

**ORDER OF THE SUPREME COURT OF TEXAS**

**Misc Docket No. 99- 9201**

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

The Supreme Court of Texas hereby appoints the Honorable Nathan E. White, Jr., Judge of the 366th District Court of Collin County, Texas, to preside in the Disciplinary Action styled:

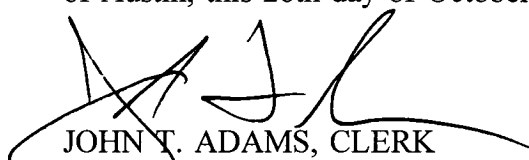
**The Commission for Lawyer Discipline v. Bartholomew C. Okonkwo**

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.

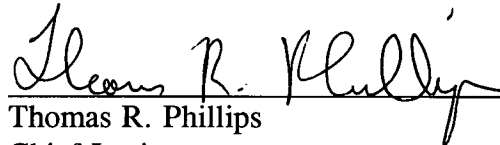
As ordered by the Supreme Court of Texas, in chambers,

with the Seal thereof affixed at the City  
of Austin, this 26th day of October, 1999.

  
JOHN T. ADAMS, CLERK  
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 99-9201, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code, §74.057.

Signed this   1   day of November, 1999.

  
\_\_\_\_\_  
Thomas R. Phillips  
Chief Justice

COPY

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

COMMISSION FOR LAWYER DISCIPLINE	§	IN THE DISTRICT COURT OF
V.	§	HARRIS COUNTY, TEXAS
BARTHOLOMEW C. OKONKWO	§	_____ JUDICIAL DISTRICT

**DISCIPLINARY PETITION**

**TO THE HONORABLE JUDGE OF SAID COURT:**

COMES NOW Petitioner, the **COMMISSION FOR LAWYER DISCIPLINE** (hereinafter referred to as "Petitioner"), a committee of the STATE BAR OF TEXAS, complaining of Respondent, **BARTHOLOMEW C. OKONKWO** (hereinafter referred to as "Respondent"), and would respectfully show unto the Court the following:

**I. DISCOVERY CONTROL PLAN**

Pursuant to Rules 190.1 and 190.2 of the TEXAS RULES OF CIVIL PROCEDURE (TRCP), Petitioner intends discovery in this case to be conducted under the Level 1 Discovery Control Plan.

**II. NATURE OF PROCEEDING**

Petitioner brings this disciplinary action pursuant to the STATE BAR ACT, TEXAS GOVERNMENT CODE ANNOTATED §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 that forms the basis of this *Disciplinary Petition* was filed on or after May 1, 1992.

### **III. VENUE**

Respondent is an attorney licensed to practice law in Texas and a member of the STATE BAR OF TEXAS. Respondent's residence and principal place of practice is Harris County, Texas; 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 at 2646 South Loop West, Suite 215, Houston, Harris County, Texas, 77054.

### **IV. CAUSE OF ACTION**

On or about September 1, 1997, Respondent was suspended from the practice of law for non-payment of the Attorney Occupational Tax. Respondent was not reinstated to practice law until on or about December 8, 1998, when he paid his delinquent taxes and bar dues. However, on or about June 22, 1998, Respondent represented the Plaintiffs at their depositions concerning Cause No. 1997-36610, *Irma Jean Stacher and Carla Antoinette Beaver v. Hulen Bryant*, in the 80th Judicial District Court of Harris County, Texas. In addition, Respondent argued *Plaintiff's Motion to Compel* before the Court on or about July 20, 1998. Consequently, on or about November 24, 1998, Respondent was substituted as counsel for Plaintiffs.

### **V. RULE VIOLATIONS**

The acts and/or omissions of Respondent described in Paragraph IV above, which occurred on or after January 1, 1990, constitute conduct in violation of Rule 8.04(a)(11) [for engaging in the practice of law when the lawyer is on inactive status or when the lawyer's right to practice has been suspended or terminated, including but not limited to situations where a lawyer's right to practice has been administratively suspended for failure to timely pay required fees or assessments or for failure to comply with Article XII of the STATE BAR RULES relating to

Mandatory Continuing Legal Education, of the TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT.

**VI.**

The complaint which forms the basis of this cause of action was brought to the attention of the Office of the General Counsel of the STATE BAR OF TEXAS by Michele Keating's filing of a complaint on or about January 7, 1999.

**PRAYER FOR RELIEF**


**WHEREFORE, PREMISES CONSIDERED**, Petitioner, the **COMMISSION FOR LAWYER DISCIPLINE** respectfully prays that this Court discipline Respondent, **BARTHOLOMEW C. OKONKWO** by reprimand, suspension, or disbarment, as the facts shall warrant, and grant all other relief to which Petitioner may show itself to be justly entitled, including costs of court and attorneys' fees.

Respectfully submitted,

**DAWN MILLER**  
Acting General Counsel

**KIMBERLY M. GAMBLE**  
Assistant General Counsel

Office of the General Counsel  
State Bar of Texas  
1111 Fannin, Suite 1370  
Houston, Texas 77002  
(713) 759-6931  
(713) 752-2158 FAX



**KIMBERLY M. GAMBLE**  
State Bar No. 00789804

**ATTORNEYS FOR PETITIONER  
COMMISSION FOR LAWYER DISCIPLINE**

# STATE BAR OF TEXAS



## OFFICE OF THE GENERAL COUNSEL

September 9, 1999

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

**RE: *Commission for Lawyer Discipline v. Bartholomew C. Okonkwo***

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 Bartholomew C. Okonkwo. Mr. Okonkwo 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 resides to preside in this case. Upon appointment, request is made that you notify the Respondent at the address shown below and the undersigned of the identity and address of the judge assigned:

Bartholomew C. Okonkwo  
2646 South Loop West, Suite 215  
Houston, Texas 77054

As a practical matter, I would respectfully suggest that you inquire with the judge to be appointed as to: (1) 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; 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, the Civil Case Information Sheet, 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 file-marked copy of the petition be returned to the undersigned.

J:\OKONKWO.BC\CFLD1.KMG\C\_ADAMS.01

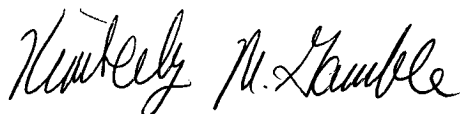
**1111 FANNIN, SUITE 1370, HOUSTON, TEXAS 77002, (713) 759-6931**

Mr. John Adams, Clerk  
Supreme Court of Texas  
September 9, 1999  
Page Two

Also enclosed are a pre-addressed envelope for your use in transmitting the petition, etc., 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 file-marked copy of the Petition to the undersigned.

Thank you for your courtesies in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Kimberly M. Gamble".

Kimberly M. Gamble  
Assistant General Counsel

KMG/sml  
Enclosures





THE SUPREME COURT OF TEXAS

CHIEF JUSTICE  
THOMAS R. PHILLIPS

POST OFFICE BOX 12248 AUSTIN, TEXAS 78711

CLERK  
JOHN T. ADAMS

JUSTICES  
NATHAN L. HECHT  
CRAIG T. ENOCH  
PRISCILLA R. OWEN  
JAMES A. BAKER  
GREG ABBOTT  
DEBORAH G. HANKINSON  
HARRIET O'NEILL  
ALBERTO R. GONZALES

TEL: (512) 463-1312  
FAX: (512) 463-1365

EXECUTIVE ASST  
WILLIAM L. WILLIS

NOV 05 1999

DEPUTY EXECUTIVE ASST  
JIM HUTCHESON

ADMINISTRATIVE ASST  
NADINE SCHNEIDER

Ms. Kimberly M. Gamble  
Assistant General Counsel, State Bar of Texas  
1111 Fannin, Suite 1370  
Houston, Texas 77002

Mr. Bartholomew C. Okonkwo  
2646 South Loop West, Suite 215  
Houston, Texas 77054

Dear Ms. Gamble and Mr. Okonkwo:

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 Nathan E. White, Jr., Judge of the 366<sup>th</sup> District Court, McKinney, Texas to preside in

*Commission for Lawyer Discipline v. Bartholomew C. Okonkwo*

Sincerely,

**SIGNED**

John T. Adams  
Clerk



## 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

JUSTICES  
NATHAN L. HECHT  
CRAIG T. ENOCH  
PRISCILLA R. OWEN  
JAMES A. BAKER  
GREG ABBOTT  
DEBORAH G. HANKINSON  
HARRIET O'NEILL  
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NOV 05 1999

CLERK  
JOHN T. ADAMS

EXECUTIVE ASST  
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASST  
JIM HUTCHESON

ADMINISTRATIVE ASST  
NADINE SCHNEIDER

Honorable Nathan E. White  
Judge, 366<sup>th</sup> District Court  
210 S. McDonald Street. #514  
McKinney, Texas 75069

Dear Judge White:

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. Okonkwo and Ms. Gamble, 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

TEL: (512) 463-1312

FAX: (512) 463-1365

CLERK  
JOHN T. ADAMS

EXECUTIVE ASS'T  
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASS'T  
JIM HUTCHESON

ADMINISTRATIVE ASS'T  
NADINE SCHNEIDER

JUSTICES  
NATHAN L. HECHT  
CRAIG T. ENOCH  
PRISCILLA R. OWEN  
JAMES A. BAKER  
GREG ABBOTT  
DEBORAH G. HANKINSON  
HARRIET O'NEILL  
ALBERTO R. GONZALES

NOV 05 1999

The Honorable Charles Bacarisse  
District Clerk of Harris County  
P.O. Box 4651  
Houston, Texas 77002

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. Bartholomew C. Okonkwo*, and a copy of the Supreme Court's order appointing the Honorable Nathan E. White, Jr., Judge of the 366<sup>th</sup> District Court, McKinney, Texas, to preside in this Disciplinary Action.

Sincerely,

**SIGNED**

John T. Adams  
Clerk

cc: Honorable Nathan E. White, Jr.  
Ms. Kimberly M. Gamble  
Mr. Bartholomew C. Okonkwo  
Ms. Melissa Dartez