

IN THE SUPREME COURT OF THE STATE OF TEXAS

Misc. Docket No. 99- 9057

IN THE MATTER OF

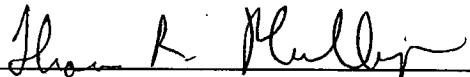
J. Patrick Guerra

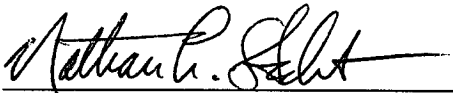
ORDER

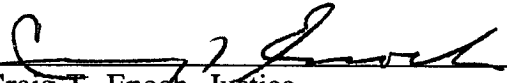
On this day came on for consideration the Motion for Acceptance of Resignation as Attorney and Counselor at Law of J. Patrick Guerra together with the Response filed by the Chief Disciplinary Counsel of the State Bar of Texas acting through the Commission for Lawyer Discipline. The Court has reviewed said Motion and the Response and finds each to be legally sufficient. The Court, being advised that such resignation is tendered in lieu of disciplinary action, and being of the opinion that such resignation is in the best interest of the public and of the profession and will meet the ends of justice, hereby concludes that the following Order is appropriate.


It is ORDERED that the law license of J. Patrick Guerra heretofore issued by this court, be, and the same is hereby canceled and revoked and his name be, and is hereby, removed and deleted from the list of persons licensed to practice law in the State of Texas. Receipt of the license and permanent State Bar card issued by this Court to J. Patrick Guerra is hereby acknowledged.

By the Court, en banc, in chambers, this the 8th day of April, 1999.



Thomas R. Phillips, Chief Justice



Nathan L. Hecht, Justice

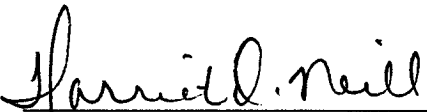

Craig T. Enoch, Justice



Priscilla R. Owen, Justice


James A. Baker, Justice


Greg Abbott, Justice


Deborah G. Hankinson, Justice


Harriet O'Neill, Justice


Alberto R. Gonzales, Justice

08576160
Attorney's Bar Card Number

Misc. Docket No. 99 - 9057

STATE BAR OF TEXAS



Office of the General Counsel

March 5, 1999

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

Re: Resignation in Lieu of Discipline of J. Patrick Guerra, State Bar No. 08576160

Dear Mr. Adams:

In reference to the above-named Respondent, please find enclosed the following documents:

- (1) Motion for Acceptance of Resignation as Attorney and Counselor at Law of J. Patrick Guerra;
- (2) Response to Motion for Acceptance of Resignation as Attorney and Counselor at Law; and
- (3) Order of Resignation

Also, please be advised that Respondent relinquished his License and permanent State Bar card to the State Bar of Texas in October of 1998. Both will be forwarded to you by Debbie Yates of the General Counsel's office upon her receipt of a copy of this letter.

Thank you for your attention to this matter. Should any questions arise, please telephone me at (210) 271-7881, extension 231.

Sincerely,

A handwritten signature in cursive script that reads "Seana B. Willing".

Seana B. Willing
Assistant General Counsel
Office of the Chief Disciplinary Counsel

Enclosures

cc: Debbie Yates (w/out enclosures)

425 SOLEDAD, SUITE 300, SAN ANTONIO, TEXAS 78205, (210) 271-7881

**IN THE SUPREME COURT OF TEXAS
MOTION FOR ACCEPTANCE OF RESIGNATION AS
ATTORNEY AND COUNSELOR AT LAW**

OF

J. PATRICK GUERRA

NOW COMES Applicant, J. PATRICK GUERRA, State Bar No. 08576160, and hereby resigns as an Attorney and Counselor at Law in the State of Texas; and hereby submits to the Court his resignation as an Attorney and Counselor at Law; and prays that the Court accept said resignation.

I.

Applicant, J. PATRICK GUERRA, represents to the Court that the License and permanent State Bar card issued by this Court to Applicant as an Attorney and Counselor at Law on November 6, 1987 were surrendered by Applicant to the State Bar of Texas on or about October 12, 1998.

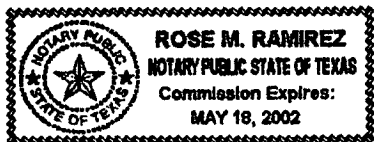
II.

In lieu of disciplinary proceedings now pending, Applicant is voluntarily resigning and withdrawing from the practice of law. Applicant prays that his name be dropped and deleted from the list of persons licensed to practice law in Texas and that his resignation be accepted.



J. PATRICK GUERRA
State Bar No. 08576160

SUBSCRIBED AND SWORN to before me by the said J. PATRICK GUERRA, this the 2nd
March
day of ~~February~~, 1999.



Rose M. Ramirez
NOTARY PUBLIC in and for
the State of Texas

5-18-02
My commission expires

Rose M. Ramirez
Printed name of notary

**IN THE SUPREME COURT OF TEXAS
RESPONSE TO MOTION FOR ACCEPTANCE OF RESIGNATION AS
ATTORNEY AND COUNSELOR AT LAW**

OF

J. PATRICK GUERRA

TO THE HONORABLE SUPREME COURT OF TEXAS:

Pursuant to Part X of the Texas Rules of Disciplinary Procedure, Steven W. Young, Chief Disciplinary Counsel, hereby files this response on behalf of the State Bar of Texas, acting by and through the Commission for Lawyer Discipline, to the Motion for Acceptance of Resignation filed by J. Patrick Guerra, and would show as follows:

I.

On March 2, 1999, J. Patrick Guerra, State Bar No. 08576160 (hereinafter the "Movant"), executed the Motion for Acceptance of Resignation. The acceptance by the Court of the Resignation of J. Patrick Guerra is in the best interest of the public and of the profession.

II.

(1) In Case No. S0049806411, filed by Complainant, Carlos Ortegon (hereinafter "Ortegon"), on April 16, 1998, Movant was hired by Ortegon in March of 1997 to pursue a child custody modification matter. Ortegon paid approximately \$7,000.00 in attorney fees to Movant for the representation.

(2) A trial was held on August 25 - 26, 1997, at which time the court awarded custody to Ortegon. Thereafter, Movant failed to finalize the case by failing to prepare and enter final orders in the matter.

(3) Movant failed to respond to Ortegon's numerous phone calls and requests for information on the status of his case.

(4) In Case No. S0059806513, filed by Complainant, Olivia G. Beck (hereinafter "Beck"), on May 26, 1998, Movant was hired by Beck on October 8, 1996 to pursue a child custody modification matter. Beck paid \$1,000.00 in attorney fees to Movant for the representation.

(5) A hearing was held on November 4, 1996, at which time the court awarded custody to Beck. Thereafter, Movant failed to finalize the case by failing to prepare and enter final orders in the matter.

(6) Movant failed to respond to Beck's numerous phone calls and requests for information on the status of her case.

(7) In Case No. S107902008, filed by Complainant, Rose Marie Johnson (hereinafter "Johnson"), on July 15, 1998, Johnson hired Movant in June of 1997 to represent her in a divorce.

(8) Movant neglected the legal matter entrusted to him by failing to forward settlement offers made by Johnson's ex-husband to Johnson for consideration and by failing to provide Johnson with copies of other correspondence related to her case.

(9) Movant received notice of Johnson's grievance from the State Bar of Texas on or about August 12, 1998, by private process service. Movant's written response to the complaint was due on or before September 11, 1998. Movant failed to timely file a written response or to assert legal ground for failure to do so.

(10) On November 10, 1998, Movant was served by private process service with notice that a hearing on this complaint was set on December 18, 1998 before Panel 11C-2 of the District 11C Grievance Committee. Movant failed to appear at that hearing and failed to make any response to the allegations made by Johnson.

(11) Restitution in the amount of \$ 7,000.00 is due and payable to Ortegon and restitution in the amount of \$ 1,000.00 is due and payable to Beck.

(12) The conduct of Movant described above constitutes a violation of the following Texas Disciplinary Rules of Professional Conduct: Rules 1.01(b)(1), 1.03(a), 1.03(b), 8.01(b), and 8.04(a)(8).

III.


WHEREFORE, the State Bar of Texas moves the Court to accept the resignation and grant the motion filed by Movant.

Respectfully submitted,

Steven W. Young
General Counsel

Seana Willing
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

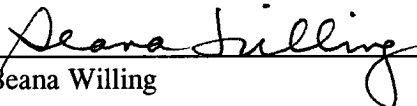


Seana Willing
State Bar No. 00787056

ATTORNEYS FOR PETITIONER

CERTIFICATE OF SERVICE

A true and correct copy of the foregoing was served upon J. Patrick Guerra in accordance with the Texas Rules of Civil Procedure, on the 4th day of March, 1999.



Seana Willing