

ORDER OF THE SUPREME COURT OF TEXAS

Misc Docket No. 96- 9216

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

The Supreme Court of Texas hereby appoints the Honorable Martha B. Tanner, Judge of the 166th District Court of Bexar County, Texas, to preside in the Disciplinary Action styled:


The Commission for Lawyer Discipline v. Romie Neal

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.

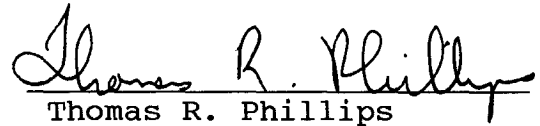
As ordered by the Supreme Court of Texas, in chambers,

with the Seal thereof affixed at the City
of Austin, this 18th day of September, 1996.


JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 96-9216, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 20 day of September, 1996.


Thomas R. Phillips
Chief Justice

CAUSE NO. _____

COPY

COMMISSION FOR LAWYER DISCIPLINE

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§
§
§
§

v.

ROMIE NEAL

IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

____ JUDICIAL DISTRICT

DISCIPLINARY PETITION

TO THE HONORABLE JUDGE OF THE COURT:

COMES NOW Petitioner, the COMMISSION FOR LAWYER DISCIPLINE, a committee of the State Bar of Texas (hereinafter called "Petitioner"), complaining of Respondent ROMIE NEAL, (hereinafter called "Respondent"), showing the Court:

I.

Petitioner brings this disciplinary action pursuant to the State Bar Act, the 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 Disciplinary Petition was filed on or 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. Respondent's principal place of practice is Harris County, Texas, and 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 at his business address located at 8515 Hearth Drive, Suite 230, Houston, Harris County, Texas 77054.

III.

On or about November 18, 1993, Jermaine Johnson Nkrumah (hereinafter called "Nkrumah") sustained bodily injuries and motor vehicle damage as a result of an automobile accident.

IV.

In or around December 1993, Nkrumah contacted Respondent by telephone regarding representation on a personal injury claim arising from the accident. Without obtaining a written contract or consent from Nkrumah, Respondent sent notice to USAA Property and Casualty Insurance Company (hereinafter called "insurance company") representing himself as Nkrumah's attorney and asserting an undivided interest in Nkrumah's claim.

V.

Upon notice from insurance company of Respondent's claim, Nkrumah telephoned Respondent in early January to advise Respondent he had not been hired to represent Nkrumah. Respondent refused to communicate with Nkrumah by telephone, and on or about January 19, 1994, Nkrumah informed Respondent in person he had not been hired to represent Nkrumah.

VI.

On or about January 19, 1994, Respondent told Nkrumah he had accepted a settlement check on Nkrumah's behalf from the insurance company. Prior to January 19, 1994, Respondent did not inform Nkrumah a settlement had been reached with the insurance company or obtain Nkrumah's consent to negotiate with or accept the insurance company's offer.

VII.

On or about January 31, 1994, Nkrumah sent Respondent written notice requesting

Respondent release his claim on Nkrumah's insurance settlement. Respondent refused to do so and instead persisted in maintaining contact with the insurance company regarding Nkrumah's recovery. Respondent submitted a bill in the amount of One Thousand Three Hundred Nine Dollars (\$1,309.00) to the insurance company for his attorneys fees in Nkrumah's claim. The bill which Respondent submitted to the insurance company charged fees for work performed by Respondent during a time period in which Respondent was not representing Nkrumah and charged fees on an hourly basis in a contingency fee case. Because Respondent has refused to release his claim on Nkrumah's insurance settlement from the insurance company, Nkrumah has been unable to obtain complete recovery on his personal injury case.

VIII.

The acts and/or omissions of the Respondent described in Paragraphs IV, V, VI and VII above, which occurred on or after January 1, 1990, constitute conduct in violation of Rule(s) **1.02(a)(2)** [a lawyer shall abide by a client's decisions whether to accept an offer of settlement of a matter]; **1.03(a)** [a lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable request for information]; **1.04 (a)** [a lawyer shall not collect an illegal fee or unconscionable fee]; **1.04(d)** [a contingent fee agreement shall be in writing and shall state the method by which the fee is to be determined]; **1.14(b)** [upon receiving funds in which a client has an interest, a lawyer shall promptly notify the client; a lawyer shall deliver to the client any funds that the client is entitled to receive; and upon request, shall promptly render a full accounting]; **1.15(a)(3)** [a lawyer shall decline to represent a client or where representation has commenced, shall withdraw from the representation if the lawyer is discharged, with or without good cause]; **8.04(a)(1)** [a lawyer shall not violate the Texas

Disciplinary Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another, whether or not such violation occurred in the course of a client-lawyer relationship]; 8.04(a)(3) [a lawyer shall not engage in conduct involving dishonesty, fraud, deceit or misrepresentation]; and 8.04(a)(4) [a lawyer shall not engage in conduct constituting obstruction of justice] of the Texas Disciplinary Rules of Professional Conduct.

VIII.

The complaint that forms the basis of this cause of action was brought to the attention of the Office of the General Counsel by Jermaine Johnson Nkrumah's filing of a complaint on or about March 20, 1995.

Prayer

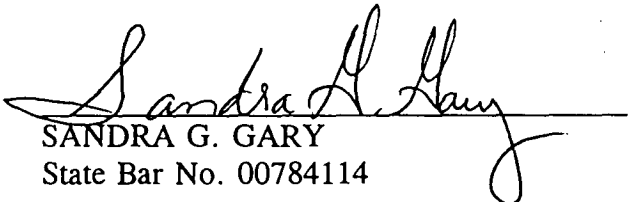
WHEREFORE, PREMISES CONSIDERED, Petitioner the COMMISSION FOR LAWYER DISCIPLINE respectfully prays that this Court discipline Respondent, ROMIE NEAL, by disbarment, suspension or reprimand, as the facts shall warrant; and that the Petitioner have all other relief to which it may show itself to be justly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

Respectfully submitted,

Steven W. Young
Interim General Counsel

Sandra G. Gary
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) 752-2158


SANDRA G. GARY
State Bar No. 00784114

ATTORNEYS FOR THE COMMISSION
FOR LAWYER DISCIPLINE



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

September 23, 1996

Mr. Steve Young
General Counsel, State Bar of Texas
P.O. Box 12487
Austin, Texas 78711

Mr. Romie Neal
8515 Hearth Drive, Suite 230
Houston, Texas 77054

Dear Mr. Young and Mr. Neal:

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 Martha B. Tanner, Judge of the 166th District Court, San Antonio, Texas to preside in

Commission for Lawyer Discipline v. Romie Neal

Sincerely,

SIGNED

John T. Adams
Clerk



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

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EXECUTIVE ASS'T
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

September 23, 1996

Honorable Martha B. Tanner
Judge, 166th District Court
100 Dolorosa Street
San Antonio, Texas 78205

Dear Judge Tanner:

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. Neal and Mr. Young, 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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JAMES A. BAKER
GREG ABBOTT

September 23, 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. Romie Neal, and a copy of the Supreme Court's order appointing the Honorable Martha B. Tanner, Judge of the 166th District Court, San Antonio, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Hon. Martha B. Tanner
Mr. Romie Neal
Mr. Steve Young