

ORDER OF THE SUPREME COURT OF TEXAS

Misc Docket No. 96-9099

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

The Supreme Court of Texas hereby appoints the Honorable Cynthia Stevens Kent, Judge of the 114th District Court of Smith County, Texas, to preside in the Disciplinary Action styled:

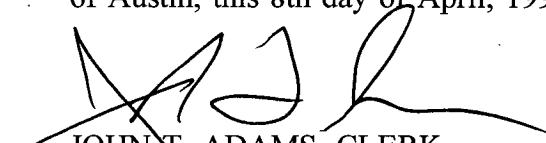
The Commission for Lawyer Discipline v. Roy Emmitt Jerue

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

The Clerk of the Supreme Court shall promptly forward to the District Clerk of Harris 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 8th day of April, 1996.


JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 96-9099, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 9 day of April, 1996.


Thomas R. Phillips
Chief Justice

NO. _____

COMMISSION FOR LAWYER DISCIPLINE	§	IN THE DISTRICT COURT OF
V.	§	HARRIS COUNTY, TEXAS
ROY EMMITT JERUE	§	_____ DISTRICT COURT

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, Roy Emmitt Jerue, (hereinafter called "Respondent"), showing the Court:

I.

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 complaints which form the basis of the Disciplinary Petition were filed on or after May 1, 1992.

II.

Respondent is an attorney licensed to practice law in the State of Texas and a member of the State Bar of Texas. Respondent is a resident of and has his principal place of practice in Harris County, Texas. An officer may serve citation on Respondent at 4101 San Jacinto, Suite 214, Houston, Harris County, Texas 77004.

III.

On or about April 26, 1989, Cynthia Bradley ("Bradley") hired Respondent to represent her in connection with racial discrimination, sexual harassment, mental anguish and other related matters. At their first meeting, Bradley presented Respondent with a large volume of documents she believed would aid him in representing her. Respondent agreed to represent Bradley as to any claim she might have against her former employer, the City of Houston, for racial discrimination and sexual harassment, as well as representing her in her claim for unemployment benefits. Respondent agreed to represent Bradley in her claim for unemployment benefits for a flat fee of \$200.00. As to Bradley's discrimination and sexual harassment claim, Respondent told Bradley he would get paid when the case settled. However, Respondent did not discuss a percentage or any other terms of the fee arrangement with Bradley, and Respondent did not get the agreement in writing.

IV.

Despite her frequent attempts to communicate, Bradley did not hear from Respondent from approximately July of 1989 through October of 1994. In October of 1994, Bradley made an appointment with Respondent which he failed to keep. Throughout the representation, Respondent frequently failed to return Bradley's telephone calls, failed to respond to Bradley's letters and failed to keep appointments he had made with Bradley. By letter dated on or about November 17, 1994, Bradley asked Respondent to return her documentation to her. Respondent failed to comply with Bradley's request.

V.

By certified mail, return receipt requested, on or about December 28, 1994, Respondent was notified that a complaint had been filed against him, and he was requested to provide a written response to the allegations within 30 days. Respondent delayed filing his response until the date of the Grievance Committee hearing on or about July 12, 1995.

VI.

Such acts and/or omissions on the part of Respondent as are described in Paragraphs III, IV and V hereinabove, which occurred on or after January 1, 1990, constitute conduct which violates Rules 1.01(b), 1.03(a), 1.04(d), 1.15(d) and/or 8.04(a)(8) of the Texas Disciplinary Rules of Professional Conduct.

VII.

The complaint, which forms the basis of the Cause of Action hereinabove set forth, was brought to the attention of the Office of General Counsel of the State Bar of Texas by Bradley filing a complaint on or about December 19, 1994.

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,

James M. McCormack
General Counsel

Assistant General Counsel
Deena Brodsgaard
State Bar of Texas
Litigation - Dallas
5910 N. Central Expressway
Suite 920
Dallas, Texas 75206
(214) 368-0083
FAX (214) 368-6953



Deena Brodsgaard
State Bar Card No. 00790375
ATTORNEYS FOR PETITIONER



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

POST OFFICE BOX 12248 AUSTIN, TEXAS 78711

TEL: (512) 463-1312

FAX: (512) 463-1365

CLERK
JOHN T. ADAMS

JUSTICES
RAUL A. GONZALEZ
NATHAN L. HECHT
JOHN CORNYN
CRAIG ENOCH
ROSE SPECTOR
PRISCILLA R. OWEN
JAMES A. BAKER
GREG ABBOTT

EXECUTIVE ASST
WILLIAM L. WILLIS

ADMINISTRATIVE ASST
NADINE SCHNEIDER

April 15, 1996

Mr. James M. McCormack
General Counsel, State Bar of Texas
P.O. Box 12487
Austin, Texas 78711

Mr. Roy Emmitt Jerue
4101 San Jacinto, Suite 214
Houston, Texas 77004

Dear Mr. McCormack and Mr. Jerue:

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 Cynthia Stevens Kent, Judge of the 114th District Court, Quitman, Texas to preside in

Commission for Lawyer Discipline v. Roy Emmitt Jerue

Sincerely,

SIGNED

John T. Adams
Clerk



THE SUPREME COURT OF TEXAS

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JAMES A. BAKER
GREG ABBOTT

April 15, 1996

The Honorable Charles Bacarisse
District Clerk of Harris County
P.O. Box 4651
Houston, Texas 77210

Dear Mr. Bacarisse:

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 Emmitt Jerue and a copy of the Supreme Court's order appointing the Honorable Cynthia Stevens Kent, Judge of the 114th District Court, Quitman, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Hon. Cynthia Stevens Kent
Mr. Roy Emmitt Jerue
Mr. James M. McCormack



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

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GREG ABBOTT

EXECUTIVE ASS'T
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

April 15, 1996

Honorable Cynthia Stevens-Kent
Judge, 114th District Court
P.O. Box 488
Quitman, Texas 75783

Dear Judge Kent:

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. Jerue and Mr. McCormack, and a copy of the letter to the District Clerk of Harris County.

It is recommended that, six to eight weeks after receipt of this letter, you contact the Harris County District Court Administrative Office (713-755-7593) to find out the district court to which this disciplinary case has been assigned. We then recommend that, either before or immediately after you set the case for trial, you again contact the Harris County District Court Administrative Office (713-755-6593) 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 (713-471-3911) 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