

ORDER OF THE SUPREME COURT OF TEXAS

Misc Docket No. 97- 9060

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

The Supreme Court of Texas hereby appoints the Honorable William E. Moody, Judge of the 34th District Court of El Paso County, Texas, to preside in the Disciplinary Action styled:


The Commission for Lawyer Discipline v. Donna Henry-Rummel

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

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

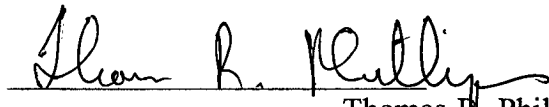
with the Seal thereof affixed at the City
of Austin, this 2nd day of April, 1997.



JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 97-9060, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 3 day of April, 1997.


Thomas R. Phillips
Chief Justice

CAUSE NO. _____

COMMISSION FOR LAWYER DISCIPLINE	§	IN THE DISTRICT COURT OF
V.	§	GALVESTON COUNTY, TEXAS
DONNA HENRY-RUMMEL	§	_____ JUDICIAL DISTRICT

DISCIPLINARY PETITION

TO THE HONORABLE JUDGE OF THE COURT:

The Commission for Lawyer Discipline ("Petitioner"), a permanent committee of the State Bar of Texas, files this Disciplinary Petition against Donna Henry-Rummel ("Respondent"), an attorney licensed to practice law in the State of Texas, showing the Court as follows:

1. NATURE OF PROCEEDING

Petitioner brings this disciplinary action pursuant to the State Bar Act, the Texas Government Code Annotated §81.001, *et seq.* (Vernon 1988 and supp. 1994), the Texas Disciplinary Rules of Professional Conduct, and the Texas Rules of Disciplinary Procedure. The complaints that form the basis of this disciplinary petition were filed on or after May 1, 1992.

2. VENUE

Henry-Rummel is an attorney licensed to practice law in Texas and is a member of the State Bar of Texas. Henry-Rummel is a resident of Galveston County, Texas. Henry-Rummel's principal place of practice is located in Galveston County, Texas. Therefore venue is appropriate in Galveston County, Texas, pursuant to Rule 3.03 of

the Texas Rules of Disciplinary Procedure.

3. ISSUANCE OF CITATION AND SERVICE OF PROCESS REQUESTED

3.01 Petitioner requests that citation be issued and process be served upon Henry-Rummel.

3.02 Henry-Rummel may be served at her business address located at 2538 Wheelwright, Friendswood, TX 77546.

4. HENRY-RUMMEL COMMITTED PROFESSIONAL MISCONDUCT IN VIOLATION OF TEXAS DISCIPLINARY RULE OF PROFESSIONAL CONDUCT 8.04(a)(3)

4.01 On or about December 1, 1992, Gaile Henry ("Henry") purchased a 1992 Toyota from Kinsel Ford Lincoln Mercury in Beaumont, Texas. Henry financed the purchase of this 1992 Toyota through Bank One. The terms of the financing required Henry to make 48 monthly payments.

4.02 Sometime before, or after, purchasing the 1992 Toyota, Henry agreed to sell the 1992 Toyota to Sharon Kay Golightly ("Golightly"). Thereafter, Golightly paid Henry on a monthly basis for the car note and insurance premium.

4.03 Henry died during the latter part of 1994. Shortly thereafter, Golightly met with Respondent, the executrix and beneficiary of Henry's Estate. At that time Golightly told Respondent of her agreement with Henry regarding the 1992 Toyota.

4.04 Sometime after their meeting, Respondent told Golightly that if Golightly paid Henry's Estate the balance of the note on the 1992 Toyota, which was approximately \$4,000.00, the title of the 1992 Toyota would be transferred to Golightly. On or about March 10, 1995, the balance of the note on the 1992 Toyota was paid in full. However,

the title of the 1992 Toyota was not transferred to Golightly as previously promised by Respondent. Respondent engaged in conduct involving dishonesty, deceit and misrepresentation in her dealings with Golightly.

5. PRAYER

Petitioner requests this Court to discipline Henry-Rummel by disbarment, suspension or reprimand, as the facts shall warrant; and that the Petitioner have all other relief to which it may show itself to be justly entitled, including costs of court and attorney's fees.

Respectfully submitted,

Steven W. Young
General Counsel

Diego J. Vargas
Assistant General Counsel

Office of the General Counsel
STATE BAR OF TEXAS
1111 Fannin, Suite 1370
Houston, Texas 77002
(713) 759-6931
Fax No. (713) 752-2158



DIEGO J. VARGAS
State Bar No. 00791847

ATTORNEYS FOR THE COMMISSION FOR
LAWYER DISCIPLINE

STATE BAR OF TEXAS



Office of the General Counsel

March 3, 1997

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

Re: Commission for Lawyer Discipline v. Donna Henry-Rummel

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 Donna Henry-Rummel. Ms. Henry-Rummel has designated Galveston County, Texas as her 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 hereby made that you notify the Respondent at the address shown below and the undersigned of the identity and address of the judge assigned:

Donna Henry-Rummel
2538 Wheelwright
Friendswood, Texas 77546

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 Civil Case Information Sheet, and the filing fee check, also enclosed herewith, and the Court's appointing order to the District Clerk of Galveston County, Texas, with the request that the suit be filed, citation be issued, and citation, along with a file-stamped copy of the petition be returned to the undersigned.

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

Mr. John T. Adams, Clerk
Supreme Court of Texas
March 3, 1997
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If you have any questions, please contact me. Thank you for your assistance.

Very truly yours,

A handwritten signature in black ink that reads "Diego Vargas". The signature is written in a cursive style with a large, stylized "D" and "V".

Diego J. Vargas
Assistant General Counsel

DJV/slk
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

April 4, 1997

Mr. Diego J. Vargas
Assistant General Counsel, State Bar of Texas
1111 Fannin, Suite 1370
Houston, Texas 77002

Ms. Donna Henry-Rummel
2538 Wheelwright
Friendswood, Texas 77546

Dear Mr. Vargas and Ms. Henry-Rummel:

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 William E. Moody, Judge of the 34th District Court, El Paso, Texas to preside in

Commission for Lawyer Discipline v. Donna Henry-Rummel

Sincerely,

SIGNED

John T. Adams
Clerk



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

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GREG ABBOTT

EXECUTIVE ASS'T
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

April 4, 1997

The Honorable Evelyn Wells Robison
District Clerk of Galveston County
722 Moody Avenue
Galveston, Texas 77550

Dear Ms. Robison:

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. Donna Henry-Rummel, and a copy of the Supreme Court's order appointing the Honorable William E. Moody, Judge of the 34th District Court, El Paso, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Hon. William E. Moody
Ms. Donna Henry-Rummel
Mr. Diego J. Vargas



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

POST OFFICE BOX 12248 AUSTIN, TEXAS 78711

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EXECUTIVE ASS'T
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

April 4, 1997

Honorable William E. Moody
Judge, 34th District Court
905 Courthouse
500 E. San Antonio Avenue
El Paso, Texas 79901-2496

Dear Judge Moody:

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. Henry-Rummel and Mr. Vargas, and a copy of the letter to the District Clerk of Galveston 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 Galveston 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 date 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 (713-655-2700) 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