

**ORDER OF THE SUPREME COURT OF TEXAS**

**Misc Docket No. 97- 9122**

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

The Supreme Court of Texas hereby appoints the Honorable Robert P. Brotherton, Judge of the 30th District Court of Wichita County, Texas, to preside in the Disciplinary Action styled:

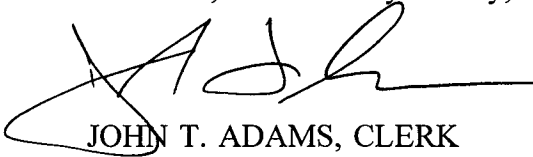
**The Commission for Lawyer Discipline v. Charles Shavers, Jr.**

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,

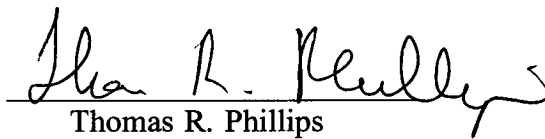
with the Seal thereof affixed at the City  
of Austin, this 15th day of July, 1997.

A handwritten signature in black ink, appearing to read "J. Adams", written over a horizontal line.

JOHN T. ADAMS, CLERK  
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 97-9122, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 15<sup>th</sup> day of July, 1997.

A handwritten signature in cursive script, reading "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
CHARLES SHAVERS, JR.	§	_____ 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, Charles Shavers, Jr., (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 Wells Fargo Bank Bldg., 5801 Marvin D. Love Frwy., Suite 404, Dallas, Texas 75237.

**III.**

On or about November 9, 1995, Mary Ann Dean ("Dean") hired Respondent to represent her in a wrongful termination case, paid Respondent a retainer fee of \$500.00 in partial payment

of legal fees and to defray court costs and signed a Contract of Employment retaining Respondent on a contingent fee basis.

#### IV.

In or around May 1995, Dean, who had been employed by Methodist Medical Center ("MMC") as a respiratory therapist for approximately twenty-two (22) years, requested and was granted a leave of absence, because she was having psychological problems arising out of her work with critical care patients. When Dean sought to return to work, she was informed by MMC that her position had been terminated.

#### V.

After learning that her position had been terminated by MMC, Dean filed a wrongful termination claim with the Equal Employment Opportunity Commission ("EEOC"). By letter dated October 3, 1995, the EEOC advised Dean that her charge had been dismissed and informed her that she had a right to sue within ninety (90) days from the date of the EEOC notice. Dean gave Respondent a copy of the October 3, 1995, EEOC letter, and she gave him a copy of a diagnostic analysis of her psychological condition. Dean advised Respondent that she wanted him to pursue her wrongful termination suit against MMC and all other remedies she might have against MMC, including any claims under the Americans with Disabilities Act ("ADA").

#### VI.

Following their initial conference, Dean and Respondent met several times to discuss the case but, thereafter, Respondent failed to return Dean's calls and keep her informed about the status of her matter. Additionally, Respondent failed to follow through with the investigations

and meetings necessary to diligently pursue Dean's case, thereby neglecting the legal matter entrusted to him. Finally, in or around April 1996, Dean learned that, contrary to representations Respondent made to her, Respondent had never filed a wrongful termination suit, or any other suit, against MMC in federal court on her behalf. By failing to file a wrongful termination suit on behalf of Dean in federal court prior to the expiration of ninety (90) days, Respondent lost Dean's right to sue MMC for wrongful termination and failed to carry out the obligations he owed to his client. By the manner in which he handled Dean's case, Respondent failed to explain the matter to Dean to the extent reasonably necessary to permit her to make an informed decision regarding the representation; failed to abide by Dean's decision concerning the objectives and general methods of the representation; and neglected the matter entrusted to him.

#### VII.

On or about April 17, 1996, Dean wrote Respondent a letter terminating his services and, because Respondent had failed to file a Petition in federal court on her behalf, Dean asked Respondent to refund the \$500.00 retainer, which she had paid. Respondent failed to comply with Dean's request and did not refund her money.

#### VIII.

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), 1.02(a)(1), 1.03(a) and/or 1.03(b) 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 Mary Ann Dean filing a complaint on or about June 25, 1996.

**PRAYER**

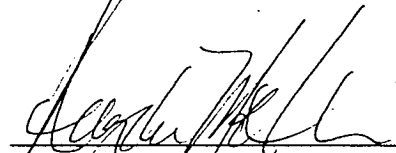
**WHEREFORE, PREMISES CONSIDERED,** Petitioner prays for judgment that Respondent be disciplined as the facts shall warrant; and that Petitioner have such other relief to which entitled, including costs of Court and attorney's fees.

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 339 406 510**

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

**RE: Commission for Lawyer Discipline v. Charles Shavers, Jr.**

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 Charles Shavers, Jr. Mr. Shavers 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:

**Charles Shavers, Jr.  
Wells Fargo Bank Bldg.  
5801 Marvin D. Love Frwy.  
Suite 404  
Dallas, Texas 75237**

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.

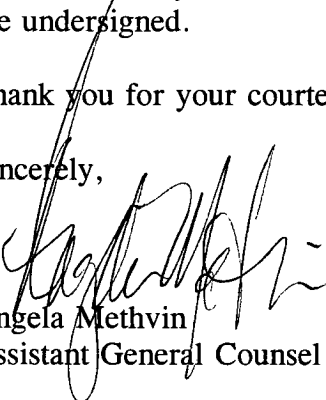
Regency Plaza, 3710 Rawlins, Suite 800, Dallas, Texas 75219  
Telephone: (214) 559-4353 Fax: (214) 559-4335

John T. Adams, Clerk  
June 25, 1997  
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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,



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

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 16, 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. Charles Shavers, Jr., and a copy of the Supreme Court's order appointing the Honorable Robert P. Brotherton, Judge of the 30<sup>th</sup> District Court, Wichita Falls, Texas, to preside in this Disciplinary Action.

Sincerely,

**SIGNED**

John T. Adams  
Clerk

cc: Hon. Robert P. Brotherton  
Mr. Charles Shavers, Jr.  
Ms. Angela Methvin



## THE SUPREME COURT OF TEXAS

CHIEF JUSTICE  
THOMAS R. PHILLIPS

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JAMES A. BAKER  
GREG ABBOTT

July 16, 1997

Honorable Robert P. Brotherton  
Judge, 30<sup>th</sup> District Court  
900 7<sup>th</sup> Street, #360  
Wichita Falls, Texas 76301

Dear Judge Brotherton:

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. Shavers, 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



## THE SUPREME COURT OF TEXAS

CHIEF JUSTICE  
THOMAS R. PHILLIPS

POST OFFICE BOX 12248 AUSTIN, TEXAS 78711

TEL: (512) 463-1312

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GREG ABBOTT

July 16, 1997

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

Mr. Charles Shavers, Jr.  
Wells Fargo Bank Bldg.  
5801 Marvin D. Love Freeway, Suite 404  
Dallas, Texas 75237

Dear Ms. Methvin and Mr. Shavers:

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 Robert P. Brotherton, Judge of the 30<sup>th</sup> District Court, Wichita Falls, Texas to preside in

Commission for Lawyer Discipline v. Charles Shavers, Jr.

Sincerely,

SIGNED

John T. Adams  
Clerk