

**ORDER OF THE SUPREME COURT OF TEXAS**

**Misc Docket No. 99-9099**

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

The Supreme Court of Texas hereby appoints the Honorable Curt B. Henderson, Judge of the 219th District Court of Collin County, Texas, to preside in the Disciplinary Action styled:

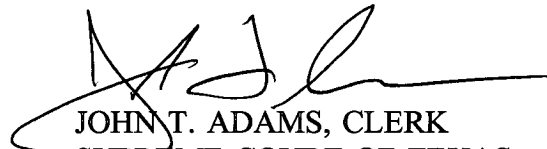
**The Commission for Lawyer Discipline v. Jeffrey M. Stern**

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 12th day of May, 1999.

  
JOHN T. ADAMS, CLERK  
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 99-9099, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 14 day of May, 1999.

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

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

COMMISSION FOR LAWYER  
DISCIPLINE

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IN THE DISTRICT COURT OF

V.

HARRIS COUNTY, TEXAS

JEFFREY M. STERN

\_\_\_\_\_ 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 (hereinafter referred to as "Petitioner"), complaining of Respondent, JEFFREY M. STERN, (hereinafter referred to as "Respondent"), and would show the Court the following:

**I. DISCOVERY CONTROL PLAN**

Pursuant to Rules 190.1 and 190.2 TEXAS RULES OF CIVIL PROCEDURE (TRCP), Petitioner intends discovery in this case to be conducted under the Level 1 Discovery Control Plan. Pursuant to Rule 190.2(a)(1), TCRP, Petitioner affirmatively pleads that it seeks only monetary relief aggregating fifty thousand and no/100 dollars (\$50,000.00) or less, excluding costs, pre-judgment interest and attorneys' fees.

**II. NATURE OF PROCEEDING**

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.

### III. VENUE

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 Harris County, Texas; 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 in care of his attorney at the business address located at 55 Waugh Ste. 400, Houston, Harris County, Texas 77007.

### IV. CAUSE OF ACTION

The Complainant was injured on or about June 15, 1998 and had to go to the hospital for medical care. A representative affiliated with Respondent came to the hospital and persuaded the Complainant to sign an employment contract for representation in a worker's compensation claim. Complainant claims he next received a letter from Respondent's firm. Complainant contends he was illegally solicited and did not want to be represented by Respondent's firm.

### 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 Francisco G. Lopez filing a complaint on or about August 3, 1998.

### VI. RULE VIOLATIONS

The acts and/or omissions of Respondent described in Paragraph III above which

occurred on or before January 1, 1990, constitute conduct in violation of Rules 7.03(a) [A lawyer shall not by in-person or telephone contact or seek professional employment concerning a matter arising out of a particular occurrence or event... from a prospective client or nonclient who has not sought the lawyer's advice regarding employment or with whom the lawyer has no family or past or present attorney-client relationship when a significant motive for the lawyer's doing so is the lawyer's pecuniary gain.].

**PRAYER**

**WHEREFORE, PREMISES CONSIDERED, Petitioner, COMMISSION FOR  
LAWYER DISCIPLINE, respectfully prays that this Court discipline Respondent, JEFFREY  
M. STERN, 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

**Kimberly M. Gamble**  
Assistant General Counsel

Office of the General Counsel  
State Bar of Texas  
1111 Fannin, Suite 1370  
Houston, Texas 77002  
(713) 759-6932  
(713) 752-2158 FAX



**KIMBERLY M. GAMBLE**  
State Bar No. 00789804

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

# STATE BAR OF TEXAS



Office of the General Counsel

April 13, 1999

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

**Re: Commission for Lawyer Discipline v. Jeffrey M. Stern**

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 Jeffrey M. Stern. Mr. Stern 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:

Jeffrey M. Stern  
c/o David J. Sacks  
55 Waugh, Suite 400  
Houston, Texas 77007

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.

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.

1111 Fannin, Suite 1370, Houston, Texas 77002, (713)759-6931

Mr. John Adams

April 13, 1999

Page Two

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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,



Kimberly M. Gamble

Assistant General Counsel

KMG/lp

encls.



Cause No. \_\_\_\_\_

Commission For Lawyer Discipline

Plaintiff

v.

Jeffrey M. Stern

Defendant

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IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

\_\_\_\_\_ JUDICIAL DISTRICT

### CIVIL CASE INFORMATION SHEET

This form must be completed and filed with every original petition, and a copy attached to every original petition served. The information should be the best available at the time of filing, understanding that such information may change before trial. This form does not constitute a discovery request, response, or supplementation, and is not admissible at trial.

Service must be obtained promptly. Notice is hereby given that, per Harris County Local Rule 3.6, any case in which no answer has been filed or default judgement signed SIX (6) MONTHS from filing will be eligible for DISMISSAL FOR WANT OF PROSECUTION.

Type of Action:     Commercial             Personal Injury             Death             Other

Check all claims pled:

<input type="checkbox"/> Account due	<input type="checkbox"/> Defamation	<input type="checkbox"/> Fraud	<input type="checkbox"/> Product liability
<input type="checkbox"/> Admiralty	<input checked="" type="checkbox"/> Disbarment	<input type="checkbox"/> Garnishment	<input type="checkbox"/> Post judgment
<input type="checkbox"/> Assault	<input type="checkbox"/> Discrimination	<input type="checkbox"/> Injunction/TRO	<input type="checkbox"/> Railroad
<input type="checkbox"/> Asbestos	<input type="checkbox"/> Dram shop	<input type="checkbox"/> Insurance bad faith	<input type="checkbox"/> Real estate
<input type="checkbox"/> Auto	<input type="checkbox"/> DTPA	<input type="checkbox"/> Malicious prosecution	<input type="checkbox"/> Securities fraud
<input type="checkbox"/> Bill of review	<input type="checkbox"/> Employment discharge	<input type="checkbox"/> Malpractice/Legal	<input type="checkbox"/> Sequestration
<input type="checkbox"/> Business dissolution	<input type="checkbox"/> Environmental tort	<input type="checkbox"/> Malpractice/Medical	<input type="checkbox"/> Silicone implant
<input type="checkbox"/> Conspiracy	<input type="checkbox"/> Expunction	<input type="checkbox"/> Malpractice/Other	<input type="checkbox"/> Tax
<input type="checkbox"/> Contract	<input type="checkbox"/> False imprisonment	<input type="checkbox"/> Name change	<input type="checkbox"/> Tortious interference
<input type="checkbox"/> Deed restriction	<input type="checkbox"/> Foreclosure	<input type="checkbox"/> Note	<input type="checkbox"/> Trespass
<input type="checkbox"/> Declaratory judgment	<input type="checkbox"/> Forfeiture	<input type="checkbox"/> Premises liability	<input type="checkbox"/> Workers compensation
<input type="checkbox"/> Other _____			

Has this dispute previously been in the Harris County courts?  No     Yes, in the following court: \_\_\_\_\_

Monetary damages sought:     less than \$100,000             greater than \$100,000

Estimated time needed for discovery     0-3 months     4-6 months     7-12 months     >1 year

Estimated time needed for trial:     1-2 days     3-5 days     6-10 days     >10 days

Is there a likelihood of experts other than treating physicians or experts on attorney's fees?     Yes     No

Is immediate ADR requested?     Yes     No

Name of party filing this cover sheet: Commission For Lawyer Discipline

Signature of attorney or pro se filing cover sheet: *Kimberly M. Gamble*  
Name printed: KIMBERLY M. GAMBLE

Phone No.: (713) 759-6931

Bar No.: 00789804

#### FOR COURT USE ONLY:

Track assigned:     Track 1     Track 2     Track 3

Court Coordinator \_\_\_\_\_ Date: \_\_\_\_\_



# 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

MAY 17 1999

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. Jeffrey M. Stern* and a copy of the Supreme Court's order appointing the Honorable Curt B. Henderson, Judge of the 219<sup>th</sup> District Court, McKinney, Texas, to preside in this Disciplinary Action.

Sincerely,

**SIGNED**

John T. Adams  
Clerk

cc:   Honorable Curt B. Henderson  
      Ms. Kimberly M. Gamble  
      Mr. Jeffrey M. Stern  
      Ms. Melissa Dartez



# THE SUPREME COURT OF TEXAS

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ALBERTO R. GONZALES

MAY 17 1999

Honorable Curt B. Henderson  
Judge, 219<sup>th</sup> District Court  
210 S. McDonald Street  
McKinney, Texas 75069

Dear Judge Henderson:

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. Stern and Ms. Gamble, 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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HARRIET O'NEILL  
ALBERTO R. GONZALES

MAY 17 1999

Ms. Kimberly M. Gamble  
Assistant General Counsel, State Bar of Texas  
1111 Fannin, Suite 1370  
Houston, Texas 77002

Mr. Jeffrey M. Stern  
c/o David J. Sacks  
55 Waugh, Suite 400  
Houston, Texas 77007

Dear Ms. Gamble and Mr. Stern:

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 Curt B. Henderson, Judge of the 219<sup>th</sup> District Court, McKinney, Texas to preside in

*Commission for Lawyer Discipline v. Jeffrey M. Stern*

Sincerely,

**SIGNED**

John T. Adams  
Clerk