

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

Entered June 20, 1991

IN RE:

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JANE FORD

ORDER NO. 91-18

ORDER

On May 30, 1991, an Agreed Temporary Order with Temporary Injunction was signed by Judge Joseph H. Hart, enjoining Ms. Ford from practicing law in Texas, holding herself out as an attorney at law, performing any legal services for others, accepting any fee directly or indirectly for legal services other than as specified by this order, appearing as counsel or in any representative capacity in any proceeding in any Texas court, or before any Texas administrative body, or holding herself out to others or using her name, in any manner, in conjunction with the words "attorney at law, " "attorney, " "counsel at law, " or "lawyer.

A copy of that order is attached.

It is ORDERED that within five days of the receipt of this Order, Ms. Ford shall file with the Clerk of this Court a list identifying all cases pending in this Court in which she is an attorney for any party.

Pursuant to Appendix A, Rules of Discipline, Rule 2, it is ORDERED:

1. Ms. Jane Ford shall within 30 days after service of this Order inform this Court in writing, why, based on the record of the temporary injunction, this Court should not impose identical sanctions; and,

2. In the event Ms. Ford files a written response herein, she shall attach a certified copy of the record of the temporary injunction.

The failure of Ms. Ford to timely file such written response will result in the imposition of disciplinary action identical to that taken by the District Court of Travis County, Texas, 345TH Judicial District. Should a written response be filed, the Court shall set a hearing for Ms. Ford to show cause why disciplinary action should not be taken against her.

It is further ORDERED that the Clerk of the Court shall forward a copy of this Order to Ms. Ford by certified mail.

SIGNED this 20th day of June, 1991, at Houston, Texas.

 /s\
JAMES DeANDA
CHIEF JUDGE
United States District Court

NO. 91-6517

THE STATE OF TEXAS

VS.

JANE FORD

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IN THE DISTRICT COURT
OF TRAVIS COUNTY, TEXAS
345TH JUDICIAL DISTRICT

AGREED TEMPORARY ORDERS WITH TEMPORARY INJUNCTION

ON May 30, 1991, came on to be heard Petitioner's Application for Interim Suspension and Temporary Injunction pursuant to Article X, Section 22. Petitioner appeared by and through its attorney of record, Jana K. Miller. Respondent was present and appeared through her attorney, Bill Fitzgerald.

Following arguments of counsel regarding Petitioner's application and after consideration of the agreement of the parties the Court finds that the following temporary orders, including temporary injunction, should be entered.

This order is entered because it appears that immediate and irreparable injury, loss or damage will result to Respondent's clients and potential clients if Respondent is allowed to continue to practice law. The injury is defined as financial loss suffered by clients of Respondent due to Respondent's misapplication of funds received.

This Court further finds that Respondent's clients and prospective clients will suffer immediate and irreparable injury if Respondent is not restrained from the practice of law and that Petitioner has shown that they will probably prevail on the merits of this cause.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Petitioner's Application for Interim Suspension and Temporary Injunction pursuant to Article X, Section 22, having been considered by the Court, and based upon the agreement of the parties, is hereby GRANTED in part and DENIED in part. Petitioner's request for an interim Suspension is hereby denied. Petitioner's application for a Temporary injunction is hereby Granted. The parties have agreed to the following injunction pursuant to Texas Rules of Civil Procedure No. 11.

IT IS HEREBY ORDERED AND DECREED that the Respondent in this cause, Jane Ford, is hereby enjoined from practicing law in Texas, holding herself out as an attorney at law, performing any legal services for others, accepting any fee directly or indirectly for legal services other than as specified by this order, appearing as counsel or in any representative capacity in any proceeding in any Texas court, or before any Texas administrative body, or holding herself out to others or using her name, in any manner, in conjunction with the words "attorney at law," "attorney," "counsel at law," or "lawyer." (Respondent may attend continuing legal education courses to fulfill mandatory requirements under Art. XII, State Bar Rules. Respondent will not be prohibited or enjoined from exercising her ability to contractually refer cases that presently are under contract with her or her law office, upon securing consent of the client, to other licensed legal counsel for the purpose of completing the legal efforts necessary to bring each case to a satisfactory conclusion. This injunction shall be effective from the date this order is signed pending the final disposition of the disciplinary action predicated upon the conduct causing the harm which has been filed as cause number 91-7112 in the 126th Judicial District Court of Travis County, Texas.

IT IS FURTHER ORDERED AND DECREED that Respondent shall immediately notify each of her current continuing litigation clients in writing of the effect of this injunction. In addition to such notification, Respondent is ordered to deliver all files, papers, and other property belonging to clients and former clients in the Respondent's possession, to the respective clients or former clients, or to another attorney at the client's or former client's request. Respondent is ordered to file with this Court in this cause number within thirty (30) days of the date of this order, an affidavit stating that all current clients have been notified of the injunction. A copy of this affidavit shall be served by Respondent

within the same period on counsel for Petitioner.

IT IS FURTHER ORDERED that a member of the State Bar of Texas, be appointed the Custodian of the client files and records of Jane Ford pursuant to Article x, Section 22, by June 7, 1991.

IT IS FURTHER ORDERED that the Custodian shall, in the exercise of his responsibility hereunder, do one or more of the following:

1. Examine the client matters, including the files and records of the law practice of Jane Ford and obtain information as to any pending matters which may require attention;
 2. Supervise Respondent's notification of persons and entities who appear to be clients of the attorney and approve the final form of the notice to be sent to clients by Respondent; in the event Respondent fails to notify the clients as ordered by the Court, the Custodian shall do so immediately upon the expiration of the thirty (30) day period allowed;
 3. Apply for extension of time before any court or administrative body pending employment of another attorney by the client;
 4. With the consent of the client, file such motions and pleading on behalf of the client as are required to prevent prejudice to the client's legal rights;
 5. Give notice to appropriate persons other than the client who may be Affected;
 6. Arrange for the surrender or delivery of client's papers or property; and
 7. Supervise the CPA retained pursuant to this order and authorize all expenditures of the funds collected and held in trust.
- S. Do such other acts as the Court may direct.

IT IS FURTHER ORDERED AND DECREED that Respondent and the law offices of Jane Ford & Associates, its and her agents, employees, attorneys and associates are hereby enjoined from disposing, conveying, transferring, hypothecating or encumbering any of her assets or its assets during the pendency of this case or until further order of this court WITH THE EXCEPTION of the following:

1. Jane Ford's thirty acres and the farm operation thereon located in Colorado County, Texas;

2. Respondent's office equipment, office furniture, and supplies; and

3. The cases which are currently pending of Respondent's current clients with the approval of the client.

Money accumulated as a result of the continued handling and disposition of cases that are presently under contract to Jane Ford or Jane Ford & Associates law offices may be expended only under those conditions set out in this order. Respondent is enjoined from handling any client funds for any purpose.

IT IS FURTHER ORDERED AND DECREED that Jane Ford, the law offices of Jane Ford & Associates, and the law firm of Minton, Burton, Foster & Collins, P.C. shall immediately turn over all money received and all funds presently in their possession that belong to the law offices of Jane Ford & Associates to Mr. John Anderson CPA, who will receive and disburse funds under supervision and control of the Custodian appointed by the Court, who will act as a supervising Attorney of those funds.

IT IS ORDERED that John Anderson CPA will expend only those funds that are necessary to carry on the winding down of the law offices of Jane Ford & Associates. Attached and incorporated by reference is a schedule of authorized expenditures from this account. Any and all other expenditures shall be approved by the Custodian in writing prior to payment. Payments for advertising are specifically excluded from ordinary business expenses as contemplated by this order and will not be allowed by the accountant nor the Supervising Attorney.

IT IS FURTHER ORDERED AND DECREED that all funds remaining in the possession of John Anderson CPA that are Collected for the Jane

Ford & Associates law offices shall be held in trust for clients and former clients of the law offices who may have had funds misappropriated.

IT IS FURTHER ORDERED AND DECREED that all clients and former clients of Jane Ford & Associates, who may have had funds misappropriated, shall receive from Jane Ford a lien against the proceeds referred to above after all ordinary and necessary expenses of the winding down of the law firm have been paid. Furthermore, Jane Ford shall execute any and all documents securing said liens.

No later than 120 days after the entry of this Agreed Temporary orders with Temporary Injunction, a list of the clients and former clients who may have some claim on the money placed in trust pursuant to this order, who have been determined as of that time, shall be presented to the Court so that further orders regarding the distribution of the funds in trust may be authorized on a pro rata basis.

IT IS FURTHER ORDERED AND DECREED that a trial on the merits in cause number 91-7112 is ORDERED set for the 21st day of January, 1991, at 9:00 o'clock a.m.

IT IS FURTHER ORDERED AND DECREED that bond be waived because Petitioner is exempt pursuant to V.T.C.S- Civil Practice and Remedies Code, §6.001(2) and Art. X, Sect. 25 of the State Bar Rules.

SIGNED this 30th day of May, 1991.

/s
JOSEPH H. HART
JUDGE PRESIDING

APPROVED AS TO FORM AND SUBSTANCE:

JANA K. MILLER
State Bar No. 14085100
Assistant General Counsel
P. O. Box 12487
Austin, Texas 78711
(512) 473-1381

ATTORNEY FOR PETITIONER

BY

SCHEDULE OF AUTHORIZED EXPENDITURES

	<u>AMOUNT</u>	<u>#MONTHS AUTHORIZED</u>
Monthly payment to John Ventura	\$ 3,000	4
Monthly payment to 4 employees	6,000	3

