

ORDER OF THE SUPREME COURT OF TEXAS

Misc Docket No. 98- 9031

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

The Supreme Court of Texas hereby appoints the Honorable Gary Hall, Judge of the 68th District Court of Dallas County, Texas, to preside in the Disciplinary Action styled:

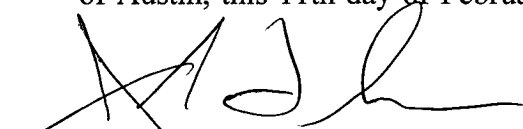
The Commission for Lawyer Discipline v. Aniefiok I. Usoro

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,

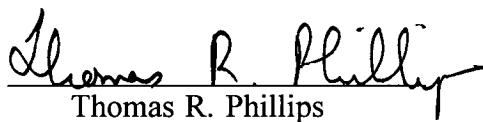
with the Seal thereof affixed at the City
of Austin, this 11th day of February, 1998.



JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 98-9031, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 12 day of February, 1998.

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

NO. _____

COMMISSION FOR LAWYER DISCIPLINES §

VS §

ANIEFIOK I. USORO §

IN THE DISTRICT COURT OF

_____ COUNTY, TEXAS

_____ JUDICIAL DISTRICT

DISCIPLINARY PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Petitioner, the Commission for Lawyer Discipline, a committee of the State Bar of Texas, complaining of Respondent, Aniefiok I. Usoro, and would show 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 her principal place of practice in Harris County, Texas. An officer may serve citation on Respondent at 7324 Southwest Freeway, Suite 615, Houston, Texas 77074.

III.

In March 1995, Respondent was retained to represent James Watley, Evelyn Perkins and Demetria Luckey who claimed to be injured in a traffic accident involving an employee of the United States Department of Agriculture (USDA). Respondent entered into arrangements to collect fees from these clients which were in excess of the fees that were legally permitted under 28 U.S.C. Section 2678. Respondent's fee arrangement called for fees ranging from 33-1/3 to 45% of any recovery. Section 2678 limits attorneys' fees to 20% of any award, compromise or settlement made pursuant to an administrative judgment and in the event suit were filed, Section 2678 provides for attorneys' fees not to exceed 25% of any judgment or settlement.

On April 1, 1996, Respondent was suspended from the practice of law for failure to pay her bar dues and failure to pay the attorney occupation tax. On or about September 17, 1996, Respondent wrote a letter to Mr. Brian with the United States Department of Agriculture concerning Respondent's client, Gloria Utley. Included with this letter was an affidavit purportedly signed by Gloria Utley dated September 17, 1996. Michaelyn J. Giebler had samples of Ms. Utley's signature in her file, and there was a great disparity between the signature on the affidavit and the signatures in Ms. Giebler's file. In addition, the notary signature on several affidavits, though purportedly made by the same notary, varied significantly.

On or about October 8, 1996, Respondent wrote to attorney Michaelyn Giebler with the United States Department of Agriculture concerning three clients, Evelyn Perkins, James Watley and Demetria Luckey. These letters were on letterhead which indicated that Respondent was an attorney and counselor at law and that Respondent

was representing these clients.

Between October 18, 1996 and October 25, 1996, Respondent spoke on the telephone with attorney Michaelyn Giebler of the U.S. Department of Agriculture concerning the above-named clients' claims. Respondent advised Ms. Giebler that settlement offers made to her clients were unacceptable.

IV.

By her conduct in submitting affidavits which contained a notary signature that was not genuine, Respondent has engaged in conduct in violations of Rules **4.01(a)**[in the course of representing a client, a lawyer shall not knowingly make a false statement of material fact or law to a third person]; **8.04(a)(1)**[a lawyer shall not violate these rules, 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]; and **8.04(a)(3)**[a lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation] of the Texas Disciplinary Rules of Professional Conduct, and of Rule **1.06(Q)** of the Texas Rules of Disciplinary Procedure.

By continuing to practice law when her license to practice law had been administratively suspended, Respondent engaged in conduct in violation of Rule **8.04(a)(11)**[a lawyer shall not engage in the practice of law when the lawyer's right to practice has been suspended or terminated, including but not limited to situations where a lawyer's right to practice has been administratively suspended for failure to timely pay required fees or assessments] of the Texas Disciplinary Rules of Professional Conduct, and of Rule **1.06(Q)** of the Texas Rules of Disciplinary

Procedure.

By entering into an arrangement with her clients to collect a fee greater than that legally permitted, Respondent has engaged in conduct in violation of Rule 1.04(a)[a lawyer shall not enter into an arrangement for, charge, or collect an illegal fee or unconscionable fee] of the Texas Disciplinary Rules of Professional Conduct and of Rule 1.06(Q) of the Texas Rules of Disciplinary Procedure.

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 the State Bar of Texas on or about October 28, 1996.

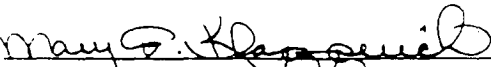
PRAYER

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,

Steven W. Young
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) 752-2158 FAX



MARY F. KLAPPERICH

State Bar No. 11550700

ATTORNEYS FOR PETITIONER

STATE BAR OF TEXAS



Office of the General Counsel

January 9, 1998

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

Re: Commission for Lawyer Discipline v. Aniefiok I. Usoro

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 Aniefiok I. Usoro. Ms. Usoro 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. Aniefiok I. Usoro
7324 S.W. Freeway
Houston, Texas 77007

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, citation be issued, and the citation, alone with a file-stamped copy of the petition, be returned to the undersigned.

Mr. John T. Adams, Clerk
Supreme Court of Texas
January 9, 1998
PAGE 2

Enclosed are two (2) pre-addressed envelopes for your use in transmitting the above reference 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 file-stamped 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 "Mary F. Klapperich".

Mary F. Klapperich
Assistant General Counsel

MFK/rr
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

JUSTICES
RAUL A. GONZALEZ
NATHAN L. HECHT
CRAIG T. ENOCH
ROSE SPECTOR
PRISCILLA R. OWEN
JAMES A. BAKER
GREG ABBOTT
DEBORAH G. HANKINSON

EXECUTIVE ASS'T
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

FEB 19 1998

The Honorable Charles Bacarisse
District Clerk of Harris County
P.O. Box 4651
Houston, Texas 77002

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. Aniefiok I. Usoro, and a copy of the Supreme Court's order appointing the Honorable Gary Hall, Judge of the 68th District Court of Dallas, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Hon. Gary Hall
Ms. Mary F. Klapperich
Ms. Aniefiok I. Usoro



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

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FEB 19 1998

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CLERK
JOHN T. ADAMS

EXECUTIVE ASS'T
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

Honorable Gary Hall
Judge, 68th District Court
George L. Allen Sr. Courts Building
600 Commerce Street
Dallas, Texas 75202

Dear Judge Hall:

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 Ms. Usoro and Ms. Klapperich, 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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FEB 19 1998

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EXECUTIVE ASS'T
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

Ms. Mary F. Klapperich
Assistant General Counsel, State Bar of Texas
1111 Fannin, Suite 1370
Houston, Texas 77002

Ms. Aniefiok I. Usoro
7324 S.W. Freeway
Houston, Texas 77007

Dear Ms. Klapperich and Ms. Usoro:

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 Gary Hall, Judge of the 68th District Court of Dallas, Texas to preside in

Commission for Lawyer Discipline v. Aniefiok I. Usoro

Sincerely,

SIGNED

John T. Adams
Clerk