

**ORDER OF THE SUPREME COURT OF TEXAS**

**Misc Docket No. 96-9162**

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

The Supreme Court of Texas hereby appoints the Honorable Randy Catterton, Judge of the 231st District Court of Tarrant County, Texas, to preside in the Disciplinary Action styled:

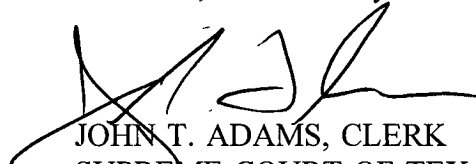
**The Commission for Lawyer Discipline v. Bruce A. Coane**

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.

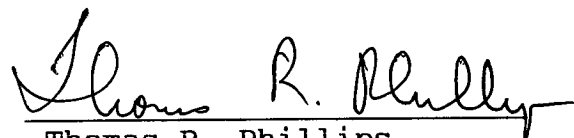
As ordered by the Supreme Court of Texas, in chambers,

with the Seal thereof affixed at the City  
of Austin, this 26th day of June, 1996.

  
JOHN T. ADAMS, CLERK  
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 96-9162, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 27 day of June, 1996.

A handwritten signature in cursive script that reads "Thomas R. Phillips". The signature is written in black ink and is positioned above a horizontal line.

Thomas R. Phillips  
Chief Justice

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

COMMISSION FOR LAWYER DISCIPLINE §  
VS. §  
BRUCE A. COANE §

IN THE DISTRICT COURT OF  
HARRIS COUNTY, TEXAS  
\_\_\_\_ 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 ("Petitioner"), complaining of Respondent, Bruce A. Coane ("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 and supp. 1994), 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 with the State Bar of Texas 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 his principal place of practice in Harris County, Texas, and therefore venue is appropriate in Harris County, Texas, pursuant to Rule 3.03 of the Texas Rules of Disciplinary Procedure. Respondent may be served at his business address located at 1900 West Loop South, Suite 820, Houston, Harris County, Texas 77027.

### III.

On or about November 16, 1992, Sheila Gibson-Jones retained Andrew Gass to represent her in a claim against her former employer for discrimination. Both Jones and Gass signed a written contingent fee contract. Andrew Gass, with the written permission of his client, Sheila Jones, retained the Respondent, Bruce A. Coane, to aid in the representation of Jones. In the agreement, Respondent would file the suit and conduct discovery. Andrew Gass would take over as lead counsel if the case ultimately went to trial.

On November 18, 1992, Respondent sent a letter to Andrew Gass in which he confirmed the agreement that he and Gass would equally share (50-50) in the recovery of any attorney's fees. They agreed that Gass would pay costs as they occurred, with the possible assistance of Ms. Jones. On or about January 22, 1993, Respondent filed suit on behalf of Ms. Jones against her former employers.

In March 1993, Respondent requested from Gass that Gass pay to him Three Thousand Dollars (\$3,000.00) as an advance toward anticipated expenses. Later, Respondent also requested that Gass agree to reduce his attorney's fees from fifty percent (50%) to Respondent's usual twenty-five percent (25%). When Gass refused to advance money to Respondent, and respectfully declined reducing his fee, Respondent declared the contract between himself and Gass void and asserted that Gass was not entitled to any attorney's fees.

The parties mediated a settlement in December 1993, and the Defendants agreed to make three payments to Ms. Jones over a period of one hundred eighty (180) days. The first settlement installment in the amount of Twenty Thousand Six Hundred dollars (\$20,600.00) was sent to Respondent on or about December 13, 1993. A second settlement installment in the

amount of Twenty-one Thousand Two Hundred Fifty Dollars (\$21,250.00) was sent to Respondent on or about March 3, 1994. The third settlement installment in the amount of Twenty-One Thousand Two Hundred Fifty Dollars (\$21,250.00) was to be paid to Respondent and his client on or about June 1, 1994. However, the payment was not made because Gass sued Respondent and Jones for his attorney's fees.

Although Respondent knew that a controversy existed concerning the settlement funds, he disbursed part of the funds to himself, to Ms. Jones, and to others before the controversy over the ownership of the funds was settled. Respondent also failed to provide his client, Sheila Jones, with a full, prompt accounting of his expenses in the lawsuit.

#### IV.

The acts and/or omissions of the Respondent as alleged in Paragraph III of this Disciplinary Petition constitute conduct in violation of Rules **1.04(d)** [Upon conclusion of a contingent fee matter, the lawyer shall provide the client with a written statement describing the outcome of the matter and, if there is a recovery, showing the remittance to the client and the method of its determination]; **1.14(c)** [when in the course of employment a lawyer is in possession of funds in which both the lawyer and another person claim interests, the property shall be kept separate by the lawyer until there is an accounting and severance of their interest. If a dispute arises concerning their respective interests, the portion in dispute shall be kept separate by the lawyer until the dispute is resolved, and the undisputed portion shall be distributed appropriately.]; and **1.15(d)** [upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as surrendering papers and property to which the client is entitled] of the Texas Disciplinary Rules of

Professional Conduct.

V.

The complaint which forms the basis of this lawsuit as hereinabove set forth was brought to the attention of the Office of the General Counsel of the State Bar of Texas by the filing of a complaint by Sheila Jones on or about August 5, 1994.

VI.

On or about August 17, 1994, the Grievance Committee for State Bar of Texas Grievance District 4G served Respondent with a subpoena to produce all documents related to his representation and settlement of Sheila Jones' claim. Respondent failed to produce those records in accordance with the subpoena.

VI.

The acts and/or omissions of the Respondent as alleged in Paragraph VI above constitute conduct in violation of Rules 8.01(b) [A lawyer in connection with a bar disciplinary matter shall not knowingly fail to respond to a lawful demand for information from a disciplinary authority]; and 8.04(a)(8) [a lawyer shall not fail to timely furnish to the Chief Disciplinary Counsel's office or a district grievance committee a response or other information as required by the Texas Rules of Disciplinary Procedure] of the Texas Disciplinary Rules of Professional Conduct.

**PRAYER**

WHEREFORE, PREMISES CONSIDERED, Petitioner prays for judgment that Respondent, Bruce A. Coane, be disciplined by reprimand, suspension, or disbarment, as the facts shall warrant; and that Petitioner have such other and further relief to which entitled, including costs of Court and attorney's fees.


Respectfully submitted,

**James M. McCormack**  
General Counsel

**Mary F. Klapperich**  
Assistant General Counsel

Office of the General Counsel  
State Bar of Texas

1111 Fannin, Suite 1370  
Houston, Texas 77002  
(713) 759-6932  
(713) 759-1932 FAX



**MARY F. KLAPPERICH**

State Bar of Texas No. 11550700

**ATTORNEYS FOR PETITIONER**

# STATE BAR OF TEXAS



Office of the General Counsel

May 29, 1996

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

*Re: Commission for Lawyer Discipline v. Bruce A. Coane*

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 Bruce A. Coane. Mr. Coane 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 practices 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:

Bruce A. Coane  
1900 West Loop South, Suite 820  
Houston, Texas 77027

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 Civil Case Information Sheet, and 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 filemarked copy of the petition be returned to the undersigned.

Also enclosed is a pre-addressed envelope for your use in transmitting the above referenced documents 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 filemarked copy of the petition to the undersigned.



Mr. John T. Adams, Clerk  
Supreme Court of Texas  
May 29, 1996  
Page 2

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

Very truly yours,

A handwritten signature in cursive script that reads "Mary F. Klapperich". The signature is written in black ink and is positioned above the typed name.

Mary F. Klapperich  
Assistant General Counsel

MFK/sml  
enclosures



# 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 ASS'T  
NADINE SCHNEIDER

JUSTICES  
RAUL A. GONZALEZ  
NATHAN L. HECHT  
JOHN CORNYN  
CRAIG ENOCH  
ROSE SPECTOR  
PRISCILLA R. OWEN  
JAMES A. BAKER  
GREG ABBOTT

July 3, 1996

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

Mr. Bruce A. Coane  
1900 West Loop South, Suite 820  
Houston, Texas 77027

Dear Mr. McCormack and Mr. Coane:

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 Randy Catterton, Judge of the 231st District Court, Fort Worth, Texas to preside in

Commission for Lawyer Discipline v. Bruce A. Coane

Sincerely,

**SIGNED**

John T. Adams  
Clerk



## THE SUPREME COURT OF TEXAS

CHIEF JUSTICE  
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JOHN T. ADAMS

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JAMES A. BAKER  
GREG ABBOTT

EXECUTIVE ASST  
WILLIAM L. WILLIS

ADMINISTRATIVE ASST  
NADINE SCHNEIDER

July 3, 1996

Honorable Randy Catterton  
Judge, 231st District Court  
100 W. Weatherford Street  
Fort Worth, Texas 76196

Dear Judge Catterton:

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. Coane 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

POST OFFICE BOX 12248      AUSTIN, TEXAS 78711

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EXECUTIVE ASS'T  
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NATHAN L. HECHT  
JOHN CORNYN  
CRAIG ENOCH  
ROSE SPECTOR  
PRISCILLA R. OWEN  
JAMES A. BAKER  
GREG ABBOTT

July 3, 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. Bruce A. Coane and a copy of the Supreme Court's order appointing the Honorable Randy Catterton, Judge of the 231st District Court, Fort Worth, Texas, to preside in this Disciplinary Action.

Sincerely,

**SIGNED**

John T. Adams  
Clerk

cc: Hon. Randy Catterton  
Mr. Bruce A. Coane  
Mr. James M. McCormack