

**ORDER OF THE SUPREME COURT OF TEXAS**

Misc. Docket No. 00-9052

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

The Supreme Court of Texas hereby appoints the Honorable John Delaney, Judge of the 272nd District Court of Brazos County, Texas, to preside in the Disciplinary Action styled:

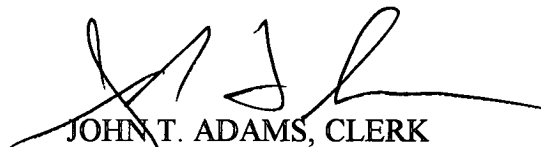
**The Commission for Lawyer Discipline v. William Jacobs, Jr.**

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

The Clerk of the Supreme Court shall promptly forward to the District Clerk of Dallas 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.

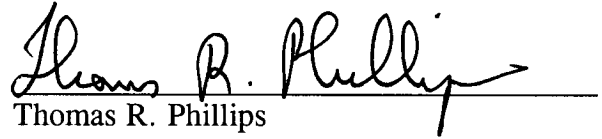
As ordered by the Supreme Court of Texas, in chambers,

With the Seal thereof affixed at the City  
Of Austin, this 28<sup>th</sup> day of March, 2000.

  
JOHN T. ADAMS, CLERK  
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 00-9052, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 28 day of March, 2000.

  
Thomas R. Phillips  
Chief Justice

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

COMMISSION FOR LAWYER DISCIPLINE	§	IN THE DISTRICT COURT OF
V.	§	DALLAS COUNTY, TEXAS
WILLIAM JACOBS, JR.	§	_____ 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, William Jacobs, Jr., (hereinafter called "Respondent"), showing the Court:

**I.**

**Discovery Control Plan**

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

**II.**

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.

**III.**

Respondent is an attorney licensed to practice law in Texas and is a member of the State Bar of Texas. Respondent is a resident of and has his principal place of practice in Dallas County, Texas.

An officer may serve citation on Respondent's attorney, Robert Hinton, 5015 Tracey, Suite 100, Dallas, Texas 75205-3400.

**IV.**

During the time period between October 10, 1995 and March 24, 1997, Respondent issued letters of protection for seven of his personal injury clients in which he stated that K Clinic would be paid from the proceeds of the various settlements. Respondent withheld money from the settlements, but failed to pay KClinic, resulting in each of these clients being reported to credit reporting agencies.

**V.**

In March 1999, the State Bar of Texas sent written notice to Respondent requesting that he provide copies of settlement sheets, settlement drafts and checks, front and back, issued from settlements of former clients, to-wit: Jessie Crenshaw, Cody Davis, Tracey Davis, Cynthia Johnson, Lewis Johnson, Gloria Mallard, and Robert Brown. Respondent was to provide such information on or before the April 8, 1999, investigatory hearing.

**VI.**

Respondent's client, Jessie Crenshaw, was involved in an automobile accident on December 21, 1996. Respondent issued a letter of protection to KClinic on January 3, 1997. KClinic's bill was \$2,710.00. Respondent did not provide the settlement information requested by the SBOT. SBOT confirmed from Erie Insurance Company that the case settled for \$14,500.00 on April 23, 1997. According to Respondent's recreated settlement sheet Respondent paid his client, Jessie Crenshaw, withheld \$4,832.67 for attorney's fees, and withheld \$4,833.33 for medical expenses. Respondent

## IX.

Respondent's client, Cynthia Johnson, was involved in an automobile accident on September 14, 1995. Respondent issued a letter of protection to KClinic on October 10, 1995. The case settled for \$1,500.00 on February 29, 1996. Respondent could not produce the original settlement sheet, or the settlement draft as requested by the SBOT. Respondent produced a copy of the front only of a trust account check dated March 7, 1996, for \$400.00 payable to his client. Respondent recreated a settlement sheet which indicates that he paid his client \$500.00, withheld \$500.00 for attorney's fees and withheld \$500.00 for medical expenses. However, Respondent failed to pay KClinic until January 6, 1999.

## X.

Respondent's client, Lewis Johnson, was involved in an automobile accident on October 12, 1995. Respondent issued a letter of protection to KClinic on November 22, 1995. The case settled for \$12,500.00 on July 7, 1997. Respondent withheld \$4,166.66 for medical expenses, but failed to pay KClinic until February 23, 1999, after the grievance was filed. Respondent could not produce the original settlement documents requested by the SBOT.

## XI.

Respondent's client, Gloria Mallard, was involved in an automobile accident on December 7, 1996. Respondent issued a letter of protection to KClinic on December 27, 1996. The case settled for \$4,000.00 on March 6, 1997. Respondent withheld \$1,273.67 from the settlement but failed to pay KClinic until February 23, 1999, after the grievance was filed.

## **XII.**

Respondent's client, Robert Brown, was involved in an automobile accident on February 11, 1997. Respondent issued a letter of protection to KClinic on March 24, 1997. CNA Insurance stated that the case settled for \$7,958.18 and the State Bar received a copy of a settlement draft indicating the case settled for \$6,000.00.

## **XIII.**

Respondent has failed to maintain his trust account records for the requisite five years. Respondent has allowed non-attorney office personnel to settle claims. When Respondent's employee, Cotis Woods, issued KClinic a check for \$21,228.00 on February 23, 1999 to settle these claims, he asked a KClinic employee to sign a statement falsely indicating that some of the claims had been settled prior to the grievance being filed. KClinic's employee declined to sign the statement because it was not true.

## **XIV.**

Such acts and/or omissions on the part of Respondent as are described in Paragraphs IV, V, VI, VII, VIII, IX, X, XI, XII, and XIII, hereinabove, constitute conduct which violates Rules 1.14(a), 1.14(b), 8.01(b) and 8.04(a)(3) of the Texas Disciplinary Rules of Professional Conduct, Article X, Section 9, State Bar Rules, effective January 1, 1990.

## **XV.**

The complaint which forms the basis of the Causes of Action hereinabove set forth was brought to the attention of the Office of General Counsel of the State Bar of Texas by Linda Davis (agent for KCLINIC) filing a complaint on or about January 7, 1999.

**PRAYER**

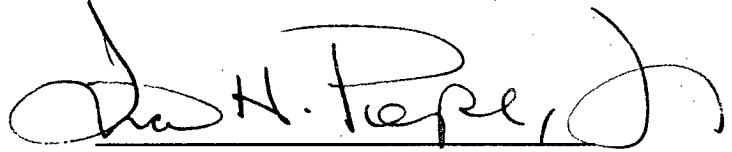
**WHEREFORE, PREMISES CONSIDERED,** Petitioner prays for judgment that Respondent be disciplined as the facts shall warrant; and that Petitioner have such other relief to which entitled, including costs of Court and attorney's fees.

Respectfully submitted,

**Dawn Miller**  
Acting Interim Chief Disciplinary Officer

**Frank H. Pope, Jr.**  
Assistant General Counsel

State Bar of Texas  
Litigation - Dallas  
3710 Rawlins  
Suite 800  
Dallas, Texas 75219  
(214) 559-4997  
FAX (214) 559-4335

A handwritten signature in black ink, appearing to read "Frank H. Pope, Jr.", written over a horizontal line.

**Frank H. Pope, Jr.**  
State Bar Card No. 16136000

ATTORNEYS FOR PETITIONER

# STATE BAR OF TEXAS



Office of the General Counsel

January 25, 2000

**CMRRR NO. Z 435 432 249**

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

***RE: Commission for Lawyer Discipline v. William Jacobs, Jr.***

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 William Jacobs, Jr. Mr. Jacobs has designated Dallas 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:

**William Jacobs, Jr.  
c/o Robert Hinton  
5015 Tracey, Suite 100  
Dallas, Texas 75205-3400**

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. If not, I would respectfully request that an alternate appointment be made.



John T. Adams, Clerk

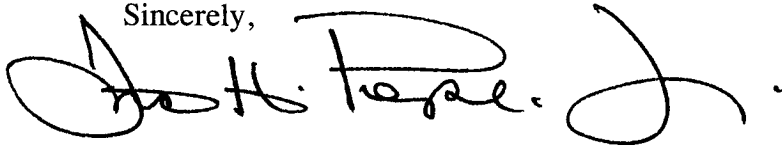
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Once a trial judge has been appointed, please forward the original and two (2) copies of the Disciplinary Petition, the filing fee check, also enclosed herewith, and the Court's appointing order to the District Clerk of Dallas County, Texas, with the request that the suit be filed, service be obtained, and a file-marked copy of the petition be returned to the undersigned.

Also enclosed are a pre-addressed envelope for your use in transmitting the petition, etc., to the District Clerk of Dallas County, Texas, and a return envelope to be sent to the District Clerk of Dallas 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 black ink, appearing to read "Frank H. Pope, Jr.", with a large, stylized flourish at the end.

Frank H. Pope, Jr.  
Assistant Disciplinary Counsel

Enclosures



# The Supreme Court of Texas

CHIEF JUSTICE  
THOMAS R. PHILLIPS

201 West 14th Street Post Office Box 12248 Austin TX 78711  
Telephone: 512/463-1312 Facsimile: 512/463-1365

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

EXECUTIVE ASSISTANT  
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASST  
JIM HUTCHESON

ADMINISTRATIVE ASSISTANT  
NADINE SCHNEIDER

APR 03 2000

The Honorable Jim Hamlin  
District Clerk of Dallas County  
George L. Allen Courts Building  
600 Commerce Street  
Dallas, Texas 75202

Dear Mr. Hamlin:

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. William Jacobs, Jr.*, and a copy of the Supreme Court's order appointing the Honorable John Delaney, Judge of the 272<sup>nd</sup> District Court of Bryan, Texas, to preside in this Disciplinary Action.

Sincerely,

**SIGNED**

John T. Adams  
Clerk

cc: Honorable John Delaney  
Mr. Frank H. Pope, Jr.  
Mr. William Jacobs, Jr.



# The Supreme Court of Texas

CHIEF JUSTICE  
THOMAS R. PHILLIPS

201 West 14th Street Post Office Box 12248 Austin TX 78711  
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CLERK  
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EXECUTIVE ASSISTANT  
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASST  
JIM HUTCHESON

ADMINISTRATIVE ASSISTANT  
NADINE SCHNEIDER

Mr. Frank H. Pope, Jr.  
Assistant General Counsel, State Bar of Texas  
3710 Rawlins, Suite 800  
Dallas, Texas 75219

Mr. William Jacobs, Jr.  
C/o Robert Hinton  
5015 Tracey, Suite 100  
Dallas, Texas 75205-3400

Dear Mr. Pope and Mr. Jacobs:

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 Delaney, Judge of the 272<sup>nd</sup> District Court, Bryan, Texas to preside in

*Commission for Lawyer Discipline v. William Jacobs, Jr.*

Sincerely,

**SIGNED**

John T. Adams  
Clerk



# The Supreme Court of Texas

CHIEF JUSTICE  
THOMAS R. PHILLIPS

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Telephone: 512/463-1312 Facsimile: 512/463-1365

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ADMINISTRATIVE ASSISTANT  
NADINE SCHNEIDER

APR 03 2000

Honorable John Delaney  
Judge, 272<sup>nd</sup> District Court  
204 Courthouse  
300 E. 26<sup>th</sup> Street  
Bryan, Texas 77803

Dear Judge Delaney:

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. Pope and Mr. Jacobs, and a copy of the letter to the District Clerk of Dallas County.

We then recommend that, either before or immediately after you set the case for trial, the Dallas County District Court Administrative Office (214-653-6510) be contacted 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 (214-653-2943) 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