

ORDER OF THE SUPREME COURT OF TEXAS

Misc Docket No. 99-9155

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

The Supreme Court of Texas hereby appoints the Honorable Betty Ann Caton, Judge of the 296th District Court of Collin County, Texas, to preside in the Disciplinary Action styled:

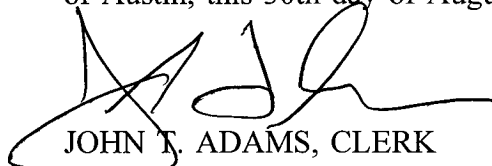
The Commission for Lawyer Discipline v. Roy E. Jerue

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,

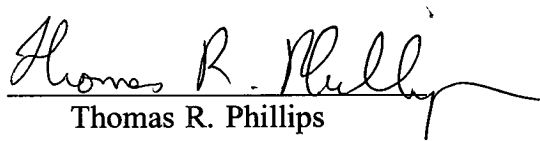
with the Seal thereof affixed at the City
of Austin, this 30th day of August, 1999.



JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 99-9155, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 30 day of August, 1999.


Thomas R. Phillips
Chief Justice

CAUSE NO. _____

COMMISSION FOR LAWYER
DISCIPLINE

§
§
§
§
§
§

IN THE DISTRICT COURT OF

V.

HARRIS COUNTY, TEXAS

ROY E. JERUE

_____ JUDICIAL DISTRICT

ORIGINAL 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, complaining of Respondent, ROY E. JERUE, and would respectfully show unto the Court the following:

I.

Pursuant to Rule 190.1 of the Texas Rules of Civil Procedure, Petitioner intends discovery in this case to be conducted under the Level 2 Discovery Control Plan, as provided in Rule 190.3 TRCP.

II.

Petitioner brings this disciplinary action pursuant to the State Bar Act, 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 complaint that forms the basis of this Original Disciplinary Petition was filed on or after May 1, 1992.

III.

Respondent is an attorney licensed to practice law in Texas and a member of the State Bar of Texas. Respondent's residence and principal place of practice is Harris County, Texas. Respondent can be served with citation at his business located at 2816 Bartell St., #37, Houston, Texas 77054.

IV.

Debra Thomas hired the Respondent on or about March 14, 1989, to represent her in a personal injury matter. Respondent has not provided his client, Debra Thomas, with any evidence that he has pursued her legal matter since July 24, 1995. Respondent would not communicate with his client, Debra Thomas, and did not keep her informed of the status of her personal injury claim. This prevented his client, Debra Thomas, from being able to make informed decisions about the representation. Debra Thomas has requested the return of her file, but the Respondent has refused to return it to her.

In May 1998, the State Bar of Texas sent the Respondent a notice that Debra Thomas had filed a complaint against him. The Respondent received that notice on May 29, 1998. The notice instructed the Respondent to provide the State Bar of Texas with a written response to the factual allegations made against him by Debra Thomas within thirty (30) days of receipt of the notice. The Respondent did not provide the State Bar of Texas with a written response to the allegations.

V.

By failing to communicate with his client, Debra Thomas, and keep her informed of the progress and status of her personal injury claim, the Respondent engaged in

conduct in violation of Rules **1.01(b)**[neglecting a legal matter entrusted to the lawyer];**1.01(b)(2)**[frequently failing to carry out the obligations owed to a client]; **1.03(a)**[failing to keep his client reasonably informed of the status of the legal matter and to comply with reasonable requests for information] and **1.03(b)**[failure to explain matters to the extent reasonably necessary to allow the client to make an informed decision] of the Texas Disciplinary Rules of Professional Conduct, as defined by Section **1.06(Q)** of the Texas Rules of Disciplinary Procedure..

By failing to respond to a request for information from the State Bar of Texas or a Grievance Committee of the State Bar of Texas, the Respondent engaged in conduct in violation of Rules **8.01(b)** [knowingly failing to respond to a lawful demand for information from a disciplinary authority]; and **8.04(a)(8)** [failure to timely furnish to the Chief Disciplinary Counsel's office or a district grievance committee a response or other information as required by the Texas Rules of Disciplinary Procedure, unless he or she in good faith timely asserts a privilege or other legal ground for failure to do so] of the Texas Disciplinary Rules of Professional Conduct, as defined by Rule **1.06(Q)** of the Texas Rules of Disciplinary Procedure.

VI.

The complaint which forms the basis of this action was brought to the attention of the Office of the General Counsel of the State Bar of Texas by Debra Thomas filing a complaint on or about May 8, 1998.


PRAYER

WHEREFORE, PREMISES CONSIDERED, Petitioner, the Commission For Lawyer Discipline, respectfully prays that this Court discipline Respondent, **ROY E. JERUE**, by reprimand, suspension, or disbarment, as the facts shall warrant; and grant all other relief to which Petitioner may show itself to be justly entitled, including costs of Court and attorney's fees.

Respectfully submitted,

Dawn Miller
Interim Acting 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
(713) 752-2158 Facsimile



MARY F. KLAPPERICH
State Bar No. 11550700

ATTORNEYS FOR PETITIONER

STATE BAR OF TEXAS



Office of the General Counsel

July 15, 1999

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

Re: Commission for Lawyer Discipline v. Roy E. Jerue

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 Roy E. Jerue. Mr. Jerue has designated Harris 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:

Roy E. Jerue
2816 Bartell Street, #37
Houston, TX 77054

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; and (2) whether he or she can accommodate compliance with 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, I would respectfully request that an alternate appointment be made.

Mr. John Adams
July 15, 1999
Page 2

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.

I have enclosed 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,



Mary F. Klapperich
Assistant General Counsel

MFK/rr
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

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

SEP 03 1999

CLERK
JOHN T. ADAMS

EXECUTIVE ASS'T
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASS'T
JIM HUTCHESON

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

Honorable Betty Ann Caton
Judge, 296th District Court
210 S. McDonald Street, #424
McKinney, Texas 75069

Dear Judge Caton:

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 Ms. Klapperich, 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,

A handwritten signature in dark ink, appearing to read "John T. Adams".

John T. Adams
Clerk



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

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

SEP 03 1999

CLERK
JOHN T. ADAMS

EXECUTIVE ASS'T
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASS'T
JIM HUTCHESON

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

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. Roy E. Jerue*, and a copy of the Supreme Court's order appointing the Honorable Betty Ann Caton, Judge of the 296th District Court, McKinney, Texas, to preside in this Disciplinary Action.

Sincerely,

A handwritten signature in dark ink, appearing to read "John T. Adams".

John T. Adams
Clerk

cc: Honorable Betty Ann Caton
Ms. Mary F. Klapperich
Mr. Roy E. Jerue
Ms. Melissa Dartez



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

EXECUTIVE ASS'T
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASS'T
JIM HUTCHESON

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

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

SEP 03 1999

Ms. Mary F. Klapperich
Assistant General Counsel, State Bar of Texas
1111 Fannin, Suite 1370
Houston, Texas 77002

Mr. Roy E. Jerue
2816 Bartell Street, #37
Houston, Texas 77054

Dear Ms. Klapperich 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 Betty Ann Caton, Judge of the 296th District Court, McKinney, Texas to preside in

Commission for Lawyer Discipline v. Roy E. Jerue

Sincerely,

A handwritten signature in dark ink, appearing to read "John T. Adams".

John T. Adams
Clerk