

**ORDER OF THE SUPREME COURT OF TEXAS**

MISC. DOCKET NO. 01-9198

**IN THE MATTER OF CORY C. GROVES**

On this day, the Court considered the Motion for Acceptance of Resignation as Attorney and Counselor at Law of Cory C. Groves, together with the Response of the Chief Disciplinary Counsel to the Motion for Acceptance of Resignation as Attorney and Counselor at Law of Cory C. Groves. The Court has reviewed said Motion and Response and finds that each meets the requirements of Part X of the Texas Rules of Disciplinary Procedure. In conformity with Part X, Section 10.02 of the Texas Rules of Disciplinary Procedure, the Court considers the detailed statement of professional misconduct contained within the Response of Chief Disciplinary Counsel to be deemed conclusively established for all purposes. The Court finds that Cory C. Groves is resigning in lieu of discipline. The Court, being advised that the acceptance of the resignation is in the best interest of the public and the profession, hereby concludes that the following Order is appropriate.

**IT IS ORDERED** that the law license of Cory C. Groves of Dallas, Texas, State Bar card number 08551500, which was previously issued by this Court, be canceled and his name be dropped and deleted from the list of persons licensed to practice law in Texas.

**IT IS FURTHER ORDERED** that Cory C. Groves immediately surrender his State Bar Card and Texas law license to the Clerk of the Supreme Court of Texas or file with the Court an affidavit stating the cause of his inability to do so.


**IT IS FURTHER ORDERED** that Cory C. Groves is permanently enjoined and prohibited from practicing law in the State of Texas, holding himself out as an attorney at law, performing legal services for others, giving legal advice to others, accepting any fee directly or indirectly for


legal services, appearing as counsel or in any representative capacity in any proceeding in any Texas court or before any Texas administrative body (whether state, county, municipal, or other), or holding himself out to others or using his name in any manner in conjunction with the words "Attorney at Law", "Counselor at Law", or "Lawyer".

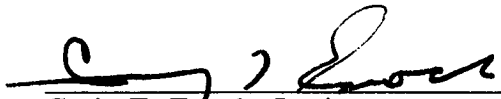
It is further **ORDERED** that Cory C. Groves shall immediately notify each of his current clients in writing of this resignation. In addition to such notification, Cory C. Groves is **ORDERED** to return any files, papers, unearned monies and other property belonging to clients in his possession to the respective clients or to another attorney at the client's request. Cory C. Groves is **ORDERED** to file with the State Bar of Texas, 3710 Rawlins, Suite 800, Dallas, Texas 75219, within thirty (30) days of the date of the effective date of this Order an affidavit stating that all current clients have been notified of his resignation and that all files, papers, monies and other property belonging to all clients have been returned as ordered herein.

It is further **ORDERED** that Cory C. Groves shall, within thirty (30) days after the date on which this Order is signed by the Court, notify in writing each and every justice of the peace, judge, magistrate, and chief justice of each and every court in which Cory C. Groves has any matter pending of the terms of this Order, the style and cause number of the pending matter(s), and the name(s), address(es) and telephone number(s) of the client(s) Cory C. Groves is representing in Court. Cory C. Groves is **ORDERED** to file with the State Bar of Texas, 3710 Rawlins, Suite 800, Dallas, Texas 75219, within thirty (30) days of the date of the effective date of this Order an affidavit stating that he has notified in writing each and every justice of the peace, judge, magistrate, and chief justice of each and every court in which he has any matter pending of the terms of this Order, the style and cause number of the pending matter(s), and the name(s), address(es) and telephone number(s) of the client(s) he is representing in Court.

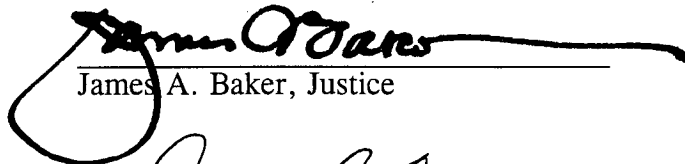
By the Court, en banc, in chambers, this the 11<sup>th</sup> day of December, 2001.

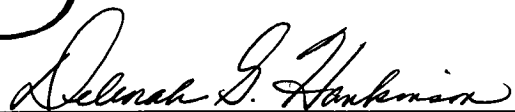
  
Thomas R. Phillips, Chief Justice

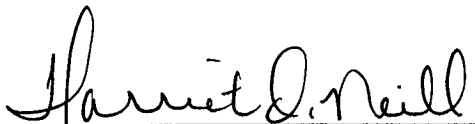
  
Nathan L. Hecht, Justice

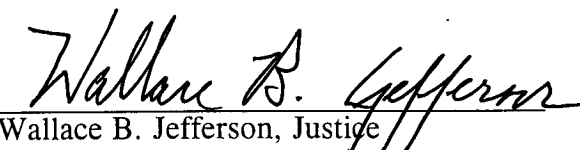
  
Craig T. Enoch, Justice


  
Priscilla R. Owen, Justice

  
James A. Baker, Justice

  
Deborah G. Hankinson, Justice

  
Harriet O'Neill, Justice

  
Wallace B. Jefferson, Justice

  
Xavier Rodriguez, Justice

# STATE BAR OF TEXAS



Office of the Chief Disciplinary Counsel

**VIA FEDERAL EXPRESS**

November 30, 2001

**INTERAGENCY MAIL**

John Adams, Clerk  
Supreme Court of Texas  
Supreme Court Building  
201 West 14th Street, Room 104  
Austin, Texas 78701

**Re: Resignation of Cory C. Groves, Bar Card No. 08551500**

Dear Mr. Adams:

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

- 1) Motion for Acceptance of Resignation as Attorney and Counselor at Law signed by Cory C. Groves, dated November 16, 2001 and received by the Chief Disciplinary Counsel on November 16, 2001;
- 2) Response of Chief Disciplinary Counsel of Motion to Acceptance of Resignation as Attorney and Counselor at Law of Cory C. Groves, a copy of which was transmitted to Cory C. Groves at least ten (10) days prior to today's date;
- 3) Original and one (1) copy of proposed Order for review and entry by the Court accepting the resignation of Cory C. Groves as Attorney and Counselor at Law;
- 4) Affidavit of Cory C. Groves stating that he is unable to locate his law license;
- 5) Cory C. Groves' Texas Bar Card.

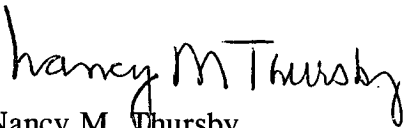
Regency Plaza, 3710 Rawlins, Suite 800, Dallas, Texas 75219 (214)559-4353

Mr. John T. Adams, Clerk  
Supreme Court of Texas  
Resignation of Cory C. Groves  
November 30, 2001  
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Please present the enclosed Order to the Court for review and entry. Upon entry of the Order by the Court, please transmit a true and correct copy of the same to the undersigned in order that this office may properly give notice to all parties of the Court's disposition of such motion.

Sincerely,



Nancy M. Thursby  
Regional Counsel

NMT/kdp

Enclosures

cc: Cory C. Groves

***Via Certified Mail No. 700 1670 0013 5407 4715  
Return Receipt Requested***

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

**OF**


**CORY C. GROVES**

NOW COMES your Applicant, **Cory C. Groves**, and hereby resigns as an Attorney and Counselor at Law in the State of Texas; and hereby submits to the Court his resignation as an Attorney and Counselor at Law; and prays that the Court accept said resignation.

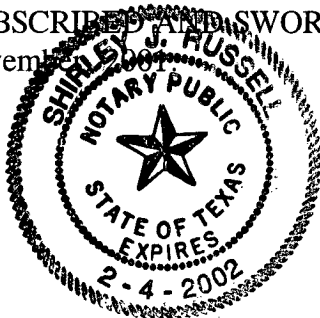
Attached hereto is the permanent State Bar card issued by this Court to the Applicant, **Cory C. Groves**, as an Attorney and Counselor at Law on May 8, 1987. Said permanent State Bar card is hereby surrendered by the Applicant.

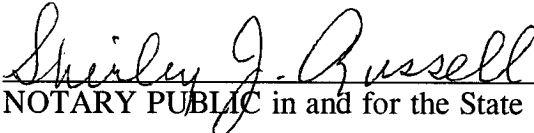
Attached hereto is an affidavit of Applicant, **Cory C. Groves**, declaring that the License issued by this Court to the Applicant, **Cory C. Groves**, as an Attorney and Counselor at Law on May 8, 1987, is presently lost or destroyed and could not be located despite diligent search. Said License will be surrendered by the Applicant, **Cory C. Groves**, should they be located at a future date.

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 his name be dropped and deleted from the list of persons licensed to practice law in Texas; and that his resignation be accepted.

  
\_\_\_\_\_  
**Cory C. Groves**  
**State Bar No. 08551500**

SUBSCRIBED AND SWORN to before me by the said Cory C. Groves this the 16  
day of November, 2001.




  
\_\_\_\_\_  
**NOTARY PUBLIC** in and for the State of Texas

**AFFIDAVIT OF**  
**CORY C. GROVES**

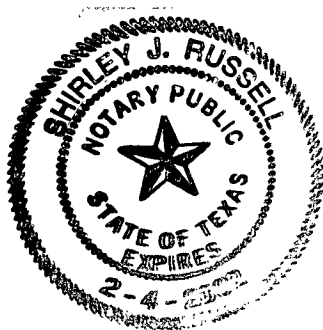
On this 16 day of November, 2001, personally appeared before me, the undersigned  
Cory C. Groves, who, after being duly sworn, did state upon his oath:

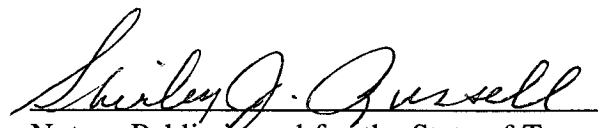
"My name is Cory C. Groves, and I am over the age of eighteen years and  
am competent to make this affidavit in all respects, and am personally acquainted  
with the facts in this Affidavit."

"I am an attorney licensed in the State of Texas. My bar card number is  
08551500. I am unable to locate my License at this time. Should this item that is  
property of the Supreme Court of Texas be located, I will immediately surrender  
and forward to the Supreme Court of Texas."

  
\_\_\_\_\_  
Cory C. Groves  
State Bar No. 08551500

SWORN TO AND SUBSCRIBED BEFORE ME on this the 16 day of November,  
2001.



  
\_\_\_\_\_  
Notary Public in and for the State of Texas

**IN THE SUPREME COURT OF TEXAS  
RESPONSE OF THE CHIEF DISCIPLINARY COUNSEL  
OF THE STATE BAR OF TEXAS  
REGARDING  
CORY C. GROVES**

TO THE HONORABLE SUPREME COURT OF TEXAS:

I, Ardita Vick, Assistant Disciplinary Counsel of the State Bar of Texas, in accordance with Part X of the Texas Rules of Disciplinary Procedure, hereby file a 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 as Attorney and Counselor at Law of Cory C. Groves, dated on or about November 16, 2001, and received by the Office of the Chief Disciplinary Counsel on or about November 16, 2001. The acceptance of the resignation of Cory C. Groves ("Groves") is in lieu of discipline and is in the best interests of the public and the profession.

The following complaints and disciplinary actions are currently pending against Groves:

(1) Commission for Lawyer Discipline vs. Cory C. Groves, Cause No: 01-5342 in the 162nd Judicial District Court of Dallas County, Texas; (2) John Franklin Street - Cory C. Groves, Case No. D0080117236; (3) Francisco Torres - Cory Groves, Case No. D0070116925; and (4) Shirley Leach - Cory Groves, Case No. D0080117170.

The professional misconduct with which Groves is charged is as follows:

A. Commission for Lawyer Discipline vs. Cory C. Groves, Cause No: 01-5342

(1) Rendon Cause of Action

In or about September 1995, Ismael Rendon ("Rendon") hired Groves to represent Rendon in a personal injury matter. Rendon signed a contract giving Groves one-third (1/3) contingency fee. Upon settlement of the matter, Groves retained funds to pay the medical providers, but failed to timely pay the medical providers. After Rendon began receiving bills from the medical providers, he filed a grievance with the State Bar of Texas. Groves finally paid the amounts due to the medical providers more than two years after Groves retained the funds to do so.



The above facts support a violation of Rules 1.14(a), 1.14(b), 8.04(a)(2), and 8.04(a)(3) of the Texas Disciplinary Rules of Professional Conduct.

(2) Bergquist Cause of Action

On or about March 15, 1999, Edith Bergquist ("Bergquist") employed Groves 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 Groves \$900.00 for the representation. Groves 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, Groves failed to expeditiously obtain a signed court order. Further, Groves repeatedly failed to return phone calls from Bergquist.

The above acts support a violation of Rules 1.01(b)(1) and 1.03(a) of the Texas Disciplinary Rules of Professional Conduct.

(3) Tarver Cause of Action

In or about April 1998, Rolanda Tarver ("Tarver") hired Groves to represent Tarver, Tarver's sister, and Tarver's mother's estate in a medical malpractice claim. Groves filed a lawsuit on April 4, 2000 against Diana Wilson, M.D., but failed to name other potential defendants. After filing the lawsuit, Groves failed to comply with Texas Revised Civil Statute Article 4590i by failing to file an expert designation or a cost bond. The defendant subsequently filed a Motion to Dismiss based on Groves's failure to comply with Article 4590i. Groves failed to file a response to the Motion to Dismiss and failed to appear at the hearing on the Motion to Dismiss. The Motion to Dismiss was granted.

Groves failed to inform Tarver of the dismissal and failed to respond to Tarver's requests for information regarding the status of the case. Groves further failed to return Tarver's telephone calls seeking information regarding the status of the matter.

After Tarver filed a complaint with the State Bar of Texas, Groves misrepresented to the investigatory panel that the case had been dismissed on summary judgment, when, in fact, the case was dismissed due to Groves's failure to comply with Article 4590i.

On July 12, 2001, the investigatory panel of the District 6A Grievance Committee requested Groves to provide a complete narrative and a copy of his file relating to the Tarver matter to the panel no later than the close of business on July 26, 2001. This request was confirmed in writing on July 18, 2001. Groves failed to comply with the request.

The above facts support a violation of Rules 1.01(b)(1), 1.01(b)(2), 1.03(a), 1.03(b), 3.03(a)(1), 8.01(b), and 8.04(a)(3) of the Texas Disciplinary Rules of Professional

Conduct.

(4) Strong Cause of Action

On September 14, 1999, Groves obtained a general power of attorney from Mildred Strong ("Strong"), Groves's elderly client. On October 11, 1999, Groves had Strong execute a will in which Groves was named the sole executor. On the same day, Groves had Strong execute a trust agreement in which Groves was named the trustee. The terms of the will provided that upon Strong's death all assets would pass into the trust. Correspondingly, the terms of the trust provided that the trust would terminate upon the death of Strong and that all trust assets would be payable to the executor of Strong's estate, which was Groves. The will and trust excluded Strong's sister and nieces, who were the beneficiaries under Strong's prior will. Groves failed to explain these documents to Strong to the extent that Strong could make informed decisions regarding them. Groves charged Strong ten thousand dollars (\$10,000.00) in fees for the representation and has failed to fully account for the work performed for the fee.

On or about November 17, 1999, Groves, pursuant to the power of attorney, wrote a check for twenty thousand dollars (\$20,000.00) on Strong's Smith Barney account, purportedly for an investment fund. However, Groves's records reveal he invested only eight thousand dollars (\$8,000.00) in Shurway Freight Services, a penny stock which is now worthless. Groves failed to provide an accounting of the remainder of Strong's funds, despite demands that he do so. Groves also failed to respond to Strong's inquiries about these funds and about other personal property belonging to Strong that was in Groves's possession.

The terms of the power of attorney, the will, and the trust agreement were not fair and reasonable to Strong. Further, the terms were not fully disclosed in a manner which could be reasonably understood by Strong. Strong was not given a reasonable opportunity to seek the advice of independent counsel regarding the execution of these documents.

The effect of the will and the trust agreement drafted by Groves and executed by Strong was to give Groves a substantial gift from Strong. Groves is not related to Strong. Further, Groves acquired a proprietary interest in the will and trust agreement.

On May 23, 2001, the investigatory panel requested Groves to provide an accounting of all funds taken by Groves from Strong's account(s), an accounting of the attorney's fees charged by Groves to Strong, and a copy of Groves's case file for the Strong representation. Groves failed to comply with the request.

The above facts support a violation of Rules 1.01(b)(1), 1.01(b)(2), 1.03(a), 1.03(b), 1.08(a), 1.08(b), 1.08(h), 1.14(a), 8.01(b), and 8.04(a)(3) of the Texas Disciplinary Rules of Professional Conduct.

B. John Franklin Street - Cory C. Groves, Case No. D0080117236

John Franklin Street ("Street") hired Groves to represent Street in a claim against a doctor. Groves allowed Street's claim to be dismissed for want of prosecution in 1995. Groves did not inform Street that the case had been dismissed. Instead, Groves told Street that case had been partially settled and the remaining claims were pending. From August 1997 through March 1999, Groves made payments to Street that Groves represented were part of the settlement proceeds from Street's claim against the doctor.

On September 10, 2001, the State Bar of Texas sent, by certified mail return receipt requested, a letter to Groves notifying him that a complaint alleging professional misconduct on his part had been filed against him by Street. Groves was advised in the letter that, pursuant to Rule 2.09 of the Texas Rules of Disciplinary Procedure, he was required to file a written response with the State Bar of Texas within thirty (30) days of his receipt of the letter. Groves received the letter on September 12, 2001. Groves failed to furnish the State Bar of Texas a written response to the complaint within the required thirty (30) days of his receipt of the notification letter, and failed to timely assert a privilege or other legal ground for his failure to furnish his response.

The above facts support a violation of Rules 1.01(b)(1), 1.01(b)(2), 8.04(a)(3), and 8.04(a)(8) of the Texas Disciplinary Rules of Professional Conduct.

C. Francisco Torres - Cory C. Groves, D0070116925

Groves represented Francisco Torres ("Torres") and Torres's wife in a personal injury matter. Although Groves accepted the representation on a contingency basis, he did not have a written contract with Torres or Torres's wife.

On or about April 5, 2000, Groves provided Torres and his wife a settlement statement that indicated Groves was withholding two thousand five hundred dollars (\$2,500.00) from the settlement proceeds to pay the medical providers. Groves failed to pay the medical providers the withheld funds. After Torres learned the medical providers had not been paid, Torres contacted Groves. Groves again promised to pay the medical providers, but failed to do so.

The above facts support a violation of Rules 1.01, 1.04(d), 1.14, and 8.04(a)(3) of the Texas Disciplinary Rules of Professional Conduct.

D. Shirley Ann Leach - Cory C. Groves, D0080117170

In or about June of 1998, Shirley Ann Leach ("Leach") hired Groves to represent Leach in an claim against TU Electric. Although Groves agreed to handle the matter on a contingency fee basis, Groves failed to provide Leach with a written

fee agreement. Throughout the course of the representation, and in response to Leach's inquiries about the status of her case, Groves misrepresented that a lawsuit had been filed when it had not. Leach was advised by representatives of TU Electric that Leach's file had been closed as the statute of limitations had expired.

Upon learning that her matter had been closed by TU Electric, Leach requested the return of her client file from Groves. Groves failed to return Leach's file and advised Leach that he had lost Leach's file.

Leach also hired Groves to represent Leach in a matter involving Blair Uniforms. Although Leach had made repeated inquiries, Groves has failed to advise Leach of the status of this matter.

On August 29, 2001, the State Bar of Texas sent, by certified mail return receipt requested, a letter to Groves notifying him that a complaint alleging professional misconduct on his part had been filed against him by Leach. Groves was advised in the letter that, pursuant to Rule 2.09 of the Texas Rules of Disciplinary Procedure, he was required to file a written response with the State Bar of Texas within thirty (30) days of his receipt of the letter. Groves received the letter on September 4, 2001. Groves failed to furnish the State Bar of Texas a written response to the complaint within the required thirty (30) days of his receipt of the notification letter, and failed to timely assert a privilege or other legal ground for his failure to furnish his response.

The above facts support a violation of Rules 1.01(b)(1), 1.01(b)(2), 1.03(a), 1.03(b), 1.04(d), 1.15(d), 8.04(a)(3), and 8.04(a)(8) of the Texas Disciplinary Rules of Professional Conduct.

In view of Cory C. Groves's execution on or about November 16, 2001 of his resignation as an attorney and counselor at law, and in anticipation of the Court's acceptance of same, the Chief Disciplinary Counsel does not anticipate going forward with the pending disciplinary matters upon entry of Order by the Supreme Court of Texas deleting Cory C. Groves from the list of persons licensed to practice law in the State of Texas.



Ardita Vick  
Assistant Disciplinary Counsel  
State Bar of Texas

CERTIFICATE OF SERVICE

A true and correct copy of this Response of the Chief Disciplinary Counsel of the State Bar of Texas Regarding Cory C. Groves, has on this 19<sup>th</sup> day of November, 2001, been hand delivered to Cory C. Groves.

A handwritten signature in black ink, appearing to read "Ardita Vick". The signature is written in a cursive style with a large initial "A".

Ardita Vick