

**ORDER OF THE SUPREME COURT OF TEXAS**

**9007**

Misc. Docket No. 01-----

**Appointment of a District Judge to Rule on a Motion  
to Recuse filed in a State Bar Disciplinary Action**

The Supreme Court of Texas hereby appoints the Honorable Stephen Ellis, Judge of the 35th District Court of Brown County, Texas, to preside in the Disciplinary Action styled:


**The Commission for Lawyer Discipline v. Robert N. Goldstein**

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

The Clerk of the Supreme Court shall promptly forward to the District Clerk of Dallas County, Texas, a copy of the Disciplinary Petition and this Order for filing and service pursuant to Rule 3.03, Texas Rules of Disciplinary Procedure.

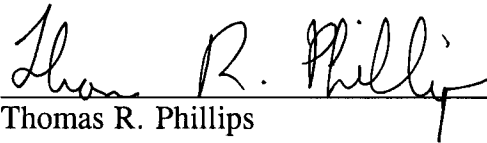
As ordered by the Supreme Court of Texas, in chambers,

With the Seal thereof affixed at the City  
Of Austin, this 5<sup>th</sup> day of January, 2001.

  
JOHN T. ADAMS, CLERK  
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 01-9007, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 8 day of January, 2001.

  
\_\_\_\_\_  
Thomas R. Phillips  
Chief Justice

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

COMMISSION FOR LAWYER DISCIPLINE § IN THE DISTRICT COURT OF  
V. § DALLAS COUNTY, TEXAS  
ROBERT N. GOLDSTEIN § \_\_\_\_\_ 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, Robert N. Goldstein, (hereinafter called "Respondent"), showing the Court:

**I.**

**Discovery Control Plan**

Pursuant to Rules 190.1 and 190.3, TEXAS RULES OF CIVIL PROCEDURE (TRCP), Petitioner intends discovery in this case to be conducted under the Level II Discovery Control Plan.

**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 May 1, 1992.

**III.**

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 practice in Dallas County, Texas. An officer may serve citation on Respondent at 4516 Lovers Lane, Box 104, Dallas, Texas 75225.

#### IV.

On or about January 2, 1997, Lynne Ginsburg ("Ginsburg") employed Respondent to prosecute a divorce. Respondent filed the Original Petition for Divorce on January 6, 1997. The community estate was large and consisted of various business entities. Respondent accepted the matter without possessing the competency to handle such a complicated divorce. Even though Respondent knew Ginsburg has various learning disabilities, during the course of the divorce, Respondent failed to clearly explain matters to Ginsburg in a manner that enabled her to make informed decisions.

#### V.

Initially Respondent and Ginsburg signed a fee contract pursuant to which Ginsburg agreed to pay Respondent a fee based upon an hourly rate. Subsequently, Respondent pressured Ginsburg to change the fee agreement to a fee contingent upon the value of Ginsburg's divorce settlement. This contingent fee agreement was never reduced to writing. Due to Respondent's financial condition, it was in Respondent's interest to finalize the divorce, and collect his fee, as quickly as possible. Respondent, therefore, pressured Ginsburg to accept a divorce settlement quickly. The settlement severely limited Ginsburg's access to her children, in contradiction to Ginsburg's instructions that custody of and access to her children were of paramount importance to her. At the conclusion of the divorce, Respondent informed Ginsburg his fee was ten percent (10%) of the agreed settlement. Ginsburg paid Respondent the requested fee.

#### VI.

On August 15, 1997, Respondent filed or caused to be filed an Agreement Incident to Divorce. In that filing, Respondent misrepresented to the Court that his attorney's fees amounted

To \$300,000.00 when, in fact, Respondent's contingent fee amounted to approximately \$5,000,000.00.

## VII.

During the course of the divorce, Respondent provided \$38,000.00 in financial assistance to Ginsburg. In or about April, 1997, Ginsburg provided Respondent with \$200,000.00 to be placed into Respondent's IOLTA trust account. After depositing the funds into his IOLTA trust account, Respondent transferred the funds into an operating account, commingling Ginsburg's funds with the law firm's funds. During the period from April 30, 1997 until July 29, 1997, forty-four (44) checks from the operating account were returned due to insufficient funds. One of the returned checks was a \$30,000.00 check dated June 4, 1997, which Respondent issued to American Express on Ginsburg's behalf. In August 1997, Ginsburg requested an accounting of the funds, but Respondent failed to provide an accounting until December, 1997.

## VIII.

Such acts and/or omissions on the part of Respondent as are described in Paragraphs IV, V, VI and VII, hereinabove, which occurred on or after January 1, 1990, constitute conduct which violates Rules 1.01(a), 1.01(b)(2), 1.02(a)(1), 1.03(b), 1.04(a),(d), 1.14(a),(b),(c), 3.03(a)(1) and 8.04(a)(1)and(3) of the Texas Disciplinary Rules of Professional Conduct.

## IX.

The complaint which forms the basis of the Cause of Action hereinabove set forth was initiated by the State Bar of Texas filing a complaint on or about June 16, 1999.

**PRAYER**

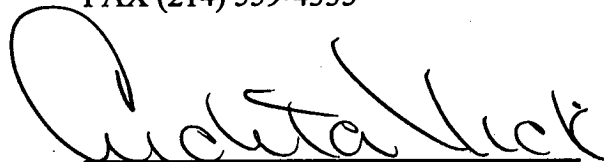
**WHEREFORE, PREMISES CONSIDERED,** Petitioner prays for judgment that Respondent be disciplined as the facts shall warrant; and that Petitioner have such other relief to which entitled, including costs of Court and attorney's fees.

Respectfully submitted,

**Dawn Miller**  
Chief Disciplinary Counsel

**Ardita Vick**  
Assistant Disciplinary Counsel

State Bar of Texas  
Litigation - Dallas  
3710 Rawlins  
Suite 800  
Dallas, Texas 75219  
(214) 559-4997  
FAX (214) 559-4335



**Ardita Vick**  
State Bar Card No. 00786311

**ATTORNEYS FOR PETITIONER**

# STATE BAR OF TEXAS



Office of the Chief Disciplinary Counsel

November 7, 2000

**CMRRR NO. 7099 3220 0005 9143 5096**

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

***RE: Commission for Lawyer Discipline v. Robert N. Goldstein***

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 Robert N. Goldstein. Mr. Goldstein has designated Dallas 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:

**Robert N. Goldstein  
4516 Lovers Lane  
Box 104  
Dallas, Texas 75225**

As a practical matter, I would respectfully suggest that you inquire with the judge to be appointed as to: (1) 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.

Regency Plaza, 3710 Rawlins, Suite 800, Dallas, Texas 75219  
Telephone: (214) 559-4353 Fax: (214) 559-4335

John T. Adams, Clerk

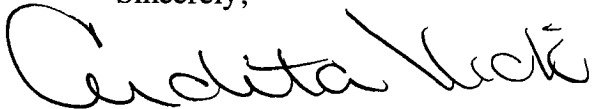
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Once a trial judge has been appointed, please forward the original and two (2) copies of the Disciplinary Petition, the filing fee check, also enclosed herewith, and the Court's appointing order to the District Clerk of Dallas County, Texas, with the 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 Dallas County, Texas, and a return envelope to be sent to the District Clerk of Dallas 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,

A handwritten signature in cursive script that reads "Ardita Vick". The signature is written in black ink and is positioned above the typed name.

Ardita Vick  
Assistant Disciplinary Counsel

Enclosures





# 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

CLERK  
JOHN T. ADAMS

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

JAN 12 2001

EXECUTIVE ASSISTANT  
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASST  
JIM HUTCHESON

ADMINISTRATIVE ASSISTANT  
NADINE SCHNEIDER

Ms. Ardita Vick  
Assistant General Counsel, State Bar of Texas  
3710 Rawlins, Suite 800  
Dallas, Texas 75219

Mr. Robert N. Goldstein  
4516 Lovers Lane, Box 104  
Dallas, Texas 75225

Dear Ms. Vick and Mr. Goldstein:

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 Stephen Ellis, Judge of the 35<sup>th</sup> District Court, Brownwood, Texas to preside in

*Commission for Lawyer Discipline v. Robert N. Goldstein*

Sincerely,

**SIGNED**

John T. Adams  
Clerk



# The Supreme Court of Texas

CHIEF JUSTICE  
THOMAS R. PHILLIPS

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EXECUTIVE ASSISTANT  
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASST  
JIM HUTCHESON

ADMINISTRATIVE ASSISTANT  
NADINE SCHNEIDER

Honorable Stephen Ellis  
Judge, 35<sup>th</sup> District Court  
200 S. Broadway  
Brownwood, Texas 76801

Dear Judge Ellis:

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. Goldstein and Ms. Vick, and a copy of the letter to the District Clerk of Dallas County.

We then recommend that, either before or immediately after you set the case for trial, the Dallas County District Court Administrative Office (214-653-6510) 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 (214-653-2943) 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

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

CLERK  
JOHN T. ADAMS

JUSTICES  
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JAN 12 2001

EXECUTIVE ASSISTANT  
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASST  
JIM HUTCHESON

ADMINISTRATIVE ASSISTANT  
NADINE SCHNEIDER

The Honorable Jim Hamlin  
District Clerk of Dallas County  
George L. Allen Courts Building  
600 Commerce Street  
Dallas, Texas 75202

Dear Mr. Hamlin:

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. Robert N. Goldstein*, and a copy of the Supreme Court's order appointing the Honorable Stephen Ellis, Devine, Judge of the 35<sup>th</sup> District Court of Brownwood, Texas, to preside in this Disciplinary Action.

Sincerely,

**SIGNED**

John T. Adams  
Clerk

cc: Honorable Stephen Ellis  
Ms. Ardita Vick  
Mr. Robert N. Goldstein