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OFFICE OF THE CHIEF DISCIPLINARY COUNSEL
STATE BAR OF TEXAS
GRIEVANCE FORM



ONLINE FILING AVAILABLE AT <http://cdc.texasbar.com>.

11/18/2019

I. General Information

Before you fill out this paperwork, there may be a faster way to resolve the issue you are currently having with an attorney.

If you are considering filing a grievance against a Texas attorney for any of the following reasons:

- You are concerned about the progress of your case.
- Communication with your attorney is difficult.
- Your case is over or you have fired your attorney and you need documents from your file or your former attorney.

You may want to consider contacting the Client-Attorney Assistance Program (CAAP) at 1-800-932-1900.

CAAP was established by the State Bar of Texas to help people resolve these kinds of issues with attorneys quickly, without the filing of a formal grievance.

CAAP can resolve many problems without a grievance being filed by providing information, by suggesting various self-help options for dealing with the situation, or by contacting the attorney either by telephone or letter.

I have _____ I have not X contacted the Client-Attorney Assistance Program.

If you prefer, you have the option to file your grievance online at <http://cdc.texasbar.com>.

In order for us to comply with our deadlines, additional information/documentation that you would like to include as part of your grievance submission must be received in this office by mail or fax within (10) days after submission of your grievance. This information will be added to your pending grievance. Information received after that timeframe will be returned and not considered. Thank you for your cooperation in this matter.

NOTE: Please be sure to fill out each section completely. Do not leave any section blank. If you do not know the answer to any question, write "I don't know."

II. INFORMATION ABOUT YOU -- PLEASE KEEP CURRENT

1. TDCJ/SID #: _____

Name: Mr./Ms. James McGibney, McGibney

Immigration #: _____

Address: 5655 Silver Creek Valley Road

City: San Jose State: CA Zip Code: 95138

2. Employer: _____

Employer's Address: _____

City: _____ State: _____ Zip Code: _____

3. Telephone number: Residence: _____ Work: _____

Cell: (408) 601-0685

4. Email: james@viaview.com

5. Driver's License #: _____ Date of Birth: 10/31/73

6. Name, address, and telephone number of person who can always reach you.

Name: _____ Address: _____

Telephone: _____

7. Do you understand and write in the English language? Yes

If no, what is your primary language? _____

Who helped you prepare this form? _____

Will they be available to translate future correspondence during this process? _____

8. **Are you a Judge?** No

If yes, please provide Court, County, City, State: _____

III. INFORMATION ABOUT ATTORNEY

Note: Grievances are not accepted against law firms. You must specifically name the attorney against whom you are complaining. A separate grievance form must be completed for each attorney against whom you are complaining.

1. Attorney name: JEFFREY Lee Dorrell

Address: 14201 Memorial Dr
Houston, TX 77079-6742

2. Telephone number: Work: (713) 522-9444 Home: _____ Other: _____

3. Have you or a member of your family filed a grievance about this attorney previously?
Yes: No: _____ If "yes", please state its approximate date and outcome:
Case No. 201605982

Have you or a member of your family ever filed an appeal with the Board of Disciplinary Appeals about this attorney?

Yes: No: _____ If "yes", please state its approximate date and outcome:

4. Please check one of the following:
_____ This attorney was **hired** to represent me.
_____ This attorney was **appointed** to represent me.
 X This attorney was hired to represent **someone else**.

If you hired the attorney, tell us how you met the attorney. Specifically, please provide details about how you came to know and hire this attorney.

Please give the date the attorney was hired or appointed. _____

Please state what the attorney was hired or appointed to do.

5. What was your fee arrangement with the attorney? _____

How much did you pay the attorney? _____

**If you signed a contract and have a copy, please attach.
If you have copies of checks and/or receipts, please attach.
Do not send originals.**

6. If you did not hire the attorney, what is your connection with the attorney? Explain briefly

He is opposing counsel within Cause No. 067-270669-14 James McGibney and ViaView Inc vs. Thomas Retzlaff

7. Are you currently represented by an attorney? Yes

If yes, please provide information about your current attorney:

Evan Stone - (469) 248-5238

8. Do you claim the attorney has an impairment, such as depression or a substance use disorder? If yes, please provide specifics (your **personal** observations of the attorney such as slurred speech, odor of alcohol, ingestion of alcohol or drugs in your presence etc., including the date you observed this, the time of day, and location).

No

9. Did the attorney ever make any statements or admissions to you or in your presence that would indicate that the attorney may be experiencing an impairment, such as depression or a substance use disorder? If so, please provide details.
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IV. INFORMATION ABOUT YOUR GRIEVANCE

1. Where did the activity you are complaining about occur?

County: Tarrant City: Fort Worth

2. If your grievance is about a lawsuit, answer the following, if known:

a. Name of court: 67th District Court, Fort Worth, TX

b. Title of the suit: James McGibney and ViaView Inc, vs Thomas Retzlaff

c. Case number and date suit was filed: 067-270669-14

- d. If you are not a party to this suit, what is your connection with it? Explain briefly.
-

If you have copies of court documents, please attach.

3. Explain in detail why you think this attorney has done something improper or has failed to do something which should have been done. Attach additional sheets of paper if necessary.

Supporting documents, such as copies of a retainer agreement, proof of payment, correspondence between you and your attorney, the case name and number if a specific case is involved, and copies of papers filed in connection with the case, may be useful to our investigation. Do not send originals, as they will not be returned. Additionally, please do not use staples, post-it notes, or binding.

Include the names, addresses, and telephone number of all persons who know something about your grievance.

Also, please be advised that a copy of your grievance will be forwarded to the attorney named in your grievance.

I would like to draw the Bar's attention to not only an opinion rendered in our case but another case as well. The Appellate Case Numbers are: 02-16-00244-CV (2nd Court of Appeals, Fort Worth, TX) and 09-17-00168CV/09-17-00194CV (Court of Appeals, Ninth District of Texas at Beaumont.) Within both cases, the Chief Justices came to the same conclusion. For Case 09-17-00168CV/09-17-00194CV (Court of Appeals, Ninth District of Texas at Beaumont) Chief Justice Steve McKeithen stated the following, "Our review of the record shows that Johnson-Todd's billing records from Dorrell included attorney's fees that are excessive or extreme, not moderate or fair. See Sullivan, 488 S.W.3d at 299. The billing records show that Dorrell not only billed for matters unrelated to the TCPA, but also billed a substantial number of hours to prepare amended documents, repeatedly review the file, research and prepare for the appeals, and prepare documents to litigate matters that were beyond the scope of our remand. The billing records show excessive hours devoted to filing the motion to award attorney's fees and sanctions and for preparing the affidavit on attorney's fees that Johnson-Todd incurred in the case."

Within Case Number 02-16-00244-CV (2nd Court of Appeals, Fort Worth, TX) Chief Justice Bonnie Sudderth stated the following: "For example, part of the \$300,838.84 awarded included a charge for work performed on March 7, 2014—prior to being served and more than a week before Appellee made his first appearance in this lawsuit—for legal work related not only to a different case but also one in which Appellee was not a party."

"Other entries have dubious relevance to this lawsuit. For example, on March 19, March 20, and April 11, 2014, Appellee's attorney billed 4.9 hours for what can only be characterized as "oppo research"—on then-opposing counsel John Morgan—on matters wholly unrelated to this suit."

"Other charged services went well beyond the depth of research and preparation ordinarily expended in the early stages of any lawsuit. In fact, a review of the entire 23 pages of billing records attached to Appellee's attorney's affidavit reveals a troublesome pattern of heavy front-end loading of legal work."

"According to Appellee's attorney's affidavit, less than a week before the May 21, 2014 hearing on

the chapter 27 motion, Appellee had already amassed \$66,955.50 in attorney's fees, representing 144.30 hours. Adding insult to injury, Appellee was also billed \$13,585 for two attorneys to travel to Fort Worth, attend the hearing on the motion to dismiss, and return to Houston."

"Other areas of legal work that appear in this record also give us pause, including the numerous hours devoted to reviewing not only the rulings or holdings of particular cases but also the entire records of those cases. We find particularly troublesome the practice of reviewing the entire files of trial court cases outside of this court's jurisdiction, when the rulings from those cases would yield no authoritative—or even persuasive—authority to guide the trial court in the instant case."

"Other charges were obviously not for the client's benefit but rather for the benefit of the attorney himself, such as the .70 hours billed on June 12, 2014, which related to an alleged internet and social attack against Appellee's attorney, not Appellee."

Within Mr. Dorrell's billing records, which I would be more than happy to provide to the BAR, Mr. Dorrell repeatedly violated a lawyer's duty of candor to the Court. See TEX. DISC. R. PROF'L CONDUCT 3.03(a)(1) ("A lawyer shall not knowingly make a false statement of material fact or law to a tribunal.") I can prove that Mr. Dorrell has billing line items within our case for COMPLETELY DIFFERENT CASES and even admitted, within his own billing record: "Begin drafting motion to dismiss claims in California federal suit." Mr. Dorrell did not represent Rauhauser within our Federal case. This billing entry is a prime example of Mr. Dorrell billing for work within a case where he didn't even represent Rauhauser nor Retzlaff.

Furthermore, per Mr. Dorrell's own sworn affidavit submitted to the court, he states, "the firms usual hourly rates for noncontingent fee cases were adjusted upward by approximately 50% to reflect this risk" and that they "advanced expenses on Rauhauser's behalf and carried a receivable with a significant risk that no payment will ever be collected." There is no doubt that Dorrell took this case on contingency, as the engagement letter clearly states, "the firm's representation and compensation will be contingent upon a recovery after the first \$2,500.00 is depleted" It appears that Mr. Dorrell is admitting that Hanszen Laporte charged their paying customers an additional 50% to cover the costs of this case since the inception of this case back in 2013. Yet, he's now attempting to collect Attorney fees in this case totaling \$200,000. That is the very definition of double dipping.

My formal complaint is that Mr. Dorrell has committed billing fraud. His billing records clearly show that he charged for cases that had nothing to do with the instant case. I'm requesting that the Texas State Bar allow me the opportunity to present my evidence, which consists solely of documents already on the record, which will prove my claims. He submitted his billing records via a sworn affidavit to the court. Under Sec. 37.02, a person commits perjury when he or she knowingly and with the intent to deceive, makes a false statement (lie) while under oath, or when they swear about the truth of a statement they made previously and the statement was required or authorized by law to be made under oath. Mr. Dorrell is also in violation of Section 37.03, aggravated perjury.

V. HOW DID YOU LEARN ABOUT THE STATE BAR OF TEXAS' ATTORNEY GRIEVANCE PROCESS?

- Yellow Pages
- Internet
- Other

- CAAP
- Attorney
- Website

VI. ATTORNEY-CLIENT PRIVILEGE WAIVER

I hereby expressly waive any attorney-client privilege as to the attorney, the subject of this Grievance, and authorize such attorney to reveal any information in the professional relationship to the Office of Chief Disciplinary Counsel of the State Bar of Texas. I understand that it may be necessary to act promptly to preserve any legal rights I may have, and that commencement of a civil action may be required to preserve those rights.

Additionally, I understand that the Office of Chief Disciplinary Counsel may exercise its discretion and refer this Grievance to the Client-Attorney Assistance Program (CAAP) of the State Bar of Texas for assistance in resolving a subject matter of this Grievance. In that regard, I hereby acknowledge my understanding that such discretionary referral does not constitute the commencement of a civil action and that the State Bar of Texas will not commence any civil action on my part. I acknowledge that it is my responsibility to seek and obtain any necessary legal advice with respect to this matter. I also understand that any information I provide to the State Bar of Texas may be used to assist me and will remain confidential for purposes of resolving the issue(s) described above.

I understand that the Office of Chief Disciplinary Counsel maintains as confidential the processing of Grievances.

I hereby swear and affirm that I am the person named in Section II, Question 1 of this form (the Complainant) and that the information provided in this Grievance is true and correct to the best of my knowledge.

Signature: Electronically Signed Date: 11/18/2019

TO ENSURE PROMPT ATTENTION, THE GRIEVANCE SHOULD BE MAILED TO:

**THE OFFICE OF THE CHIEF DISCIPLINARY COUNSEL
P.O. Box 13287
Austin, TX 78711**