

**ORDER OF THE SUPREME COURT OF TEXAS**

**Misc Docket No. 96- 9198**

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

The Supreme Court of Texas hereby appoints the Honorable Mark Davidson, Judge of the 11th District Court of Harris County, Texas, to preside in the Disciplinary Action styled:

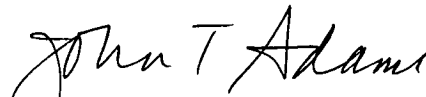
**The Commission for Lawyer Discipline v. Juan Ramiro Ledesma**

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

The Clerk of the Supreme Court shall promptly forward to the District Clerk of Hidalgo 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 20th day of August, 1996.



JOHN T. ADAMS, CLERK <sup>sr</sup>  
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 96-9198, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 22 day of August, 1996.

A handwritten signature in cursive script, reading "Thomas R. Phillips", written over a horizontal line.

Thomas R. Phillips  
Chief Justice

COPY

No. \_\_\_\_\_

COMMISSION FOR LAWYER  
DISCIPLINE

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IN THE DISTRICT COURT OF

V.

HIDALGO COUNTY, T E X A S

JUAN RAMIRO LEDESMA

\_\_\_TH JUDICIAL DISTRICT

**DISCIPLINARY PETITION**

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now, Petitioner, COMMISSION FOR LAWYER DISCIPLINE, a committee of the State Bar of Texas, complaining of Respondent, JUAN RAMIRO LEDESMA, and in support thereof would respectfully show the Court the following:

**Parties**

Petitioner is the COMMISSION FOR LAWYER DISCIPLINE, a committee of the State Bar of Texas. Respondent, JUAN RAMIRO LEDESMA, State Bar Number 12108700, is an attorney licensed to practice law in the State of Texas and is a member of the State Bar of Texas. Respondent is a resident of McAllen, Hidalgo County, Texas and may be served with process at 1112 North 23rd Street, McAllen, Hidalgo, County, Texas 78501, his usual place of business.

**Venue**

Respondent maintains his principal place of practice in Hidalgo County, Texas. The alleged professional misconduct occurred in Hidalgo County, Texas. Accordingly, pursuant to Texas Rules of Disciplinary Procedure 3.03, venue is proper in Hildago County, Texas.

## **Professional Misconduct**

### I.

Petitioner brings this disciplinary action pursuant to State Bar Act, Tex. Gov't. Code Ann., Sec. 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 this action was filed by Reginald Jay Wipf on or about December 4, 1995. The acts and conduct of Respondent, as hereinafter alleged, constitute professional misconduct.

### **Count I -- Reginald Jay Wipf**

### II.

In 1994, San Juan Marin and her two minor children, Alfredo Mendez and Elizabeth Mendez were injured in an automobile accident. Ms. Marin, individually and on behalf of her two children retained Respondent to represent them in a claim for damages. As a result of their injuries, Ms. Marin and her two children received medical treatment from Wipf Chiropractic clinic. The medical treatment expenses totalled \$6,791.00.

### III.

On or about March 22, 1994, Respondent signed and sent to the Wipf Chiropractic clinic an agreement that obligated Respondent to pay to the clinic the medical bills of Respondent's clients. In August of 1995, Respondent settled the claims of Ms. Marin and her children and received the funds from the insurance carrier to cover the damages incurred by his clients. Respondent withheld from Ms. Marin's settlement the money to pay the Wipf Chiropractic clinic. However, upon settlement and disbursement of the settlement proceeds, Respondent kept

the money, failed to pay the medical providers and failed to refund the money withheld from the settlement to his client.

IV.

The conduct of Respondent described above constitutes violations of the following Disciplinary Rules:

Rule 1.14(b) -- Upon receiving funds in which a client or third person has an interest, a lawyer shall promptly deliver to the client or third person any funds that the client or third person is entitled to receive and, upon request by the client or third person, shall promptly render a full accounting regarding such property.

Rule 8.04(a)(3) -- A lawyer shall not engage in conduct involving dishonesty, fraud, deceit or misrepresentation.

**Count II -- State Bar of Texas**

V.

Respondent was noticed of the filing of the Reginald Jay Wipf's complaint by letter dated December 12, 1995 and received by him on January 8, 1996 as evidenced by a signed Certified Mail Return Receipt (green card). District 12B Grievance Committee, in its letter of December 19, 1995, requested that Respondent file a written response to the allegations contained in Mr. Wipf's complaint. Respondent knowingly failed to respond to the allegations and failed to provide to the Grievance Committee a lawful reason for the failure to respond to the request for information.

VI.

The conduct of Respondent described above constitutes violations of the following Disciplinary Rules:

Rule 8.01(b) -- A lawyer in connection with a disciplinary matter shall not knowingly fail to respond to a lawful demand for information from a disciplinary authority.

Rule 8.04(a)(8) -- A lawyer shall not fail to timely furnish to the Chief Disciplinary Counsel's office or a district grievance committee a response or other information as required by the Texas Rules of Disciplinary Procedure, unless he or she in good faith timely asserts a privilege or other legal ground for failure to do so.

**PRAYER**

WHEREFORE, PREMISES CONSIDERED, Petitioner prays that a judgment of professional misconduct be entered against Respondent imposing an appropriate sanction as the facts shall warrant and that Petitioner have such other relief to which it is entitled, including costs of court and attorney's fees.

Respectfully submitted,

James M. McCormack  
General Counsel

James Ehler  
Assistant General Counsel

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



James Ehler  
State Bar No. 06484650  
ATTORNEYS FOR PETITIONER

# STATE BAR OF TEXAS



CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
Z 080 288 332

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

June 27, 1996

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

RE: Commission for Lawyer Discipline v. Juan Ramiro Ledesma; In  
the District Courts of Hidalgo County, Texas

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 Juan Ramiro Ledesma. Mr. Ledesma has designated Hidalgo 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 practices 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:

Juan Ramiro Ledesma  
1112 N. 23rd St.  
McAllen, Texas 78501-7453

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 two (2) copies of the Disciplinary Petition and the filing fee check, also enclosed herewith, and the Court's appointing order to the District Clerk of Hidalgo 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 Hidalgo County, Texas and a return envelope to be sent to the District Clerk of Hidalgo 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 "J. Ehler". The signature is written in a cursive style with a large initial "J" and a long, sweeping underline.

James Ehler  
Assistant General Counsel

Enclosures

JE/mc





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 ASS'T  
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T  
NADINE SCHNEIDER

JUSTICES  
RAUL A. GONZALEZ  
NATHAN L. HECHT  
~~JOHN CORNYN~~  
CRAIG ENOCH  
ROSE SPECTOR  
PRISCILLA R. OWEN  
JAMES A. BAKER  
GREG ABBOTT

September 13, 1996

Mr. Steve Young  
General Counsel, State Bar of Texas  
P.O. Box 12487  
Austin, Texas 78711

Mr. Juan Ramiro Ledesma  
1112 N. 23<sup>rd</sup> Street  
McAllen, Texas 78501-7453

Dear Mr. Young and Mr. Ledesma:

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 Mark Davidson, Judge of the 11th District Court, Houston, Texas to preside in

Commission for Lawyer Discipline v. Juan Ramiro Ledesma

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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CLERK  
JOHN T. ADAMS

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JAMES A. BAKER  
GREG ABBOTT

EXECUTIVE ASS'T  
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T  
NADINE SCHNEIDER

September 13, 1996

The Honorable Pauline Gonzales  
District Clerk of Hidalgo County  
P.O. Box 87  
Edinburg, Texas 78540

Dear Ms. Gonzales:

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. Juan Ramiro Ledesma and a copy of the Supreme Court's order appointing the Honorable Mark Davidson, Judge of the 11th District Court, Houston, Texas, to preside in this Disciplinary Action.

Sincerely,

**SIGNED**

John T. Adams  
Clerk

cc: Hon. Mark Davidson  
Mr. Juan Ramiro Ledesma  
Mr. Steve Young



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE  
THOMAS R. PHILLIPS

POST OFFICE BOX 12248 AUSTIN, TEXAS 78711

CLERK  
JOHN T. ADAMS

JUSTICES  
RAUL A. GONZALEZ  
NATHAN L. HECHT  
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EXECUTIVE ASS'T  
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T  
NADINE SCHNEIDER

September 13, 1996

Honorable Mark Davidson  
Judge, 11th District Court  
304 Civil Courts Building  
301 Fannin Street  
Houston, Texas 77002

Dear Judge Davidson:

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. Ledesma and Mr. Young, and a copy of the letter to the District Clerk of Hidalgo County.

It is recommended that, a month or six weeks after receipt of this letter, you or your coordinator contact the District Court Administrative Office (210-318-2200) to find out the district court to which this disciplinary case has been assigned, names and addresses of counsel, etc. We then recommend that, either before or immediately after you set the case for trial, you contact the Presiding Judge of the Administrative Judicial Region into which you have been assigned (210-546-0724) to reserve a courtroom, obtain a court reporter, obtain claims forms for your expenses incident to presiding over this disciplinary case.

Sincerely,

**SIGNED**

John T. Adams  
Clerk