

ORDER OF THE SUPREME COURT OF TEXAS

Misc Docket No. 00- 9023

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

The Supreme Court of Texas hereby appoints the Honorable Janice Warder, Judge of the Criminal District Court No. 1 of Dallas County, Texas, to preside in the Disciplinary Action styled:

The Commission for Lawyer Discipline v. Terry Edwin Stork

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

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

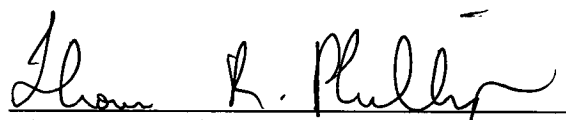
As ordered by the Supreme Court of Texas, in chambers,

with the Seal thereof affixed at the City
of Austin, this 14th day of February, 2000.


JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 00-9023, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code, §74.057.

Signed this 15 day of February, 2000.


Thomas R. Phillips
Chief Justice

CAUSE NO. _____

COMMISSION FOR LAWYER
DISCIPLINE

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§
§

IN THE DISTRICT COURT OF

V.

TRAVIS COUNTY, TEXAS

TERRY E. STORK

_____ 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, TERRY E. STORK, State Bar Card No. 19323000 (hereinafter called "Respondent"), showing the Court as follows:

I.

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

II.

Petitioner brings this disciplinary action pursuant to the State Bar Act, V.T.C.A., Government Code §81.001, et seq. (1998), 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 about April 21, 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 Travis County, Texas. An officer may serve citation on Respondent at his office address located at 1705 S. Lamar Blvd., Austin, Travis County, Texas 78704.

IV.

On or about March 20, 1995, Lorilie C. Jackson (hereinafter called "Complainant") hired Respondent to represent her on an assault charge. Complainant agreed to pay Respondent a fee of \$750 for legal services associated with that charge. Respondent made the first appearance for Complainant in the assault case, and arranged for a cash deposit bond secured by \$200, with a principal sum of \$2,000. After that time, Respondent failed to attend scheduled hearings and failed to properly notify and inform Complainant of hearings which resulted in her bond forfeiture. On or about November 6, 1997, Complainant learned about the bond forfeiture only when she was arrested on the bond forfeiture and a subsequent burglary of a habitation charge. Respondent again agreed to be Complainant's attorney of record and handle the burglary of a habitation charge. Again, Respondent failed to attend scheduled hearings and failed to properly notify and inform Complainant of hearings.

V.

In addition, on or around September of 1995, Complainant hired Respondent to negotiate Complainant's purchase of real estate. Despite receiving payment of \$250 and agreeing to negotiate the transaction, Respondent failed to pursue Complainant's civil real estate matter. When Complainant inquired as to the status of the negotiation, Respondent assured her that he had prepared the necessary paperwork and had mailed it to the seller. Despite those assurances, Complainant later learned that Respondent failed to pursue this real estate matter for which he was paid. Subsequently, citing the delay in the negotiations, the seller decided not to sell the land. Consequently, Complainant was forced to hire another attorney to resolve her legal disputes.

VI.

Such acts and omissions on the part of Respondent as are described in Paragraphs IV & V hereinabove, constitute the violations of the following Texas Disciplinary Rules of Professional Conduct for which he should be disciplined pursuant to Rule 3.09 of the Texas Rules of Disciplinary Procedure:

- 1.01(b)(1): In representing a client, a lawyer shall not:
 - (1) neglect a legal matter entrusted to the lawyer;
- 1.01(b)(2): In representing a client, a lawyer shall not:
 - (2) frequently fail to carry out completely the obligations that the lawyer owes to a client or clients.
- 1.03(a): A lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.

1.03(b): A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

VII.

The complaint which forms the basis of the cause of action hereinabove set forth in paragraphs IV and V was brought to the attention of the Office of the Chief Disciplinary Counsel of the State Bar of Texas by Lorilie C. Jackson filing a complaint on or about April 21, 1998.

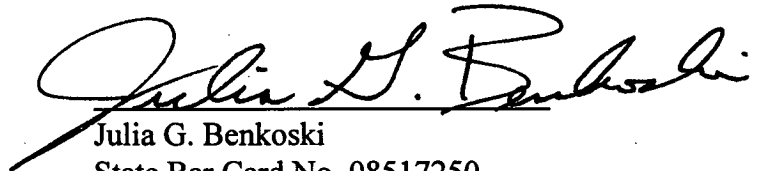
PRAYER

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

Julia G. Benkoski
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


Julia G. Benkoski
State Bar Card No. 08517250
Attorneys for Petitioner

STATE BAR OF TEXAS



Office of the General Counsel

December 3, 1999

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

RE: Commission for Lawyer Discipline v. Terry Erwin Stork

Dear Mr. Adams:

Enclosed is an original and two (2) copies of a Disciplinary Petition being filed by the Commission for Lawyer Discipline against Terry Erwin Stork. Mr. Stork has designated Travis 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:

Terry Erwin Stork
1705 South Lamar Boulevard
Austin, Texas 78704

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 Travis 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.

Mr. John Adams
December 3, 1999
Page 2 of 2

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

Please call me if you have any questions or comments.

Sincerely,

A handwritten signature in black ink that reads "Julia G. Benkoski" followed by a stylized flourish or initials.

Julia G. Benkoski
Assistant Disciplinary Counsel

JGB\lac

G:\GENERAL\JULIE\DISTRICT\STORK\CORRES\DP-SUPCT.LTR



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

EXECUTIVE ASSISTANT
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASST
JIM HUTCHESON

ADMINISTRATIVE ASSISTANT
NADINE SCHNEIDER

FEB 23 2000

The Honorable Amalia Rodriguez-Mendoza
District Clerk of Travis County
P.O. Box 1748
Austin, Texas 78767-1748

Dear Ms. Rodriguez-Mendoza:

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. Terry Edwin Stork*, and a copy of the Supreme Court's order appointing the Honorable Janice Warder, Judge of the Criminal District Court No. 1, Dallas, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Hon. Janice Warder
Ms. Julia G. Benkoski
Mr. Terry Edwin Stork



The Supreme Court of Texas

CHIEF JUSTICE
THOMAS R. PHILLIPS

201 West 14th Street Post Office Box 12248 Austin TX 78711
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JIM HUTCHESON

ADMINISTRATIVE ASSISTANT
NADINE SCHNEIDER

FEB 23 2000

Honorable Janice Warder
Judge, Criminal District Court No. 1
Frank Crowley Courts Building, 6th Floor
133 N. Industrial Blvd., LB 38
Dallas, Texas 75207-4399

Dear Judge Warder:

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. Stork and Ms. Benkoski, and a copy of the letter to the District Clerk of Travis County.

It is recommended that, about a month or six weeks after receipt of this letter, you contact the Travis County Court Administrative Office (512-753-9300) (certainly just before or immediately after you set the case for trial) 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 (210-379-8556) 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

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NADINE SCHNEIDER

FEB 23 2000

Ms. Julia G. Benkoski
Assistant General Counsel, State Bar of Texas
P.O. Box 12487
Austin, Texas 78711-2487

Mr. Terry Edwin Stork
1705 South Lamar Boulevard
Austin, Texas 78704

Dear Ms. Benkoski and Mr. Stork:

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 Janice Warder, Judge of the Criminal District Court No. 1, Dallas, Texas to preside in

Commission for Lawyer Discipline v. Terry Edwin Stork

Sincerely,

SIGNED

John T. Adams
Clerk