

ORDER OF THE SUPREME COURT OF TEXAS

Misc Docket No. 96- 9114

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

The Supreme Court of Texas hereby appoints the Honorable Bill Peek, Judge of the 202nd District Court of Bowie County, Texas, to preside in the Disciplinary Action styled:

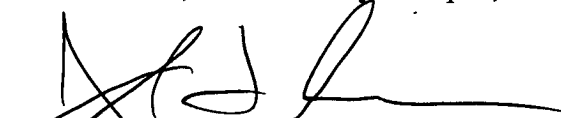
The Commission for Lawyer Discipline v. Patricia McBride

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 23rd day of April, 1996.


JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 96-9114, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 24 day of April, 1996.


Thomas R. Phillips
Chief Justice

BILL PEEK
DISTRICT JUDGE
202ND JUDICIAL DISTRICT



BI-STATE JUSTICE BUILDING

100 NORTH STATE LINE

TEXARKANA, TEXAS 75501

PHONE (903) 798-3004

April 16, 1996

Mr. William L. Willis
Executive Assistant
The Supreme Court of Texas
Post Office Box 12248
Austin, Texas 78711

Re: Commission For Lawyer Discipline vs. Patricia McBride

Dear Mr. Willis:

I received your letter dated April 8, 1996 concerning assignment of the above cause. I will be happy to accept the assignment of this matter and will await the court's order in that regard.

Yours very truly,

A handwritten signature in cursive script, appearing to read "Bill Peek".

Bill Peek

BP:wb

STATE BAR OF TEXAS



Office of the General Counsel

March 11, 1996

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

Re: Commission for Lawyer Discipline v. Patricia McBride

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 Patricia McBride. Ms. McBride is a resident of Harris County, Texas. 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 hereby made that you notify the Respondent at the address shown below and the undersigned of the identity and address of the judge assigned:

Ms. Patricia McBride
2929 Richmond Avenue, Suite 202
Houston, Texas 77098-3109

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 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 filemarked copy of the petition be returned to the undersigned.

Also enclosed are a pre-addressed envelope for your use in transmitting the above documents, 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 filemarked copy of the petition to the undersigned.

Mr. John T. Adams, Clerk
Supreme Court of Texas
March 11, 1996
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If you have any questions, please contact me. Thank you for your assistance.

Very truly yours,


Mary F. Klapperich
Assistant General Counsel

MFK/gcp
enclosures

CAUSE NO. _____

COMMISSION FOR LAWYER DISCIPLINE § IN THE DISTRICT COURT OF
v. § HARRIS COUNTY, TEXAS
PATRICIA McBRIDE § ____ JUDICIAL DISTRICT

DISCIPLINARY PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW the Commission for Lawyer Discipline, Petitioner, in the above-styled and numbered cause of action and files this Disciplinary Petition complaining of Patricia M. McBride, Respondent, and showing the Court:

I.

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 with the State Bar of Texas on or after May 1, 1992.

II.

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. An officer may serve citation on Respondent at her business address located at 2990 Richmond Avenue, Suite 202, Houston, Harris County, Texas 77098-3109.

III.

Dora M. Garcia retained Respondent on or about July 19, 1990 to represent her in a civil matter involving the purchase of a defective automobile. At that time Respondent drafted a letter

on behalf of Dora M. Garcia, and sent it to Cheyenne Motors. This letter was a demand letter written pursuant to the Texas Deceptive Trade Practices Act. Respondent was unable to negotiate a settlement on behalf of Dora M. Garcia with Cheyenne Motors, so she referred the case to another attorney to pursue a lawsuit. The lawyer to whom she referred the case is Jay Stuart Nedell. Respondent failed to obtain authorization from Dora Garcia before she referred the case to Jay Nedell, and she failed to monitor the case to ensure that Mr. Nedell had taken action on behalf of Ms. Garcia.

Respondent thought Mr. Nedell had filed suit on behalf of Dora Garcia, but he had not. The statute of limitations passed, and neither Respondent nor Mr. Nedell had filed suit for Dora Garcia concerning her claim against Cheyenne Motors.

IV.

By failing to monitor the progress of her client's case, Respondent failed to keep her client, Dora Garcia, reasonably informed about the status of her matter in violation of Rule 1.03(a) of the Texas Disciplinary Rules of Professional Conduct. By failing to monitor the progress of her client's case, and by failing to obtain her client's consent to refer the case to another lawyer, Respondent failed to explain a matter to her client, Dora Garcia, to the extent reasonably necessary to permit the client to make informed decisions regarding the representations in violation of Rule 1.03(b) of the Texas Disciplinary Rules of Professional Conduct.

V.

The complaint which forms the basis of this lawsuit as hereinabove set forth was brought to the attention of the Office of the General Counsel of the State Bar of Texas by the filing of a complaint by Dora M. Garcia on or about June 7, 1995.

PRAYER

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

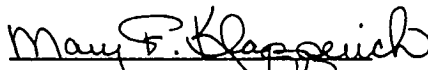
Respectfully submitted,

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) 759-6932
(713) 759-1932 FAX


MARY F. KLAPPERICH
State Bar of Texas No. 11550700

ATTORNEYS FOR PETITIONER



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

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

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

April 24, 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. Patricia McBride and a copy of the Supreme Court's order appointing the Honorable Bill Peek, Judge of the 202nd District Court, Texarkana, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Hon. Bill Peek
Ms. Patricia McBride
Mr. James M. McCormack



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

POST OFFICE BOX 12248 AUSTIN, TEXAS 78711

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CLERK
JOHN T. ADAMS

JUSTICES
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ROSE SPECTOR
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JAMES A. BAKER
GREG ABBOTT

EXECUTIVE ASS'T
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

April 24, 1996

Honorable Bill Peek
Judge, 202nd District Court
Bi-State Justice Building
100 N. State Line Avenue, Box 10
Texarkana, Texas 75501

Dear Judge Peek:

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. Peek 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

POST OFFICE BOX 12248 AUSTIN, TEXAS 78711

TEL: (512) 463-1312

FAX: (512) 463-1365

CLERK
JOHN T. ADAMS

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JAMES A. BAKER
GREG ABBOTT

EXECUTIVE ASST
WILLIAM L. WILLIS

ADMINISTRATIVE ASST
NADINE SCHNEIDER

April 24, 1996

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

Ms. Patricia McBride
2929 Richmond Avenue, Suite 202
Houston, Texas 77098-3109

Dear Mr. McCormack and Ms. McBride:

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 Bill Peek, Judge of the 202nd District Court, Texarkana, Texas to preside in

Commission for Lawyer Discipline v. Patricia McBride

Sincerely,

SIGNED

John T. Adams
Clerk