

ORDER OF THE SUPREME COURT OF TEXAS

Misc Docket No. 99- 9209

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

The Supreme Court of Texas hereby appoints the Honorable John W. Weeks, Judge of the 42nd District Court of Taylor County, Texas, to preside in the Disciplinary Action styled:

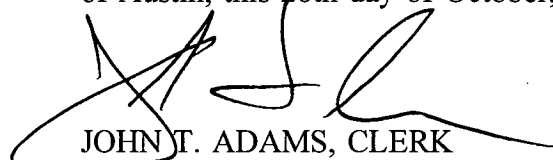
The Commission for Lawyer Discipline v. Clifford Rodgers

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.

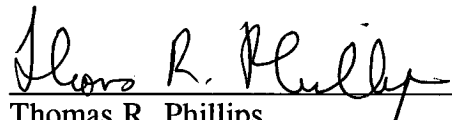
As ordered by the Supreme Court of Texas, in chambers,

with the Seal thereof affixed at the City
of Austin, this 26th day of October, 1999.


JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 99-9209, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code, §74.057.

Signed this 1 day of November, 1999.



Thomas R. Phillips
Chief Justice

NO. _____

COMMISSION FOR LAWYER DISCIPLINE § IN THE DISTRICT COURT OF
V. §
§ TARRANT COUNTY, TEXAS
§
CLIFFORD RODGERS § _____ 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 (hereinafter called "Petitioner"), complaining of Respondent, Clifford Rodgers (hereinafter called "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. An officer may serve citation on Respondent, by and through his attorney Ruth Kollman, 6517 Hillcrest, Suite 209, Dallas, Texas 75205.

III.

On February 3, 1998, the Advertising Review Committee (hereinafter referred to as the ARC) sent a certified letter to Respondent, which he received on February 5 according to the return receipt, notifying him that it had come to the their attention that he had published an advertisement which was non-exempt under Rule 7.07(b) of the Texas Disciplinary Rules of

Professional Conduct and had not been filed in accordance with Rule 7.07(b). Respondent was instructed to file the advertisement and have it reviewed. The letter indicated that a failure to file would result in the ARC forwarding this matter to the disciplinary system. On February 10, 1998, Robin Sisco, Director of the Advertising Review Department, received a call from Respondent's attorney, Ruth Kollman. Ms. Kollman explained that Mr. Rodgers did not believe that this was an advertisement for him or his firm or for any legal services for that matter. She stated Respondent did not believe his advertisements fell within the purview of Rule 7.07(b); therefore, he would not file the advertisements and would be sending a response notifying the bar of his position.

IV.

The advertisement was required to be filed in that it does advertise legal services, and does contain several violations of Part VII of the Texas Disciplinary Rules of Professional Conduct. The advertisement is inherently misleading in violation of Rule 7.02(a)(1) because it is placed under the Attorney Referral and Information Services section of the yellow pages. The attorney's name is not disclosed in the ad. When a consumer calls the advertisement, he or she can listen to recordings of the various topics or be connected directly with an attorneys office, the Law Office of Clifford B. Rodgers. Mr. Rodgers is attempting to circumvent the Lawyer Advertising Rules and mislead the public by placing this ad under the Attorney Referral and Information services heading rather than the Attorneys heading in the yellow pages and by omitting his name, certification disclaimer, location, and other information required by the Lawyer Advertising Rules. The advertisement constitutes practicing under a trade-name (Accidental Injury Hotline). Respondent failed to file with the Advertising Review Committee of the State Bar of Texas a copy of the advertisement even after he had been notified to do so. A copy of the advertisement supporting Petitioner's Claim herein is attached

hereto as exhibit "A."

V.

Such acts and/or omissions on the part of Respondent as are described in paragraphs III, IV, hereinabove which occurred on or after January 1, 1990, constitute conduct violative of Rules 7.01(a), 7.01(e), 7.02(a)(1), 7.04(b)(1), 7.04(b)(3), 7.04(j), 7.07(b), and 8.04(a)(1) of the Texas Rules of Professional Conduct, Article X, Section 9, State Bar Rules, effective January 1, 1990.

VII.

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 the Advertising Review Committee of the State Bar of Texas on or about February , 1998.

PRAYER

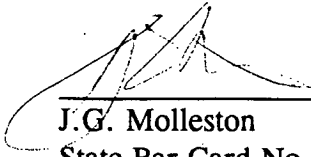
WHEREFORE, PREMISES CONSIDERED, Petitioner prays for judgment that Respondent be disciplined as the facts shall warrant; and that Petitioner have such other relief to which entitled, including costs of Court and attorneys' fees.

Respectfully submitted,

Dawn Miller
Acting General Counsel

J.G. Molleston
Assistant General Counsel

Office of the General Counsel
STATE BAR OF TEXAS
500 Throckmorton, Suite 2600
Fort Worth, TX 76102
817/877-4993
817/335-4249 (FAX)



J.G. Molleston
State Bar Card No. 00795924

ATTORNEYS FOR PETITIONER

STATE BAR OF TEXAS



Office of the Chief Disciplinary Counsel

September 24, 1999

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

Re: Commission for Lawyer Discipline v. Clifford Rodgers

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 Clifford Rodgers. Mr. Rodgers 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:

Clifford Rodgers
c/o Ruth Kollman
6517 Hillcrest, Suite 209
Dallas, Texas 75205

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. If not, I would respectfully request that an alternate appointment be made.

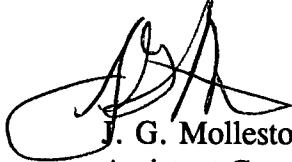
Once a trial judge has been appointed, please forward the original and two (2) copies of the Disciplinary Petition, the filing fee check, also enclosed herewith, and the Court's appointing order to the District Clerk of Tarrant County, Texas, with the request that the suit be filed, service be obtained,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

Mr. John Adams
September 24, 1999
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,



J. G. Molleston
Assistant General Counsel
Office of the Chief Disciplinary Counsel
State Bar of Texas

JGM

Enclosures



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

POST OFFICE BOX 12248 AUSTIN, TEXAS 78711

TEL: (512) 465-1312

FAX: (512) 465-1365

CLERK
JOHN T. ADAMS

EXECUTIVE ASST
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASST
JIM HUTCHESON

ADMINISTRATIVE ASST
NADINE SCHNEIDER

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

NOV 09 1999

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. Clifford Rodgers*, and a copy of the Supreme Court's order appointing the Honorable John W. Weeks, Judge of the 42nd District Court, Abilene, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Hon. John W. Weeks
Mr. J.G. Molleston
Mr. Clifford Rodgers



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

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

NOV 06 1999

CLERK
JOHN T. ADAMS

EXECUTIVE ASS'T
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASS'T
JIM HUTCHESON

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

Mr. J.G. Molleston
Assistant General Counsel, State Bar of Texas
500 Throckmorton, Suite 2600
Fort Worth, Texas 76102

Mr. Clifford Rodgers
c/o Ruth Kollman
6517 Hillcrest, Suite 209
Dallas, Texas 75205

Dear Mr. Molleston and Mr. Rodgers:

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 W. Weeks, Judge of the 42nd District Court, Abilene, Texas to preside in

Commission for Lawyer Discipline v. Clifford Rodgers

Sincerely,

SIGNED

John T. Adams
Clerk



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

POST OFFICE BOX 12248 AUSTIN, TEXAS 78711

CLERK
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TEL: (512) 468-1312
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EXECUTIVE ASS'T
WILLIAM L. WILLIS

NOV 09 1999

DEPUTY EXECUTIVE ASS'T
JIM HUTCHESON

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

Honorable John W. Weeks
Judge, 42nd District Court
300 Oak Street
Abilene, Texas 79602

Dear Judge Weeks:

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. Rodgers and Mr. Molleston, 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 of Tarrant County (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