

ORDER OF THE SUPREME COURT OF TEXAS

Misc Docket No. 97- 9126

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

The Supreme Court of Texas hereby appoints the Honorable Jack E. Hunter, Judge of the 94th District Court of Nueces County, Texas, to preside in the Disciplinary Action styled:


The Commission for Lawyer Discipline v. Jerome K. Wade

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,

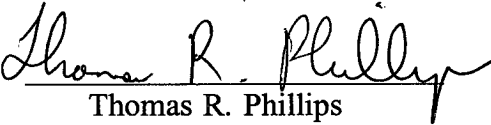
with the Seal thereof affixed at the City
of Austin, this 22nd day of July, 1997.



JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 97-9126, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 22 day of July, 1997.

A handwritten signature in cursive script that reads "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**

v.

JEROME K. WADE

§ IN THE DISTRICT COURT OF
§
§ HARRIS COUNTY, TEXAS
§
§
§ _____ JUDICIAL DISTRICT

DISCIPLINARY PETITION

TO THE HONORABLE JUDGE OF THE COURT:

The **COMMISSION FOR LAWYER DISCIPLINE** ("Petitioner") a permanent committee of the State Bar of Texas, pursuant to the authority of an investigatory panel for State Bar District Number 5A files this Disciplinary Petition complaining of **JEROME K. WADE**, ("Respondent"), an attorney licensed to practice law in the State of Texas, showing the Court as follows:

1. NATURE OF PROCEEDING

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 complaints that form the basis of this Disciplinary Petition were filed on or after May 1, 1992.

2. VENUE

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. Therefore, venue is appropriate in Harris County, Texas, pursuant to Rule 3.03 of the Texas Rules of Disciplinary

Procedure.

3. ISSUANCE OF CITATION REQUESTED

3.01 Petitioner requests that citation be issued and forwarded to: Jeannette Duer, 1111 Fannin, Suite 1370, Houston, Texas 77002, for service by an individual processor.

3.02 Respondent may be served by citation at P. O. Box 55914, Houston, Harris County, Texas, 77255-5914.

4. JOHNSON COMPLAINT

PURSUANT TO PART III OF THE TEXAS RULES OF DISCIPLINARY PROCEDURE, PETITIONER REQUESTS THIS COURT TO DISCIPLINE WADE FOR ACTS OF PROFESSIONAL MISCONDUCT.

4.01 WADE ENGAGED IN CONDUCT VIOLATING TEXAS DISCIPLINARY RULE OF PROFESSIONAL CONDUCT 3.01 [A lawyer shall not bring or defend a proceeding, or assert or controvert an issue therein, unless the lawyer reasonably believes that there is a basis for doing so that is not frivolous].

- (A) On or about December 6, 1991, the Original Petition in *Cause No. 594,277, styled NPI Corporation and John L. McDonald v. Northwestern Life and Charter Title Company* was filed by Respondent Wade.
- (B) On or about October 8, 1993, County Court a Law Number 4 of Harris County, Texas, granted a Motion for Summary Judgment in favor of Defendant, Charter Title Company.
- (C) On or about January 13, 1994, Respondent filed another Original Petition, on behalf of the same Plaintiff and the same facts of the first lawsuit.
- (D) On February 2, 1995, Charter Title moved for Summary Judgment. On February 24, 1995 the Court granted Summary Judgment in favor of Charter Title against NPI Corporation in Cause No. 628,356 styled NPI Corporation v. American Equities Torrey Group Ltd., and Charter Title Company because the instruments were groundless as there was no basis in law or fact.

4.02 WADE ENGAGED IN CONDUCT VIOLATING TEXAS DISCIPLINARY RULE OF PROFESSIONAL CONDUCT 3.04(d) [a lawyer shall not knowingly disobey, or advise the client to disobey, an

obligation under the standing rules of or a ruling by a tribunal except for an open refusal based either on an assertion that no valid obligation exists or on the client's willingness to accept any sanctions arising from such disobedience.]

- (A) On or about April 26, 1995, an Amended Motion for Sanctions pursuant to TRCP 13 was filed by the Defendant, Charter Title Company because the second petition was frivolous in nature.
- (B) On May 5, 1995, an Order granting the Amended Motion for Sanctions was signed by the Court with sanctions imposed on NPI Corporation and Jerome K. Wade.
- (C) On June 2, NPI and John L. McDonald filed a Motion for a New Trial pursuant to TRCP 329 (b) and a Motion to Modify Sanctions Order.
- (D) On or about June 22, 1995 the court signed a Modified Order Granting Charter Title Company's Amended Motion for Sanctions. The order held that Respondent was to pay Eleven Thousand Five Hundred Ninety Five Dollars (\$11,595.00) to Charter Title Company.
- (E) Respondent did not appeal the sanction order.
- (F) Respondent has not paid the \$11,595.00 in sanctions.

4.03 WADE ENGAGED IN CONDUCT VIOLATING TEXAS DISCIPLINARY RULE OF PROFESSIONAL CONDUCT 8.04 (3) [a lawyer shall not engage in conduct involving dishonesty, fraud, deceit or misrepresentation].

- (A) Because NPI Corporation and Respondent Wade jointly filed the groundless lawsuit, Charter Title Company incurred unnecessary costs, expenses and attorneys' fees in defending itself in the lawsuit and was therefore awarded Eleven Thousand Five Hundred and Ninety Five Dollars (\$11,595.00).

5.0 PRAYER

Petitioner respectfully prays that this Court discipline Respondent 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 attorneys' fees.

Steven W. Young
General Counsel

Jeannette M. Duer
Assistant General Counsel

Office of the General Counsel
STATE BAR OF TEXAS
1111 Fannin, Suite 1370
Houston, Texas 77002
Phone: (713) 759-6931
Fax No.: (713) 752-2158


JEANNETTE M. DUER
State Bar No. 00793645

ATTORNEYS FOR PETITIONER
THE COMMISSION FOR
LAWYER DISCIPLINE

STATE BAR OF TEXAS



Office of the General Counsel

June 13, 1997

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

Re: Commission for Lawyer Discipline v. Jerome K. Wade

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 Jerome K. Wade. Mr. Wade 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 practices 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:

Jerome K. Wade
P.O. Box 55914
Houston, Texas 77255-5914

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 Civil Case Information Sheet, and 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, citation be issued, and citation, along with a file-stamped copy of the petition be returned to the undersigned.

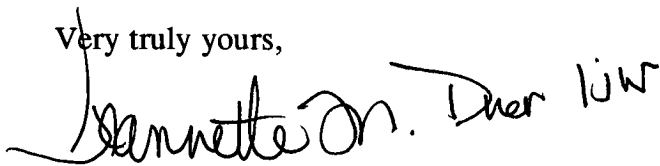
Also enclosed is a pre-addressed envelope for your use in transmitting the above referenced documents to the District Clerk of Harris County, Texas, and a return envelope to be sent to

Mr. John T. Adams, Clerk
Supreme Court of Texas
June 13, 1997
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the District Clerk of Harris County, Texas, for the Clerk's use in returning a filemarked copy of the petition to the undersigned.

If you have any questions, please contact me. Thank you for your assistance.

Very truly yours,



Jeannette M. Duer
Assistant General Counsel

JMD/sr
enclosures



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 ASST
WILLIAM L. WILLIS

ADMINISTRATIVE ASST
NADINE SCHNEIDER

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

JUL 23 1997

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

Mr. Jerome K. Wade
P.O. Box 55914
Houston, Texas 77255-5914

Dear Ms. Duer and Mr. Wade:

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 John R. Roach, Judge of the 199th District Court of McKinney, Texas to preside in

Commission for Lawyer Discipline v. Jerome K. Wade

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

EXECUTIVE ASST
WILLIAM L. WILLIS

ADMINISTRATIVE ASST
NADINE SCHNEIDER

JUL 23 1997

Honorable Jack E. Hunter
Judge, 94th District Court
901 Leopard Street
Corpus Christi, Texas 78401

Dear Judge Hunter:

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. Wade and Ms. Duer, 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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JOHN CORNYN
CRAIG ENOCH
ROSE SPECTOR
PRISCILLA R. OWEN
JAMES A. BAKER
GREG ABBOTT

JUL 23 1997

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. Jerome K. Wade, and a copy of the Supreme Court's order appointing the Honorable Jack E. Hunter, Judge of the 94th District Court of Corpus Christi, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Hon. Jack E. Hunter
Mr. Jerome K. Wade
Ms. Jeannette M. Duer