

IN THE SUPREME COURT OF THE STATE OF TEXAS

Misc. Docket No. 95- 9168

IN THE MATTER OF

Debra Sue Berg

ORDER

On this day came on for consideration the Motion for Acceptance of Resignation as Attorney and Counselor at Law of Debra Sue Berg together with the Response filed by the Chief Disciplinary Counsel of the State Bar of Texas acting through the Commission for Lawyer Discipline. The Court has reviewed said Motion and the Response and finds each to be legally sufficient. The Court, being advised that such resignation is tendered in lieu of disciplinary action, and being of the opinion that such resignation is in the best interest of the public and of the profession and will meet the ends of justice, hereby concludes that the following Order is appropriate.

It is ORDERED that the law license of Debra Sue Berg heretofore issued by this court, be, and the same is hereby cancelled and revoked and his name be, and is hereby, removed and deleted from the list of persons licensed to practice law in the State of Texas. Receipt of the permanent State Bar card and affidavit stating the whereabouts of the law license issued by this Court to Debra Sue Berg is hereby acknowledged.

By the Court, en banc, in chambers, this the 12th day
of September, 1995.

Thomas R. Phillips
Thomas R. Phillips, Chief Justice

Raul A. Gonzalez
Raul A. Gonzalez, Justice

Jack Hightower
Jack Hightower, Justice

Nathan L. Hecht
Nathan L. Hecht, Justice

John Cornyn
John Cornyn, Justice

Bob Gammage
Bob Gammage, Justice

Craig Enoch
Craig Enoch, Justice

Rose Spector
Rose Spector, Justice

Priscilla R. Owen
Priscilla R. Owen, Justice

00783640
Attorney's Bar Card Number

Misc. Docket No. 95 - 9168

STATE BAR OF TEXAS



Office of the General Counsel

July 18, 1995

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

Re: Debra Sue Berg

Dear Mr. Adams:

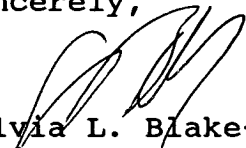
Pursuant to Part X of the Texas Rules of Disciplinary Procedure, please find enclosed herewith the following:

- (1) Original executed Motion for Acceptance of Resignation as Attorney and Counselor at Law for the above referenced attorney;
- (2) Original and two (2) copies of the Response of the Chief Disciplinary Counsel to Motion for Acceptance of Resignation as Attorney and Counselor at Law for the above referenced attorney; and
- (3) Permanent State Bar Card and law license (or affidavit stating whereabouts of either item) for the above referenced attorney.
- (4) Original Order of Resignation for the Court's signature.

Pursuant to Rule 10.02 of the Texas Rules of Disciplinary Procedure, the required ten (10) day timeframe has passed and the above-referenced attorney has made no attempt to withdraw the Motion for Acceptance of Resignation. Therefore, the detailed statement of professional misconduct is deemed to have been conclusively established for all purposes.

I will appreciate your bringing this to the Court's attention. Please return a fully executed copy of the Order to our office at your earliest convenience.

Sincerely,



Sylvia L. Blake-Larson
Regional Counsel
Office of the Chief Disciplinary Counsel
State Bar of Texas

Enclosure

CF3-24RA.PRI

STATE BAR OF TEXAS



Office of the Chief Disciplinary Counsel

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
#Z443127791

July 27, 1995

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

Re: Debra Sue Berg


Dear Mr. Adams:

As you requested by telephone on July 26, 1995, attached is a corrected Order of Resignation for the Court's signature regarding the above referenced attorney.

I will appreciate your bringing this to the Court's attention. Please return a fully executed copy of the Order to our office at your earliest convenience.

Please do not hesitate to contact me should you need any further assistance.

Sincerely,



Sylvia L. Blake-Larson
Regional Counsel
Office of the Chief Disciplinary Counsel
State Bar of Texas

SLBL/dg

enclosure

IN THE SUPREME COURT OF TEXAS
MOTION FOR ACCEPTANCE OF RESIGNATION AS
ATTORNEY AND COUNSELOR AT LAW

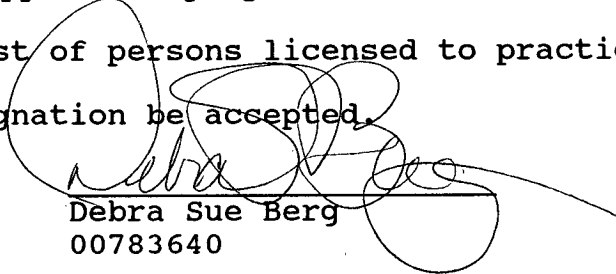
OF

Debra Sue Berg

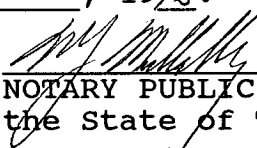
NOW COMES your Applicant, Debra Sue Berg, and hereby resigns as an Attorney and Counselor at Law in the State of Texas; and hereby submits to the Court her resignation as an Attorney and Counselor at Law; and prays that the Court accept said resignation.

Attached hereto is the License and permanent State Bar card issued by this Court to the Applicant, Debra Sue Berg, as an Attorney and Counselor at Law on November 6, 1992. Said License and permanent State Bar card are hereby surrendered by the Applicant.

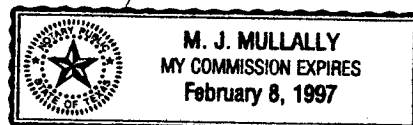
Your applicant is voluntarily resigning and withdrawing from the practice of law; Applicant does so in lieu of discipline for professional misconduct; and Applicant prays that her name be dropped and deleted from the list of persons licensed to practice law in Texas; and that her resignation be accepted.


Debra Sue Berg
00783640

SUBSCRIBED AND SWORN to before me by the said Debra Sue Berg this the 4th day of April, 1995.


NOTARY PUBLIC in and for
the State of Texas

Debra Sue Berg
P.O. Box 870591
Dallas, TX 75287
CF6-17.PRI



IN THE SUPREME COURT OF THE STATE OF TEXAS
RESPONSE TO MOTION FOR ACCEPTANCE OF RESIGNATION AS
ATTORNEY AND COUNSELOR AT LAW

OF

Debra Sue Berg

TO THE HONORABLE SUPREME COURT OF TEXAS:

Pursuant to Part X of the Texas Rules of Disciplinary Procedure, James M. McCormack, Chief Disciplinary Counsel, hereby files this response on behalf of the State Bar of Texas, acting by and through the Commission for Lawyer Discipline, to the Motion for Acceptance of Resignation in Lieu of Discipline filed by Debra Sue Berg, and would show as follows:

I.

The acceptance by the Court of the Resignation of Debra Sue Berg is in the best interest of the public and of the profession.

II.

Applicant is an attorney licensed to practice law in Texas and member of the State Bar of Texas.

III.

In connection with such resignation, Applicant has acknowledged the following findings of fact:

File # F0059402645 - Destiny Williams Complaint
File # F0069402757 - Donna Hodges Complaint
File # F0079402857 - Lawrence Lee Complaint
File # F0099403031 - Paula Jones Complaint
File # F0129403411 - Lydia Pena Complaint

(1) Applicant knowingly failed to respond to lawful demands for information from a disciplinary authority.

(2) Applicant has neglected the legal matters entrusted to her.

(3) Applicant failed to keep clients reasonably informed about the status of legal matters.

(4) Applicant, upon termination of representation, failed to take steps to the extent reasonably practicable to protect client's interests such as giving reasonable notice and surrendering property and papers to which the clients were entitled.

(5) The above facts support violations of Rules 1.01(b), 1.01(c), 1.03, 1.14, 1.15(d), 8.01(b), and 8.04(a)(1) of the Texas Disciplinary Rules of Professional Conduct.

File # F0089402930 - Jewel Evans

(1) Applicant knowingly failed to respond to lawful demands for information from a disciplinary authority.

(2) Applicant has neglected the legal matters entrusted to her.

(3) Applicant received \$235.00 from client, Jewel Evans, to obtain medical records; neglected her cause of action and abandoned this client without returning her file or refunding the \$235.00.

(4) Applicant failed to keep clients reasonably informed about the status of legal matters.

(5) Applicant, upon termination of representation, failed to take steps to the extent reasonably practicable to protect client's interests such as giving reasonable notice and surrendering property and papers to which the clients were entitled.

(6) The above facts support violations of Rules 1.01(b), 1.01(c), 1.03, 1.14, 1.15(d), 8.01(b), and 8.04(a)(1) of the Texas Disciplinary Rules of Professional Conduct. Restitution is due to Jewel Evans in the amount of \$235.00.

IV.

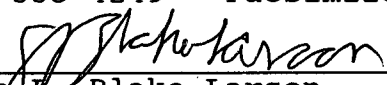
WHEREFORE, the State Bar of Texas, moves the Court to accept the resignation in lieu of discipline and grant the motion filed by Movant.

Respectfully Submitted:

James M. McCormack
Chief Disciplinary Counsel

Sylvia L. Blake-Larson
Regional Counsel

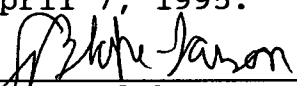
Office of the Chief Disciplinary Counsel
State Bar of Texas
500 Throckmorton, Suite 2604
Fort Worth, Texas 76102
(817) 877-4993
(817) 335-4249 - Facsimile



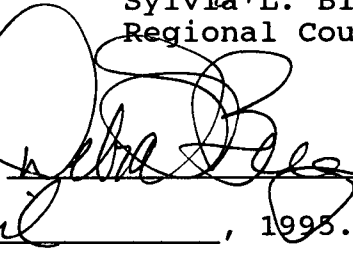
Sylvia L. Blake-Larson
Regional Counsel
State Bar Card No. 02426500

CERTIFICATE OF SERVICE

This is to certify that the Response of the Chief Disciplinary Counsel to the Resignation of Debra Sue Berg has been served on Debra Sue Berg, via Hand Delivery April 7, 1995.



Sylvia L. Blake-Larson
Regional Counsel

Receipt acknowledged by  on the
7th day of April, 1995.

STATE OF TEXAS :
 : SS
COUNTY OF TARRANT :

AFFIDAVIT

Personally appears M. J. Mullally, Senior Investigator, Fort Worth Regional Office, State Bar of Texas, who first being duly sworn deposes and states:

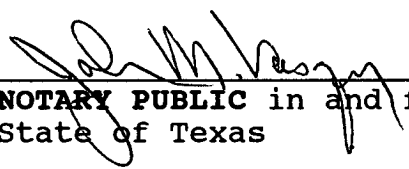
First complaint alleging professional misconduct by Attorney Debra Sue Berg was docketed in District 7-A in May 1994. Additional complaints followed in June, July, August, September, and December 1994. All efforts to obtain a response from Attorney Berg produced negative results. On February 15, 1995 Attorney Berg was subpoenaed to appear before a Panel of the District 7-A Grievance Committee April 4, 1995. The subpoena commanded production of Complainant's representation files in addition to written responses to the complaint allegations. Attorney Berg appeared on April 4, 1995, but produced neither the Complainant's files nor responses to their complaints. She informed the Panel that she was no longer desirous of retaining her law license, and was pursuing a business career in Oklahoma that had nothing to do with the practice of law. She submitted her resignation and State Bar Card. On that date she told affiant that she was not sure she could locate her State of Texas Law License. On April 7, 1995 Ms. Berg delivered Complainant's files to the Fort Worth Regional Office. At that time she was delivered Response of the Chief Disciplinary Counsel to the Resignation of Debra Sue Berg. At that time Ms. Berg reiterated to Affiant that it was doubtful she would be able to locate her law license. Subsequent to that meeting telephonic contact was made April 28, 1995. During that call she stated that she would send an affidavit of loss of license if further search failed to produce the license. That was the last communication with Ms. Berg. She has failed to return calls. On May 22, 1995 a letter was sent to Ms. Berg which included an affidavit for execution that she could not locate the license. Ms. Berg has not responded in anyway.

All of the foregoing is basis for concluding that Ms. Berg's law license is most probably lost and further efforts to recover it serve no useful purpose.



M. J. Mullally
Senior Investigator

SUBSCRIBED AND SWORN to before me by M. J. Mullally this 14th
day of July, 1995.



NOTARY PUBLIC in and for the
State of Texas

