

ORDER OF THE SUPREME COURT OF TEXAS

Misc. Docket No. 01-----**9170**

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

The Supreme Court of Texas hereby appoints the Honorable Menton Murray, Jr., Judge of the 103rd District Court of Cameron County, Texas, to preside in the Disciplinary Action styled

The Commission for Lawyer Discipline v. George V. Garcia, II

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

The Clerk of the Supreme Court shall promptly forward to the District Clerk of Webb County, Texas, a copy of the Disciplinary petition and this Order for filing and service pursuant to Rule 3.03, Texas Rules of Disciplinary Procedure.

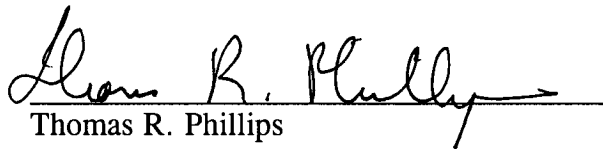
As ordered by the Supreme Court of Texas, in chambers,

With the Seal thereof affixed at the City
Of Austin, this 10th day of October, 2001.


JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 01-9170, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 9 day of October, 2001.


Thomas R. Phillips
Chief Justice

Cause No. _____

COMMISSION FOR LAWYER
DISCIPLINE,
Petitioner

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IN THE DISTRICT COURT,

vs.

WEBB COUNTY, TEXAS

GEORGE VICTOR GARCIA II,
Respondent

_____ JUDICIAL DISTRICT

ORIGINAL DISCIPLINARY PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES the Commission for Lawyer Discipline, Petitioner, complaining of Respondent, GEORGE VICTOR GARCIA II, and in support thereof would respectfully show the Court the following:

I.

DISCOVERY CONTROL PLAN

Discovery proceedings in this cause should be conducted on Level 2 pursuant to Tex.R.Civ.P. Rule 190.3.

II.

PARTIES

GEORGE VICTOR GARCIA II, State Bar Number 07634510, is an attorney licensed to practice law in the State of Texas and a member of the State Bar of Texas. Respondent may be served with process at 1119 Park Street, Laredo, Webb County, Texas 78040-3150, his usual place of business. Petitioner is the Commission for Lawyer Discipline, a committee of the State Bar of Texas..

III.

JURISDICTION, VENUE AND CONDITIONS PRECEDENT

The cause of action and the relief sought in this case are within the jurisdictional requirements of this Honorable Court. Venue of this case is proper in Webb County, Texas pursuant to Texas Rules of Disciplinary Procedure Rule 3.03, because Webb County is the county of the Respondent's principal place of business and residence. All conditions precedent to proceeding with this cause have been performed or fulfilled.

IV.

PROFESSIONAL MISCONDUCT

Petitioner brings this disciplinary action pursuant to the State Bar Act, Tex.Gov't.Code §81.001 *et seq.*, the Disciplinary Rules of Professional Conduct ("DRPC") and the Texas Rules of Disciplinary Procedure ("TRDP"). The complaint which forms the basis of this action was filed by Juan D. Ramirez. The acts and omissions of Respondent, as hereinafter alleged, constitute professional misconduct.

V.

FACTUAL BACKGROUND

Complainant, Juan D. Ramirez, hired Respondent Garcia in January of 2000 to represent him in connection with a divorce proceeding. Respondent prepared a petition but requested Complainant to file the document on his own behalf because Respondent required additional payments of attorney fees. After the fees were paid in full, Respondent neglected the legal matter and failed to carry out completely the obligations he owed to his client. He refused to complete

the work necessary to complete the divorce.

VI.

DISCIPLINARY RULES OF PROFESSIONAL CONDUCT

The conduct described above is in violation of the following Texas Rules of Disciplinary Conduct:

Rule 1.01(b)(1) -- In representing a client, a lawyer shall not neglect a legal matter entrusted to the lawyer;

Rule 1.01(b)(2) -- In representing a client, a lawyer shall not frequently fail to carry out completely the obligations that the lawyer owes to a client or clients.

Rule 1.03(a) -- A lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information;

Rule 1.03(b) -- A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation;

VII.

RELIEF SOUGHT

Petitioner would show that this Honorable Court should enter a judgment of professional misconduct and impose a sanction against Respondent which is in the Court's discretion appropriate under the facts established. Additionally, Respondent should be ordered to pay attorney fees and all costs associated with this litigation.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Petitioner prays that a judgment of professional misconduct be entered against Respondent and that this Honorable Court impose an appropriate sanction against Respondent as the facts proved shall warrant. Petitioner further prays to recover

costs of court and all expenses associated with these proceedings, including attorney fees as provided in TRDP Rule 1.06(T)(8)(b). Petitioner further prays for such other and additional relief, general or specific, at law or in equity, to which it may show itself entitled.

Respectfully submitted,

DAWN MILLER,
Chief Disciplinary Counsel

PAUL H. HOMBURG III,
Disciplinary Counsel

Office of the Chief Disciplinary Counsel
State Bar of Texas
425 Soledad, Suite 300
San Antonio, Texas 78205
Telephone: (210) 271-7881
FAX: (210) 271-9642

By: 

PAUL H. HOMBURG III

State Bar No. 09934050

ATTORNEYS FOR PETITIONER

STATE BAR OF TEXAS



Regional Office
Soledad Plaza West
425 Soledad, Suite 300
San Antonio, Texas 78205
(210) 271-7881
FAX: (210) 271-9642

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
#7000 1670 0005 9695 8784

July 17, 2001

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

RE: Commission for Lawyer Discipline v. George V. Garcia, II

Dear Mr. Adams:

Enclosed please find an original and three (3) copies of a Disciplinary Petition being filed by the Commission for Lawyer Discipline against George V. Garcia, II. Mr. Garcia has designated **Webb County** 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:

George V. Garcia, II
1119 Park Street
Laredo, Texas 78040-3150

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 as 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 three (3) copies of the Disciplinary Petition, the filing fee check, also enclosed herewith, and the Court's appointing order to the District Clerk of Webb County, Texas, with the request that the suit be filed, service be obtained, and a filemarked copy of the petition returned to the undersigned.

Also enclosed are a pre-addressed envelope for your use in transmitting the petition, etc., to the District Clerk of Webb County, Texas and a return envelope to be sent to the District Clerk of Webb County, Texas, for the Clerk's use in returning a filemarked 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 "Paul H. Homburg, II". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Paul H. Homburg, II
Assistant Disciplinary Counsel

Enclosures

PHH/apr



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
DEBORAH G. HANKINSON
HARRIET O'NEILL
WALLACE B. JEFFERSON
XAVIER RODRIGUEZ

EXECUTIVE ASSISTANT
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASST
JIM HUTCHESON

ADMINISTRATIVE ASSISTANT
NADINE SCHNEIDER

OCT 12 2001

The Honorable Manuel Gutierrez
District Clerk of Webb County
P.O. Box 667
Laredo, Texas 78042-0667

Dear Mr. Gutierrez:

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. George V. Garcia, II*, and a copy of the Supreme Court's order appointing the Honorable Menton Murray, Jr., Judge of the 103rd District Court, Brownsville, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Honorable Menton Murray, Jr.
Mr. Paul H. Homburg, III
Mr. George V. Garcia, II



The Supreme Court of Texas

CHIEF JUSTICE
THOMAS R. PHILLIPS

201 West 14th Street Post Office Box 12248 Austin TX 78711
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EXECUTIVE ASSISTANT
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DEPUTY EXECUTIVE ASST
JIM HUTCHESON

ADMINISTRATIVE ASSISTANT
NADINE SCHNEIDER

OCT 12 2001

Honorable Menton Murray, Jr.
Judge, 103rd District Court
974 E. Harrison Street
Brownsville, Texas 78520

Dear Judge Murray:

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. Garcia and Mr. Homburg, and a copy of the letter to the District Clerk of Webb 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 Webb 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 (210-220-3950) 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

CHIEF JUSTICE
THOMAS R. PHILLIPS

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Telephone: 512/463-1312 Facsimile: 512/463-1365

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WILLIAM L. WILLIS

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JIM HUTCHESON

ADMINISTRATIVE ASSISTANT
NADINE SCHNEIDER

OCT 12 2001

Mr. Paul H. Homburg
Assistant General Counsel, State Bar of Texas
425 Soledad, Suite 300
San Antonio, Texas 78205

Mr. George Victor Garcia, II
1119 Park Street
Laredo, Texas 78040-3150

Dear Mr. Homburg and Mr. Garcia:

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 Menton Murray, Jr., Judge of the 103rd District Court of Brownsville, Texas to preside in

Commission for Lawyer Discipline v. George V. Garcia, II

Sincerely,

SIGNED

John T. Adams
Clerk