

ORDER OF THE SUPREME COURT OF TEXAS

9152

Misc. Docket No. 00-----

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

The Supreme Court of Texas hereby appoints the Honorable Elizabeth Coker, Judge of the 258th District Court of Trinity County, Texas, to preside in the Disciplinary Action styled:

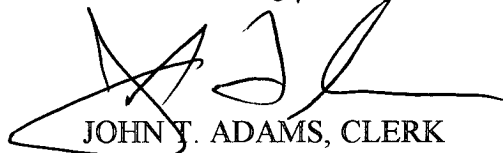
**The Commission for Lawyer Discipline v. Steven L. Rushing**

filed in a District Court of Gregg County, Texas.

The Clerk of the Supreme Court shall promptly forward to the District Clerk of Gregg County, Texas, a copy of this Order and 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,

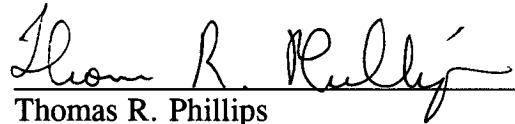
With the Seal thereof affixed at the City  
Of Austin, this 20<sup>th</sup> day of October, 2000.



JOHN T. ADAMS, CLERK  
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 00-9152, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 23 day of October, 2000.

  
\_\_\_\_\_  
Thomas R. Phillips  
Chief Justice

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

COMMISSION FOR LAWYER DISCIPLINE	§	IN THE DISTRICT COURT OF
V.	§	GREGG COUNTY, TEXAS
STEVEN L. RUSHING	§	_____ 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, Steven L. Rushing, (hereinafter called "Respondent"), showing the Court:

**I.**

**Discovery Control Plan**

Pursuant to Rules 190.1 and 190.2, TEXAS RULES OF CIVIL PROCEDURE (TRCP), Petitioner intends discovery in this case to be conducted under the Level II Discovery Control Plan.

**II.**

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.

**III.**

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 Gregg County, Texas.

An officer may serve citation on Respondent's attorney, Steven L. Lee, 3921 Steck Avenue, Suite A119, Austin, Texas 78759-8647.

#### IV.

On or about August 17, 1994, Morris Newsome (hereinafter referred to as "Newsome") employed Respondent to represent him in a personal injury case, arising from a one vehicle accident which occurred on July 12, 1994. Thereafter, on July 12, 1996, Respondent filed suit on behalf of Newsome. Respondent had citation issued and one attempt was made at service, but Respondent failed to obtain substituted service. As a result of such failure on the part of Respondent, the statute of limitations ran on Newsome's claim. After Respondent became aware of the fact that limitations had run on Newsome's claim, he volunteered to settle the matter by compensating him.

#### V.

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

#### VIII.

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 Morris Newsome filing a complaint on or about February 16, 1998.

#### 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

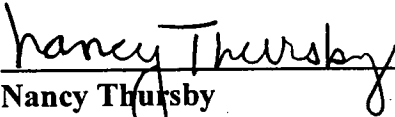
which entitled, including costs of Court and attorney's fees.

Respectfully submitted,

**Dawn Miller**  
Chief Disciplinary Counsel

**Nancy Thursby**  
Regional Counsel

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

  
\_\_\_\_\_  
Nancy Thursby  
State Bar Card No. 12824400

ATTORNEYS FOR PETITIONER

# STATE BAR OF TEXAS



Office of the Chief Disciplinary Counsel

July 18, 2000

**CMRRR NO. Z 435 433 936**

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

***RE: Commission for Lawyer Discipline v. Steven L. Rushing***

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 Steven L. Rushing. Mr. Rushing has designated Gregg 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:

**Steven L. Rushing  
c/o Steven Lee  
3921 Steck Avenue  
Suite A119  
Austin, Texas 78759-8647**

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. 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

John T. Adams, Clerk

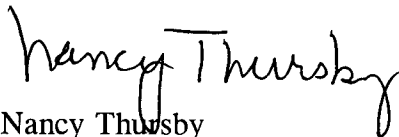
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Once a trial judge has been appointed, please forward the original and two (2) copies of the Disciplinary Petition, the filing fee check, also enclosed herewith, and the Court's appointing order to the District Clerk of Gregg County, Texas, with the 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 Gregg County, Texas, and a return envelope to be sent to the District Clerk of Gregg 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 "Nancy Thursby". The signature is written in black ink and is positioned above the printed name and title.

Nancy Thursby  
Regional Counsel

Enclosures: As stated



# The Supreme Court of Texas

CHIEF JUSTICE  
THOMAS R. PHILLIPS

201 West 14th Street Post Office Box 12248 Austin TX 78711  
Telephone: 512/463-1312 Facsimile: 512/463-1365

CLERK  
JOHN T. ADAMS

JUSTICES  
NATHAN L. HECHT  
CRAIG T. ENOCH  
PRISCILLA R. OWEN  
JAMES A. BAKER  
GREG ABBOTT  
DEBORAH G. HANKINSON  
HARRIET O'NEILL  
ALBERTO R. GONZALES

EXECUTIVE ASSISTANT  
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASST  
JIM HUTCHESON

ADMINISTRATIVE ASSISTANT  
NADINE SCHNEIDER

OCT 25 2000

Honorable Elizabeth Coker  
Judge, 258<sup>th</sup> District Court  
P.O. Box 1115  
Groveton, Texas 75845

Dear Judge Coker:

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. Rushing and Ms. Thursby, and a copy of the letter to the District Clerk of Gregg County.

We then recommend that, four or five weeks after receipt of this letter, you or your coordinator contact the presiding judge or the District Clerk of Gregg County to find out the district court to which this disciplinary case has been assigned. We then recommend that, either before or immediately after you set the case for trial, the judge or coordinator of that court 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 claims forms for your expenses and other information incident to presiding over this disciplinary case.

Sincerely,

**SIGNED**

John T. Adams  
Clerk





# The Supreme Court of Texas

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OCT 25 2000

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

Mr. Steven L. Rushing  
c/o Steven Lee  
3921 Steck Avenue, Suite A119  
Austin, Texas 78759-8647

Dear Ms. Thursby and Mr. Rushing:

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 Elizabeth Cooper, Judge of the 258<sup>th</sup> District Court, Groveton, Texas to preside in

*Commission for Lawyer Discipline v. Steven L. Rushing*

Sincerely,

SIGNED

John T. Adams  
Clerk



# The Supreme Court of Texas

CHIEF JUSTICE  
THOMAS R. PHILLIPS

201 West 14th Street Post Office Box 12248 Austin TX 78711  
Telephone: 512/463-1312 Facsimile: 512/463-1365

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JIM HUTCHESON

ADMINISTRATIVE ASSISTANT  
NADINE SCHNEIDER

OCT 25 2000

The Honorable Ruby Cooper  
District Clerk of Gregg County  
P.O. Box 711  
Longview, Texas 75606

Dear Ms. Cooper:

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. Steven L. Rushing* and a copy of the Supreme Court's order appointing the Honorable Elizabeth Coker, Judge of the 258<sup>th</sup> District Court, Groveton, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams  
Clerk

cc: Hon. Elizabeth Coker  
Ms. Nancy Thursby  
Mr. Steven L. Rushing