

**ORDER OF THE SUPREME COURT OF TEXAS**

**Misc Docket No. 96- 9063**

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

The Supreme Court of Texas hereby appoints the Honorable Mark S. Tolle, Judge of the Criminal District Court No. 3 of Dallas County, Texas, to preside in the Disciplinary Action styled:

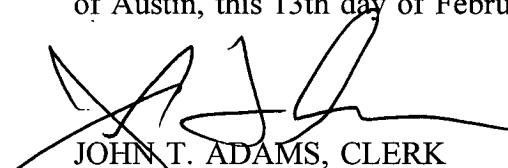
**The Commission for Lawyer Discipline v. Eugene Jones**

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.

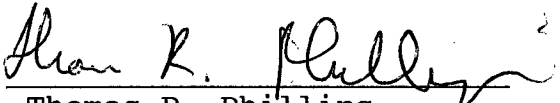
As ordered by the Supreme Court of Texas, in chambers,

with the Seal thereof affixed at the City  
of Austin, this 13th day of February, 1996.

  
JOHN T. ADAMS, CLERK  
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 96-9063, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 14 day of February, 1996.

  
Thomas R. Phillips  
Chief Justice

COPY

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

COMMISSION FOR LAWYER DISCIPLINE

§  
§  
§  
§  
§

v.

EUGENE JONES

IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

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

DISCIPLINARY PETITION

TO THE HONORABLE JUDGE OF THE COURT:

Petitioner, the COMMISSION FOR LAWYER DISCIPLINE, a committee of the State Bar of Texas, complains of Respondent EUGENE JONES as follows:

I.

Petitioner brings this disciplinary action pursuant to the State Bar Act, Tex. Gov't. Code Ann. §81.001 *et seq.* (Vernon 1988), and the State Bar Rules. The complaint that forms the basis of the Disciplinary Petition was filed after May 1, 1992.

II.

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 Harris County, Texas. An officer may serve citation on Respondent at 2721 Memorial Drive, Suite 200, Houston, Harris County, Texas, 77007.

III.

Respondent was counsel against attorney Betty Stovall "Kit" Clark in a case styled, Celeste Martin v. David McDavid Nissan, Inc., Cause No. 614231; in the County Civil Court at Law Number Three of Harris County, Texas. During the course of the pre-trial activities associated with the lawsuit, Respondent and co-counsel filed a Motion for Contempt against the Plaintiff, Celeste Martin, and her attorney, Betty Stovall "Kit" Clark.

On or about November 11, 1994, a hearing on the Motion for Contempt was held. Judge Jack O'Neill presided over the hearing. During the course of his questioning of Betty Stovall "Kit" Clark, Respondent made comments and asked questions about an influence peddling allegation that Respondent had made as part of a pending grievance allegedly filed with the State Bar of Texas. These questions and comments were not in any way relevant to the contempt hearing. These questions and comments were made with the sole purpose of inflaming the Judge, and prejudicing the Judge in favor of Respondent.

#### IV.

The conduct of the Respondent, Eugene Jones, as alleged hereinabove in Paragraph III constitutes conduct in violation of Rules 3.04(c)(2)[alluding to a matter that the lawyer does not reasonably believe is relevant]; 3.04(c)(4)[asking any question intended to degrade a witness or other person;]; and 3.04(c)(5)[engaging in conduct intended to disrupt proceedings] of the Texas Disciplinary Rules of Professional Conduct, Part 1.06 of the Texas Rules of Disciplinary Procedure, and of Rule 2.15 of the Texas Rules of Disciplinary Procedure.

#### 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 Betty Stovall "Kit" Clark filing a complaint on or about October 31, 1994.

#### Prayer

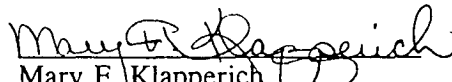
WHEREFORE, PREMISES CONSIDERED, Petitioner the COMMISSION FOR LAWYER DISCIPLINE respectfully prays that this Court discipline Respondent Eugene Jones by disbarment, suspension or reprimand as the facts shall warrant, and that the Petitioner have all other relief to which it may show itself to be justly entitled, including costs of court and attorney's fees.

Respectfully submitted,

James M. McCormack  
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  
Fax No. (713) 759-1932

  
Mary F. Klapperich  
State Bar No. 11550700



## 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

JUSTICES  
RAUL A. GONZALEZ  
NATHAN L. HECHT  
JOHN CORNYN  
CRAIG ENOCH  
ROSE SPECTOR  
PRISCILLA R. OWEN  
JAMES A. BAKER  
GREG ABBOTT

EXECUTIVE ASS'T  
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T  
NADINE SCHNEIDER

February 14, 1996

Mr. James M. McCormack  
General Counsel, State Bar of Texas  
P.O. Box 12487  
Austin, Texas 78711

Mr. Eugene Jones  
c/o Mr. Thomas R. Steinmeyer  
1314 Texas Avenue, Suite 1300  
Houston, Texas 77002

Dear Mr. McCormack and Mr. Jones:

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 Mark S. Tolle, Judge of the Criminal District Court No. 3, Dallas, Texas to preside in

Commission for Lawyer Discipline v. Eugene Jones

Sincerely,

**SIGNED**

John T. Adams  
Clerk



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GREG ABBOTT

February 14, 1996

Honorable Mark S. Tolle  
Judge, Criminal District Court No. 3  
Frank Crowley Courts Building  
133 N. Industrial Blvd.  
Dallas, Texas 75207

Dear Judge Tolle:

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. Jones and Mr. McCormack, 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

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GREG ABBOTT

EXECUTIVE ASS'T  
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T  
NADINE SCHNEIDER

February 14, 1996

The Honorable Charles Bacarisse  
District Clerk of Harris County  
P.O. Box 4651  
Houston, Texas 77210

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. Eugene Jones and a copy of the Supreme Court's order appointing the Honorable Mark S. Tolle, Judge of the Criminal District Court No. 3 of Dallas, Texas, to preside in this Disciplinary Action.

Sincerely,

**SIGNED**

John T. Adams  
Clerk

cc: Hon. Mark S. Tolle  
Mr. Eugene Jones  
Mr. James M. McCormack