

IN THE SUPREME COURT OF THE STATE OF TEXAS

Misc. Docket No. 95- 9064

IN THE MATTER OF

EILEEN C. JEFFERS

ORDER

On this day came on for consideration the Motion for Acceptance of Resignation as Attorney and Counselor at Law of Eileen C. Jeffers together with the Response filed by the Chief Disciplinary Counsel of the State Bar of Texas acting through the Commission for Lawyer Discipline. The Court has reviewed said Motion and the Response and finds each to be legally sufficient. The Court, being advised that such resignation is tendered in lieu of disciplinary action, and being of the opinion that such resignation is in the best interest of the public and of the profession and will meet the ends of justice, hereby concludes that the following Order is appropriate.

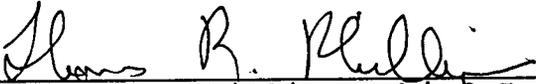
It is ORDERED that the law license of Eileen C. Jeffers heretofore issued by this court, be, and the same is hereby cancelled and revoked and her name be, and is hereby, removed and deleted from the list of persons licensed to practice law in the State of Texas.

It is further ORDERED that Eileen C. Jeffers make restitution in the amounts of Eighteen Thousand Nine Hundred-Fifty and No/100 (\$18,950.00), and Twenty-One Thousand and Fifty and No/100

(\$21,050.00) to May A. DePass.

It is further ORDERED that Eileen C. Jeffers pay State Bar attorney's fees in the amount of Two Thousand Two Hundred-Fifty and no/100 (\$2,250.00).

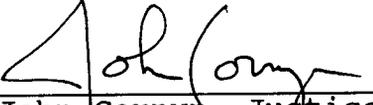
By the Court, en banc, in chambers, this the 10th day of March, 1995.


Thomas R. Phillips, Chief Justice


Raul A. Gonzalez, Justice

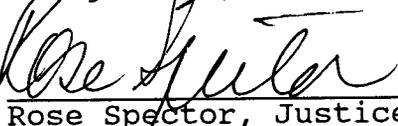

Jack Hightower, Justice


Nathan L. Hecht, Justice


John Cornyn, Justice


Bob Gammage, Justice


Craig Enoch, Justice


Rose Spector, Justice


Priscilla Owen, Justice

**IN THE SUPREME COURT OF TEXAS
MOTION FOR ACCEPTANCE OF RESIGNATION AS
ATTORNEY AND COUNSELOR AT LAW**

OF

EILEEN C. JEFFERS

NOW COMES your Applicant, Eileen C. Jeffers, and hereby resigns as an Attorney and Counselor at Law in the State of Texas; and hereby submits to the Court her resignation as an Attorney and Counselor at Law; and prays that the Court accept said resignation.

I.

Attached hereto is the License and permanent State Bar card issued by this Court to the Applicant, Eileen C. Jeffers, as an Attorney and Counselor at Law on November 11, 1988. ^{17. 118} Said License and permanent State Bar card are hereby surrendered by the Applicant.

In the event that Applicant has lost or misplaced her License and/or permanent State Bar card and that at this time they cannot be tendered to the Court, Applicant represents to the Court that should Applicant find her License and permanent State Bar card, Applicant will immediately surrender same to the Court.

II.

In connection with such resignation, Applicant acknowledges the following findings of fact and conclusions of law:

FINDINGS OF FACT: DePASS COMPLAINTS

(1) Complainant May A. DePass is the Administratrix of the Estate of Eliza Mary Cooke and Independent Executrix of the Estate of Freda C. Harris. In April of 1984, Mrs. May A. DePass hired Applicant to probate the estate of Eliza Mary Cooke. In 1986 Applicant was assigned a Power of Attorney to handle the financial affairs of Freda C. Harris.

(2) On April 27, 1984, Applicant filed probate proceedings in the Probate Court of Aransas County, Texas. Thereafter, Applicant neglected a legal matter entrusted to her in that she was not competent in probate matters and should not have accepted representation of the Cooke estate. Applicant failed to prepare and file the required documents, including final accounting, to comply with relevant sections of the Texas Probate Code.

(3) In December of 1993, Applicant was served with notice of a delinquent tax suit on the estate of Freda C. Harris. Applicant neglected to finalize the tax suit and failed to inform Mrs. May A. DePass of the pendency of said tax suit.

(4) Applicant misinformed Mrs. May A. DePass of the need to sell real property for less than fair market value and failed to respond to requests for information of said sale.

(5) Applicant failed to identify and appropriately safeguard estate funds and records during the representation and for five years thereafter.

Upon demand, Applicant refused to provide accounting of the estate and failed to promptly disburse funds to the beneficiaries. Upon termination, Applicant failed to provide the records of the estate to the personal representative of the estate.

(6) Applicant knowingly made a false statement of material fact in that she voluntarily offered testimony under oath that she had properly disbursed all estate funds to the beneficiaries.

(7) Applicant acknowledges that by her conduct she has violated Rule 1.01 (a) & (b); Rule 1.03 (a) & (b); Rule 1.14 (a) & (b); Rule 1.15(d); Rule 8.01 (a) and Rule 8.04 (a) (3); of the Texas Disciplinary Rules of Professional Conduct.

(8) Applicant further acknowledges that attorneys' fees and costs in the amount of ~~Three~~ ^{Two Thousand Two} Hundred Fifty and no/100 (~~350.00~~ ^{2250.00}) are due and payable by certified or cashier's check to the State Bar of Texas for the investigation and hearing of this complaint. **LLB**

(9) Applicant further acknowledges that restitution is due to May A. DePass in the amount of Twenty One Thousand Fifty and No/100 (\$21,050.00) in Complaint No. S1059400504.

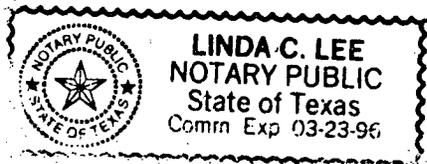
(10) Applicant further acknowledges that restitution is due to May A. DePass in the amount of Eighteen Thousand Nine Hundred Fifty and No/100 (\$18,950.00) in Complaint No. S1069400570.

III.

Your applicant is voluntarily resigning and withdrawing from the practice of law; Applicant does so in lieu of discipline for professional misconduct; and Applicant prays that her name be dropped and deleted from the list of persons licensed to practice law in Texas; and that her resignation be accepted.

Eileen C. Jeffers
EILEEN C. JEFFERS
State Bar No. 10599800

SUBSCRIBED AND SWORN to before me by the said EILEEN C. JEFFERS on this the 7th day of January, 1995.



Linda C. Lee
NOTARY PUBLIC in and for
the State of Texas

3-23-96
My commission expires

Linda C. Lee
Printed name of notary

**IN THE SUPREME COURT OF THE STATE OF TEXAS
RESPONSE TO MOTION FOR ACCEPTANCE OF RESIGNATION AS
ATTORNEY AND COUNSELOR AT LAW**

OF

EILEEN C. JEFFERS

TO THE HONORABLE SUPREME COURT OF TEXAS:

The Commission for Lawyer Discipline ("Commission") moves the Court to accept the Resignation as Attorney and Counselor at Law of Eileen C. Jeffers, showing the Court that:

I.

On January 7, 1995, Eileen C. Jeffers voluntarily executed a Motion for Acceptance of Resignation as Attorney and Counselor at Law. The Commission hereby concurs in such motion. Acceptance of such resignation in lieu of disciplinary action will protect the public.

II.

In connection with such resignation, the Commission makes the following findings of fact:

(1) Complainant May A. Depass is the Administratrix of the Estate of Eliza Mary Cooke, and Independent Executrix of the Estate of Freda C. Harris. In April of 1984, Mrs. May A. Depass hired Applicant to probate the estate of Eliza Mary Cooke. In 1986, Applicant was assigned a Power of Attorney to handle the financial affairs of Freda C. Harris.

(2) On April 27, 1984, Applicant filed probate proceedings in

the Probate Court of Aransas County, Texas. Thereafter, Applicant neglected a legal matter entrusted to her in that she was not competent in probate matters and should not have accepted representation of the Cooke estate. Applicant failed to prepare and file the required documents, including final accounting, to comply with relevant sections of the Texas Probate Code.

(3) In December of 1993, Applicant was served with notice of a delinquent tax suit on the estate of Freda C. Harris. Applicant neglected to finalize the tax suit and failed to inform Mrs. May A. DePass of the pendency of said tax suit.

(4) Applicant misinformed Mrs. May A. DePass of the need to sell real property for less than fair market value and failed to respond to requests for information of said sale.

(5) Applicant failed to identify and appropriately safeguard estate funds and records during the representation and for five years thereafter. Upon demand, Applicant refused to provide accounting of the estate and failed to promptly disburse funds to the beneficiaries. Upon termination, Applicant failed to provide the records of the estate to the personal representative of the estate.

(6) Applicant knowingly made a false statement of material fact in that she voluntarily offered testimony under oath that she had properly disbursed all estate funds to the beneficiaries.

(7) Applicant acknowledges that by her conduct she has violated Rule 1.01 (a) & (b); Rule 1.03 (a) & (b); Rule 1.14 (a) & (b); Rule 1.15 (d); Rule 8.01 (a); and Rule 8.04 (a) (3); of the Texas Disciplinary Rules of Professional Conduct.

(8) Applicant further acknowledges that attorney's fees and costs in the amount of Two Thousand Two Hundred-Fifty and no/100 (\$2,250.00) are due and payable by certified or cashier's check to the State Bar of Texas for the investigation and hearing of this complaint.

(9) Applicant further acknowledges that restitution is due to May A. DePass in the amount of Twenty One Thousand and Fifty and No/100 (\$21,050.00) in Complaint No. S1059400504.

(10) Applicant further acknowledges that restitution is due to May A. DePass in the amount of Eighteen Thousand Nine Hundred-Fifty and No/100 (\$18,950.00) in Complaint No. S1069400570.

III.

Based on the foregoing findings of fact, the Commission concludes as a matter of law that Eileen C. Jeffers committed professional misconduct by violating Rule 1.01 (a) & (b); Rule 1.03 (a) & (b); Rule 1.14 (a) & (b); Rule 1.15 (d); Rule 8.01 (a); and Rule 8.04 (a) (3); of the Texas Disciplinary Rules of Professional Conduct.

IV.

The Commission prays that the Court accept the resignation as

an Attorney and Counselor of Law of Eileen C. Jeffers and drop her name from the list of persons licensed to practice law in the State of Texas.

Respectfully submitted,

James M. McCormack
General Counsel

Felicia A. Clemens
Assistant Disciplinary Counsel
Office of the General Counsel
State Bar of Texas
425 Soledad, Suite 300
San Antonio, Texas 78205
(210) 271-7881 / (210) 271-9642 (FAX)


Felicia A. Clemens
State Bar No. 01282060

ATTORNEYS FOR COMMISSION

CF6-19.PRI

STATE BAR OF TEXAS



Office of the General Counsel

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED
Z 200 501 119**

February 27, 1995

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

Re: Eileen C. Jeffers

Dear Mr. Adams:

Pursuant to Part X of the Texas Rules of Disciplinary Procedure, please find enclosed herewith the following:

- (1) Original executed Motion for Acceptance of Resignation as Attorney and Counselor at Law for the above referenced attorney;
- (2) Original and two (2) copies of the Response of the Chief Disciplinary Counsel to Motion for Acceptance of Resignation as Attorney and Counselor at Law for the above referenced attorney; and
- (3) Original Order of Resignation for the Court's signature.

Pursuant to Rule 10.02 of the Texas Rules of Disciplinary Procedure, the required ten (10) day timeframe has passed and the above-referenced attorney has made no attempt to withdraw the Motion for Acceptance of Resignation. Therefore, the detailed statement of professional misconduct is deemed to have been conclusively established for all purposes.

Respondent's counsel has advised me that her client has been unable to locate her license and bar card but will produce the items to the Court should they be found.

425 SOLEDAD, SUITE #300, SAN ANTONIO, TEXAS 78205, (210) 271-7881

I will appreciate your bringing this to the Court's attention.
Please return a fully executed copy of the Order to our office at
your earliest convenience.

Sincerely,

A handwritten signature in cursive script that reads "Felicia A. Clemens". The signature is written in black ink and is positioned below the word "Sincerely,".

Felicia A. Clemens
Assistant Disciplinary Counsel
Office of the Chief Disciplinary Counsel
State Bar of Texas

Enclosure

CF3-24RA.PRI