

ORDER OF THE SUPREME COURT OF TEXAS

Misc Docket No. 98- 9149

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

The Supreme Court of Texas hereby appoints the Honorable David Berchelmann, Jr., Judge of the 37th District Court of Bexar County, Texas, to preside in the Disciplinary Action styled:

The Commission for Lawyer Discipline v. Mary O'Keefe Curtis

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 31st day of August, 1998.



JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 98-9149, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 2 day of September, 1998.

A handwritten signature in cursive script, reading "Thomas R. Phillips". The signature is written in black ink and is positioned above a horizontal line.

Thomas R. Phillips
Chief Justice

COPY

CAUSE NO. _____

<p>COMMISSION FOR LAWYER DISCIPLINE,</p> <p>Petitioner</p> <p>vs.</p> <p>MARY O'KEEFE CURTIS,</p> <p>Respondent</p>	<p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p>	<p>IN THE DISTRICT COURT OF</p> <p>HARRIS COUNTY, T E X A S</p> <p>_____ JUDICIAL DISTRICT</p>
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ORIGINAL DISCIPLINARY PETITION

TO THE HONORABLE JUDGE OF THE COURT:

COMES NOW Petitioner, the **COMMISSION FOR LAWYER DISCIPLINE** a committee of the State Bar of Texas (hereinafter referred to as "Petitioner"), complaining of Respondent, **MARY O'KEEFE CURTIS** (hereinafter referred to as "Respondent"), and would respectfully show unto the Court the following:

I. NATURE OF PROCEEDING

Petitioner brings this disciplinary action pursuant to the STATE BAR ACT, the TEXAS GOVERNMENT CODE ANNOTATED §81.001, *et seq.* (Vernon 1988 and supp. 1994), the TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT, and the TEXAS RULES OF DISCIPLINARY PROCEDURE. The complaints that form the basis of this *Original Disciplinary Petition* were filed on or after May 1, 1992.

II. VENUE

Respondent is an attorney licensed to practice law in Texas and is a member of the State Bar of Texas. Respondent's residence and principal place of practice is Harris County, Texas; therefore,

venue is appropriate in Harris County, Texas, pursuant to Rule 3.03 of the TEXAS RULES OF DISCIPLINARY PROCEDURE. Respondent's attorney, Wayne Paris has agreed to accept service on her behalf at 3100 S. Gessner, Suite 600, Houston, Harris County, Texas, 77063.

III. FIRST CAUSE OF ACTION

On or about February 22, 1994, TAMMY SONNIER (hereinafter referred to as "SONNIER") entered into a contingency fee agreement with JOANNE CHADDERDON (hereinafter referred to as "CHADDERDON") for representation in a civil lawsuit. At the time of the contract, and at all times material hereto, CHADDERDON and Respondent, both solo practitioners, officed together.

In or around May of 1994, CHADDERDON and Respondent entered into an oral agreement with reference to the SONNIER case. Pursuant to the terms of the oral agreement, (1) Respondent would pay one-half of the litigation costs; (2) Respondent would perform certain legal services under the guidance and control of CHADDERDON; (3) all work was governed by the existing contingency fee agreement between CHADDERDON and SONNIER; and (4) CHADDERDON would pay Respondent fifty percent (50%) of any proceeds, after expense reimbursement. The litigation costs totaled approximately two thousand one hundred and no/100 dollars (\$2,100.00) of which Respondent paid approximately one hundred twenty and no/100 dollars (\$120.00).

On or about August 22, 1994, Respondent contacted SONNIER, induced SONNIER to sign a second contingency fee agreement, misrepresented that such was common practice, and

misrepresented that such was being done with CHADDERDON's permission. Furthermore, Respondent lacked the qualifications and experience to handle SONNIER's case.

On or about February 8, 1995, SONNIER formally terminated the relationship, if any, with Respondent and demanded that her file and any documents be returned to CHADDERDON.

IV. SECOND CAUSE OF ACTION

On or about April 19, 1993, JAN HARRISON (hereinafter referred to as "HARRISON") entered into a contingency fee agreement with CHADDERDON for representation in a civil lawsuit.

In or around April of 1994, CHADDERDON and Respondent entered into an oral agreement with reference to the HARRISON case. Pursuant to the terms of the oral agreement, (1) Respondent would pay one-half of the litigation costs; (2) Respondent would perform certain legal services under the guidance and control of CHADDERDON; (3) all work was governed by the existing contingency fee agreement between CHADDERDON and HARRISON; and (4) CHADDERDON would pay Respondent fifty percent (50%) of any proceeds, after expense reimbursement.

On or about August 14, 1994, Respondent contacted HARRISON, induced HARRISON to sign a second contingency fee agreement, charged additional expense-related fees, misrepresented that such was common practice, and misrepresented that such was being done with CHADDERDON's permission. Furthermore, Respondent lacked the qualifications and experience to handle HARRISON's case.

On or about February 8, 1995, HARRISON formally terminated the relationship, if any, with Respondent and demanded that her file and any documents be returned to CHADDERDON.

V. RULE VIOLATIONS

The acts and/or omissions of Respondent described in Paragraphs III and IV, above, which occurred on or after January 1, 1990, constitute conduct in violation of Rules 7.02(a)(1) [for making a false or misleading communication about the qualifications or services of the lawyer which contains misrepresentations of fact or law or omits a fact necessary to make the statement considered as a whole not material misleading]; 8.04(a)(1) [for knowingly violating the TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT]; and 8.04(a)(3) [for engaging in conduct that involves dishonesty, fraud, deceit or misrepresentation] of the TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT.

VI.

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 JOANNE CHADDERDON's filing of a complaint on or about January 29, 1996.

PRAYER FOR RELIEF

WHEREFORE, PREMISES CONSIDERED, Petitioner, COMMISSION FOR LAWYER DISCIPLINE, respectfully prays that this Court discipline Respondent, MARY O'KEEFE CURTIS, by reprimand, suspension or disbarment, as the facts shall warrant, restitution,

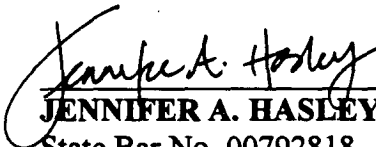
and all other relief to which Petitioner may show itself to be justly entitled, including costs of court and attorneys' fees.

Respectfully submitted,

STEVEN W. YOUNG
General Counsel

JENNIFER A. HASLEY
Assistant General Counsel

STATE BAR OF TEXAS
Office of the General Counsel
1111 Fannin, Suite 1370
Houston, Texas 77002
Phone: (713) 759-6931
Fax No.: (713) 752-2158



JENNIFER A. HASLEY
State Bar No. 00792818

**ATTORNEYS FOR PETITIONER,
COMMISSION FOR
LAWYER DISCIPLINE**

STATE BAR OF TEXAS



OFFICE OF THE GENERAL COUNSEL

July 29, 1998

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

RE: *Commission for Lawyer Discipline v. Mary O'Keefe Curtis*

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 Mary O'Keefe Curtis. Mary O'Keefe Curtis has designated **Harris County**, Texas, as her 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:

Mary O. Curtis
c/o Wayne Paris, Attorney at Law
3100 S. Gessner, Suite 600
Houston, TX 77063

As a practical matter, we respectfully suggest that an inquiry be made as whether the judge will be able to comply with: (1) the one hundred and eighty (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; and (2) *Mellon Service Co., et al. v. Touche Ross Co.*, 946 S.W.2d 862 (Tex. App. - Houston [14th Dist.] 1997), which requires that all proceedings incident to a case occur in the county of proper venue. If not, we 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 Original Disciplinary Petition, the Civil Case Information Sheet, the filing fee check (all 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.

J:\CURTIS.OKE\C_ADAMS

1111 FANNIN, SUITE 1370, HOUSTON, TEXAS 77002, (713) 759-6931

John T. Adams, Clerk
Supreme Court of Texas

July 29, 1998

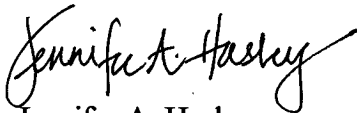
RE: *Commission for Lawyer Discipline v. Mary O'Keefe Curtis*

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Additionally, enclosed please find 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 file-marked copy of the Petition to the undersigned.

Thank you for your courtesies in this matter.

Sincerely,



Jennifer A. Hasley
Assistant General Counsel

JAH/sml

- Enclosures
1. Original Disciplinary Petition (original and two (2) copies)
 2. Civil Case Information Sheet
 3. Filing Fee Check
 4. Pre-Addressed Envelope to District Clerk
 5. Pre-Addressed Envelope to State Bar of Texas



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
CRAIG T. ENOCH
ROSE SPECTOR
PRISCILLA R. OWEN
JAMES A. BAKER
GREG ABBOTT
DEBORAH G. HANKINSON

EXECUTIVE ASS'T
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

SEP 14 1998

The Honorable Charles Bacarisse
District Clerk of Harris County
P.O. Box 4651
Houston, Texas 77002

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. Mary O'Keefe Curtis*, and a copy of the Supreme Court's order appointing the Honorable David Berchelmann, Jr., Judge of the 37th District Court of San Antonio, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Honorable David Berchelmann, Jr.
Ms. Mary O'Keefe Curtis
Ms. Jennifer A. Hasley



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
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GREG ABBOTT
DEBORAH G. HANKINSON

EXECUTIVE ASS'T
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NADINE SCHNEIDER

SEP 14 1998

Ms. Jennifer A. Hasley
Assistant General Counsel, State Bar of Texas
1111 Fannin, Suite 1370
Houston, Texas 77002

Ms. Mary O. Curtis
c/o Wayne Paris, Attorney at Law
3100 S. Gessner, Suite 600
Houston, Texas 77063

Dear Ms. Hasley and Ms. Curtis:

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 David Berchelmann, Jr., Judge of the 37th District Court of San Antonio, Texas to preside in

Commission for Lawyer Discipline v. Mary O'Keefe Curtis

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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ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

SEP 14 1998

Honorable David Berchelmann, Jr.
Judge, 37th District Court
100 Dolorosa Street
San Antonio, Texas 78205

Dear Judge Berchelmann:

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. Curtis and Ms. Hasley, 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