

**ORDER OF THE SUPREME COURT OF TEXAS**

**Misc Docket No. 99- 9178**

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

The Supreme Court of Texas hereby appoints the Honorable Henry Wade, Jr., Judge of the 292nd District Court of Dallas County, Texas, to preside in the Disciplinary Action styled:

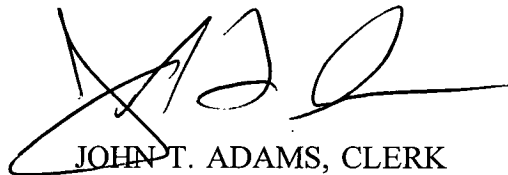
**The Commission for Lawyer Discipline v. Ronald J. Sommers**

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,

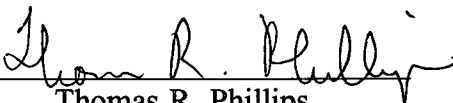
with the Seal thereof affixed at the City  
of Austin, this 27th day of September, 1999.

A handwritten signature in black ink, appearing to read 'J. Adams', with a large, sweeping flourish extending to the right.

JOHN T. ADAMS, CLERK  
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 99-9178, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 27 day of September, 1999.

  
Thomas R. Phillips  
Chief Justice

COPY

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

COMMISSION FOR LAWYER DISCIPLINE	§	IN THE DISTRICT COURT OF
v.	§	HARRIS COUNTY, TEXAS
RONALD J. SOMMERS	§	_____ JUDICIAL DISTRICT

**ORIGINAL 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 referred to as "Petitioner"), complaining of Respondent, RONALD J. SOMMERS (hereinafter referred to as "Respondent"), and would respectfully show unto the Court the following:

**I. DISCOVERY CONTROL PLAN**

Pursuant to Rules 190.1 and 190.2, TEXAS RULES OF CIVIL PROCEDURE (TRCP), Petitioner intends discovery in this case to be conducted under the Level 2 Discovery Control Plan. Pursuant to Rule 190.3 (a), TRCP, Petitioner affirmatively pleads that it seeks only monetary relief, excluding costs, pre-judgment interest and attorney's fees.

**II. NATURE OF PROCEEDING**

Petitioner brings this disciplinary action pursuant to the STATE BAR ACT, 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 *Original Disciplinary Petition* was filed on or after December 23, 1997.

### **III. VENUE**

Ronald J. Sommers is an attorney licensed to practice law in Texas and is a member of the STATE BAR OF TEXAS. Respondent's residence and 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. He may be served through his attorney of record Philip T. Bruns, at 1100 Louisiana, Suite 5300, Houston, Texas 77002.

### **IV. CAUSE OF ACTION**

On or about October 13, 1995, Respondent, Ronald J. Sommers (hereinafter referred to as "Sommers") was appointed as Chapter 7 Bankruptcy Trustee of Vincent Velasquez (hereinafter referred to as "Velasquez") in case number 94-43196-H4-11.

Prior to Velasquez filing a Chapter 11 bankruptcy, which was subsequently converted to a Chapter 7 bankruptcy, Velasquez had been involved in a case involving an attorney fee dispute with two other attorneys, those being George Bishop (hereinafter referred to as "Bishop") and H. Miles Conn (hereinafter referred to as "Conn").

Upon Sommers being appointed Trustee, Bishop and Conn approach Sommers regarding attorneys' fees. After some discussion, Sommers obtained the court's permission to retain Bishop and Conn to represent him in the claim for attorneys' fees. During this time, Velasquez filed a case in Fort Bend County, Texas that was subsequently dismissed due to a filing fee dispute. Upon discovering this information the Complainant, L. T. Bradt (hereinafter referred to as "Bradt"), used this information to get the bankruptcy matter dismissed. Bradt then filed a Motion for Summary Judgment. Conn and Bishop filed a response and Sommers executed an affidavit

on March 5, 1996. This affidavit was submitted as an attachment to several pleadings filed in response to the motion for summary judgment by his attorneys. Sommers swore to the truthfulness and correctness of that information even though the information contained in those pleadings was false.

#### **V. RULE VIOLATIONS**

The acts and/or omissions of Respondent described in Paragraph IV above, which occurred on or after January 1, 1990, constitute conduct in violation of the following Rule(s): **3.01(a)(1)** [for making a false statement of material fact or law to a tribunal]; **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)** [for engaging in conduct involving dishonesty, fraud, deceit or misrepresentation] of the Texas Disciplinary Rules of Professional Conduct ("TDRPC").

#### **VI.**

The complaint that forms the basis of this cause of action was brought to the attention of the Office of the General Counsel of the STATE BAR OF TEXAS by L.T. BRADT' S filing of a complaint on or about December 23, 1997.

#### **PRAYER FOR RELIEF**

**WHEREFORE, PREMISES CONSIDERED,** Petitioner, the **COMMISSION FOR LAWYER DISCIPLINE**, respectfully prays that this Court discipline Respondent, **RONALD J. SOMMERS**, by reprimand, suspension, or disbarment, as the facts shall warrant; order restitution

to Complainant; and grant all other relief to which Petitioner may show itself to be justly entitled, including costs of court and attorneys' fees.

Respectfully submitted,

**DAWN MILLER**  
Acting General Counsel

**KIMBERLY M. GAMBLE**  
Assistant General Counsel

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

  
\_\_\_\_\_  
**KIMBERLY M. GAMBLE**  
State Bar No. 00789804

**ATTORNEYS FOR PETITIONER,  
THE COMMISSION FOR  
LAWYER DISCIPLINE**

# STATE BAR OF TEXAS



Office of the General Counsel

August 5, 1999

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

**Re: Commission for Lawyer Discipline v. Ronald J. Sommers**

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 Ronald J. Sommers. Mr. Sommers 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 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:

Ronald J. Sommers  
c/o Philip T. Bruns  
1100 Louisiana, Suite 5300  
Houston, Texas 77002

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 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

**1111 Fannin, Suite 1370, Houston, Texas 77002, (713)759-6931**

Mr. John Adams

August 5, 1999

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order to the District Clerk of Harris 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.

I have enclosed a pre-addressed envelope for your use in transmitting the petition, etc., 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-marked copy of the Petition to the undersigned.

Thank you for your courtesies in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Kimberly M. Gamble".

Kimberly M. Gamble  
Assistant General Counsel

KMG/lp

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 07 1999

JUSTICES  
NATHAN L. HECHT  
CRAIG T. ENOCH  
PRISCILLA R. OWEN  
JAMES A. BAKER  
GREG ABBOTT  
DEBORAH G. HANKINSON  
HARRIET O'NEILL  
ALBERTO R. GONZALES

CLERK  
JOHN T. ADAMS

EXECUTIVE ASS'T  
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASS'T  
JIM HUTCHESON

ADMINISTRATIVE ASS'T  
NADINE SCHNEIDER

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. Ronald J. Sommers*, and a copy of the Supreme Court's order appointing the Honorable Henry Wade, Jr., Judge of the 292<sup>nd</sup> District Court, Dallas, Texas, to preside in this Disciplinary Action.

Sincerely,

**SIGNED**

John T. Adams  
Clerk

cc: Honorable Henry Wade, Jr.  
Ms. Kimberly M. Gamble  
Mr. Ronald J. Sommers  
Ms. Melissa Dartez



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JOHN T. ADAMS

EXECUTIVE ASS'T  
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASS'T  
JIM HUTCHESON

ADMINISTRATIVE ASS'T  
NADINE SCHNEIDER

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

Mr. Ronald J. Sommers  
c/o Philip T. Brunns  
1100 Louisiana, Suite 5300  
Houston, Texas 77002

Dear Ms. Gamble and Mr. Sommers:

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 Henry Wade, Jr., Judge of the 292<sup>nd</sup> District Court, Dallas, Texas to preside in

*Commission for Lawyer Discipline v. Ronald J. Sommers*

Sincerely,

**SIGNED**

John T. Adams  
Clerk



## THE SUPREME COURT OF TEXAS

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THOMAS R. PHILLIPS

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JIM HUTCHESON

ADMINISTRATIVE ASS'T  
NADINE SCHNEIDER

Honorable Henry Wade, Jr.  
Judge, 292<sup>nd</sup> District Court  
Frank Crowley Courts Building, 6<sup>th</sup> Floor  
133 N. Industrial Boulevard, L.B.35  
Dallas, Texas 75207

Dear Judge Wade:

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. Sommers and Ms. Gamble, 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