

# GRIEVANCE FORM

## PART A: INFORMATION ABOUT YOU - PLEASE KEEP CURRENT

It is necessary in order to timely process your grievance that all information be typed or printed legibly.

1. NAME: BIRNBAUM UDO HERMAN -  
LAST FIRST MIDDLE MAIDEN
2. MAILING ADDRESS: RT 1 BOX 295  
CITY: EUSTACE STATE: TX ZIP: 75124 PHONE: (903) 479-3929
3. EMPLOYER: CONSULTING ELECTRICAL ENGINEER, RANCHER,  
TEACHER
4. WORK ADDRESS: - SAME AS ABOVE -  
WORK PHONE: ( ) - SAME AS ABOVE -
5. MAY WE CONTACT YOU AT YOUR EMPLOYMENT YES ☒ NO ☐
6. DRIVERS LICENSE # 03382820 DATE OF BIRTH 11-28-36
7. NAME, ADDRESS AND PHONE NUMBER of person not in your household who can always reach you. NAME: \_\_\_\_\_  
ADDRESS: MY HOME PHONE PHONE: (903) 479-3929
8. Are you represented by an attorney now? If so, please provide: NO  
NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_ PHONE: ( )
9. How did you hear about the grievance process: (Check One)  
\_\_\_\_ Attorney in Complaint \_\_\_\_ 1-800# \_\_\_\_ Another Attorney  
\_\_\_\_ Brochure in Courthouse \_\_\_\_ Phone Book ☒ Other Common Knowledge
10. Do you understand and write in the English language? (Y) / N  
If no, what is your primary language? \_\_\_\_\_  
Who helped you prepare this form? - No One -  
Will they be available to translate future correspondence during this process? - Yes - - No

IF ANY OF THE ABOVE INFORMATION SHOULD CHANGE IT IS NECESSARY THAT YOU ADVISE THE STATE BAR OF TEXAS IN WRITING IMMEDIATELY. PLEASE DO NOT WRITE ON THE BACK OF ANY PAGES OF THIS COMPLAINT FORM. USE ADDITIONAL PAPER IF NECESSARY. PLEASE WRITE ON ONE SIDE ONLY.

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PART B: INFORMATION ABOUT ATTORNEYS

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COMPLAINTS ARE NOT ACCEPTED AGAINST LAW FIRMS AND 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: RICHARD L. RAY
2. ADDRESS: 300 S. HWY 19  
CITY: CANTOW STATE: TX ZIP: 75103  
OFFICE PHONE: (903) 567-2051 HOME PHONE: (UNKNOWN)
3. Date attorney hired or appointed?: ATTORNEY FOR PLAINTIFF
4. What did you hire the attorney to do?: -does not apply-
5. How did you select this attorney?: -does not apply-
6. What was your fee arrangement with the attorney?: -does not apply-  
(Include copies of checks and/or receipts.)
7. Did you sign a Contract of Employment or Power of Attorney?  
Yes\_\_\_ No\_\_\_ If yes, include copies with your grievance.
8. Where did the activity you are complaining about occur?:  
County: Van Zandt city: Cantow, TX

IF BLANKS ARE LEFT ON THIS FORM OR ALL QUESTIONS ARE NOT ANSWERED THE PROCESSING OF YOUR GRIEVANCE MAY BE DELAYED.

PLEASE BE ADVISED THAT RULE 2.15 OF THE TEXAS DISCIPLINARY RULES OF PROCEDURE REQUIRE THAT ALL INFORMATION COMING TO THE ATTENTION OF THE INVESTIGATORY PANEL CAN BE MADE PUBLIC IF ANY SANCTION IS ISSUED OTHER THAN A PRIVATE REPRIMAND.

Explain in detail why you think this attorney has done something improper or has failed to do something which should have been done. Include the names, addresses, and telephone numbers of all persons who know something about your grievance. Attach copies of all court papers, cancelled checks or receipts showing the payment of attorney's fees, and other documents relevant to your grievance. Attach additional sheets of paper if necessary.  
(DO NOT SEND ORIGINALS, UNLESS REQUESTED.)

See attached memo dated July 21, 1995  
including enclosures.

**PART D: 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 State Bar of Texas.

I also understand this confidential process extends civil immunity to all communications between myself and the State Bar Staff and Greivance Committee. I understand this immunity does not extend to communications I may have with anyone else.

DATE OF SIGNING: July 21, 1985

Aldo Birnbaum  
SIGNATURE

RETURN FORM TO:

STATE BAR OF TEXAS  
5910 N. Central Expressway, Ste. 900  
Dallas, Texas 75206

CF5-1.PRI

July 21, 1995

State Bar of Texas  
5910 N. Central Expressway, Ste. 900  
Dallas, Texas 75206

Re: Barratry and machination

Ladies and/or Gentlemen:

I am the victim of an overly aggressive lawyer operating outside the bounds of ethical conduct and the law. I am forced to defend myself in 294th District Court, Canton, Texas on matters completely fabricated by the attorney himself.

The attorney has refused to inform himself and has proceeded with total disregard for the facts. He is, in fact, suing me for the crimes the Plaintiff committed and the damages he caused. Attached is the Sheriff's Report on the day papers were served on me, together with my crime report to the District Attorney. I chose self representation because of the simplicity of the case.

Next the attorney attempted to run over me with a default judgment, despite my answer to the Court over one month earlier.

The attorney committed fraud with his original petition, and perjury with his petition for default judgment. I have been unable to get the transcript of the hearing, but if you can, it will substantiate my complaint.

The File Stamp shows that the petition for the default judgment was not filed till two weeks after the hearing. The attorney was also misleading the Court that I was not one of the parties to be notified of the hearing.

The attorney is guilty of barratry and machination. My two letters to him clearly warned him to leave me alone. Then he tries to extract money from me to which he knows he is not entitled.

I respectfully request your attention to my complaints.

Sincerely,

*Udo Birnbaum*

Udo Birnbaum  
Rt. 1 Box 295  
Eustace, TX 75124  
(903) 479-3929

Encl:

|                                   |          |
|-----------------------------------|----------|
| Letter to District Clerk          | 4-18-95  |
| Letter Ray to Birnbaum            | 12-07-94 |
| Letter Birnbaum to Ray            | 12-26-94 |
| Letter Ray to Birnbaum            | 12-29-94 |
| Letter Birnbaum to Ray            | 1-11-95  |
| Petition to Court                 | 5-15-95  |
| Sheriff's Report                  | 2-08-95  |
| Crime Report to District Attorney | 2-15-95  |

Nancy Young District Clerk  
294th District Court  
Van Zandt County Courthouse

April 18, 1995

Re: Cause No. 95-63  
WILLIAM B. JONES  
VS.  
UDO BIRNBAUM

Please file this document together with the four (4) attachments.

Other than my short encounter with Jones last fall, these four letters represent the totality of the correspondence with both Jones and Richard Ray relating to Cause 95-63 previous to the filing of suit with this Court on February 6, 1995.

Sincerely,

*Udo Birnbaum*

Udo Birnbaum  
Pro Se

Udo H. Birnbaum  
Rt. 1 Box 295  
Eustace, Tex. 75124

Att:

|                        |                   |
|------------------------|-------------------|
| Letter Ray to Birnbaum | December 7, 1994  |
| Letter Birnbaum to Ray | December 26, 1994 |
| Letter Ray to Birnbaum | December 29, 1994 |
| Letter Birnbaum to Ray | January 11, 1995  |

BY \_\_\_\_\_ DEP.

FILED  
CLERK VAN ZANDT CO. TX.

95 APR 17 PM 12:37

FILED FOR RECORD

**RICHARD L. RAY, P.C.**

A Professional Corporation  
Attorney at Law

300 S. HWY. 19  
CANTON, TEXAS 75103

EX-111  
RECEIVED  
55 APR 17 PM 12:37  
TELECOPIER: (903) 567-6998  
(903) 567-2051  
(903) 567-6101  
CO. TX.

December 7, 1994

Mr. Udo Birnbaum  
Route 1  
Eustace, TX 75124

Re: Trespass by Water Invasion

Dear Mr. Birnbaum:

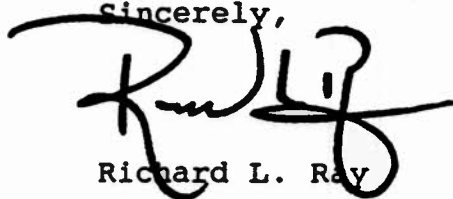
I have been retained to represent Mr. William B. Jones relative to water problems which you are allowing to be created on your land. Apparently beavers have dammed up a stream flowing onto your property. The trapped water now floods as much as 10-12 acres of Mr. Jones' property.

It is my further understanding that Mr. Jones has discussed the problem with you and you have refused to remedy the situation or allow him to do so.

Your nonfeasance in allowing the water build-up to invade Mr. Jones' property constitutes an indirect trespass. Mr. Jones prefers to avoid litigation to resolve this matter. However, he will have no choice unless you remove the beaver dam or allow someone else to remove it.

If damage is not removed within thirty (30) days or if an appropriate response is not received, Mr. Jones intends to proceed with suit seeking his damages as well as injunctive relief. If Mr. Jones is forced to pursue litigation, he will seek and be entitled to his attorney's fees.

Sincerely,



Richard L. Ray

RLR:cj

December 26, 1994 ,

Mr. Richard L. Ray  
300 S HWY 19  
Canton, Texas 75103

Dear Mr. Ray:

This is to inform you that I received your letter dated December 7, 1994. I was totally offended by the tone of your letter particularly in light of the misrepresentation of the facts.

I have been the owner of these premises since 1981 and have not heard any such assertions until a few months ago.

I do not want to be forced to spend any more time countering these ridiculous allegations. Before proceeding any further, be sure to inform yourself personally of the validity of your assertions.

I am however willing to negotiate with you.

Sincerely

*UB.*

Udo Birnbaum

UB:ub

FILED FOR RECORD  
95 APR 17 PM 12:37  
JST. CLERK VAN ZANDT CO. TX.  
BY \_\_\_\_\_ DEP.



**RICHARD L. RAY, P.C.**

A Professional Corporation  
Attorney at Law

300 S. HWY. 19  
CANTON, TEXAS 75103

(903)567-2051  
(903)567-6101  
TELECOPIER: (903)567-6998

December 29, 1994

Mr. Udo Birnbaum  
Route 1  
Eustace, Texas 75124

Re: William B. Jones  
Trespass by Water Invasion

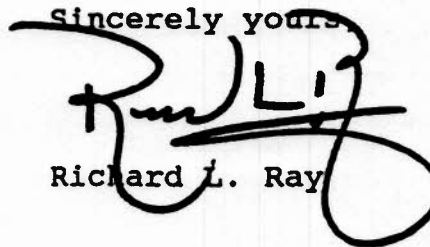
Dear Mr. Birnbaum:

My office acknowledges receipt of your letter dated December 26th, 1994.

In that letter, you state you are willing to negotiate. If so, please state in writing, your proposed terms of settlement to resolve the matter.

If I have not received a response from you within 10 days after your receipt, allowing 3 days for mailing time, I will recommend to Mr. Jones that he proceed with suit.

Sincerely yours



Richard L. Ray

RLR:kc

cc: Mr. William Jones

FILED FOR RECORD  
95 APR 17 PM 12:37  
ASST. CLERK OF COURT CO. TX.  
BY \_\_\_\_\_ DEP.

January 11, 1995

Mr. Richard L. Ray  
300 S HWY 19  
Canton, Texas 75103

Dear Mr. Ray:

I acknowledge receipt of your letter dated December 29th, 1994.

There was no clarification of your previous points or reference to my request that you personally inform yourself of the matters which you raised. I am therefore forced to assume that you have chosen not to do so nor to confer again with my neighbor.

I previously met with my neighbor to discuss the same issues you raised in your first letter. My neighbor was beginning to see our wetlands as a recent problem. The meeting was rapidly becoming counterproductive.

I will pursue self representation if you force me into litigation. By again answering your charges I am already cast into the same role that you have chosen to fulfill, namely that of the potential attorney. I am entitled to the same professional courtesy that you would extend to another member of your profession.

I request that you attend to the following matters:

1. Your PERSONAL, PHYSICAL INSPECTION of my neighbor's property.
2. My neighbor's and my property contain the junction of three live creeks. These areas have always been wetlands. Please confer with the Soil Conservation Service or other applicable authorities regarding the status of these lands and any special environmental rules applicable to these wetlands.

I am a consulting electrical engineer, a teacher, and a rancher. I consider my time more valuable than you consider yours.

Your advice to my neighbor constitutes legal counsel. I will hold you personally responsible for deluding my neighbor and thereby further inciting him against me. You are rapidly becoming a major intrusion into my life.

I am however willing to negotiate with you.

Sincerely

UB

Udo Birnbaum

UB:ub

RECEIVED FOR RECORD  
APR 17 PM 12:37  
FBI - DALLAS  
CO. TX.  
DEP.

The Honorable Judge Tommy Wallace  
294th District Court  
Van Zandt County Courthouse

May 15, 1995

Re: Cause No. 95-63  
William B. Jones  
VS.  
Udo Birnbaum

Sir:

Richard Ray is misusing his access to your Court to assault me with charges he has fabricated.

I had specifically requested that Jones be present at the pre-trial hearing (copy in file 95-63). The absence of Jones at that hearing deprived both me and this Court of acknowledgment from Jones that he was indeed the author of the complaints. I therefore bring the following to the attention of this Court:

Richard Ray has failed to act in good faith from the beginning. He has refused to inform himself and there is no basis whatsoever in what he has brought before this Court.

Richard Ray has refused to comply with my request of April 18, 1995 to substantiate issues that he raised. (copy in file 95-63)

Richard Ray has refused to answer my communication dated May 3, 1995. (copy in file 95-63)

Richard Ray attempted to run slipshod over me with a Default Judgment. His request for a Default Judgment came MORE THAN ONE MONTH AFTER my reply to this Court. He certified the following FALSE statements in his March 16, 1995 request:

" DEFT'S ATTORNEY & ADDRESS: Unanswered

The undersigned hereby certifies that his pleadings are in order, good faith negotiations have been made to attempt settlement, and that he expects to be ready for trial. A copy of this request has been furnished counsel in the case as listed below.

---

ATTORNEY REQUESTING SETTING

List ALL parties with their addresses requiring notice:

Richard L. Ray  
300 S. Trade Days Blvd.  
Canton, TX 75103.

"

I had informed Richard Ray that I would be self-representing. I so informed this Court and filed the reply. Richard Ray's statement of "Unanswered" is FALSE.

Richard Ray's representation to this Court that he was the only party requiring notice is FALSE.

Richard Ray's pleadings are a total mess. HE EVEN HAS WATER FLOWING UPHILL! His statement that his pleadings are in good order is FALSE.

Richard Ray stated that "good faith negotiations have been made to attempt settlement". Richard Ray has made NO attempt at being informed WHATSOEVER! (File 95-63 contains ALL correspondence). Richard Ray's claim of "good faith" is FALSE.

Richard Ray states that "he expects to be ready for trial". This is unbelievable and FALSE.

As for the true facts see Sheriffs Report Dated 2-8-95 indicating ALL damage was done by JONES! (report attached)

Also see the report I filed with the District Attorney dated February 15, 1995. (report attached)

Richard Ray has failed to act in good faith, has given improper legal counsel to Jones regarding the merit of his complaint, and has even falsified documents brought before this Court.

I request a Hearing to resolve these matters. I REQUEST THAT THE COURT INSTRUCT MR. WILLIAM B. JONES TO BE PRESENT AT THIS HEARING TO ACKNOWLEDGE THAT HE IS INDEED THE AUTHOR OF THE COMPLAINTS IN CAUSE 95-63.

I request this Court to instruct Jones to replace my fence which he tore down over 9 months ago and to clean up the mess pushed onto my land by his bulldozer operator.

A fully completed "Request for Setting Form" is attached.

Sincerely,

*Udo Birnbaum*

Udo Birnbaum  
pro-se

encl:

Incident Report 9500070 Van Zandt Sheriffs Office dated 2-8-95  
Complaint to District Attorney dated February 15, 1995

FILED  
FEB 15 1995  
CLERK OF DISTRICT COURT  
DALLAS COUNTY, TEXAS

Incident No. **95000870**

# Van Zandt County Sheriff's Office Incident Report

Date & Time Reported  
**2-8-95 2:17 p.m.**

|  |                   |  |       |  |  |   |  |  |  |
|--|-------------------|--|-------|--|--|---|--|--|--|
| Location of Incident<br><b>VZ 2916 At FM 1256</b>  |                   |  |       | Related Incident Number                          |  | Incident Status<br><input type="checkbox"/> Active<br><input checked="" type="checkbox"/> Inactive<br><input type="checkbox"/> Adult Arrest<br><input type="checkbox"/> Adult Exception<br><input type="checkbox"/> Juvenile Custody<br><input type="checkbox"/> Juvenile Exception<br><input type="checkbox"/> Uninjured |  | Exceptional Status<br><input type="checkbox"/> Death Of Offender<br><input type="checkbox"/> Prosecution Declined<br><input type="checkbox"/> Extradition Declined<br><input type="checkbox"/> Refused To Cooperate<br><input type="checkbox"/> Juvenile, No Custody<br><input type="checkbox"/> Warrant |  |
| City<br><b>Canton TX</b>                           | Grid<br><b>29</b> | Beat   | Sheet | Number of Officers Killed By Accident/Negligence |  | Incident Status Date  |  |  |  |
| Earliest Date & Time Occurred<br><b>2-8-95 2pm</b> |                   | Latest Date & Time Occurred<br><b>2-8-95 2pm</b> |       |  |  |   |  |  |  |

| REPORTING PARTY                                   |  |                 |
|---|--|-----------------|
| Name (Last, First Middle)<br><b>Same as below</b> |  | Home Phone      |
| Address   |  | City, State Zip |
|   |  | Work Phone      |

| VICTIM   |  |                        |  |                  |  |                    |        |      |     |
|--|--|------------------------|--|------------------|--|--------------------|--------|------|-----|
| Victim (Last, First Middle)<br><b>Bienbaum, Udo Herman</b> |  |                        |  |                  | Victim Type<br><input checked="" type="checkbox"/> Individual <input type="checkbox"/> Business <input type="checkbox"/> Financial <input type="checkbox"/> Government <input type="checkbox"/> Religious <input type="checkbox"/> Other <input type="checkbox"/> Unknown  |                    |        |      |     |
| Address<br><b>RT 1 Box 295</b>                             |  |                        |  |                  | Date Of Birth (Month/Day/Year) or Age Range<br><b>11-28-36</b>   |                    |        |      |     |
| City, State Zip<br><b>Eustace TX</b>                       |  | Resident<br><b>Yes</b> |  | Race<br><b>W</b> | Sex<br><b>M</b>  | Height             | Weight | Hair | Eye |
| Phone<br><b>903 479 3929</b>                               |  | Social Security Number |  | OLN              | OLS  | OLY                |        |      |     |
| Employer   |  |                        |  |                  | Relative (Last, First Middle)  |                    |        |      |     |
| Employer's Address   |  |                        |  |                  | Address  |                    |        |      |     |
| City, State Zip  |  |                        |  |                  | City, State Zip  |                    |        |      |     |
| Phone  |  | Extension              |  | Phone            |  | Relation To Victim |        |      |     |
| Scars/Marks/Tattoos  |  |                        |  |                  | Type Of Injury<br><input checked="" type="checkbox"/> Broken Bones <input type="checkbox"/> Loss of Teeth <input type="checkbox"/> Other Major Injury<br><input type="checkbox"/> Internal Injury <input type="checkbox"/> Scalds/Burns <input type="checkbox"/> Minor Injury<br><input type="checkbox"/> Severe Laceration <input type="checkbox"/> Unconsciousness <input type="checkbox"/> None |                    |        |      |     |

| LEOKA Victims   | Type of Activity   | Body Armor   | Type of Assignment  |
|---|--|--|---|
| Only Killed by Felonious Act?<br><input type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Disturbance Call<br><input type="checkbox"/> Burglary<br><input type="checkbox"/> Robbery<br><input type="checkbox"/> Other Arrest<br><input type="checkbox"/> Civil Disorder<br><input type="checkbox"/> Handling Prisoners<br><input type="checkbox"/> Investigating Suspicious Persons/Circumstances<br><input type="checkbox"/> Ambush<br><input type="checkbox"/> Mentally Deranged<br><input type="checkbox"/> Traffic Pursuit/Stop<br><input type="checkbox"/> All Other | <input type="checkbox"/> Wearing-Protected<br><input type="checkbox"/> Wearing-Not Protected<br><input type="checkbox"/> Not Wearing | <input type="checkbox"/> 1-Man Car-Uniformed-Alone<br><input type="checkbox"/> 1-Man Car-Uniformed-Assisted<br><input type="checkbox"/> 1-Man Car-Plain-Alone<br><input type="checkbox"/> 1-Man Car-Plain-Assisted<br><input type="checkbox"/> 2-Man Car-Uniformed<br><input type="checkbox"/> 2-Man Car-Plain<br><input type="checkbox"/> Other Alone<br><input type="checkbox"/> Other Assisted |

| Aggravated Assault/Homicide Circumstances   |   |   | Additional Justifiable Homicide Circumstances   |
|---|---|---|---|
| Aggravated Assault/Murder/Non-Neg Manslaughter (max 2)  | Negligent Manslaughter (max 1)  | Justifiable Homicide (max 1)  |   |
| <input type="checkbox"/> Argument<br><input type="checkbox"/> Assault On LE Officer<br><input type="checkbox"/> Drug Dealing<br><input type="checkbox"/> Gangland<br><input type="checkbox"/> Juvenile Gang<br><input type="checkbox"/> Lovers' Quarrel<br><input type="checkbox"/> Mercy Killing<br><input type="checkbox"/> Other Felony Involved<br><input type="checkbox"/> Other Circumstances<br><input type="checkbox"/> Unknown Circumstances | <input type="checkbox"/> Child Playing with Weapon<br><input type="checkbox"/> Gun-Cleaning Accident<br><input type="checkbox"/> Hunting Accident<br><input type="checkbox"/> Other Negligent Weapon Handling<br><input type="checkbox"/> Other Negligent Killing | <input type="checkbox"/> Criminal Killed by Private Citizen<br><input type="checkbox"/> Criminal Killed by Police Officer | <input type="checkbox"/> Criminal Attacked Police Officer<br><input type="checkbox"/> Criminal Attacked Fellow Police Officer<br><input type="checkbox"/> Criminal Attacked Civilian<br><input type="checkbox"/> Criminal Attempted Flight from a Crime<br><input type="checkbox"/> Criminal Killed in Commission of a Crime<br><input type="checkbox"/> Criminal Resisted Arrest<br><input type="checkbox"/> Unable to Determine/Not Enough Info |

| Hate-Bias Crimes Only   |  | Type Of Bias | Target   |
|---|--|--------------|--|
| <input type="checkbox"/> Black<br><input type="checkbox"/> Asian/Pacific Islander<br><input type="checkbox"/> American Indian<br><input type="checkbox"/> White<br><input type="checkbox"/> Other Race/Color<br><input type="checkbox"/> Hispanic<br><input type="checkbox"/> Anti-Semitic<br><input type="checkbox"/> Other Religion<br><input type="checkbox"/> Ethnic/National Origin<br><input type="checkbox"/> Sexual Orientation<br><input type="checkbox"/> Age<br><input type="checkbox"/> Gender<br><input type="checkbox"/> Disability<br><input type="checkbox"/> Political |  |              | <input type="checkbox"/> Place of Worship<br><input type="checkbox"/> Other Group Property<br><input type="checkbox"/> Public Property<br><input type="checkbox"/> Business<br><input type="checkbox"/> Residence<br><input type="checkbox"/> Other Property<br><input type="checkbox"/> Clergy<br><input type="checkbox"/> Other Person |
| Circumstances   |  |              |  |

|                           |   |   |  |
|---------------------------|---|---|--|
| Domestic Abuse Cases Only | Children<br><input type="checkbox"/> Harmed <input type="checkbox"/> Unharmed <input type="checkbox"/> None Present | Abuse<br><input type="checkbox"/> Counseling <input type="checkbox"/> Financial <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Shelter <input type="checkbox"/> Other <input type="checkbox"/> None | Reporter<br><input type="checkbox"/> Victim <input type="checkbox"/> Other |
|---------------------------|---|---|--|

|                           |                 |            |            |
|---------------------------|-----------------|------------|------------|
| Name (Last, First Middle) | Involvement     | Home Phone | Work Phone |
| Jones, William B          |                 |            |            |
| Address                   | City, State Zip |            |            |
| Name (Last, First Middle) | Involvement     | Home Phone | Work Phone |
|                           |                 |            |            |
| Address                   | City, State Zip |            |            |
| Name (Last, First Middle) | Involvement     | Home Phone | Work Phone |
|                           |                 |            |            |
| Address                   | City, State Zip |            |            |

## NARRATIVE

On today's dates and times the comp ildo Birnbaum came to the Van Zandt Sheriff's Dept. While at the Sheriff's dept. Mr. Birnbaum informed me that he had received civil papers on today's date from deputy munn.

Mr. Birnbaum stated that he has been having civil problems with a William B. Jones who's land backs up to his land. Mr. Birnbaum stated that Mr. Jones had torn down his fence and had done alot of damage to his property. Mr. Birnbaum asked if I would go with him to his property and observe the conditions. I did go with Mr. Birnbaum to his property and did observe approx. 300-400 yards of fence that was missing. Also I observed alot of brush and trees along with sand that had washed onto Mr. Birnbaum's property. I also observed what I believed to be large tractor tracks in the ground around the fence area and alonged the creek. Mr. Birnbaum stated that Mr. Jones had destroyed the creek, which caused the creek to over follow causing the land and brush to wash onto Mr. Birnbaum's land. This caused ~~the~~ Steves Creek to back up onto Mr. Jones land. Mr. Jones land appeared to be natural wet lands at one time. I told Mr. Birnbaum that this was a civil action and not a criminal action. Mr. Birnbaum wanted a report for his records.

Reporting Officer (ID &amp; Name)

Assisting Officer (ID &amp; Name)

Supervisor (ID &amp; Name)

FILING A FALSE REPORT WITH A LAW ENFORCEMENT AGENCY IS A CRIMINAL OFFENSE

I hereby certify that the information contained in this report is accurate to the best of my knowledge and I will prosecute the offender if found.

2895

Date

Signature

# STATE BAR OF TEXAS



Office of the General Counsel

July 27, 1995

Udo Birnbaum  
Rt. 1, Box 295  
Eustace, TX 75124

Re: D0079505615 Udo Birnbaum - Richard Lee Ray

Dear Mr. Birnbaum:

The Office of the Chief Disciplinary Counsel for the State Bar of Texas has received your inquiry and has assigned it the above file number.

**Please be advised that this is a confidential proceeding.** Pursuant to Rule 2.15 of the Texas Rules of Disciplinary Procedure:

"...all information, proceedings, hearing transcripts, statements, and any other information coming to the attention of the Investigatory Panel of the Committee must remain confidential and may not be disclosed to any person or entity (except the Chief Disciplinary Counsel) unless disclosure is ordered by the Court."

It is not a breach of confidentiality to consult with an attorney. If you have any questions concerning the procedure, please refer to the pamphlet sent to you with the complaint form. Your inquiry will be reviewed and you will be advised in writing of the status of your case.

Sincerely,

*Herbert A. Linder*

Herbert A. Linder  
Investigator  
Office of the Chief Disciplinary Counsel  
State Bar of Texas

CF2-1.PRI

# STATE BAR OF TEXAS



Office of the General Counsel

July 31, 1995

Udo Birnbaum  
Rt. 1, Box 295  
Eustace, TX 75124

Re: D0079505615 Udo Birnbaum - Richard Lee Ray

Dear Mr. Birnbaum:

The disciplinary system of the State Bar of Texas serves one purpose: to investigate claims of professional misconduct committed by Texas lawyers. A lawyer is guilty of professional misconduct only if he or she is in violation of the Texas Code of Professional Responsibility or the Texas Disciplinary Rules of Professional Conduct effective January 1, 1990. These are the rules that regulate the conduct of Texas lawyers. The Code is printed in Vernon's Texas Codes Annotated, Volume 3 of the Government Code, Title 2, Subtitle G-Appendix A, Article X, Section 9 which can be found in your county law library. If an attorney has violated the Code, the Grievance Committee may discipline the attorney through a reprimand, suspension, or disbarment.

After carefully reviewing your grievance, it has been determined that the information provided by you does not allege professional misconduct as defined in the Code.

The rules allow you to appeal this decision to the Board of Disciplinary Appeals. If you appeal, you must do so in writing, within thirty (30) days after the date of this letter. You must use the form enclosed.

If you choose not to appeal, pursuant to Rule 2.09, you may amend and re-file your grievance with additional information **one time only**.

You are also reminded that pursuant to Rule 2.15 of the Texas Rules of Disciplinary Procedure, all information, proceedings, hearing transcripts, and statements, coming to the attention of the Investigatory Panel of the Grievance Committee must remain confidential and may not be disclosed to any person or entity



(except the Chief Disciplinary Counsel) unless disclosure is ordered by the Court. However, it shall not constitute a breach of confidentiality to consult with an attorney.

Sincerely,

A handwritten signature in cursive script, appearing to read "Herb Linder".

Herbert A. Linder  
Investigator  
Office of the Chief Disciplinary Counsel  
State Bar of Texas

CF1-9.PRI

## DISCIPLINARY SYSTEM QUESTIONNAIRE

Your participation in this survey is purely voluntary. The processing of this grievance is in no way affected by this survey. The results of this survey will be tabulated and studied in an effort to improve the attorney disciplinary system in Texas.

1. Please specify your participation in the grievance process.

☐ Complainant

☐ Respondent Attorney

2. How would you describe your treatment by the staff of the State Bar?

☐ Courteous

☐ Poor

Please describe your treatment (including name of employee if known): \_\_\_\_\_

3. How would you describe your treatment by the Grievance Committee volunteers?

\_\_\_\_\_

4. What was the outcome of your complaint?

☐ Dismissed

☐ Professional misconduct  
was found.

5. Did you have a hearing before the Committee?

☐ Yes

☐ No

6. Do you feel the grievance process was fair?

☐ Yes

☐ No ☐ Undecided

7. How long did it take to process your complaint?

☐ less than 90 days

☐ 180-360 days

☐ 90-180 days

☐ more than 360 days

8. How can the attorney grievance system be improved?

\_\_\_\_\_

9. Any other comments?

\_\_\_\_\_

\_\_\_\_\_

Return to:

Office of the General Counsel  
P.O. Box 12487  
Capitol Station  
Austin, TX 78711

MEN

CUESTIONARIO DEL SISTEMA DISCIPLINARIO

Su participación en ésta encuesta es voluntaria. El procesamiento de su queja no será afectado de ninguna manera por ésta encuesta. Los resultados serán tabulados y estudiados en un esfuerzo para mejorar el sistema disciplinario de abogados en el estado de Texas.

1. Por favor especifique su participación en éste proceso disciplinario.

☐ Demandante

☐ Abogado

2. Cómo describiría el tratamiento recibido por parte de los empleados del State Bar?

☐ Atento

☐ Mal

Por favor describa su tratamiento en detalle (Incluya nombre de empleados si los sabe)

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3. Como describiría el tratamiento recibido por parte de los miembros del Comité de quejas?

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4. Cúal fue el resultado de su queja?

☐ Retiro del caso

☐ Mala Conducta profesional del abogado

5. Tuvo usted una audiencia ante el Comité de quejas?

☐ Si

☐ No

6. Considera usted que el procedimiento con su queja fué justo?

☐ Si

☐ No

☐ Indeciso

7. Cuánto tiempo se llevó para procesar su queja?

☐ Menos de 90 días

☐ 180-360 días

☐ 90-180 días

☐ Más de 360 días

8. Cómo considera usted que el sistema disciplinario de abogados pudiera ser mejorado?

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9. Otros comentarios:

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Por favor envíe su encuesta a: Office of the General Counsel  
P.O. Box 12487  
Capitol Station  
Austin, Texas 78711

Udo Birnbaum - Richard Lee Ray

**APPEAL**

In order to appeal, you must complete this form. The Board of Disciplinary Appeals will not consider your request to appeal unless this form has been completed by you. Do not attach additional information. The review of the Board is based only on material previously furnished to the Office of the Chief Disciplinary Counsel. If you have new or additional information, you have the right to amend your complaint and re-file it **one time only** with the State Bar of Texas office in which you filed your complaint originally.

Appeals must be postmarked within 30 days of the time you receive notice of the classification of your case. Failure to meet that deadline will result in the Board's inability to consider your appeal.

**APPEAL NOTICE**

I hereby wish to appeal the classification decision to the Board of Disciplinary Appeals.

DATE: 8-30-95

Udo Birnbaum  
Signature  
Check One: ☒ COMPLAINANT  
☐ RESPONDENT

Send form to:

Board of Disciplinary Appeals  
P.O. Box 8447  
Dallas, Texas 75206

CF7-40.pri

Article P 624 234 066

# STATE BAR OF TEXAS



Office of the General Counsel

September 8, 1995

Udo Birnbaum  
Rt. 1, Box 295  
Eustace, TX 75124

RE: D0079505615 Udo Birnbaum - Richard Lee Ray

Dear Mr. Birnbaum:

Your request to appeal the classification decision in the above-referenced matter was received and has been forwarded to the Board of Disciplinary Appeals for their review.

You will be advised of the decision of the Board of Disciplinary Appeals and any further action to be taken on this matter.

Sincerely,

A handwritten signature in cursive script that reads "Marilee Neff".

Marilee Neff  
Regional Counsel  
Office of the Chief Disciplinary Counsel  
State Bar of Texas

CF7-4A.PRI

CHAIRMAN  
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GAINES WEST



EXECUTIVE DIRECTOR  
CHRISTINE E. MCKEEMAN

THE SUPREME COURT OF TEXAS  
BOARD OF DISCIPLINARY APPEALS

POST OFFICE BOX 12426 AUSTIN, TEXAS 78711

TEL: (512) 475-1578

FAX: (512) 475-0802

September 21, 1995

Udo Birnbaum  
Route 1, Box 295  
Eustace, Texas 75124

RE: Disposition of Appeal Notice  
Udo Birnbaum v. Richard Lee Ray  
D0079505615; BODA Case No. 07517

Dear Mr. Birnbaum:

The Board of Disciplinary Appeals met on September 21, 1995, to consider the appeal of Udo Birnbaum v. Richard Lee Ray, D0079505615. After reviewing the original complaint and supporting documentation, if any, filed by Udo Birnbaum, the Board has determined that the Complainant's appeal should not be granted and affirms the dismissal by the Regional Counsel.

If you have information regarding other conduct by the attorney or additional documentation substantiating your allegations which was not included in the original complaint, you have the right to amend and refile your complaint one time with the Regional Counsel listed below, provided your claim is not barred by the four-year statute of limitations. Please do not send any information directly to the Board of Disciplinary Appeals.

Very truly yours,

A handwritten signature in cursive script that reads "Christine E. McKeeman".

CHRISTINE E. MCKEEMAN  
Executive Director

CEM/rr

cc: Richard Lee Ray  
300 S. Highway 19  
Canton, Texas 75103-3306

Marilee Neff, Regional Counsel  
Premier Place  
5910 N. Central Expwy, Ste 900  
Dallas, Texas 75206