

**ORDER OF THE SUPREME COURT OF TEXAS**

**Misc Docket No. 97- 9102**

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

The Supreme Court of Texas hereby appoints the Honorable John F. Miller, Jr., Judge of the 102nd District Court of Bowie County, Texas, to preside in the Disciplinary Action styled:


**The Commission for Lawyer Discipline v. Keith M. Jensen**

filed as No. 17-162385-96 in the 17th District Court of Tarrant County, Texas.

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

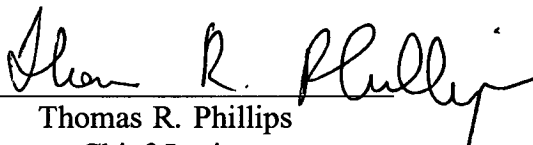
As ordered by the Supreme Court of Texas, in chambers,

with the Seal thereof affixed at the City  
of Austin, this 10th day of June, 1997.

  
JOHN T. ADAMS, CLERK  
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 97-9102, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 10 day of June, 1997.

  
Thomas R. Phillips  
Chief Justice

CAUSE NO. 17-162385-96

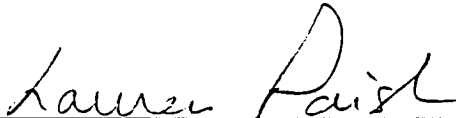
COMMISSION FOR	X	IN THE DISTRICT COURT
LAWYER DISCIPLINE	X	
	X	
VS.	X	OF TARRANT COUNTY, TEXAS
	X	
KEITH M. JENSEN	X	17TH JUDICIAL DISTRICT

ORDER OF RECUSAL

On this 5th day of May, 1997, the Court on its own motion, has concluded that Lauren Parish, the assigned Judge in said cause, should recuse herself as Judge in the handling, trial or other disposition of said cause.

IT IS THEREFORE ORDERED that the undersigned Lauren Parish, Presiding Judge in the above referenced case by assignment from the Supreme Court of Texas, is removed as the Judge in and for this particular cause.

Dated this the 5 day of May, 1997.



\_\_\_\_\_  
LAUREN PARISH  
Presiding Judge by Assignment  
from the Supreme Court of Texas

COMMISSION FOR	§	IN THE DISTRICT COURT OF
LAWYER DISCIPLINE	§	
	§	
v.	§	TARRANT COUNTY, TEXAS
	§	
KEITH M. JENSEN	§	17th JUDICIAL DISTRICT

RESPONDENT'S MOTION TO RECUSE

TO THE HONORABLE JUDGE ASSIGNED TO HEAR THIS MOTION:

COMES NOW, Keith M. Jensen, Respondent, by and through his attorney Steven L. Lee, and files this his Motion to Recuse, and in support thereof would respectfully show this Court as follows:

1. After a June, 1996, bench trial, in July of 1996, this Court entered a Final Judgment. On March 13, 1997, the Fort Worth Court of Appeals, reversed the judgment rendered in this case due to the fact that "the court reporter's records have been lost or destroyed without appellant's fault" and remanded this case for a new trial.

2. Pursuant to Rule 18a(c) & (d) and 18(b) of the Texas Rules of Civil Procedure, movant respectfully requests the Honorable Lauren Parish, the presiding judge in this case, to either recuse herself or forward an order of referral to the Honorable Clyde Ashworth Presiding Judge of the Administrative Judicial District, so that he may either set this matter for hearing before himself or assign this matter to another judge designated by him.

3. Respondent respectfully submits that either the Honorable Lauren Parish or the judge who hears this matter has two

stand-alone independent bases upon which to grant this motion; subsections (a) and (b) of Rule 18(b)(2) of the Texas Rules of Civil Procedure. Those rules state that

A judge shall recuse himself in any proceeding in which:

(a) his impartiality might reasonably be questioned;

(b) he has a personal bias or prejudice concerning the subject matter or a party, or personal knowledge of disputed evidentiary facts concerning the proceeding;

Tex. R. Civ. P. 18b(2)(a) & (b).

4. This case has already been tried before the Honorable Judge Parish, who imposed a sanction; a 1 year suspension that subjected movant to a penalty 365 days greater than any Texas attorney in this entire decade has received for the violation of solely advertising disciplinary rules.

5. It is beyond cavil that Judge Parish's impartiality will be justifiably and reasonably questioned if she were to preside over the re-trial of this case in light of the fact that she has already doled out, what is upon information and belief, far and away the most severe sanction ever imposed on a Texas attorney for solely violations of the advertising disciplinary rules.

6. How is it truthfully possible that Judge Parish does not have a personal bias or prejudice concerning the subject matter of this action in relation to her potentially presiding over the re-trial of this case, when the facts will be the same the second time around as they were the first time around and in the first trial she apparently chose to accept all of the Commission's

evidence and none of Mr. Jensen's?<sup>1</sup>

7. Two of the most respected General Counsels ever in the history of the State Bar of Texas, Mr. Steven D. Peterson and Mr. Jerry L. Zunker, both unequivocally testified at the trial of this proceeding that Mr. Jensen's firm brochures in no way violated any single disciplinary rule. When both of these esteemed former General Counsels of the State Bar of Texas were required to address the hypothetical of what sanction would be appropriate (in the event the Court disagreed with their unequivocal testimony), they both testified to the effect that a public reprimand would be too harsh.

8. Despite the fact that the Commission's sole live witness, also their expert witness, testified to the effect that he had no knowledge of anyone ever being suspended as a result of an advertising disciplinary rule infraction, Judge Parish doled out what has already been established in the record before this Court (in the Motion for Reconsideration of Appropriate Measure of Discipline, filed August 27, 1996, Exhibit "A" hereto), a suspension 365 days longer than any attorney has ever been forced or agreed to serve since the adoption of the Texas Disciplinary Rules of Professional Conduct for the violation solely of advertising disciplinary rules.

9. Attached as Exhibits "B" and "C" hereto and incorporated by this reference are the Supplemental Motion for

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<sup>1</sup> Movant has and will continue to assert that the Commission produced no evidence.

Reconsideration of Appropriate Measure of Discipline and Second Supplemental Motion for Reconsideration of Appropriate Measure of Discipline.

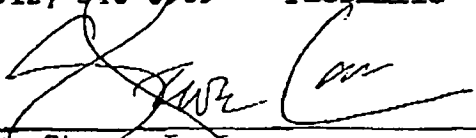
10. It is not possible, in truth, that Judge Parish's impartiality will not be reasonable questioned when she:

- 1) was the first judge to ever sanction Keith M. Jensen for any reason at any time -- and she did so on March 28, 1996, because he served too many requests for admissions, for which there is no limit in the Rules of Procedure and interrogatories requiring more than 30 answers;
- 2) she has already heard the facts and reached a conclusion -- presumably she will not change her mind and reverse herself;
- 3) she has repeatedly ruled that the absence of consideration by a grievance committee does not prevent the Petitioner from amending its pleadings to include new factual counts of alleged professional misconduct, contrary to Rules 2.09-2.14 of the Texas Rules of Disciplinary Procedure; and
- 4) while Keith M. Jensen remains fervently insistent upon his total innocence, like Messrs. Peterson and Zunker, even if a statement in his ad was potentially misleading, which he denies, such a determination especially in light of the fact that no one ever relied upon any portion of any ad or even hired Mr. Jensen, is worthy of a private or public reprimand at worst, not what on information and belief, remains the harshest sanction in Texas history for the violation solely of advertising rules.

WHEREFORE PREMISES CONSIDERED, Respondent Keith M. Jensen, respectfully prays for the entry of an order, recusing the Honorable Lauren Parish from presiding over any further proceedings in this cause, and for such other and further relief, general or special, to which the Respondent may be justly entitled and for which he will ever pray.

Respectfully submitted,

Lione & Lee, P.C.  
8303 North Mopac, Suite C-238  
Austin, Texas 78759  
(512) 349-8966 -- Telephone  
(512) 346-8969 -- Facsimile



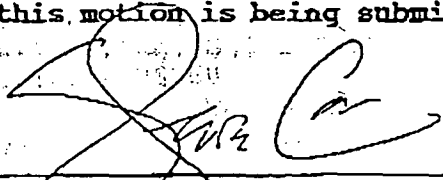
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Mr. Steven L. Lee  
State Bar No. 12137400

ATTORNEY FOR RESPONDENT

CERTIFICATE OF CONFERENCE

The undersigned hereby certifies that on April <sup>29<sup>th</sup></sup>, 1997, he conferred with counsel for the Petitioner who was opposed to the relief sought herein. Accordingly, this motion is being submitted for determination by this Court.



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Steven L. Lee





Court Coordinator  
Terri Ross  
Court Reporter  
Deanna Drennan  
Court Bailiff  
Louie English

**Judge Lauren Parish**  
115th Judicial District Court  
Huish and Marion Counties

P. O. Box 1052  
Gilmer, Texas 75644  
Telephone (903) 843-2836  
FAX (903) 843-5109

May 5, 1997

Honorable William L. Willis  
Executive Assistant  
The Supreme Court of Texas  
P. O. Box 12248  
Austin, Texas 78711

RE: Misc Docket No. 96-9001  
Appointment of a District Judge to Preside  
in a State Bar Disciplinary Action

Tarrant County Cause No. 17-162385-96  
Commission for Lawyer Discipline vs.  
Keith M. Jensen

Dear Mr. Willis:

Enclosed please find a copy of the Order of Recusal  
which original has been filed with the District Clerk of  
Tarrant County, Texas, in the above referenced cause.

Thank you for your attention and cooperation in this  
regard.

Sincerely,

A handwritten signature in cursive script that reads "Lauren Parish".

Lauren Parish  
Judge, 115th District Court

LP/tr

Enclosure

# STATE BAR OF TEXAS



Office of the Chief Disciplinary Counsel

May 7, 1997

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

Re: Cause No. 17-162385-96; Commission for Lawyer Discipline v Keith M. Jensen

Dear Mr. Adams:

Enclosed please find a copy of the Order of Recusal signed by Judge Parish in the above case on May 5, 1997. I would ask that the Supreme Court appoint another Judge to preside over this matter as soon as possible.

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

Sincerely,

A handwritten signature in black ink, appearing to be "J.G. Molleston", written over a horizontal line.

J.G. Molleston  
Assistant General Counsel  
Office of the Chief Disciplinary Counsel  
State Bar of Texas

/am

Enclosure

cc: Bob Vial, Vial, Hamilton, Koch, and Knox, 1717 Main Street, Suite 4400, Dallas, TX 75201-7357 (w/o encl.)

Steven L. Lee, Lione & Lee, 8303 N. Mopac Expressway, Building C, Suite 238, Austin, TX 78759-8370 (w/encl.) CM, RRR P 363 160 400

201 Main St., Suite 1150, Fort Worth, Texas 76102, (817)877-4993 (Fax 335-4249)



# THE SUPREME COURT OF TEXAS

CHIEF JUSTICE  
THOMAS R. PHILLIPS

POST OFFICE BOX 12218 AUSTIN, TEXAS 78711

TEL: (512) 463-1312

FAX: (512) 463-1365

CLERK  
JOHN T. ADAMS

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

EXECUTIVE ASST  
WILLIAM L. WILLIS

ADMINISTRATIVE ASST  
NADINE SCHNEIDER

June 16, 1997

The Honorable Tom Wilder  
District Clerk of Tarrant County  
401 West Belknap  
Fort Worth, Texas 76196-0225

Dear Mr. Wilder:

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. Keith M. Jensen, and a copy of the Supreme Court's order appointing the Honorable John F. Miller, Jr., Judge of the 102<sup>nd</sup> District Court, Texarkana, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams  
Clerk

cc: Hon. John F. Miller, Jr.  
Mr. Keith M. Jensen  
Ms. Jennifer Rymell



# THE SUPREME COURT OF TEXAS

CHIEF JUSTICE  
THOMAS R. PHILLIPS

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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

June 16, 1997

Honorable John F. Miller, Jr.  
Judge, 102<sup>nd</sup> District Court  
100 N. State Line  
Box 10  
Texarkana, Texas 75501

Dear Judge Miller:

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. Jensen and Ms. Rymell, and a copy of the letter to the District Clerk of Tarrant County.

It is recommended that, six to eight weeks after receipt of this letter, your coordinator contact the District Clerk (817-884-1574) to learn the names, addresses, and telephone numbers of counsel for purposes of scheduling a conference. Also, either before or immediately after you set the case for trial, you should contact the Presiding Judge of the Administrative Judicial Region into which you have been assigned (817-884-1558) to reserve a courtroom, provide for a court reporter, etc., and to 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

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CLERK  
JOHN T. ADAMS

EXECUTIVE ASS'T  
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T  
NADINE SCHNEIDER

June 16, 1997

Ms. Jennifer Rymell  
Assistant General Counsel, State Bar of Texas  
201 W. Main Street, Suite 1150  
Fort Worth, Texas 76102

Mr. Keith M. Jensen  
2929 Morton Street, Suite 100  
Fort Worth, Texas 76107

Dear Ms. Rymell and Mr. Jensen:

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 F. Miller, Jr., Judge of the 102<sup>nd</sup> District Court, Texarkana, Texas to preside in

Commission for Lawyer Discipline v. Keith M. Jensen

Sincerely,

**SIGNED**

John T. Adams  
Clerk