

ORDER OF THE SUPREME COURT OF TEXAS

Misc Docket No. 96-9169

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

The Supreme Court of Texas hereby appoints the Honorable Stephen B. Ables, Judge of the 216th District Court of Kerr County, Texas, to preside in the Disciplinary Action styled:

The Commission for Lawyer Discipline v. Wade Vincent Shang

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

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

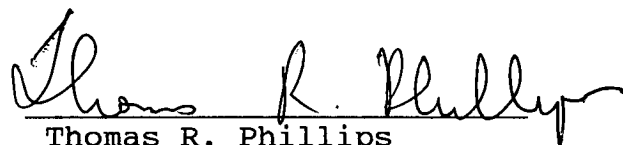
As ordered by the Supreme Court of Texas, in chambers,

with the Seal thereof affixed at the City
of Austin, this 26th day of June, 1996.


JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 96-9169, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 27 day of June, 1996.

A handwritten signature in cursive script, reading "Thomas R. Phillips". The signature is written in dark ink and is positioned above a horizontal line.

Thomas R. Phillips
Chief Justice

No. _____

COPY

COMMISSION FOR LAWYER
DISCIPLINE

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IN THE DISTRICT COURT OF

V.

BEXAR COUNTY, T E X A S

WADE VINCENT SHANG

___TH JUDICIAL DISTRICT

DISCIPLINARY PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now, Petitioner, COMMISSION FOR LAWYER DISCIPLINE, a committee of the State Bar of Texas, complaining of Respondent, WADE VINCENT SHANG, and in support thereof would respectfully show the Court the following:

Parties

Petitioner is the COMMISSION FOR LAWYER DISCIPLINE, a committee of the State Bar of Texas. Respondent, WADE VINCENT SHANG, State Bar Number 00789029, is an attorney licensed to practice law in the State of Texas and is a member of the State Bar of Texas. Respondent is a resident of Bexar County, Texas and may be served with process at 6100 Bandera Road, Suite 412, San Antonio, Bexar County, Texas 78238-1653, his usual place of business. No service is requested at this time.

Venue

Respondent resides in and maintains his principal place of practice in Bexar County, Texas. The alleged professional misconduct occurred in Bexar County, Texas. Accordingly, pursuant to Texas Rules of Disciplinary Procedure 3.03, venue is proper in Bexar County, Texas.

Professional Misconduct

I.

Petitioner brings this disciplinary action pursuant to State Bar Act, Tex. Gov't. Code Ann., Sec. 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 this action was filed on or about December 1, 1995. The acts and conduct of Respondent, as hereinafter alleged, constitute professional misconduct.

II.

On or about March 23, 1995, Tommy Zamarripa and members of his family were injured in an automobile accident. On or about March 30, 1996, Mr. Zamarripa and his wife, Yolanda, consulted Respondent and signed an Attorney-Client Representation Agreement. The agreement contained a contingent fee arrangement related to any recovery made as a result of the personal injuries suffered by Mr. & Mrs. Zamarripa and their minor daughter, Roxanne. Respondent also represented Mr. Zamarripa's two nephews who were passengers in the Zamarripa automobile at the time of the collision.

III.

On or about March 29, 1996, Mr. Zamarripa received a telephone call from a woman claiming to be employed by "Legal Aid". The woman on the telephone told Mr. Zamarripa to meet Rene Hernandez at the St. Thomas Clinic and Mr. Hernandez would take care of him. Mr. Zamarripa went to the St. Thomas clinic where he was met by Mr. Hernandez. Mr. Hernandez told Mr. Zamarripa to hire Respondent. Mr. Zamarripa was not related to nor had

he ever met Mr. Hernandez prior to the meeting at the St. Thomas Clinic. Mr. Zamarripa did not at any time seek the advice from any person at "Legal Aid".

IV.

During the course of the representation, Mr. Zamarripa made numerous requests for information from Respondent related to the amount of medical bills, the offers to settle and about the status of the case. Mr. Zamarripa's telephone calls were not returned by Respondent and Respondent failed to keep Mr. Zamarripa informed about the status of his case to the extent necessary to permit Mr. Zamarripa to make informed decisions regarding the representation.

V.

In December of 1995, Mr. Zamarripa was told that the defendant's insurance carrier had made an offer to settle the case. At the time Mr. Zamarripa was confronted with the offers to settle, he had not been provided with sufficient information to make an informed decision regarding the settlement. When Mr. Zamarripa questioned Respondent's staff about the settlement for his minor daughter's case, Respondent was unable or unwilling to explain the settlement to Mr. Zamarripa sufficiently to allow Mr. Zamarripa to make an informed decision.

VI.

On or about December 1, 1995, Mr. Zamarripa filed a complaint with the State Bar of Texas. Upon Respondent learning of the complaint, Respondent called Mr. Zamarripa into his office and told Mr. Zamarripa that he could not represent his daughter as long as the complaint was on file. Through misrepresentations, Respondent coerced Mr. Zamarripa into writing a letter to the State Bar attempting to withdraw the complaint. Respondent's representation of Mr.

Zamarripa and his family reasonably appeared to be or become adversely limited when Respondent, pursuing his own interest in discharging the grievance against him, dictated Mr. Zamarripa's letter to the State Bar to withdraw the complaint and made the written withdraw letter a condition of Respondent's continued representation of Mr. Zamarripa's daughter.

VII.

The conduct of Respondent described above constitutes a violation of the following Texas Disciplinary Rules of Professional Conduct:

Rule 1.03(a) -- A lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.

Rule 1.03(b) -- A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

Rule 1.06(b)(2) -- A lawyer shall not represent a person if the representation of that person reasonably appears to be or become adversely limited by the lawyer's responsibilities to another client or by the lawyer's own interests.

Rule 8.04(a)(3) -- A lawyer shall not engage in conduct involving dishonesty, fraud, deceit or misrepresentation.

PRAYER

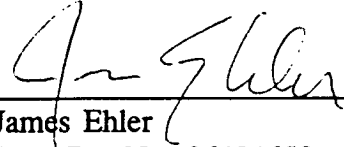
WHEREFORE, PREMISES CONSIDERED, Petitioner prays that a judgment of professional misconduct be entered against Respondent imposing an appropriate sanction as the facts shall warrant and that Petitioner have such other relief to which it is entitled, including costs of court and attorney's fees.

Respectfully submitted,

James M. McCormack
General Counsel

James Ehler
Assistant General Counsel

Office of the General Counsel
State Bar of Texas
425 Soledad, Suite 300
San Antonio, Texas 78205
Telephone: (210) 271-7881
Telecopier: (210) 271-9642



James Ehler
State Bar No. 06484650
ATTORNEYS FOR PETITIONER

STATE BAR OF TEXAS



CERTIFIED MAIL
RETURN RECEIPT REQUESTED
Z 080 288 197

Office of the General Counsel
Regional Office
Soledad Plaza West
425 Soledad, Suite 300
San Antonio, Texas 78205
(210) 271-7881
FAX: (210) 271-9642

May 14, 1996

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

RE: Commission for Lawyer Discipline v. Wade Vincent Shang; In the District Courts
of Bexar County, Texas

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 Wade Vincent Shang. Mr. Shang has designated Bexar County 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 practices 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:

Wade Vincent Shang
6100 Bandera Road, Suite 412
San Antonio, Texas 78238-1653

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 as 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 and the filing fee check, also enclosed herewith, and the Court's appointing order to the District Clerk of Bexar County, Texas, with the request that the suit be filed, service be obtained, and a filemarked copy of the petition returned to the undersigned.

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

Thank you for your courtesies in this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "J. Ehler".

James Ehler
Assistant General Counsel

Enclosures

JE/mc



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

POST OFFICE BOX 12248 AUSTIN, TEXAS 78711

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

TEL: (512) 463-1312

FAX: (512) 463-1365

EXECUTIVE ASS'T
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

July 3, 1996

Mr. James M. McCormack
General Counsel, State Bar of Texas
P.O. Box 12487
Austin, Texas 78711

Mr. Wade Vincent Shang
6100 Bandera Road, Suite 412
San Antonio, Texas 78238-1653

Dear Mr. McCormack and Mr. Shang:

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 Stephen B. Ables, Judge of the 216th District Court, Kerrville, Texas to preside in

Commission for Lawyer Discipline v. Wade Vincent Shang

Sincerely,

SIGNED

John T. Adams
Clerk



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

POST OFFICE BOX 12248 AUSTIN, TEXAS 78711

CLERK
JOHN T. ADAMS

JUSTICES
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NATHAN L. HECHT
JOHN CORNYN
CRAIG ENOCH
ROSE SPECTOR
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EXECUTIVE ASS'T
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

July 3, 1996

Honorable Stephen B. Ables
Judge, 216th District Court
700 Main Street
Kerrville, Texas 78028-5389

Dear Judge Ables:

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. Shang and Mr. McCormack, and a copy of the letter to the District Clerk of Bexar County.

It is recommended that, six to eight weeks after receipt of this letter, you or your coordinator contact the Bexar County Administrative Office (210-220-2300) to find out the district court to which this disciplinary case has been assigned, names and addresses of counsel, etc. We then recommend that, either before or immediately after you set the case for trial, you contact the Presiding Judge of the Administrative Judicial Region into which you have been assigned (210-769-3519) to reserve a courtroom, obtain a court reporter, 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

TEL: (512) 463-1312

FAX: (512) 463-1365

CLERK
JOHN T. ADAMS

EXECUTIVE ASS'T
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

JUSTICES

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

July 3, 1996

The Honorable David J. Garcia
District Clerk of Bexar County
100 Dolorosa Street
San Antonio, Texas 78205-1205

Dear Mr. Garcia:

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. Wade Vincent Shang, and a copy of the Supreme Court's order appointing the Honorable Stephen B. Ables, Judge of the 216th District Court, Kerrville, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Hon. Stephen B. Ables
Mr. Wade Vincent Shang
Mr. James M. McCormack