

ORDER OF THE SUPREME COURT OF TEXAS

9059

Misc. Docket No. 01-----

Appointment of a District Judge to Rule on a Motion
to Recuse filed in a State Bar Disciplinary Action

The Supreme Court of Texas hereby appoints the Honorable Harold Entz, Judge of the
194th District Court of Dallas County, Texas, to preside in the Disciplinary Action styled:

**The Commission for Lawyer Discipline v. Roy W. Richard, Jr., Steven J. Zauft,
and Peter S. Gross**

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

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

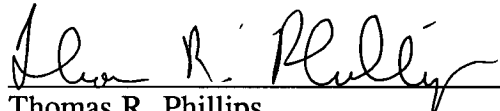
As ordered by the Supreme Court of Texas, in chambers,

With the Seal thereof affixed at the City
Of Austin, this 4th day of April, 2001.


JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 01-9059, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 4 day of April, 2001.



Thomas R. Phillips
Chief Justice

CAUSE NO. _____

**COMMISSION FOR
LAWYER DISCIPLINE,
Petitioner**

vs.

**ROY W. RICHARD Jr.,
STEVEN J. ZAUF, and
PETER S. GROSS
Respondents**

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IN THE DISTRICT COURT

____ **JUDICIAL DISTRICT**

BEXAR COUNTY, TEXAS

ORIGINAL DISCIPLINARY PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW PETITIONER, COMMISSION FOR LAWYER DISCIPLINE, and would respectfully show the following:

I.

DISCOVERY CONTROL PLAN

Discovery proceedings in this cause should be conducted on Level 2 pursuant to Tex.R.Civ.P. Rule 190.3.

II.

PARTIES

Petitioner is the Commission for Lawyer Discipline, a committee of the State Bar of Texas. Respondents Roy W. Richard Jr., SBOT # 16842900, Steven J. Zauf, SBOT # 22251300

and Peter S. Gross, SBOT # 08537000 are members of the State Bar of Texas presently licensed to practice law in the State of Texas. They may be served with process in this proceeding through their counsel Steven L. Lee at 3921 Steck Avenue, Suite A-119, Austin, Texas 78759.

III.

JURISDICTION, VENUE AND CONDITIONS PRECEDENT

The cause of action and the relief sought in this case are within the jurisdictional requirements of this Honorable Court. Venue of this case is proper in Bexar County, Texas pursuant to Texas Rules of Disciplinary Procedure Rule 3.03, because Bexar County is the county of the Respondents' residences, their principal place of practice or both. All conditions precedent to proceeding with this cause have been performed or fulfilled.

IV.

PROFESSIONAL MISCONDUCT

Petitioner brings this disciplinary action pursuant to the State Bar Act, Tex.Gov't.Code §81.001 *et seq.*, the Disciplinary Rules of Professional Conduct ("DRPC") and the Texas Rules of Disciplinary Procedure ("TRDP"). The complaints which form the basis of this action were filed on or about September 1, 1998 by the State Bar of Texas. The acts and omissions of Respondents, as hereinafter alleged, constitute professional misconduct.

V.

FACTUAL BACKGROUND

During the period from 1992 through 1994, Respondents were involved in a partnership

for the practice of law with former attorney James L. Champion. During that time, Champion had engaged in fee-splitting arrangements with non-lawyers, made other improper payments to certain non-lawyers and committed other violations of the Texas Rules of Disciplinary Conduct. The three Respondent lawyers knew of certain misconduct by Champion which would raise substantial questions regarding his honesty and trustworthiness or fitness as a lawyer in other respects and did not report it to the State Bar.

VI.

DISCIPLINARY RULE VIOLATIONS

The above described conduct constitutes a violation of Rule 8.03 (a), which states "... a lawyer having knowledge that another lawyer has committed a violation of applicable rules of professional conduct that raises a substantial question as to that lawyer's honesty, trustworthiness or fitness as a lawyer in other respects, shall inform the appropriate disciplinary authority."

PRAYER

WHEREFORE, PREMISES CONSIDERED, Petitioner prays that a judgment of professional misconduct be entered against each of the Respondents and that this Honorable Court impose an appropriate sanction against Respondents as the facts proved shall warrant. Petitioner further prays for all costs of court and all expenses associated with these proceedings, including attorney fees as provided in TRDP Rule 1.06(T)(8)(b). Petitioner further

prays for such other and additional relief, general or specific, at law or in equity, to which it may show itself entitled.

Respectfully submitted,

DAWN MILLER,
Chief Disciplinary Counsel

PAUL H. HOMBURG III,
Disciplinary Counsel
Office of the Chief Disciplinary Counsel
State Bar of Texas
425 Soledad, Suite 300
San Antonio, Texas 78205
Telephone: (210) 271-7881
FAX: (210) 271-9642

By: 

PAUL H. HOMBURG III
State Bar No. 09934050

ATTORNEYS FOR PETITIONER

STATE BAR OF TEXAS



**CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7099 3220 0000 0579 5006**

**Regional Office
Soledad Plaza West
425 Soledad, Suite 300
San Antonio, Texas 78205
(210) 271-7881
FAX: (210) 271-9642**

February 5, 2001

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

RE: Commission for Lawyer Discipline v. Roy W. Richard, Jr., Steven J. Zauft
and Peter S. Gross

Dear Mr. Adams:

Enclosed please find an original and three (3) copies of a Disciplinary Petition being filed by the Commission for Lawyer Discipline against Roy W. Richard, Jr., Steven J. Zauft, and Peter S. Gross. Messrs. Richard, Zauft and Gross have designated **Bexar County** as their 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 Respondents reside to preside in this case. Upon appointment, request is made that you notify the Respondents at the addresses shown below and the undersigned of the identity and address of the judge assigned:

By and through attorney of record
Steven L. Lee
3921 Steck Avenue, Suite A-119
Austin, Texas 78759

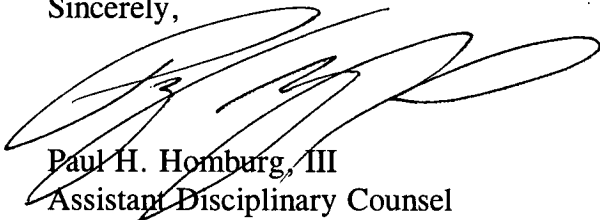
As a practical matter, I would respectfully suggest that you inquire with the judge to be appointed as to whether he or she will be able to comply with the 180 day deadline by which the case must be set for trial as set forth in Section 3.07 of the Texas Rules of Disciplinary Procedure. If not, I would respectfully request that an alternate appointment be made.

Once a trial judge has been appointed, please forward the original and three (3) copies of the Disciplinary Petition, the filing fee check, also enclosed herewith, and the Court's appointing order to the District Clerk of Bexar County, Texas, with the request that the suit be filed, service be obtained, and a filemarked copy of the petition returned to the undersigned.

Also enclosed are a pre-addressed envelope for your use in transmitting the petition, etc., to the District Clerk of Bexar County, Texas and a return envelope to be sent to the District Clerk of Bexar County, Texas, for the Clerk's use in returning a filemarked copy of the petition to the undersigned.

Thank you for your courtesies in this matter.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'Paul H. Homburg, III'. The signature is written over the typed name and title.

Paul H. Homburg, III
Assistant Disciplinary Counsel

Enclosures

PHH/apr



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 10 2001

The Honorable Reagan Greer
District Clerk of Bexar County
100 Dolorosa Street
San Antonio, Texas 78205-1205

Dear Mr. Greer:

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. Roy W. Richard, Jr., Steven J. Zauft, and Peter S. Gross*, and a copy of the Supreme Court's order appointing the Honorable Harold Entz, Judge of the 194th District Court, Dallas, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Honorable Harold Entz
Mr. Paul H. Homburg, III
Mr. Roy W. Richard, Jr.
Mr. Steven J. Zauft
Mr. Peter S. Gross



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

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EXECUTIVE ASSISTANT
WILLIAM L. WILLIS

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JIM HUTCHESON

ADMINISTRATIVE ASSISTANT
NADINE SCHNEIDER

APR 10 2001

Mr. Paul Homburg, III
Assistant General Counsel, State Bar of Texas
425 Soledad, Suite 300
San Antonio, Texas 78205

Mr. Roy W. Richard, Jr.
Mr. Steven J. Zauft
Mr. Peter S. Gross
c/o Steven L. Lee
3921 Steck Avenue, Suite A-119
Austin, Texas 78759

Dear Mr. Homburg and Mr. Richard, Mr. Zauft and Mr. Gross:

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 Harold Entz, Judge of the 194th District Court, Dallas, Texas to preside in

Commission for Lawyer Discipline v. Roy W. Richard, Jr., Steven J. Zauft & Peter S. Gross

Sincerely,

SIGNED

John T. Adams
Clerk



The Supreme Court of Texas

CHIEF JUSTICE
THOMAS R. PHILLIPS

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JIM HUTCHESON

ADMINISTRATIVE ASSISTANT
NADINE SCHNEIDER

APR 10 2001

Honorable Harold Entz
Judge, 194th District Court
George L. Allen Sr. Courts Building, 4th Floor
600 Commerce Street
Dallas, Texas 75202

Dear Judge Entz:

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. Roy W. Richard, Jr., Steven J. Zauft, Peter S. Gross and Mr. Homburg, and a copy of the letter to the District Clerk of Bexar County.

It is recommended that, six to eight weeks after receipt of this letter, you or your coordinator contact the Bexar County Administrative Office (210-335-2300) to find out the district court to which this disciplinary case has been assigned, names and addresses of counsel, etc. We then recommend that, either before or immediately after you set the case for trial, you contact the Presiding Judge of the Administrative Judicial Region into which you have been assigned (210-769-3519) to reserve a courtroom, obtain a court reporter, obtain claims forms for your expenses incident to presiding over this disciplinary case.

Sincerely,

SIGNED

John T. Adams
Clerk