

CAUSE NO. 36282

COMMISSION FOR LAWYER DISCIPLINE	§	IN THE DISTRICT COURT OF
	§	
V.	§	WASHINGTON COUNTY, TEXAS
	§	
GEORGE M. BISHOP, III 201607074	§	21st JUDICIAL DISTRICT
	§	

MODIFIED JUDGMENT OF PARTIALLY PROBATED SUSPENSION

Parties and Appearance

On April 16, 17, and 18, 2018, the above-entitled and numbered case was called by the Court with the Honorable Brenda Kennedy presiding pursuant to her appointment by the Supreme Court of Texas as set forth in Rule 3.02 of the Texas Rules of Disciplinary Procedure. Petitioner, the Commission for Lawyer Discipline (“Petitioner”), appeared through counsel, Judith Gres DeBerry and Amanda Kates, and announced ready. Respondent, George M. Bishop, III (“Respondent”), Texas Bar Number 02353000, appeared in person and announced ready.

Jurisdiction and Venue

The Court finds that it has jurisdiction over the parties and the subject matter of this action and that venue is proper in Washington County, Texas.

Professional Misconduct

The case proceeded to trial before a jury of twelve (12) duly qualified and selected jurors. After due deliberation, on April 18, 2018, the jury returned a verdict. Based on the jury’s verdict, the Court finds that the acts, omissions, and conduct of Respondent, George M. Bishop, III, constitutes violation of Rule 1.01(b)(1), of the Texas Disciplinary Rules of Professional Conduct. As to such violation, the Court finds that Respondent, George M. Bishop, III, has committed professional misconduct as defined in Rule 1.06(V) of the Texas Rules of Disciplinary Procedure.

The Charge of the Court and the verdict of the jury are incorporated in this Judgment by reference for all purposes as if fully set forth at length and attached hereto as Exhibit "A".

Judgment of Suspension

The Court finds that the appropriate discipline is a suspension from the practice of law in the State of Texas for a period of two (2) years, with twelve (12) months of said suspension to be an active suspension, and twelve (12) months of said suspension to be probated, upon the terms and conditions set forth below.

ACCORDINGLY, it is ORDERED, ADJUDGED, AND DECREED that Respondent be suspended from the practice of law for a period of two (2) years, beginning May 1, 2018, and ending April 30, 2020. Respondent shall be actively suspended from the practice of law for a period of twelve (12) months beginning May 1, 2018, and ending April 30, 2019. If Respondent complies with all of the following terms and conditions timely, the twelve month period of probated suspension shall begin on May 1, 2019, and shall end on April 30, 2020.

Terms and Conditions

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED, that during the term of active suspension herein ordered, Respondent, George M. Bishop, III, shall be prohibited from practicing law in Texas, holding himself out as an attorney at law, performing any legal services for others, accepting any fee directly or indirectly for legal services, appearing as counsel or in any representative capacity in any proceeding in any Texas or Federal court or before any administrative body, or holding himself out to others or using his name, in any manner, in conjunction with the words "attorney at law," "attorney," "counselor at law," or "lawyer." This includes the prohibition against Respondent advertising in any form, including but not limited to the internet, as an "attorney," "attorney at law," "counselor at law," or "lawyer."

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED, that Respondent, George M. Bishop, III, on or before May 1, 2018, shall notify each of his current clients and opposing counsel in writing of this suspension. In addition to such notification, Respondent is ORDERED to return any files, papers, unearned money, and other property belonging to clients in the Respondent's possession to the respective clients or to another attorney at the client's request. Respondent is ORDERED to file with the Statewide Compliance Monitor, Office of the Chief Disciplinary Counsel, P.O. Box 12487, Austin, Texas 78711 (1414 Colorado St., Austin, Texas 78701), on or before May 1, 2018, an affidavit stating that all current clients and opposing counsel have been notified of the Respondent's suspension and that all files, papers, money and other property belonging to all clients have been returned as ordered herein.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Respondent shall, on or before May 1, 2018, notify in writing each and every justice of the peace, judge, magistrate, and chief justice of each and every court in which Respondent has any matter pending of the terms of this Judgment, the style and cause number of the pending matter(s), and the name(s), address(es) and telephone number(s) of the client(s) Respondent is representing in Court. Respondent is ORDERED to file with the Statewide Compliance Monitor, Office of the Chief Disciplinary Counsel, P.O. Box 12487, Austin, Texas 78711 (1414 Colorado St., Austin, Texas 78701), on or before May 1, 2018, an affidavit stating that he has notified in writing each and every justice of the peace, judge, magistrate, and chief justice of each and every court in which Respondent has any matter(s) pending of the terms of this Judgment, the style and cause number(s) of the pending matter(s), and the name(s), address(es) and telephone number(s) of the client(s) Respondent is representing in Court.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Respondent, George M. Bishop, III, shall, on or before May 1, 2018, surrender his Texas law license and permanent State Bar Card to the Statewide Compliance Monitor, Office of the Chief Disciplinary Counsel, P.O. Box 12487, Austin, Texas 78711, for transmittal to the Clerk of the Supreme Court of Texas. In the event Respondent's law license or State Bar Card cannot be located, Respondent, George M. Bishop, III, shall, on or before May 1, 2018, file an affidavit with the Statewide Compliance Monitor, Office of the Chief Disciplinary Counsel, P.O. Box 12487, Austin, Texas 78711, stating that his law license and/or State Bar Card cannot be located.

IT IS FURTHER ORDERED, ADJUDGED, and DECREED that as an additional sanction arising from Respondent's professional misconduct, the State Bar of Texas shall have judgment against Respondent for reasonable and necessary attorneys' fees and expenses of litigation in the amount of \$10,000 (ten thousand dollars and 0/100). Payment shall be made by certified or cashier's check or money order made payable to the State Bar of Texas and delivered, on or before April 30, 2019, to the Statewide Compliance Monitor, Office of the Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, Texas 78711-2487 (1414 Colorado St., Austin, Texas 78701).

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that all amounts ordered herein are due to the misconduct of Respondent, and are assessed as a part of the sanction in accordance with Rule 1.06(W) of the Texas Rules of Disciplinary Procedure. Any amount not paid shall accrue interest at the maximum legal rate per annum until paid, and the State Bar of Texas shall have all writs and other post-judgment remedies against Respondent in order to collect all unpaid amounts.

Should Respondent fail to comply with all of the above terms and conditions timely, Respondent shall remain actively suspended until the date of compliance or until April 30, 2020, whichever occurs first.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that during all periods of suspension, active or probated, Respondent shall be under the following terms and conditions:

1. Respondent shall not violate any term of this Judgment.
2. Respondent shall not be found guilty of, or plead “no contest” to, any intentional or serious crime, barratry, or any crime involving moral turpitude or any misdemeanor or felony involving theft, embezzlement, or fraudulent misappropriation of money or property, nor violate the laws of the United States or any other State other than minor traffic violations.
3. Respondent shall not violate any of the provisions of the Texas Disciplinary Rules of Professional Conduct.
4. Respondent will maintain a current status regarding occupation tax and membership fees in accordance with Article III of the State Bar Rules.
5. Respondent shall comply with Minimum Continuing Legal Education (MCLE) requirements in accordance with Article III of the State Bar Rules.
6. Respondent shall comply with Interest on Lawyers Trust Account (IOLTA) requirements in accordance with Article III of the State Bar Rules.
7. Respondent shall keep the State Bar of Texas Membership Department and the Office of the Chief Disciplinary Counsel notified of his current business and home addresses, and telephone numbers, and shall send notice, within ten (10) days of any change in address or telephone number.
8. Respondent shall promptly respond to any request for information from the Chief Disciplinary Counsel in connection with any investigation of any allegations of professional misconduct.
9. Respondent shall cooperate fully with the Chief Disciplinary Counsel’s Office of the State Bar of Texas in its efforts to monitor compliance with the terms and conditions of this Judgment.

Motion to Revoke Probation

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that if evidence arises that Respondent has committed professional misconduct or has violated any term of this judgment, the State Bar of Texas may, in addition to all other remedies available, file a motion to revoke probation with the District Court in the County of Respondent's residence or place of practice and serve a photocopy of the Motion on Respondent pursuant to Tex.R.Civ.P. 21a.

The Court shall, without the aid of a jury and within thirty (30) days of service of the motion upon Respondent, conduct an evidentiary hearing. At the hearing, the Court shall determine by a preponderance of the evidence whether Respondent has violated any term or condition of probation of this Judgment. If the Court finds that Respondent has committed acts of professional misconduct during the period of probated suspension or violated any term of this probation or this Judgment, the Court shall enter an Order revoking probation and placing Respondent on active suspension from the date of such revocation order. Upon revocation, Respondent shall be actively suspended for the full four-year term of suspension and shall not be given credit for any term of probation served prior to the revocation. An order revoking probation may not be superseded or stayed.

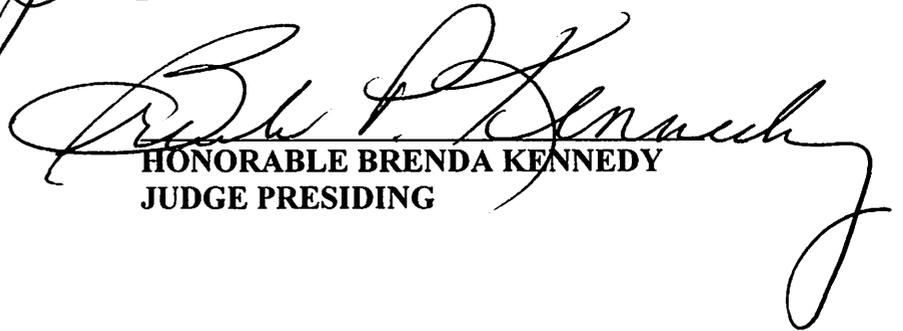
IT IS FURTHER ORDERED that any conduct on the part of Respondent which serves as the basis for a motion to revoke probation may also be brought as independent grounds for discipline as allowed under the Texas Disciplinary Rules of Professional Conduct and Texas Rules of Disciplinary Procedure and/or the State Bar Rules.

IT IS FURTHER ORDERED that this suspension shall be made a matter of public record and shall be published in the Texas Bar Journal.

IT IS FURTHER ORDERED that the Clerk of this court shall forward a certified copy of Petitioner's Second Amended Disciplinary Petition on file herein, along with a certified copy of this judgment, to the Clerk of the Supreme Court of Texas, Supreme Court Building, P.O. Box 12248, Austin, Texas 78711, and to the Office of the Chief Disciplinary Counsel, P.O. Box 12487, Austin, Texas 78711.

All requested relief not expressly granted herein is expressly denied.

SIGNED this 30 day of April 2018.



HONORABLE BRENDA KENNEDY
JUDGE PRESIDING

APPROVED AS TO FORM & SUBSTANCE

George M. Bishop, III
Respondent

Judith Gres DeBerry
Attorney for Petitioner

ORIGINAL

CAUSE NO. 36282

**COMMISSION FOR LAWYER
DISCIPLINE**

V.

**GEORGE M. BISHOP, III
201607074**

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IN THE DISTRICT COURT OF

WASHINGTON COUNTY, TEXAS

21st JUDICIAL DISTRICT

FILED

APR 13 3:40 O'CLOCK P M

APR 17 2018

TAMMY BRAUNER
District Clerk, Washington County
By *Tammy Brauner*

CHARGE OF THE COURT

LADIES AND GENTLEMEN OF THE JURY:

After the closing arguments, you will go to the jury room to decide the case, answer the questions that are attached, and reach a verdict. You may discuss the case with other jurors only when you are all together in the jury room.

Remember my previous instructions: Do not discuss the case with anyone else, either in person or by any other means. Do not do any independent investigation about the case or conduct any research. Do not look up any words in dictionaries or on the internet. Do not post information about the case on the internet. Do not share any special knowledge or experiences with the other jurors. Do not use your phone or any other electronic device during your deliberations for any reason.

Any notes you have taken are for your own personal use. You may take your notes back into the jury room and consult them during deliberations, but do not show or read your notes to your fellow jurors during your deliberations. Your notes are not evidence. Each of you should rely on your independent recollection of the evidence and not be influenced by the fact that another juror has or has not taken notes.

You must leave your notes with the bailiff when you are not deliberating. The bailiff will give your notes to me promptly after collecting them from you. I will make sure your notes are



kept in a safe, secure location and not disclosed to anyone. After you complete your deliberations, the bailiff will collect your notes. When you are released from jury duty, the bailiff will promptly destroy your notes so that nobody can read what you wrote.

Here are the instructions for answering the questions.

1. Do not let bias, prejudice or sympathy play any part in your deliberations.
2. Base your answers only on the evidence admitted in court and on the law that is in these instructions and questions. Do not consider or discuss any evidence that was not admitted in the courtroom.
3. You are to make up your own minds about the facts. You are the sole judges of the credibility of the witnesses and the weight to give their testimony. But on matters of law, you must follow all of my instructions.
4. If my instructions use a word in a way that is different from its ordinary meaning, use the meaning I give you, which will be a proper legal definition.
5. All the questions and answers are important. No one should say that any question or answer is not important.
6. Answer "yes" or "no" to all questions unless you are told otherwise. A "yes" answer must be based on a preponderance of the evidence. Whenever a question requires an answer other than "yes" or "no," your answer must be based on a preponderance of the evidence.

The term "preponderance of the evidence" means the greater weight of credible evidence presented in this case. If you do not find that a preponderance of the evidence supports a "yes" answer, then answer "no." A preponderance of the evidence is not measured by the number of witnesses or by the number of documents admitted in evidence. For a fact to be proved by a preponderance of the evidence, you must find that the fact is more likely true than not true.

A fact may be established by direct evidence or by circumstantial evidence or both. A fact is established by direct evidence when proved by documentary evidence or by witnesses who saw the act done or heard the words spoken. A fact is established by circumstantial evidence when it may be fairly and reasonably inferred from other facts proved.

7. Do not decide who you think should win before you answer the questions and then just answer the questions to match your decision. Answer each question carefully without considering who will win. Do not discuss or consider the effect your answers will have.
8. Do not answer questions by drawing straws or by any method of chance.

9. Do not trade your answers. For example, do not say, "I will answer this question your way if you answer another question my way."
10. The answers to the questions must be based on the decision of at least 10 of the 12 jurors. The same 10 jurors must agree on every answer. Do not agree to be bound by a vote of anything less than 10 jurors, even if it would be a majority.

As I have said before, if you do not follow these instructions, you will be guilty of juror misconduct, and I might have to order a new trial and start this process over again. This would waste your time and the parties' money, and would require the taxpayers of this county to pay for another trial. If a juror breaks any of these rules, tell that person to stop and report it to me immediately.

QUESTION NO. 1

In representing Ginger Fuchs, did George Bishop neglect a legal matter entrusted to him by Ginger Fuchs?

"Neglect" signifies inattentiveness involving a conscious disregard for the responsibilities owed to a client.

Answer "Yes" or "No."

Answer: Yes

Question I

Verdict Certificate

Check one:

 Our verdict is unanimous. All 12 of us have agreed to each and every answer. The presiding juror has signed the certificate for all 12 of us.

Signature of Presiding Juror

Printed Name of Presiding Juror

Our verdict is not unanimous. Eleven of us have agreed to each and every answer and have signed the certificate below.

 Our verdict is not unanimous. Ten of us have agreed to each and every answer and have signed the certificate below.

Signature:

Printed Name:

- | | |
|------------------------|-------------------------------|
| 1. <u>[Signature]</u> | 1. <u>Jonathan Purvis</u> |
| 2. <u>[Signature]</u> | 2. <u>Thaddeus Smith</u> |
| 3. <u>[Signature]</u> | 3. <u>Amanda Leigh Linden</u> |
| 4. <u>[Signature]</u> | 4. <u>David Johnston</u> |
| 5. <u>[Signature]</u> | 5. <u>Kathy R. Randermann</u> |
| 6. <u>[Signature]</u> | 6. <u>Myrna Siemsglusz</u> |
| 7. <u>[Signature]</u> | 7. <u>Vincent Estroden</u> |
| 8. <u>[Signature]</u> | 8. <u>Ocie E. Fielder</u> |
| 9. <u>[Signature]</u> | 9. <u>Alisa Sumberg</u> |
| 10. <u>[Signature]</u> | 10. <u>FRED L. WESTERFELD</u> |
| 11. <u>[Signature]</u> | 11. <u>DAISY S. PETTIT</u> |

FILED
AT 2:30 O'CLOCK P.M.

APR 18 2018

TAMMY BRAUNER
District Clerk, Washington County
[Signature]

QUESTION NO. 2

Did George Bishop engage in conduct involving dishonesty, fraud, deceit, or misrepresentation in representing Ginger Fuchs in *In the Matter of the Marriage of Justin Fuchs and Ginger Noelle Pierce Fuchs and In the Interest of S.L.F., a Child?*

"Fraud" includes conduct having a purpose to deceive and not merely negligent representation or failure to apprise another of relevant information.

"Dishonesty, deceit, or misrepresentation" mean lack of honesty, probity, or integrity in principle, and, a lack of straightforwardness.

Answer "Yes" or No."

Answer: _____

NO answer
has 9-3

Presiding Juror:

1. When you go into the jury room to answer the questions, the first thing you will need to do is choose a presiding juror.

2. The presiding juror has these duties:

- a. have the complete charge read aloud if it will be helpful to your deliberations;
- b. preside over your deliberations, meaning manage the discussions, and see that you follow these instructions;
- c. give written questions or comments to the bailiff who will give them to the judge;
- d. write down the answers you agree on;
- e. get the signatures for the verdict certificate; and
- f. notify the bailiff that you have reached a verdict.

Do you understand the duties of the presiding juror? If you do not, please tell me now.

Instructions for Signing the Verdict Certificate:

1. You may answer the questions on a vote of 10 jurors. The same 10 jurors must agree on every answer in the charge. This means you may not have one group of 10 jurors agree on one answer and a different group of 10 jurors agree on another answer.

2. If 10 jurors agree on every answer, those 10 jurors sign the verdict.

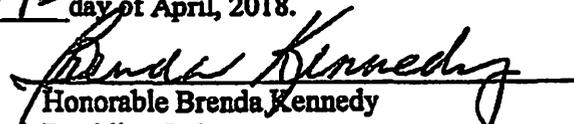
If 11 jurors agree on every answer, those 11 jurors sign the verdict.

If all 12 [6] of you agree on every answer, you are unanimous and only the presiding juror signs the verdict.

3. All jurors should deliberate on every question. You may end up with all 12 of you agreeing on some answers, while only 10 or 11 of you agree on other answers. But when you sign the verdict, only those 10 who agree on every answer will sign the verdict.

Do you understand these instructions? If you do not, please tell me now.

SIGNED at 3:39 o'clock p.m. this 17th day of April, 2018.


Honorable Brenda Kennedy
Presiding Judge