

**ORDER OF THE SUPREME COURT OF TEXAS**

**Misc Docket No. 96- 9161**

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

The Supreme Court of Texas hereby appoints the Honorable Wayne Bridewell, Judge of the 249th District Court of Johnson County, Texas, to preside in the Disciplinary Action styled:

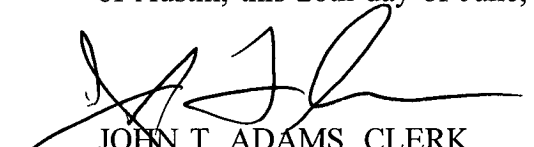
**The Commission for Lawyer Discipline v. Lawrence N. Nwora**

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.

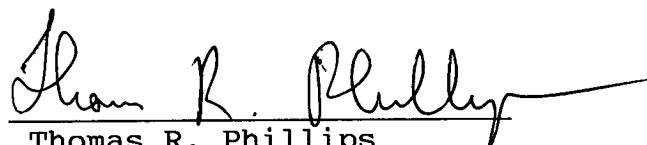
As ordered by the Supreme Court of Texas, in chambers,

with the Seal thereof affixed at the City  
of Austin, this 26th day of June, 1996.

  
JOHN T. ADAMS, CLERK  
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 96-9161, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 27 day of June, 1996.

  
Thomas R. Phillips  
Chief Justice

COPY

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

COMMISSION FOR LAWYER DISCIPLINE	§	IN THE DISTRICT COURT OF
	§	
v.	§	_____ COUNTY, TEXAS
	§	
LAWRENCE N. NWORA	§	_____ 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 LAWRENCE NNAMDI NWORA (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, the Texas Rules of Disciplinary Procedure, and the State Bar Rules. The complaint that forms the basis of the Disciplinary Petition was filed after May 1, 1992.

**II.**

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 business in Harris County, Texas, and therefore venue is appropriate in Harris County, Texas, pursuant to Rule 3.03 of the Texas Rules of Disciplinary Procedure. An officer may serve citation on Respondent at his business located at 10101 Fondren, Suite 250, Houston, Texas 77096.

### III.

Respondent was contacted by Michael Minns, an attorney, to file a bankruptcy for Paul James DesFosses. Before the filing, Respondent spoke on the telephone with DesFosses, who was in Idaho at the time. DesFosses sent Respondent some information regarding the bankruptcy, and at some point sent a "General Power of Attorney and Declaration of Representative" to Respondent. Respondent asserts this "General Power of Attorney" authorized him to file the bankruptcy petition and necessary schedules to initiate a bankruptcy action.

Respondent instructed his secretary to prepare a petition and schedules for filing the bankruptcy. Respondent signed a voluntary petition in blank as attorney and left the country. Neither Respondent nor DesFosses read the prepared petition, notice to individual consumer debtor(s), summary of schedules or Schedules A through J before filing them. Before leaving the country, Respondent instructed his secretary to sign DesFosses' name to the documents upon completion. Respondent was out of the country for most of DesFosses' bankruptcy, but what purports to be his signature appears on several pleadings responding to motions filed by creditors. Respondent was ultimately unable to appear with DesFosses due to illness.

The only document actually signed by the debtor DesFosses is the appearance list from the creditor's meeting. It is not known who signed Respondent's name to various pleadings, but those signatures do not match Respondent's signature on the bankruptcy petition. Respondent claims all signatures were authorized.

The Court, in Case No. 94-43218-H5-13, styled *In Re: Paul James Des Fosses, debtor*, in the United States Bankruptcy Court for the Southern District of Texas, Houston Division, found the following signatures on documents filed with the Court were forgeries:

1. Signature of Respondent, Lawrence Nwora, on the Motion for Protection from deposition setting for July 21, 1994, and the Certificate of Service attached thereto;
2. Signature of Respondent, Lawrence Nwora, on debtor's response to trustee's Motion to Dismiss and the Certificate of Service attached thereto;
3. Signature of Respondent, Lawrence Nwora, on debtor's response to Esplin, Hawkes & First Federal Savings Motion for Relief From Stay and the certificate of service attached thereto;
4. Signature of Respondent, Lawrence Nwora, on Debtor's First Amended Plan and the Certificate of Service attached thereto;
5. Signature of Respondent, Lawrence Nwora, and of Paul James DesFosses on the Chapter 13 plan Summary under the declaration under penalty of perjury;
6. Signature of Respondent, Lawrence Nwora, on the Motion to Appear *pro hoc vice*;
7. Signature of Paul James DesFosses on the voluntary petition under the declaration under penalty of perjury;
8. Signature of Paul James DesFosses on the acknowledgment on the Notice to Individual Consumer Debtor(s) stating, "I hereby certify that I have read this notice.:"
9. Signature of Paul James DesFosses on the Declaration Concerning Debtor's Schedules under the statement, "I declare under penalty of perjury that I have read the foregoing summary and schedules, consisting of 12 sheets, and that they are true and correct to the best of my knowledge, information, and belief."

The Court further found that the signatures of both Respondent and DesFosses were affixed to documents they never read. The Court therefore that, pursuant to Fed. R. Bankr. P. Rule 9011, the signature of an attorney or a party constitutes a certificate that the attorney or party has read the document. Respondent, in failing to read the documents before the affixation of his signature, constitutes a false declaration, certification, or statement made under the penalty of perjury.

#### IV.

The acts and/or omissions of the Respondent described in Paragraph III, constitute conduct in violation of Rules 3.03(a)(1) [a lawyer shall not knowingly make a false statement of material fact or law to a tribunal]; 3.03(a)(2)[a lawyer shall not knowingly fail to disclose a fact to a tribunal when disclosure is necessary to avoid assisting a criminal or fraudulent act]; 3.03(a)(5)[a lawyer shall not knowingly offer or use evidence that the lawyer knows to be false]; 3.03(b) [if a lawyer has offered material evidence and comes to know of its falsity, the lawyer shall make a good faith effort to persuade the client to authorize the lawyer to correct or withdraw the false evidence. If such efforts are unsuccessful, the lawyer shall take reasonable remedial measures, including disclosure of the true facts]; 8.04(a)(1) [a lawyer shall not violate these rules, knowingly assist or induce another to do so, or do so through the acts of another, whether or not such violation occurred in the course of a client-lawyer relationship]; 8.04(a)(2) [ a lawyer shall not commit a serious crime or commit any other criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects]; 8.04(a)(3) [a lawyer shall not engage in conduct involving dishonesty, fraud, deceit or misrepresentation]; and 8.04(a)(12) [a lawyer shall not violate any other laws of this state relating to the professional conduct of lawyers and to the practice of law] of the Texas Disciplinary Rules of Professional Conduct, and Part 1.06(Q) of the Texas Rules of Disciplinary Procedure.

#### V.

The complaint that forms the basis of this cause of action was brought to the attention of the Office of the General Counsel of the State Bar of Texas by the State Bar of Texas initiating a complaint on or about September 21, 1994.

**Prayer**

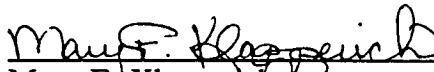
WHEREFORE, PREMISES CONSIDERED, Petitioner the COMMISSION FOR LAWYER DISCIPLINE respectfully prays that this Court discipline Respondent Lawrence Nnamdi Nwora, by disbarment, suspension or reprimand as the facts shall warrant, and that the Petitioner have all other relief to which it may show itself to be justly entitled, including costs of court and attorney's fees.

Respectfully submitted,

James M. McCormack  
General Counsel

Mary F. Klapperich  
Assistant General Counsel

Office of the General Counsel  
STATE BAR OF TEXAS  
1111 Fannin, Suite 1370  
Houston, Texas 77002  
(713) 759-6931  
Fax No. (713) 759-1932

  
Mary F. Klapperich  
State Bar No. 11550700

ATTORNEYS FOR PETITIONER

# STATE BAR OF TEXAS



Office of the General Counsel

May 29, 1996

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

*Re: Commission for Lawyer Discipline v. Lawrence N. Nwora*

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 Lawrence N. Nwora. Mr. Nwora is a resident of Harris County, Texas. 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 hereby made that you notify the Respondent at the address shown below and the undersigned of the identity and address of the judge assigned:

Mr. Lawrence Nwora  
c/o Mr. Theodore R. Andrews  
5177 Richmond, Suite 1275  
Houston, Texas 77056

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 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 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 Harris 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.

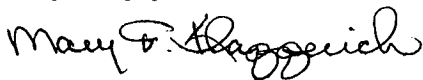


Mr. John T. Adams, Clerk  
Supreme Court of Texas  
May 29, 1996  
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Also enclosed are a pre-addressed envelope for your use in transmitting the petition, etc., to the District Clerk of Harris County, Texas, and a return envelope to be sent to the District Clerk of Harris County, Texas, for the Clerk's use in returning a filemarked copy of the petition to the undersigned.

If you have any questions, please contact me. Thank you for your assistance.

Very truly yours,



Mary F. Klapperich  
Assistant General Counsel

MFK/gcp  
enclosures



## 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 ASS'T  
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T  
NADINE SCHNEIDER

July 3, 1996

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

Mr. Lawrence N. Nwora  
c/o Mr. Theodore R. Andrews  
5177 Richmond, Suite 1275  
Houston, Texas 77056

Dear Mr. McCormack and Mr. Nwora:

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 Wayne Bridewell, Judge of the 249th District Court, Cleburne, Texas to preside in

Commission for Lawyer Discipline v. Lawrence N. Nwora

Sincerely,

**SIGNED**

John T. Adams  
Clerk



## THE SUPREME COURT OF TEXAS

CHIEF JUSTICE  
THOMAS R. PHILLIPS

POST OFFICE BOX 12248      AUSTIN, TEXAS 78711

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CLERK  
JOHN T. ADAMS

EXECUTIVE ASST  
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CRAIG ENOCH  
ROSE SPECTOR  
PRISCILLA R. OWEN  
JAMES A. BAKER  
GREG ABBOTT

July 3, 1996

Honorable Wayne Bridewell  
Judge, 249th District Court  
2 N. Main Street  
Cleburne, Texas 76031

Dear Judge Bridewell:

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. Nwora 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



# THE SUPREME COURT OF TEXAS

CHIEF JUSTICE  
THOMAS R. PHILLIPS

POST OFFICE BOX 12248      AUSTIN, TEXAS 78711

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FAX: (512) 463-1365

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

July 3, 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. Lawrence N. Nwora and a copy of the Supreme Court's order appointing the Honorable Wayne Bridewell, Judge of the 249th District Court, Cleburne, Texas, to preside in this Disciplinary Action.

Sincerely,

**SIGNED**

John T. Adams  
Clerk

cc: Hon. Wayne Bridewell  
Mr. Lawrence N. Nwora  
Mr. James M. McCormack