

**ORDER OF THE SUPREME COURT OF TEXAS**

**Misc Docket No. 97- 9208**

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

The Supreme Court of Texas hereby appoints the Honorable John R. Hollums, Judge of the 110th District Court of Floyd County, Texas, to preside in the Disciplinary Action styled:

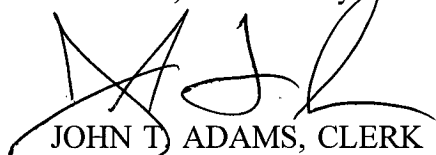
**The Commission for Lawyer Discipline v. Robert O. Rafuse**

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

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

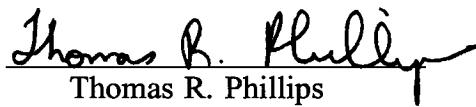
As ordered by the Supreme Court of Texas, in chambers,

with the Seal thereof affixed at the City  
of Austin, this 2nd day of December, 1997.

  
JOHN T. ADAMS, CLERK  
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 97-9208, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this      day of December, 1997.

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

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

TO CLERK: "FILE MARK  
THIS COPY AND RETURN"

COMMISSION FOR LAWYER DISCIPLINE	§	IN THE DISTRICT COURT OF
V.	§	WICHITA COUNTY, TEXAS
ROBERT O. RAFUSE	§	_____ 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, Robert O. Rafuse (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 his principal place of practice in, Wichita County, Texas. Service of citation may be had on Respondent by certified mailed, return receipt requested, addressed to Respondent's agent and attorney of record, Steven L. Lee, 8303 N. Mopac Expressway, Building C., Suite 238, Austin, Texas 78759-8370.

**FIRST CAUSE OF ACTION**

**III.**

On or about March 10, 1997, Robert O. Rafuse (hereinafter referred to as the "Respondent") signed an affidavit and submitted same to the District 14A grievance committee

stating neither he nor the Law Firm of Steven M. Williams charged Avery Creacy, a client, attorneys' fees in connection with a worker's compensation claim. Respondent added that the work performed on behalf of Creacy was performed pro bono.

In a grievance hearing held on February 16, 1996, Steven M. Williams testified that Creacy did not pay all the attorneys' fees he should have per the employment contract, in connection with the workers compensation claim. During that hearing, time slips with Respondent's initials were submitted to the grievance panel as evidence, as was a billing statement addressed to Creacy. The billing statement was for work performed on the worker's compensation claim. Respondent never filed an application of attorneys' fees to the Texas Workers' Compensation Commission.

Respondent knowingly made a false statement of material fact to the grievance committee in connection with a disciplinary matter. Respondent knowingly engaged in conduct involving deceit and misrepresentation.

#### IV.

Such acts and/or omissions on the part of Respondent as are described in Paragraph III hereinabove which occurred on or after January 1, 1990, constitute conduct violative of Rules 3.03(a)(1), 8.01(a), and 8.04(a)(3) of the Texas Rules of Professional Conduct.

#### V.

The complaint which forms the basis of the cause of action 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 the State Bar of Texas on or about April 9, 1997.

#### 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

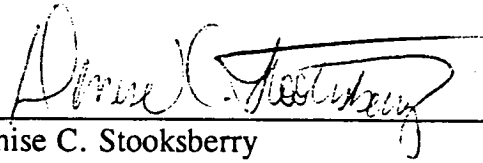
which entitled, including costs of Court and attorney's fees.

Respectfully submitted,

Steven W. Young  
General Counsel

Denise C. Stooksberry  
Assistant General Counsel

Office of the General Counsel  
STATE BAR OF TEXAS  
201 Main Street, Suite 1150  
Fort Worth, TX 76102  
817/877-4993  
817/335-4249 (FAX)

A handwritten signature in cursive script, appearing to read "Denise C. Stooksberry", is written over a horizontal line.

Denise C. Stooksberry  
State Bar Card No. 04607100

ATTORNEYS FOR PETITIONER

# STATE BAR OF TEXAS



Office of the Chief Disciplinary Counsel

October 31, 1997

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

Re: Commission for Lawyer Discipline v. Robert O. Rafuse

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 Robert O. Rafuse. Mr. Rafuse is a resident of Wichita 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:

Robert O. Rafuse  
c/o Steven L. Lee  
8303 N. Mopac Expressway  
Building C., Ste. 238  
Austin, TX 78759-8966

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. 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 Wichita 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.

John T. Adams, Clerk  
October 31, 1997  
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Also enclosed is a pre-addressed envelope for your use in transmitting the petition, etc., to the District Clerk of Wichita County, Texas, and a return envelope to be sent to the District Clerk of Wichita County, Texas, for the Clerk's use in returning a file-marked 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 black ink, appearing to read "Denise C. Stooksberry". The signature is fluid and cursive, with the first name "Denise" written in a larger, more prominent script than the last name "Stooksberry".

Denise C. Stooksberry  
Assistant General Counsel  
Office of the Chief Disciplinary Counsel  
State Bar of Texas

DCS/am

Enclosures