

ORDER OF THE SUPREME COURT OF TEXAS

Misc Docket No. 99- 9211

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

The Supreme Court of Texas hereby appoints the Honorable Frank T. Carmona, Judge of the 122nd District Court of Galveston County, Texas, to preside in the Disciplinary Action styled:

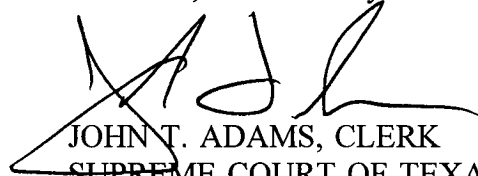
The Commission for Lawyer Discipline v. Mike Zimmern

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

The Clerk of the Supreme Court shall promptly forward to the District Clerk of Williamson 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.

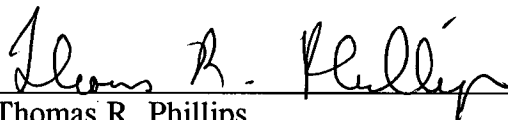
As ordered by the Supreme Court of Texas, in chambers,

with the Seal thereof affixed at the City
of Austin, this 26th day of October, 1999.


JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 99-9211, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code, §74.057.

Signed this 1 day of November, 1999.



Thomas R. Phillips
Chief Justice

CAUSE NO. _____

COMMISSION FOR LAWYER
DISCIPLINE

V.

MIKE ZIMMERN

§
§
§
§
§
§

IN THE DISTRICT COURT OF

WILLIAMSON COUNTY, TEXAS

_____ JUDICIAL DISTRICT

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, MIKE ZIMMERN, State Bar Card No. 22276900 (hereinafter called "Respondent"), showing the Court:

I.

Pursuant to Rule 190.1, Texas Rules of Civil Procedure, discovery in this case is governed by Discovery Control Plan -- Level 2, as provided in Rule 190.3, T.R.C.P.

II.

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 complaint which forms the basis of the Disciplinary Petition was filed on or after March 4, 1998.

III.

Respondent is an attorney licensed to practice law in Texas and a member of the State Bar of Texas. Respondent is a resident of and has his principal place of practice in Williamson County,

Texas. An officer may serve citation on Respondent at his office address located at 2000 S. Mays, Suite 302, Round Rock, Williamson County, Texas 78664.

IV.

In or around July, 1996, Respondent was hired by Ronnie Pfile (hereinafter, "Complainant") to assist Mr. Pfile in the probate of his late father's estate and in the recovery of specific items of property of his late father. Respondent prepared and filed the necessary court papers for the appointment of Mr. Pfile as temporary administrator of his father's estate in July of 1996. Thereafter, after the passage of 180 days resulting in the expiration of the temporary administration, and up to the time of Pfile's filing of a grievance with the State Bar of Texas in March of 1998, Respondent failed to complete a permanent administration of the estate of Mr. Pfile's father.

V.

By his conduct as alleged in the foregoing paragraph, Respondent has violated Rule 1.01(b)(1) of the Texas Disciplinary Rules of Professional Conduct, which states that, "in representing a client, a lawyer shall not neglect a legal matter entrusted to the lawyer."

VI.

The complaint which forms the basis of the Cause of Action hereinabove set forth was brought to the attention of the Office of the Chief Disciplinary Counsel of the State Bar of Texas by Ronnie Pfile filing a complaint on or about March 4, 1998.

PRAYER

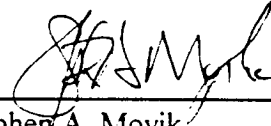
WHEREFORE, PREMISES CONSIDERED, Petitioner prays for judgment that Respondent be disciplined as the facts shall warrant; and that Petitioner have such other and further relief to which entitled, including costs of court and attorneys fees.

Respectfully submitted,

Dawn Miller
Acting Chief Disciplinary Counsel

Stephen A. Moyik
Assistant Disciplinary Counsel

Office of the Chief Disciplinary Counsel
STATE BAR OF TEXAS
P.O. Box 12487, Capitol Station
Austin, Texas 78711-2487
Telephone: (512) 463-1463
Facsimile: (512) 477-4607



Stephen A. Moyik
State Bar Card No. 14614300
Attorneys for Petitioner

STATE BAR OF TEXAS



Office of the General Counsel

September 27, 1999

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

RE: Commission for Lawyer Discipline v. Mike Zimmern

Dear Mr. Adams:

Enclosed is an original and two (2) copies of a Disciplinary Petition being filed by the Commission for Lawyer Discipline against Mike Zimmern. Mr. Zimmern has designated Williamson County, Texas, 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:

Mike Zimmern
2000 S. Mays, Suite 302,
Round Rock, Williamson County, Texas 78664

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.

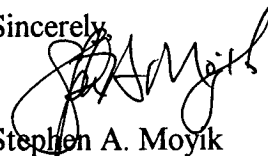
Once a trial judge has been appointed, please forward the original and two (2) copies of the Disciplinary Petition, the filing fee check, also enclosed, and the Court's appointing order to the District Clerk of Williamson County, Texas, with the request that the suit be filed, service be obtained, and a file-marked copy of the petition be returned to the undersigned.

Also enclosed are a pre-addressed envelope for your use in transmitting the petition, etc., to the District Clerk of Williamson County, Texas, and a return envelope to be sent to the District Clerk of Williamson County, Texas, for the Clerk's use in returning a file-marked copy of the Petition to me.

Mr. John Adams
September 27, 1999
Page 2 of 2

Please call me if you have any questions or comments.

Sincerely,



Stephen A. Moyik
Assistant Disciplinary Counsel

SAM:aa
Enclosures

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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

SEP 13 1999

JUSTICES
NATHAN L. HECHT
CRAIG T. ENOCH
PRISCILLA R. OWEN
JAMES A. BAKER
GREG ABBOTT
DEBORAH G. HANKINSON
HARRIET O'NEILL
ALBERTO R. GONZALES

CLERK
JOHN T. ADAMS

EXECUTIVE ASS'T
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASS'T
JIM HUTCHESON

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

Mr. Stephen A. Moyik
Assistant General Counsel, State Bar of Texas
P.O. Box 12487
Austin, Texas 78711-2487

Mr. Mike Zimmern
2000 S. Mays, Suite 302
Round Rock, Texas 78664

Dear Mr. Moyik and Mr. Zimmern:

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 Frank T. Carmona, Judge of the 122nd District Court, Galveston, Texas to preside in

Commission for Lawyer Discipline v. Mike Zimmern

Sincerely,

SIGNED

John T. Adams
Clerk



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

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HARRIET O'NEILL
ALBERTO R. GONZALES

NOV 19 1999

The Honorable Bonnie Wolbrueck
District Clerk of Williamson County
P.O. Box 24
Georgetown, Texas 78626

Dear Ms. Wolbrueck:

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. Mike Zimmern, and a copy of the Supreme Court's order appointing the Honorable Frank T. Carmona, Judge of the 122nd District Court, Galveston, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Hon. Frank T. Carmona
Mr. Stephen A. Moyik
Mr. Mike Zimmern



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

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ALBERTO R. GONZALES

NOV 19 1999

Honorable Frank T. Carmona
Judge, 122nd District Court
722 Moody Avenue, #603
Galveston, Texas 77550

Dear Judge Carmona:

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. Zimmern and Mr. Moyik, and a copy of the letter to the District Clerk of Williamson County.

We then recommend that, four or five weeks after receipt of this letter, you or your coordinator contact the presiding judge or the District Clerk of Williamson County 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, the judge or coordinator of that court be contacted 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 (512-943-1212) to obtain claims forms for your expenses and other information incident to presiding over this disciplinary case.

Sincerely,

SIGNED

John T. Adams
Clerk