

ORDER OF THE SUPREME COURT OF TEXAS

Misc Docket No. 97-9129

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

The Supreme Court of Texas hereby appoints the Honorable M. Kent Sims, Judge of the 31st District Court of Wheeler County, Texas, to preside in the Disciplinary Action styled:


The Commission for Lawyer Discipline v. Samuel W. Hudson III

to be filed in a District Court of Dallas County, Texas.

The Clerk of the Supreme Court shall promptly forward to the District Clerk of Dallas 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.

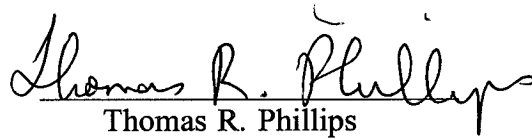
As ordered by the Supreme Court of Texas, in chambers,

with the Seal thereof affixed at the City
of Austin, this 22nd day of July, 1997.


JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 97-9129, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 22 day of July, 1997.

A handwritten signature in cursive script that reads "Thomas R. Phillips". The signature is written in black ink and is positioned above a horizontal line.

Thomas R. Phillips
Chief Justice

NO. _____

COMMISSION FOR LAWYER DISCIPLINE	§	IN THE DISTRICT COURT OF
V.	§	DALLAS COUNTY, TEXAS
SAMUEL W. HUDSON III	§	_____ 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, Samuel W. Hudson III, (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 is a member of the State Bar of Texas. Respondent is a resident of and has his principal place of practice in Dallas County, Texas. An officer may serve citation on Respondent at 2606 Martin Luther King Blvd., Suite 202, Dallas, Texas 75215.

FIRST CAUSE OF ACTION

III.

On or about July 1, 1992, Haneefah Abdullah hired Respondent on a contingency fee basis to represent her in filing a medical malpractice claim. It was not until on or about May 21, 1993, approximately ten (10) months later, that Respondent finally filed Plaintiff's Original Petition on behalf of Abdullah. At the same time, Respondent also filed a Motion to Proceed on as a Pauper ("Pauper's Motion") on behalf of Abdullah; however, Respondent neglected to draft an Order on the Pauper's Motion for the judge's consideration and signature.

IV.

Because the district clerk did not have an Order signed by the Court granting Abdullah's Pauper's Motion, the district clerk held Abdullah's Original Petition and did not serve it on defendants. Respondent neglected to monitor the status of the case and, thus, did not learn until November 1993, that Abdullah's Original Petition had not been served. Respondent immediately drafted an Order on the Pauper's Motion for the judge's consideration and signature. On or about November 4, 1993, the judge signed the Order, and the district clerk then had Abdullah's Original Petition served on defendants.

V.

Following receipt of service, on or about December 6, 1993, defendants to Abdullah's cause of action filed a Motion for Summary Judgment (the "Motion"). In their Motion, defendants alleged that, since the statute of limitations in a medical malpractice claim expires two (2) years and seventy-five (75) days from the date of the event made the basis of the suit, Abdullah's action must have commenced no later than August 4, 1993, in order to have been

timely. Defendants further alleged that, although Abdullah's cause of action had been filed with the district clerk within the applicable time period, service was not perfected until after the expiration of the statute of limitations and, thus, the action had not commenced within the prescribed time limits.

VI.

The hearing on defendants' Motion was set for January 31, 1994. Counsel for defendants sent notice of the hearing to Respondent via certified mail, return receipt requested; however, Respondent failed to respond to defendants' Motion, and on January 31, 1994, the judge signed the Order granting defendants' Motion. Thereafter, on March 7, 1994, Respondent filed a Motion to Set Aside Summary Judgment and for a New Trial, citing he had not received notice of defendants filing of the Motion or of the hearing. On March 10, 1994, Defendants' counsel, filed a Response to Motion to Set Aside (the "Response") and attached photocopies of correspondence sent to Respondent by certified mail, return receipt requested, together with the Domestic Return Receipt green cards that had been signed on behalf of Respondent by H.L. Hudson. On October 5, 1994, the judge denied Respondent's Motion for New Trial.

VII.

By waiting for approximately ten (10) months after being hired before filing Plaintiff's Original Petition and by neglecting to monitor service on defendants, thereby allowing the statute of limitations to run on Abdullah's claim, Respondent neglected Abdullah's case and failed to carry out completely the obligations that he owed to her.

VIII.

Such acts and/or omissions on the part of Respondent as are described in Paragraphs III,

IV, V, VI and VII hereinabove, which occurred on or after January 1, 1990, constitute conduct which violates Rules 1.01(b)(1) and/or 1.01(b)(2) of the Texas Disciplinary Rules of Professional Conduct.

IX.

The complaint which forms the basis of the Cause of Action hereinabove set forth was brought to the attention of the Office of General Counsel of the State Bar of Texas by Haneefah Abdullah filing a complaint on or about June 13, 1996.

SECOND CAUSE OF ACTION

X.

On or about November 14, 1995, Keith Moore ("Moore"), who had been convicted of murder and sentenced to life in prison, engaged Respondent to represent him in seeking a reduction in his sentence and/or a post-conviction remedy to have his case brought back to state district court. Moore paid Respondent \$2,500.00 in legal fees. Thereafter, on or about November 24, 1995, Respondent interviewed Moore in prison and told Moore that he was going right to work on his case.

XI.

Following Respondent's November 24, 1995, visit with Moore, Moore wrote Respondent letters inquiring about the status of his case. Respondent failed to respond to all of Moore's letters. Additionally, at various times, both Moore's brother and sister contacted Respondent, inquiring about the status of Moore's case, but Respondent was evasive and only told Moore's brother and sister that Moore's kind of matter took time and that he was working on the case. Respondent failed to keep Moore reasonably informed about the status of his case and failed to

promptly comply with Moore's reasonable requests for information.

XII.

After waiting almost a year, with no action being taken by Respondent on his behalf, Moore filed a complaint against Respondent with the State Bar of Texas. Not until February 6, 1997, the scheduled date of the Grievance Committee's Hearing on Moore's complaint against Respondent, did Respondent undertake to file, on Moore's behalf, an Application for Postconviction Writ of Habeas Corpus Pursuant to Article 11.07 of the Code of Criminal Procedure. By waiting over a year before taking any legal action on Moore's case, Respondent neglected the legal matter which Moore had entrusted to him.

XIII.

Such acts and/or omissions on the part of Respondent as are described in Paragraphs X, XI, XII and XIII, hereinabove, which occurred on or after January 1, 1990, constitute conduct which violates Rules 1.01(b)(1) and/or 1.03(a) of the Texas Disciplinary Rules of Professional Conduct.

XIV.

The complaint which forms the basis of the Cause of Action hereinabove set forth was brought to the attention of the Office of General Counsel of the State Bar of Texas by Keith Moore filing a complaint on or about October 20, 1996.

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 attorney's fees.

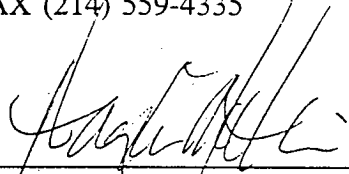
Respectfully submitted,

Steve W. Young
General Counsel

Angela Methvin
Assistant General Counsel

State Bar of Texas
Litigation - Dallas

3710 Rawlins
Suite 800
Dallas, Texas 75219
(214) 559-4997
FAX (214) 559-4335



Angela Methvin
State Bar Card No. 00792698

ATTORNEYS FOR PETITIONER

STATE BAR OF TEXAS



Office of the General Counsel

June 25, 1997

CMRRR NO. Z 399 406 513

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

RE: Commission for Lawyer Discipline v. Samuel W. Hudson III

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 Samuel W. Hudson III. Mr. Hudson is a resident of Dallas County, Texas. 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:

**Samuel W. Hudson III
2606 Martin Luther King Blvd.
Suite 202
Dallas, Texas 75215**

As a practical matter, I would respectfully suggest that you inquire with the judge to be appointed as to 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 Dallas County, Texas, with the request that the suit be filed, service be obtained, and a file stamped copy of the petition be returned to the undersigned.

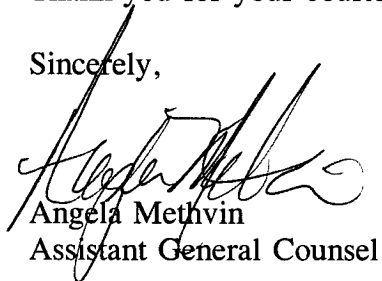
Regency Plaza, 3710 Rawlins, Suite 800, Dallas, Texas 75219
Telephone: (214) 559-4353 Fax: (214) 559-4335

John T. Adams, Clerk
June 25, 1997
Page 2

Also enclosed are a pre-addressed envelope for your use in transmitting the petition, etc., to the District Clerk of Dallas County, Texas, and a return envelope to be sent to the District Clerk of Dallas County, Texas, for the Clerk's use in returning a file stamped copy of the petition to the undersigned.

Thank you for your courtesies in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Angela Methvin", is written over the typed name and title. The signature is fluid and cursive, with a large initial "A" and a long, sweeping underline.

Angela Methvin
Assistant General Counsel

Enclosures



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

CLERK
JOHN T. ADAMS

JUSTICES
RAUL A. GONZALEZ
NATHAN L. HECHT
JOHN CORNYN
CRAIG ENOCH
ROSE SPECTOR
PRISCILLA R. OWEN
JAMES A. BAKER
GREG ABBOTT

EXECUTIVE ASS'T
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

JUL 23 1997

Ms. Angela Methvin
Assistant General Counsel, State Bar of Texas
3710 Rawlins, Suite 800
Dallas, Texas 75219

Mr. Samuel W. Hudson, III
2606 Martin Luther Kind Blvd., Suite 202
Dallas, Texas 75215

Dear Ms. Methvin and Mr. Hudson:

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 M. Kent Sims, Judge of the 31st District Court, Wheeler, Texas, to preside in

Commission for Lawyer Discipline v. Samuel W. Hudson, III

Sincerely,

SIGNED

John T. Adams
Clerk



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

CLERK
JOHN T. ADAMS

JUSTICES
RAUL A. GONZALEZ
NATHAN L. HECHT
JOHN CORNYN
CRAIG ENOCH
ROSE SPECTOR
PRISCILLA R. OWEN
JAMES A. BAKER
GREG ABBOTT

EXECUTIVE ASS'T
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

JUL 23 1997

The Honorable Bill Long
District Clerk of Dallas County
George L. Allen Courts Building
600 Commerce Street
Dallas, Texas 75202

Dear Mr. Long:

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. Samuel W. Hudson, III, and a copy of the Supreme Court's order appointing the Honorable M. Kent Sims, Judge of the 31st District Court, Wheeler, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Hon. M. Kent Sims
Mr. Samuel W. Hudson, III
Ms. Angela Methvin



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

CLERK
JOHN T. ADAMS

JUSTICES
RAUL A. GONZALEZ
NATHAN L. HECHT
JOHN CORNYN
CRAIG ENOCH
ROSE SPECTOR
PRISCILLA R. OWEN
JAMES A. BAKER
GREG ABBOTT

EXECUTIVE ASS'T
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

JUL 23 1997

Honorable M. Kent Sims
Judge, 31st District Court
P.O. Box 445
Wheeler, Texas 79096-0445

Dear Judge Sims:

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 Ms. Methvin and Mr. Hudson, and a copy of the letter to the District Clerk of Dallas County.

We then recommend that, either before or immediately after you set the case for trial, the Dallas County District Court Administrative Office (214-653-6510) be contacted to reserve a courtroom, provide for a court reporter, etc. Finally, you should contact the Presiding Judge of the Administrative Judicial Region into which you have been assigned (214-653-2943) to obtain information on lodging, allowable expenses, and claims forms for your expenses incident to presiding over this disciplinary case.

Sincerely,

SIGNED

John T. Adams
Clerk