

ORDER OF THE SUPREME COURT OF TEXAS

Misc. Docket No. 01-9098

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

The Supreme Court of Texas hereby appoints the Honorable Mark Davidson, Judge of the 11th District Court of Harris County, Texas, to preside in the Disciplinary Action styled:


The Commission for Lawyer Discipline v. Cory C. Groves

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 the Disciplinary Petition and this Order for filing and service pursuant to Rule 3.03, Texas Rules of Disciplinary Procedure.

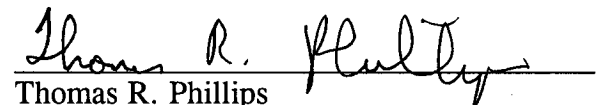
As ordered by the Supreme Court of Texas, in chambers,

With the Seal thereof affixed at the City  
Of Austin, this 15<sup>th</sup> day of June, 2001.

  
JOHN T. ADAMS, CLERK  
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 01-9098, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 14 day of June, 2001.

  
Thomas R. Phillips  
Chief Justice

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

COMMISSION FOR LAWYER DISCIPLINE § IN THE DISTRICT COURT OF  
V. §  
CORY C. GROVES § DALLAS COUNTY, TEXAS  
§  
§ \_\_\_\_\_ JUDICIAL DISTRICT

**DISCIPLINARY PETITION**

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

Petitioner, the Commission for Lawyer Discipline, a committee of the State Bar of Texas (hereinafter called "Petitioner"), complains of Respondent, Cory C. Groves, (hereinafter called "Respondent"), showing the Court:

**I.**

**Discovery Control Plan**

Pursuant to Rules 190.1 and 190.3, 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. Multi-Service will serve citation on Respondent at 8300 Douglas Ave., Suite 800, Dallas, Texas 75225.

### FIRST CAUSE OF ACTION

#### IV.

In or about September 1995, Ismael Rendon ("Rendon") hired Respondent to represent Rendon in a personal injury matter. Rendon signed a contract giving Respondent one-third (1/3) contingency fee. Upon settlement of the matter, Respondent retained funds to pay the medical providers. However, Respondent failed to pay the medical providers. After Rendon began receiving bills from the medical providers, he filed a grievance with the State Bar of Texas. Respondent then paid the amounts due to the medical providers. At least some of the providers were paid from Respondent's operating account, rather than from his firm's trust account as required by the Texas Disciplinary Rules of Professional Conduct.

#### V.

Such acts and/or omissions on the part of Respondent as are described in Paragraph IV, hereinabove, which occurred on or after January 1, 1990, constitute conduct which violates Rules 1.14(a),(b), and 8.04(a)(2),(3) of the Texas Disciplinary Rules of Professional Conduct.

#### VI.

The complaint which forms the basis of the Cause of Action hereinabove set forth was brought to the attention of the Office of the Chief Disciplinary Counsel of the State Bar of Texas by Ismael Rendon filing a complaint on or about October 26, 1998.

## SECOND CAUSE OF ACTION

### **VII.**

On or about March 15, 1999, Edith Bergquist ("Bergquist") employed Respondent to assist her in obtaining the contents of a safe-deposit box and bank account owned by her deceased ex-husband, Harold N. Davis, Jr., for the benefit of their children. Bergquist paid Respondent \$900.00. Respondent told Bergquist that he would be able to obtain a court order to have the contents released within four (4) to six (6) months. Subsequently, despite repeated assurances to Bergquist, Respondent failed to obtain a signed court order. Further, Respondent repeatedly failed to return phone calls from Bergquist.

### **VIII.**

Such acts and/or omissions on the part of Respondent as are described in Paragraph VII, hereinabove, which occurred on or after January 1, 1990, constitute conduct which violates Rules 1.01(b)(1) and 1.03(a) of the Texas Disciplinary Rules of Professional Conduct.

### **IX.**

The complaint which forms the basis of the Cause of Action hereinabove set forth was brought to the attention of the Office of the Chief Disciplinary Counsel of the State Bar of Texas by Edith Bergquist filing a complaint on or about April 15, 2000.

### PRAYER

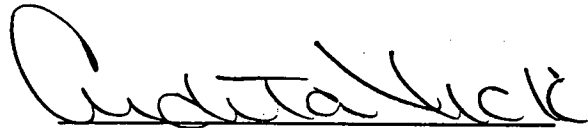
**WHEREFORE, PREMISES CONSIDERED,** Petitioner prays for judgment that Respondent be disciplined as the facts shall warrant; and that Petitioner have such other relief to which entitled, including costs of Court and attorney's fees.

Respectfully submitted,

**Dawn Miller**  
Chief Disciplinary Counsel

**Ardita Vick**  
Assistant Disciplinary Counsel

State Bar of Texas  
Litigation - Dallas  
3710 Rawlins  
Suite 800  
Dallas, Texas 75219  
(214) 559-4353  
FAX (214) 559-4335

A handwritten signature in black ink, appearing to read "Ardita Vick", written over a horizontal line.

**Ardita Vick**  
State Bar Card No. 00786311

ATTORNEYS FOR PETITIONER

# STATE BAR OF TEXAS



Office of the Chief Disciplinary Counsel

April 23, 2001

**CMRRR NO: 7099 3220 0005 9143 5072**

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

***RE: Commission for Lawyer Discipline v. Cory C. Groves***

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 Cory C. Groves. Mr. Groves 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:

**Cory Groves  
8300 Douglas Avenue  
Suite 800  
Dallas, Texas 75225**

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.

Regency Plaza, 3710 Rawlins, Suite 800, Dallas, Texas 75219  
Telephone: (214) 559-4353 Fax: (214) 559-4335

John T. Adams, Clerk

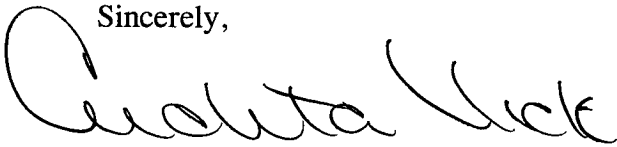
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Once a trial judge has been appointed, please forward the original and two (2) copies of the Disciplinary Petition, the filing fee check, also enclosed herewith, and the Court's appointing order to the District Clerk of Dallas County, Texas, with the 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 cursive script that reads "Ardita Vick". The signature is written in black ink and is positioned above the printed name and title.

Ardita Vick  
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  
DEBORAH G. HANKINSON  
HARRIET O'NEILL  
WALLACE B. JEFFERSON

EXECUTIVE ASSISTANT  
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASST  
JIM HUTCHESON

ADMINISTRATIVE ASSISTANT  
NADINE SCHNEIDER

JUN 25 2001

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. Cory C. Groves*, and a copy of the Supreme Court's order appointing the Honorable Mark Davidson, Judge of the 11<sup>th</sup> District Court of Houston, Texas, to preside in this Disciplinary Action.

Sincerely,

**SIGNED**

John T. Adams  
Clerk

cc: Honorable Mark Davidson  
Ms. Arditia Vick  
Ms. Cory C. Groves



## The Supreme Court of Texas

CHIEF JUSTICE  
THOMAS R. PHILLIPS

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JIM HUTCHESON

ADMINISTRATIVE ASSISTANT  
NADINE SCHNEIDER

JUN 25 2001

Honorable Mark Davidson  
Judge, 11<sup>th</sup> District Court  
301 Fannin Street  
Houston, Texas 77002

Dear Judge Davidson:

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 Ms. Vick and Ms. Groves, 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



# 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

JUSTICES  
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DEPUTY EXECUTIVE ASST  
JIM HUTCHESON

ADMINISTRATIVE ASSISTANT  
NADINE SCHNEIDER

JUN 25 2001

Ms. Ardita Vick  
Assistant General Counsel, State Bar of Texas  
3710 Rawlins, Suite 800  
Dallas, Texas 75219

Ms. Cory Groves  
8300 Douglas Avenue, Suite 800  
Dallas, Texas 75225

Dear Ms. Vick and Ms. Groves:

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 Mark Davidson, Judge of the 11<sup>th</sup> District Court, Houston, Texas to preside in

*Commission for Lawyer Discipline v. Cory C. Groves*

Sincerely,

**SIGNED**

John T. Adams  
Clerk