

ORDER OF THE SUPREME COURT OF TEXAS

Misc. Docket No. 97- 9169

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

The Supreme Court of Texas hereby appoints the Honorable Ray F. Grisham, Judge of the 336th District Court of Grayson County, Texas, to preside in the Disciplinary Action styled:


The Commission for Lawyer Discipline v. Joseph Onwuteaka

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, 1997.



**JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS**

This assignment, made by Misc. Docket No. 97-9169, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 22 day of September, 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. §
JOSEPH ONWUTEAKA §
§
§

IN THE DISTRICT COURT OF
_____ 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 4E files this Disciplinary Petition complaining of Joseph Onwuteaka ("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 also be served at his business address located at 7324 Southwest Freeway, Suite 310, Houston, Texas, 77074.

4. BROWN'S COMPLAINT

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

4.01 ONWUTEAKA ENGAGED IN CONDUCT VIOLATING TEXAS DISCIPLINARY RULE OF PROFESSIONAL CONDUCT 1.15(d) [Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as surrendering papers and property to which the client is entitled].

(A) On or about August 9, 1995, Cynthia Brown ("Brown"), retained Respondent for divorce proceedings.

(B) Upon termination of Respondent's representation, Brown requested a copy of her client file.

(C) Respondent failed to protect Brown's interest when he refused to provide a copy of the client file to either Brown or her new attorney.

4.02 ONWUTEAKA ENGAGED IN CONDUCT VIOLATING TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT 1.14(b) [for failing, upon receiving funds or other property in which a client has an interest, to render a full accounting upon request].

(A) Upon termination of representation, Brown requested an accounting of funds paid to Respondent.

(B) Respondent failed to render such an accounting when requested.

4.03 ONWUTEAKA ENGAGED IN CONDUCT VIOLATING TEXAS DISCIPLINARY RULE OF PROFESSIONAL CONDUCT 8.04(a)(1) [A lawyer shall not violated these rules, knowingly assist or induce another to do so whether or not such violation occurred in the course of a client-lawyer relationship].

(A) Respondent failed to surrender the client file upon Brown's proper request.

(B) Respondent failed to give an accounting of funds to Brown upon proper request.

(C) Respondent has violated the Texas Disciplinary Rules of Professional Conduct.

6.0 PRAYER

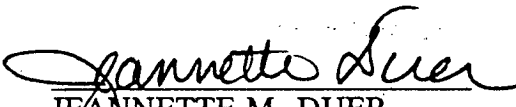
Petitioner respectfully prays that this Court discipline Respondent b
disbarment, suspension or reprimand, as the facts shall warrant; and that the
Petitioner have all other relief to which it may show itself to be justly entitled
including costs of court and attorneys' fees.

Respectfully submitted,

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

July 31, 1997

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

Re: Commission for Lawyer Discipline v. Joseph Onwuteaka

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 Joseph Onwuteaka. Mr. Onwuteaka 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:

Joseph Onwuteaka
7324 Southwest Freeway
Suite 310
Houston, Texas

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.

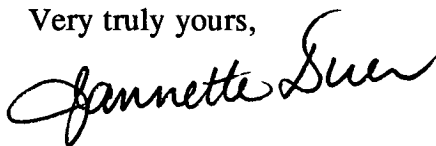
Also enclosed is a pre-addressed envelope for your use in transmitting the above referenced documents to the District Clerk of Harris County, Texas, and a return envelope to be sent to

Mr. John T. Adams, Clerk
Supreme Court of Texas
July 31, 1997
Page 2

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,

A handwritten signature in cursive script that reads "Jeannette Duer". The signature is written in black ink and is positioned to the right of the typed name.

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

OCT 02 1997

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

CLERK
JOHN T. ADAMS

EXECUTIVE ASST
WILLIAM L. WILLIS

ADMINISTRATIVE ASST
NADINE SCHNEIDER

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

Mr. Joseph Onwuteaka
7324 Southwest Freeway, Suite 310
Houston, Texas 77074

Dear Ms. Duer and Mr. Onwuteaka:

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 Ray F. Grisham, Judge of the 336th District Court of Sherman, Texas to preside in

Commission for Lawyer Discipline v. Joseph Onwuteaka

Sincerely,

CLERK

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

OCT 02 1997

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

CLERK
JOHN T. ADAMS

EXECUTIVE ASS'T
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

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. Joseph Onwuteaka, and a copy of the Supreme Court's order appointing the Honorable Ray F. Grisham, Judge of the 336th District Court of Sherman, Texas, to preside in this Disciplinary Action.

Sincerely,

CLAYED

John T. Adams
Clerk

cc: Hon. Ray F. Grisham
Ms. Jeannette M. Duer
Mr. Joseph Onwuteaka



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

OCT 02 1997

Honorable Ray F. Grisham
Judge, 336th District Court
200 S. Crockett Street
Sherman, Texas 75090

Dear Judge Grisham:

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. Onwuteaka 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,

John T. Adams
Clerk