 1995.

**PRAYER**

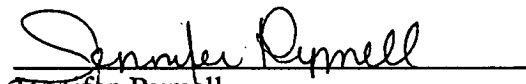
WHEREFORE, PREMISES CONSIDERED, Petitioner prays for judgment that Respondent be disciplined as the facts shall warrant; and that Petitioner have such other relief to which entitled, including costs of Court and attorney's fees.

Respectfully submitted,

James M. McCormack  
General Counsel

Jennifer Rymell  
Assistant General Counsel

Office of the General Counsel  
State Bar of Texas  
201 Main Street, Suite 1150  
Fort Worth, Texas 76102  
817-877-4993  
817-335-4249

  
Jennifer Rymell  
State Bar of Texas No. 18043750

ATTORNEYS FOR PETITIONER



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

April 15, 1996

The Honorable Charles Bacarisse  
District Clerk of Harris County  
P.O. Box 4651  
Houston, Texas 77210

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. Josephine M. Patterson and a copy of the Supreme Court's order appointing the Honorable James R. Fry, Judge of the 15th District Court, Sherman, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams  
Clerk

cc: Hon. James R. Fry  
Ms. Josephine M. Patterson  
Mr. James M. McCormack



# THE SUPREME COURT OF TEXAS

CHIEF JUSTICE  
THOMAS R. PHILLIPS

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GREG ABBOTT

April 15, 1996

Honorable James R. Fry  
Judge, 15th District Court  
Justice Center  
200 S. Crockett Street  
Sherman, Texas 75090

Dear Judge Fry:

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. Patterson and Mr. McCormack, 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

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GREG ABBOTT

April 15, 1996

Mr. James M. McCormack  
General Counsel, State Bar of Texas  
P.O. Box 12487  
Austin, Texas 78711

Ms. Josephine M. Patterson  
6009 Richmond Drive, Suite 228  
Houston, Texas 77057

Dear Mr. McCormack and Ms. Patterson:

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 James R. Fry, Judge of the 15th District Court, Sherman, Texas to preside in

Commission for Lawyer Discipline v. Josephine M. Patterson

Sincerely,

SIGNED

John T. Adams  
Clerk