

ORDER OF THE SUPREME COURT OF TEXAS

Misc Docket No. 98- 9159

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

The Supreme Court of Texas hereby appoints the Honorable William L. McAdams, Judge of the 12th District Court of Walker County, Texas, to preside in the Disciplinary Action styled:


The Commission for Lawyer Discipline v. James C. Belt, 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 14th day of September, 1998.


JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 98-9159, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 23 day of September, 1998.

A handwritten signature in cursive script that reads "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. §
JAMES C. BELT, JR § DALLAS COUNTY, TEXAS
§ _____ 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, James C. Belt, 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 by and through his attorney of record, Henry Voegtle, 5551 Yale Boulevard, Suite 100, Dallas, Texas 75206.

III.

On or about November 6, 1995, Ronnie Holmes (“Holmes”) hired Respondent to prosecute a pending legal malpractice lawsuit. By agreeing and then continuing to represent Holmes in this matter, Respondent handled a matter that he should have known had gone beyond his competence. Prior to hiring Respondent, Holmes had filed and prosecuted the lawsuit pro-se. The defendants had filed a Motion for Summary Judgment based on admissions deemed admitted by Holmes due to Holmes’ failure to answer them. Holmes had represented himself at the summary judgment hearing where the judge continued the hearing for three (3) weeks to allow Holmes to retain counsel. Upon being retained by Holmes, Respondent failed to move to withdraw the deemed admissions under Rule 169 of the Texas Rules of Civil Procedure. Instead, on December 1, 1995, Respondent filed a response to the defendants’ Request for Admissions based upon a conversation with the defendant’s counsel wherein Respondent understood that the defendants would withdraw their Motion for Summary Judgment upon his filing the response. Respondent, however, had failed to reduce any such understanding to writing, as required by Rule 11 of the Texas Rules of Civil Procedure, and the defendants denied that any such understanding existed. The presiding judge signed the order granting summary judgment on November 30, 1995.

IV.

Respondent then filed a Motion for New Trial on December 21, 1995, arguing that the summary judgment should be set aside because the defendants had agreed to withdraw their summary judgment motion if a response was filed to their Request for Admissions. In their response, the defendants denied that they had entered into any such agreement and that, in any event,

no such agreement had been reduced to writing as required by the rules of procedure. Respondent failed to request a hearing on the Motion for New Trial and the motion was overruled by operation of law. Thereafter, Respondent failed to perfect an appeal of the granting of Summary Judgment and denial of a new trial. As a result, Holmes could appeal neither the summary judgment ruling nor the denial of the Motion for New Trial.

V.

On December 4, 1996, Respondent filed a Bill of Review in which he argued that the summary judgment in the legal malpractice suit had been rendered by fraud on the part of the defendants. In response, the defendants argued that the Bill of Review should be dismissed because Respondent had failed to pursue all legal remedies prior to filing the Bill of Review (i.e., Respondent had failed to request a hearing for the Motion for New Trial and had failed to perfect an appeal on either the denial of the Motion for New Trial or the granting of the summary judgment). On July 1, 1997, at the conclusion of a pre-trial hearing on the Bill of Review, the presiding judge announced that he would dismiss the Bill of Review. Prior the entering of the dismissal, Respondent moved to non-suit the Bill of Review and the judge granted the non-suit.

VI.

On September 4, 1997, Respondent filed a second Bill of Review in which he made the exact same arguments as contained in his original Bill of Review; that the summary judgment in the legal malpractice suit had been rendered by fraud on the part of the defendants. One month later, Respondent non-suited the second Bill of Review because the defendants indicated they would seek sanctions against Respondent and Holmes for harassment and filing a frivolous lawsuit.

VII.

During the course of the representation, Respondent repeatedly failed to inform Complainant of the status of his case and failed to return Complainant's telephone calls.

VIII.

Such acts and/or omissions on the part of Respondent as are described in Paragraphs III, IV and V, and VI hereinabove, which occurred on or after January 1, 1990, constitute conduct which violates Rules 1.01(a), 1.01(b)(1) and 1.03(a) 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 Ronnie Holmes filing a complaint on or about December 30, 1997.

PRAYER

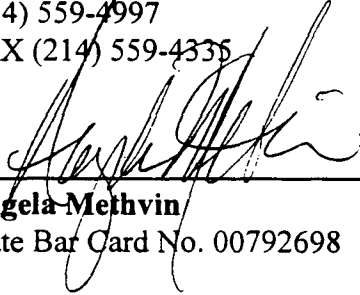
WHEREFORE, PREMISES CONSIDERED, Petitioner prays for judgment that Respondent be disciplined as the facts shall warrant; and that Petitioner have such other relief to which entitled, including costs of Court and attorney's fees.

Respectfully submitted,

Steve W. Young
General Counsel

Angela Methvin
Assistant General Counsel

State Bar of Texas
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

August 20, 1998

CMRRR NO. Z 359 585 060

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

RE: *Commission for Lawyer Discipline v. James C. Belt, 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 James C. Belt, Jr.. Mr. Belt has designated Dallas 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's attorney at the address shown below and the undersigned of the identity and address of the judge assigned:

**James C. Belt, Jr.
c/o Henry L. Voegtle
Highland Park Place, Suite 710
Dallas, Texas 75205
(214) 522-5222**

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.

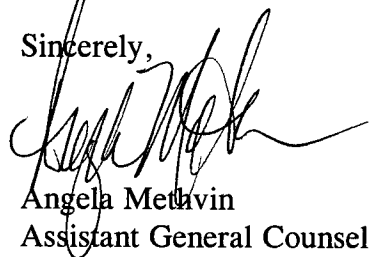
Regency Plaza, 3710 Rawlins, Suite 800, Dallas, Texas 75219
Telephone: (214) 559-4353 Fax: (214) 559-4335

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 Dallas 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 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-marked copy of the Petition to the undersigned.

Thank you for your courtesies in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Angela Methvin', written over the typed name and title.

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 ASST
WILLIAM L. WILLIS

ADMINISTRATIVE ASST
NADINE SCHNEIDER

JUSTICES
RAUL A. GONZALEZ
NATHAN L. HECHT
CRAIG T. ENOCH
ROSE SPECTOR
PRISCILLA R. OWEN
JAMES A. BAKER
GREG ABBOTT
DEBORAH G. HANKINSON

OCT 02 1998

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

Mr. C. Belt, Jr.
c/o Henry L. Voegtle
Highland Park Place, Suite 710
Dallas, Texas 75205

Dear Ms. Methvin and Mr. Belt:

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 L. McAdams, Judge of the 12th District Court, Huntsville, Texas to preside in

Commission for Lawyer Discipline v. James C. Belt, Jr.

Sincerely,

SIGNED

John T. Adams
Clerk



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

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WILLIAM L. WILLIS

ADMINISTRATIVE ASST
NADINE SCHNEIDER

OCT 02 1998

Honorable William L. McAdams
Judge, 12th District Court
303 Courthouse
1100 University Avenue
Huntsville, Texas 77340

Dear Judge McAdams:

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. Belt, 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

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EXECUTIVE ASS'T
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

OCT 02 1998

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. James C. Belt, Jr.*, and a copy of the Supreme Court's order appointing the Honorable William L. McAdams, Judge of the 12th District Court of Huntsville, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Hon. William L. McAdams
Ms. Angela Methvin
Mr. James C. Belt, Jr.