

**ORDER OF THE SUPREME COURT OF TEXAS**

**Misc Docket No. 98-9117**

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

The Supreme Court of Texas hereby appoints the Honorable J. C. "Zeke" Zbranek, Judge of the 75th District Court of Liberty County, Texas, to preside in the Disciplinary Action styled:

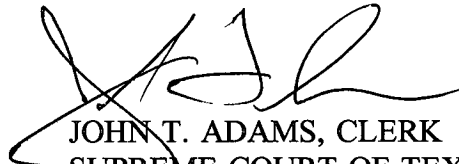
**The Commission for Lawyer Discipline v. Joe Edward Shumate**

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

The Clerk of the Supreme Court shall promptly forward to the District Clerk of Rusk 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,

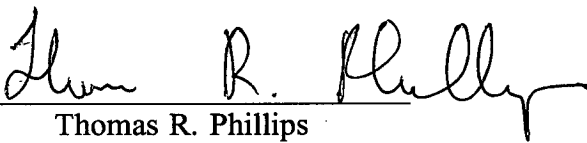
with the Seal thereof affixed at the City  
of Austin, this 29th day of June, 1998.

A handwritten signature in black ink, appearing to read "J. T. Adams", is written over the typed name and title of the signatory.

JOHN T. ADAMS, CLERK  
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 98-9117, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 30 day of June, 1998.

A handwritten signature in cursive script, reading "Thomas R. Phillips", written over a horizontal line.

Thomas R. Phillips  
Chief Justice

NO. \_\_\_\_\_

COMMISSION FOR LAWYER DISCIPLINE	§	IN THE DISTRICT COURT OF
V.	§	RUSK COUNTY, TEXAS
JOE EDWARD SHUMATE	§	_____ 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, Joe Edward Shumate, (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 Rusk County, Texas. An officer may serve citation on Respondent at 210 North Main Street, Henderson, Texas 75653-1915.

### III.

In or about May, 1994, Complainant consulted with Respondent regarding whether or not to pursue a lawsuit in a dispute over contract labor wages. Respondent advised Complainant to attempt settling the claim through the Texas Employment Commission before filing a lawsuit.

### IV.

On or about December 2, 1994, Complainant received notice of the decision made by the Texas Employment Commission. Complainant was not satisfied with the decision and hired Respondent to pursue a lawsuit. Respondent agreed to represent Complainant on a contingency fee basis, but failed to put the contingency fee agreement in writing and failed to state in writing the method by which the fee would be determined.

### V.

In or about June, 1995, Respondent prepared Plaintiff's Original Petition and contacted Complainant to review the petition. On or about June 7, 1995, Complainant went to Respondent's office and signed the Verification attached to the petition. Thereafter, Respondent neglected the legal matter entrusted to him and failed to file the petition that he had prepared.

On several occasions, Complainant contacted Respondent's office regarding the status of the case. Respondent misrepresented to Complainant that the petition had been filed, but admitted to Complainant that he had lost touch with his file. Upon Complainant's dissatisfaction with the information he was receiving from Respondent, he made an inquiry at the clerk's office and discovered that his lawsuit had, in fact, never been filed.

On or about March 22, 1996, after Complainant confronted Respondent about the

misrepresentation, Respondent filed the lawsuit.

**VI.**

Such acts and/or omissions on the part of Respondent as are described in Paragraphs III, IV and V, hereinabove, which occurred on or after January 1, 1990, constitute conduct which violates Rules 1.01(b)(1), 1.03(a), 1.04(d), and 8.04(a)(3) of the Texas Disciplinary Rules of Professional Conduct.

**VII.**

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 Robert Morrison filing a complaint on or about January 28, 1997.

**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.

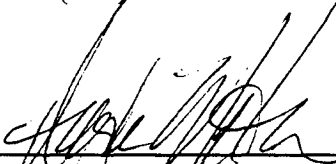
Respectfully submitted,

**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



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**Angela Methvin**  
State Bar Card No. 00792698

ATTORNEYS FOR PETITIONER

# STATE BAR OF TEXAS



Office of the General Counsel

June 2, 1998

**CMRRR NO. Z 085 333 214**

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

**RE:: Commission for Lawyer Discipline v. Joe Edward Shumate**

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 Joe E. Shumate. Mr. Shumate has designated Rusk County, Texas, as his principal place of practice. 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:

**Joe Edward Shumate  
210 North Main Street  
P.O. Box 1915  
Henderson, Texas 75653-1915**

As a practical matter, I would respectfully suggest that you inquire with the judge to be appointed as to: (1) 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; and (2) whether he or she can accommodate compliance with *Mellon Service Co., et al v. Touche Ross Co.*, 946 S.W.2d 862 (Tex. App. - Houston [14th Dist.] 1997), which requires that all proceedings incident to a case occur in the county of proper venue. If not, I would respectfully request that an alternate appointment be made.

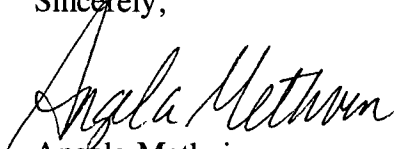
Regency Plaza, 3710 Rawlins, Suite 800, Dallas, Texas 75219  
Telephone: (214) 559-4353 Fax: (214) 559-4335

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 Rusk County, Texas, with the request that the suit be filed, service be obtained, and a file-marked copy of the petition be returned to the undersigned.

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

Thank you for your courtesies in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Angela Methvin". The signature is written in black ink and is positioned above the printed name.

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  
CRAIG T. ENOCH  
ROSE SPECTOR  
PRISCILLA R. OWEN  
JAMES A. BAKER  
GREG ABBOTT  
DEBORAH G. HANKINSON

EXECUTIVE ASST  
WILLIAM L. WILLIS

ADMINISTRATIVE ASST  
NADINE SCHNEIDER

JUL 02 1998

The Honorable Linda J. Smith  
District Clerk of Rusk County  
115 N. Main Street  
Henderson, Texas 75652

Dear Ms. Smith:

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. Joe Edward Shumate*, and a copy of the Supreme Court's order appointing the Honorable J. C. "Zeke" Zbranek, Judge of the 75<sup>th</sup> District Court, Liberty, Texas, to preside in this Disciplinary Action.

Sincerely,

**SIGNED**

John T. Adams  
Clerk

cc: Hon. J.C. "Zeke" Zbranek  
Mr. Joe Edward Shumate  
Ms. Angela Methvin



# THE SUPREME COURT OF TEXAS

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JUL 02 1998

Honorable J.C. "Zeke" Zbranek  
Judge, 75<sup>th</sup> District Court  
P.O. Box 10148  
Liberty, Texas 77575

Dear Judge Zbranek:

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 Mr. Shumate and Ms. Methvin, and a copy of the letter to the District Clerk of Rusk County.

It is recommended that, six to eight weeks after receipt of this letter, your coordinator contact the District Clerk (903-657-0348) to learn the names, addresses, and telephone numbers of counsel for purposes of scheduling a conference. Also, either before or immediately after you set the case for trial, you should contact the Presiding Judge of the Administrative Judicial Region into which you have been assigned (214-653-2943) to reserve a courtroom, provide for a court reporter, etc., and to obtain claims forms for your expenses incident to presiding over this disciplinary case.

Sincerely,

**SIGNED**

John T. Adams  
Clerk



# THE SUPREME COURT OF TEXAS

CHIEF JUSTICE  
THOMAS R. PHILLIPS

POST OFFICE BOX 12248      AUSTIN, TEXAS 78711

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GREG ABBOTT  
DEBORAH G. HANKINSON

JUL 02 1998

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

Mr. Joe Edward Shumate  
210 North Main Street  
P.O. Box 1915  
Henderson, Texas 75653-1915

Dear Ms. Methvin and Mr. Shumate:

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 J.C. "Zeke" Zbranek, Judge of the 75<sup>th</sup> District Court, Liberty, Texas to preside in

*Commission for Lawyer Discipline v. Joe Edward Shumate*

Sincerely,

**SIGNED**

John T. Adams  
Clerk