

**BEFORE THE BOARD OF DISCIPLINARY APPEALS
APPOINTED BY
THE SUPREME COURT OF TEXAS**

**IN THE MATTER OF
JAMES EDDIE TATUM
STATE BAR CARD NO. 19672000**

§
§
§

CAUSE NO. 38540

JUDGMENT OF ACTIVE SUSPENSION

On the 23rd day of March 2007, the above-styled and -numbered disciplinary action was called for hearing before the Board of Disciplinary Appeals appointed by the Supreme Court of Texas. Petitioner, the Commission for Lawyer Discipline of the State Bar of Texas, appeared by attorney and announced ready. Respondent, James Eddie Tatum, appeared pro se and announced ready. All issues of fact, as well as all questions of law, were submitted to the Board of Disciplinary Appeals for determination. Having considered the pleadings on file, received evidence, and heard the argument of counsel, the Board of Disciplinary Appeals is of the opinion that Petitioner is entitled to rendition of the following findings and judgment:

Findings of Fact. The Board of Disciplinary Appeals finds that:

- (1) Respondent, James Eddie Tatum, State Bar Card No. 19672000, is a licensed attorney currently authorized to practice law in the State of Texas;
- (2) On March 30, 2006, Respondent was actively suspended from practicing law in the State of Colorado for a period of ninety (90) days beginning May 1, 2006, by an Order Approving Conditional Admission of Misconduct and Imposing Sanctions Pursuant to C.R.C.P. 251.22 in Case No. 05PDJ053, styled *Complainant: The People of the State of Colorado, Respondent: Jim Tatum*, Original Proceeding in Discipline Before the Office of the Presiding Disciplinary Judge, Supreme Court, State of Colorado;
- (3) On March 10, 2006, Respondent signed a Stipulation, Agreement and Affidavit Containing the Respondent's Conditional Admission of Misconduct, affirming under oath the facts and conclusions concerning the underlying professional misconduct, containing the recommendation of a 90-day suspension, and reciting Respondent's prior disciplinary history in Colorado.

- (4) On December 7, 2005, the Presiding Disciplinary Judge of the Supreme Court, State of Colorado, signed an Order Re: Motions for Summary Judgment, granting the Petitioner's summary judgment that, as a matter of law, Respondent violated (1) Colo. RPC 3.4(c) prohibiting an attorney from knowingly disobeying an obligation under the rules of a tribunal except for an open refusal based on an assertion that no valid obligation exists, and (2) Colo. RPC 8.4(d) prohibiting an attorney from engaging in conduct that prejudices the administration of justice. Said Order states that the material facts of Respondent's conduct in the underlying matter before the Colorado Water Court were undisputed.
- (5) Respondent, James Eddie Tatum, is the same person as the Jim Tatum who is the subject of the Stipulation and the Order Approving Conditional Admission of Misconduct and Imposing Sanctions Pursuant to C.R.C.P. 251.22 signed by the Presiding Disciplinary Judge, Supreme Court, State of Colorado described above;
- (6) The Order Approving Conditional Admission of Misconduct and Imposing Sanctions Pursuant to C.R.C.P. 251.22 from the Supreme Court, State of Colorado is final; and
- (7) During the period that Respondent was actively suspended from practicing law in Colorado, he practiced law in Texas.

Conclusions of Law. Based upon the foregoing findings of fact, the Board of Disciplinary

Appeals makes the following conclusions of law:

- (1) This Board has jurisdiction to hear and determine this matter. Texas Rules of Disciplinary Procedure ("TRDP") 7.08(H);
- (2) The misconduct for which Respondent was sanctioned in Colorado constitutes professional misconduct under the Texas Disciplinary Rules of Professional Conduct;
- (3) Respondent has failed to prove any defense by clear and convincing evidence to the imposition of identical discipline, to the extent practicable, in this State;
- (4) Identical discipline, to the extent practicable, to that imposed in Colorado should be imposed in Texas; and
- (5) Identical discipline, to the extent practicable, to that imposed by the Office of the Presiding Disciplinary Judge, Supreme Court of the State of Colorado, is a prospective 90-day active suspension from the practice of law in Texas.

It is, accordingly, **ORDERED, ADJUDGED, AND DECREED** that Respondent, James Eddie Tatum, State Bar Card No.19672000, is hereby **SUSPENDED** from the practice of law in the State of Texas for a period beginning on the date of this judgment and ending June 26, 2007.

It is further **ORDERED, ADJUDGED** and **DECREED** that Respondent, James Eddie Tatum, during said suspension, is prohibited from practicing law in Texas, holding himself out as an attorney at law, performing any legal service for others, accepting any fee directly or indirectly for legal services not completed prior to the date of this judgment, appearing as counsel in any proceeding in any Texas court or before any Texas administrative body, or holding himself out to others or using his name, in any manner, in conjunction with the words "attorney," "counselor," or "lawyer."

It is further **ORDERED** that Respondent, James Eddie Tatum, no later than thirty (30) days from the date hereof, shall notify in writing each and every justice of the peace, judge, magistrate, and chief justice of each and every court, if any, in which Respondent, James Eddie Tatum, has any legal matter pending, if any, of his suspension, of the style and cause number of the pending matter(s), and of the name, address, and telephone number of the client(s) Respondent is representing in that court. Respondent is also **ORDERED** to mail copies of all such notifications to the Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711.

It is further **ORDERED** that Respondent, James Eddie Tatum, shall immediately notify each of his current clients, if any, in writing, of his suspension. In addition to such notification, Respondent is **ORDERED** to return all files, papers, unearned fees paid in advance, and all other monies and properties which are in his possession but which belong to current or former clients, if

any, to those respective clients or former clients within thirty (30) days after the date on which this Judgment is signed by the Board.

Respondent is further **ORDERED** to file with this Board, within the same thirty (30) days, an affidavit stating that all current clients have been notified of his suspension and that all files, papers, unearned fees paid in advance, and all other monies and properties belonging to clients and former clients have been returned as ordered herein. If Respondent should be unable to return any file, papers, money or other property to any client or former client, Respondent's affidavit shall state with particularity the efforts made by Respondent with respect to each such client and the cause of Respondent's inability to return to said client any file, paper, money or other property. Respondent is also **ORDERED** to mail a copy of said affidavit and copies of all notification letters to clients, to the Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711.

It is further **ORDERED** that Respondent, James Eddie Tatum, immediately surrender his Texas law license and permanent State Bar Card to the Office of the Chief Disciplinary Counsel, State Bar of Texas, for transmittal to the Clerk of the Supreme Court of Texas.

It is further **ORDERED** that a certified copy of the Petition for Reciprocal Discipline on file herein, along with a copy of this Judgment, be sent to the the Office of Chief Disciplinary Counsel of the State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711.

Signed this 28th day of March, 2007.

Karen L. Watkins

CHAIR PRESIDING