

**ORDER OF THE SUPREME COURT OF TEXAS**

**Misc Docket No. 98- 9184**

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

The Supreme Court of Texas hereby appoints the Honorable Caprice Cosper, Judge of the 339th District Court of Harris County, Texas, to preside in the Disciplinary Action styled:

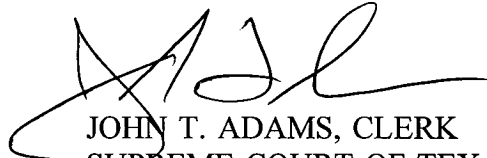
**The Commission for Lawyer Discipline v. Arthur D. Courtade**

to be filed in a District Court of Tarrant County, Texas.

The Clerk of the Supreme Court shall promptly forward to the District Clerk of Tarrant 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.

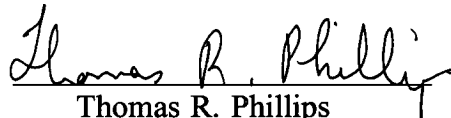
As ordered by the Supreme Court of Texas, in chambers,

with the Seal thereof affixed at the City  
of Austin, this 27th day of October, 1998.

  
JOHN T. ADAMS, CLERK  
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 98-9184, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 28 day of October, 1998.

  
Thomas R. Phillips  
Chief Justice

NO. \_\_\_\_\_

COMMISSION FOR LAWYER DISCIPLINE § IN THE DISTRICT COURT OF  
V. § TARRANT COUNTY, TEXAS  
ARTHUR DAVID COURTADE § \_\_\_\_\_ 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 ("Petitioner"), complaining of Respondent, ARTHUR DAVID COURTADE ("Respondent"), 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 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, Tarrant County Texas. Respondent may be served with citation at P. O. Box 121811, Fort Worth, Tarrant County, Texas 76121.

**III.**

In or around July 1991, Jacquelyn Gardner ("Complainant") retained Respondent to handle her personal injury case. Respondent had no written contract of representation with Complainant. On or about January 8, 1996, Respondent received and deposited into his personal savings account a check in settlement of Complainant's personal injury claims in the amount of Fifteen Thousand

and No/100 Dollars (\$15,000.00). On or about January 11, 1996, Respondent withdrew Five Thousand and No/100 Dollars (\$5,000.00) of the settlement monies as his one-third contingency fee.

Respondent did not contact Complainant about his receipt, deposit and withdrawal in January 1996 of the settlement monies. It was not until April 1996 that Respondent contacted Complainant, telling her that he had just received and deposited the settlement check and she could obtain her proceeds in about ten (10) days after it cleared. Respondent then contacted Complainant and told her that the check had the wrong name on it, and would have to be reprocessed. In or about May, 1996, Complainant contacted Respondent and requested copies of all documents pertaining to her case. Respondent never provided Complainant any of the requested documents.

Respondent did not contact Complainant until August 1996, at which time he arranged for Complainant to meet him at a gas station to receive her settlement monies. On or about August 31, 1996, Respondent delivered to Complainant, in cash, Nine Thousand Six Hundred Twenty Eight and 92/100 Dollars (\$9,628.92) as her portion of the settlement monies. During the eight month period of time from approximately January 11 through August 31, 1997, Respondent, in addition to the January 11 withdrawal, made numerous cash withdrawals of the settlement monies. Respondent did not provide Complainant with an accounting of his deposit and withdrawals of the settlement monies.

#### IV.

Such acts and/or omissions on the part of Respondent as are described in Paragraph III hereinabove occurred on or after January 1, 1990, and constitute conduct violative of Rules 1.01(b), 1.03(a), 1.04(d), 1.14(a), 1.14(b), 1.14(c), 8.04(a)(1) and 8.04(a)(3) of the Texas Rules of Professional Conduct.

V.

The complaint which forms the basis of the cause of action hereinabove set forth was brought to the attention of the Office of the General Counsel of the State Bar of Texas by a complaint filed by Jacquelyn Gardner on or about April 4, 1997.

**PRAYER**

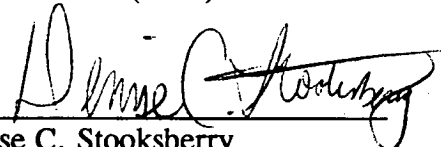
WHEREFORE, PREMISES CONSIDERED, Petitioner prays for judgment that Respondent be disciplined as the facts shall warrant; and that Petitioner have such other relief to which entitled, including costs of Court and attorney's fees.

Respectfully submitted,

Steven W. Young  
General Counsel

Denise C. Stooksberry  
Assistant General Counsel

Office of the General Counsel  
STATE BAR OF TEXAS  
201 Main Street, Suite 1150  
Fort Worth, TX 76102  
817/877-4993  
817/335-4249 (FAX)

  
\_\_\_\_\_  
Denise C. Stooksberry  
State Bar Card No. 04607100

ATTORNEYS FOR PETITIONER

# STATE BAR OF TEXAS



Office of the Chief Disciplinary Counsel

July 7, 1998

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

Re: Commission for Lawyer Discipline v. Arthur D. Courtade

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 Arthur D. Courtade. Mr. Courtade has designated Tarrant 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 resides to preside in this case. Upon appointment, request is made that you notify the Respondent at the address shown below and the undersigned of the identity and address of the judge assigned:

Arthur D. Courtade  
P. O. Box 121811  
Fort Worth, Texas 76121

As a practical matter, I would respectfully suggest that you inquire with the judge to be appointed as to: (1) 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; and (2) whether he or she can accommodate compliance with *Mellon Service Co., et al v. Touche Ross Co.*, 946 S.W.2d 862 (Tex. App. - Houston [14th Dist.] 1997), which requires that all proceedings incident to a case occur in the county of proper venue. If not, I would respectfully request that an alternate appointment be made.

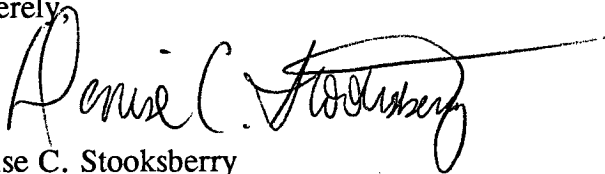
Once a trial judge has been appointed, please forward the original and two (2) copies of the Disciplinary Petition, the filing fee check, also enclosed herewith, and the Court's appointing order to the District Clerk of Tarrant County, Texas, with the request that the suit be filed, service be obtained, and a file-marked copy of the petition be returned to the undersigned.

Mr. John Adams  
July 7, 1998  
Page Two

Also enclosed are a pre-addressed envelope for your use in transmitting the petition, etc., to the District Clerk of Tarrant County, Texas, and a return envelope to be sent to the District Clerk of Tarrant County, Texas, for the Clerk's use in returning a file-marked copy of the Petition to the undersigned.

Thank you for your courtesies in this matter.

Sincerely,

A handwritten signature in black ink that reads "Denise C. Stooksberry". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Denise C. Stooksberry  
Assistant General Counsel  
Office of the Chief Disciplinary Counsel  
State Bar of Texas

DCS/cq

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 ASS'T  
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T  
NADINE SCHNEIDER

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

October 30, 1998

Ms. Denise C. Stooksberry  
Assistant General Counsel, State Bar of Texas  
201 W. Main Street, Suite 1150  
Fort Worth, Texas 76102

Mr. Arthur D. Courtade  
P.O. Box 121811  
Fort Worth, Texas 76121

Dear Ms. Stooksberry and Mr. Courtade:

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 Caprice Cosper, Judge of the 339<sup>th</sup> District Court, Houston, Texas to preside in

*Commission for Lawyer Discipline v. Arthur D. Courtade*

Sincerely,

**SIGNED**

John T. Adams  
Clerk





THE SUPREME COURT OF TEXAS

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JAMES A. BAKER  
GREG ABBOTT  
DEBORAH G. HANKINSON

October 30, 1998

The Honorable Thomas A. Wilder  
District Clerk of Tarrant County  
401 West Belknap  
Fort Worth, Texas 76196-0402

Dear Mr. Wilder:

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. Arthur D. Courtade*, and a copy of the Supreme Court's order appointing the Honorable Caprice Cosper, Judge of the 339<sup>th</sup> District Court, Houston, Texas, to preside in this Disciplinary Action.

Sincerely,

**SIGNED**

John T. Adams  
Clerk

cc: Hon. Caprice Cosper  
Ms. Denise C. Stooksberry  
Mr. Arthur D. Courtade



## THE SUPREME COURT OF TEXAS

CHIEF JUSTICE  
THOMAS R. PHILLIPS

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JAMES A. BAKER  
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DEBORAH G. HANKINSON

October 30, 1998

Honorable Caprice Cospers  
Judge, 339<sup>th</sup> District Court  
1302 Preston Street, 3<sup>rd</sup> Floor  
Houston, Texas 77002

Dear Judge Cospers:

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. Courtade and Ms. Stooksberry, and a copy of the letter to the District Clerk of Tarrant County.

It is recommended that, six to eight weeks after receipt of this letter, your coordinator contact the District Clerk (817-884-1574) to learn the names, addresses, and telephone numbers of counsel for purposes of scheduling a conference. Also, either before or immediately after you set the case for trial, you should contact the Presiding Judge of the Administrative Judicial Region into which you have been assigned (817-884-1558) to reserve a courtroom, provide for a court reporter, etc., and to obtain claims forms for your expenses incident to presiding over this disciplinary case.

Sincerely,

**SIGNED**

John T. Adams  
Clerk