

ORDER OF THE SUPREME COURT OF TEXAS

Misc. Docket No. 02 - **9051**

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

The Supreme Court of Texas hereby appoints the Honorable Jeff K. Work, Judge of the 189th District Court of Harris County, Texas, to preside in the Disciplinary Action styled

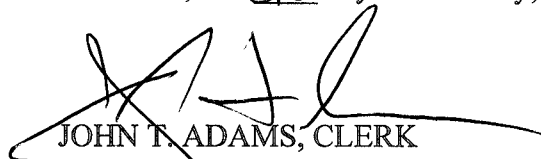
The Commission for Lawyer Discipline v. Glen J. Deadman

filed in the 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 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 28th day of February, 2002.


JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 02-9051 is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 26 day of February, 2002.



Thomas R. Phillips
Chief Justice

No. _____

COMMISSION FOR LAWYER
DISCIPLINE

V.

GLENN J. DEADMAN

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§

IN THE DISTRICT COURT OF

BEXAR COUNTY, TEXAS

_____ JUDICIAL DISTRICT

ORIGINAL DISCIPLINARY PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now, Petitioner, COMMISSION FOR LAWYER DISCIPLINE, a committee of the State Bar of Texas, complaining of Respondent, GLENN J. DEADMAN, and in support thereof would respectfully show the Court the following:

Parties

Petitioner is the COMMISSION FOR LAWYER DISCIPLINE, a committee of the State Bar of Texas. Respondent, GLENN J. DEADMAN, State Bar Number 00785559, was, at the time the following alleged acts of professional misconduct occurred, an attorney licensed to practice law in the State of Texas and a member of the State Bar of Texas. Respondent may be served with process at, 309 South Main Avenue, San Antonio, Bexar County, Texas 78204, his usual place of business.

Venue

At the time the alleged professional misconduct occurred, Respondent maintained a law office in San Antonio, Bexar County, Texas. The alleged acts of professional misconduct occurred in whole or in part in Bexar County, Texas. Accordingly, pursuant to Texas Rules of Disciplinary Procedure 3.03, venue is proper in Bexar County, Texas.

Discovery Level Designation

1.

Pursuant to Tex.R.Civ.P. 190.1, Petitioner designates that discovery in this action should proceed pursuant to Level 2 (Tex.R.Civ.P. 190.3).

Professional Misconduct

2.

Petitioner brings this disciplinary action pursuant to State Bar Act, Tex. Gov't. Code Ann., Sec. 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 this disciplinary action was filed with the State Bar of Texas by Brian D. and Mary K. Flaherty on July 21, 2000. The acts and conduct of Respondent, as hereinafter alleged, constitute professional misconduct.

3.

On August 30, 1996, Brian D. and Mary K. Flaherty signed a twenty percent (20%) contingent fee contract with the Law Offices of Samuel B. Katz. Respondent later accepted the Flaherty's case as a referral from Judge Katz. The contract entered into by the Flaherty's and the Law Offices of Samuel B. Katz, as witnessed by Glenn J. Deadman, was "to represent Brian and Mary Flaherty and their Minor Child, Hannah Flaherty for any and all injuries sustained from her stepping on an in-ground barbecue pit and includes any and all possible causes of action stemming from same including actions taken by USAA."

4.

The Case was settled for \$265,000.00 and the funds distributed by friendly suit on December 16, 1997. Of the total settlement, respondent was paid \$53,000.00 in attorney fees and

\$1,256.48 for costs incurred. The Judgment further ordered \$94,968.75 be placed in the registry of the Court to be held until the court is notified of the total of the medical lien sought by Brooke Army Medical Center (BAMC) for the medical treatment of the Minor Child, Hannah Flaherty. The Judgment ordered that upon demand by BAMC said bill is to be paid, in an amount not to exceed \$94,968.75. If there are any funds left after the payment of the BAMC bill the funds are to be distributed seventy-five percent (75%) to the benefit of Hannah Flaherty and the lesser of twenty-five percent (25%) or \$10,000.00 to Brian and Mary Flaherty.

5.

BAMC refused to compromise their lien for medical treatment and sought to collect from the Flaherty's seizing their tax refund. Respondent refused to assist in the negotiation of a reduction in the lien unless his clients signed a new contingent fee contract for thirty-three percent (33%) of the entire \$94,968.75 deposited with the court for the medical lien. Brian Flaherty's signature appears on a new contingency contract dated December 16, 1999. Respondent negotiated a settlement of the lien for \$47,484.38 on March 20, 2000. Respondent retained \$31,339.69 as attorney fees.

6.

Respondent had an obligation to continue negotiating with BAMC for a reduction of the medical lien. Respondent's insisting on a second contingency contract to continue to negotiate the reduction of the BAMC lien resulted in Respondent collecting an illegal or unconscionable fee. The second contingency fee taken out of the money ordered deposited into the registry of the court amounted to the taking of two contingency fees from the same settlement funds covered

under the original contingency fee contract covering all possible causes of action arising from the injury to Hannah Flaherty.

7.

During the course of the representation, Respondent made false statements to third parties, to include staff members with the Department of Defense Finance and Accounting Service, opposing counsel, and the ad litem for Hannah Flaherty. Respondent indicated that a settlement was reached in the underlying case in December 1997 at least partly on the basis that Respondent reduced his fees by fifty percent (50%). Respondent, in fact, received the full contingency fee of twenty percent (20%) as stated in the original contract of August 30, 1996.

8.

The conduct of Respondent described above constitutes violations of the following Disciplinary Rules:

Rule 1.04(a) – A lawyer shall not enter into an arrangement for, charge, or collect an illegal fee or unconscionable fee.

Rule 4.01(a) – In the course of representing a client a lawyer shall not knowingly make a false statement of material fact to a third person.

Rule 8.04(a)(3) – A lawyer shall not engage in conduct involving dishonesty, fraud, deceit or misrepresentation.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Petitioner prays that a judgment of professional misconduct be entered against Respondent imposing an appropriate sanction as the facts shall warrant and that Petitioner have such other relief to which it is entitled, including costs of court, litigation expenses and attorney's fees.



The Supreme Court of Texas

CHIEF JUSTICE
THOMAS R. PHILLIPS

JUSTICES
NATHAN L. HECHT
CRAIG T. ENOCH
PRISCILLA R. OWEN
JAMES A. BAKER
DEBORAH G. HANKINSON
HARRIET O'NEILL
WALLACE B. JEFFERSON
XAVIER RODRIGUEZ

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

MAR 07 2002

CLERK
JOHN T. ADAMS

EXECUTIVE ASSISTANT
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASST
JIM HUTCHESON

ADMINISTRATIVE ASSISTANT
NADINE SCHNEIDER

Mr. Robert E. Kaszczuk
Assistant Disciplinary Counsel, State Bar of Texas
425 Soledad, Suite 300
San Antonio, Texas 78205

Mr. Glenn J. Deadman
309 South Main Avenue
San Antonio, Texas 78204

Dear Mr. Kaszczuk and Mr. Deadman:

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 Jeff K. Work, Judge of the 189th District Court, Houston, Texas to preside in

Commission for Lawyer Discipline v. Glenn J. Deadman

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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CLERK
JOHN T. ADAMS

EXECUTIVE ASSISTANT
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASST
JIM HUTCHESON

ADMINISTRATIVE ASSISTANT
NADINE SCHNEIDER

MAR 07 2002

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. Glenn J. Deadman*, and a copy of the Supreme Court's order appointing the Honorable Jeff K. Work, Judge of the 189th District Court, Houston, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Honorable Jeff K. Work
Mr. Robert E. Kaszczuk
Mr. Glenn J. Deadman



The Supreme Court of Texas

CHIEF JUSTICE
THOMAS R. PHILLIPS

JUSTICES
NATHAN L. HECHT
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MAR 07 2002

CLERK
JOHN T. ADAMS

EXECUTIVE ASSISTANT
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASST
JIM HUTCHESON

ADMINISTRATIVE ASSISTANT
NADINE SCHNEIDER

Honorable Jeff K. Work
Judge, 189th District Court
610 Civil Courts Building
301 Fannin Street
Houston, Texas 77002

Dear Judge Work:

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. Deadman and Mr. Kaszczuk, 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 (956-335-2300) 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

STATE BAR OF TEXAS



Office of the Chief Disciplinary Counsel

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
#7099 3220 0000 0580 7266

January 4, 2002

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

RE: Commission for Lawyer Discipline v. Glenn J. Deadman

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 Glenn J. Deadman. Mr. Deadman has designated Bexar County 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:

Glenn J. Deadman
309 South Main Avenue
San Antonio, Texas 78204

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 be returned to the undersigned.

425 SOLEDAD, SUITE #300, SAN ANTONIO, TEXAS 78205, (210) 271-7881

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 handwritten signature in cursive script that reads "Robert E. Kaszczuk".

Robert E. Kaszczuk
Assistant Disciplinary Counsel

Enclosures

REK/apr