

**ORDER OF THE SUPREME COURT OF TEXAS**

**Misc. Docket No. 99- 9078**

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

The Supreme Court of Texas hereby appoints the Honorable Mickey R. Pennington, Judge of the 38th District Court of Uvalde County, Texas, to preside in the Disciplinary Action styled:


**The Commission for Lawyer Discipline v. George Victor 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 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.

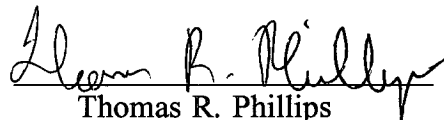
with the Seal thereof affixed at the City  
of Austin, this 9<sup>th</sup> day of April, 1999.



JOHN T. ADAMS, CLERK  
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 99-9078, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 12 day of April, 1999.

  
Thomas R. Phillips  
Chief Justice

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

COMMISSION FOR LAWYER DISCIPLINE	§	IN THE DISTRICT COURT OF
	§	
V.	§	WEBB COUNTY, T E X A S
	§	
GEORGE VICTOR GARCIA, II	§	___TH JUDICIAL DISTRICT

**ORIGINAL 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, GEORGE VICTOR GARCIA II, 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, GEORGE VICTOR GARCIA,II, State Bar Number 07634510, was, at the time the following alleged acts of professional misconduct occurred, 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.

**Venue**

At the time the alleged professional misconduct occurred, Respondent maintained a law office in Laredo, Webb County, Texas. The alleged acts of professional misconduct occurred in whole or in part in Webb County, Texas. Accordingly, pursuant to Texas Rules of Disciplinary Procedure 3.03, venue is proper in Webb County, Texas.

**Discovery Level Designation**

1.

Pursuant to Tex.R.Civ.P. 190.1, Petitioner designates that discovery in this action should proceed pursuant to Level 2 (Tex.R.Civ.P. 190.3).

**Professional Misconduct**

2.

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 complaints which form the basis of this action were filed with the State Bar of Texas as follows:

Geronimo Lopez II	November 15, 1996
Fernando Chavarria	January 10, 1997
Rodolfo Barrientos Jr.	July 14, 1997
Rolando Guevara	August 14, 1997
William F. Ueckert	September 22, 1997
Antonia I. Holmes	October 16, 1997
David Hung	March 19, 1998
Roberto Montiel Jr.	April 24, 1998
Martha Delgado	May 20, 1998
Sanami Kojima	May 22, 1998
State Bar of Texas	May 23, 1998

The acts and conduct of Respondent, as hereinafter alleged, constitute professional misconduct.

**Count I -- Geronimo Lopez II**

3.

Geronimo Lopez II hired Respondent in September of 1994 to represent him in a real estate matter. Respondent entered into seven (7) different and separate agreements with Mr. Lopez to

represent him in the sale of his home and the purchase of another home. Respondent charged an unconscionable fee for his representation by charging Mr. Lopez \$1,633.00 to save Mr. Lopez \$1,624.47 in ad valorem taxes. Additionally, five percent (5%) of the total sale price of Mr. Lopez' home was paid to Respondent as further fees.

4.

Respondent received three checks made payable to Mr. Lopez and deposited the checks into his operating account without Mr. Lopez' endorsement, knowledge and consent. Thereafter, Respondent failed to deliver the funds due Mr. Lopez and misappropriated such funds for his personal use.

5.

Upon termination of the attorney/client relationship and upon request from Mr. Lopez, Respondent failed to timely deliver to Mr. Lopez his file.

6.

Respondent represented both Mr. Lopez and another party in the sale and purchase of the real estate by Mr. Lopez without the consent of both clients after full disclosure of the conflict of interest.

7.

Mr. Lopez is due restitution in the amount of \$12,000.00.

8.

In relation to the representation of Mr. Lopez, the conduct of Respondent described above constitutes a violation of the following Disciplinary Rules:

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 1.04(a) -- A lawyer shall not enter into an arrangement for, charge, or collect an illegal fee or unconscionable fee. A fee is unconscionable if a competent lawyer could not form a reasonable belief that the fee is reasonable.

Rule 1.06(a) -- A lawyer shall not represent opposing parties to the same litigation.

Rule 1.14(a) -- A lawyer shall hold funds and other property belonging in whole or in part to clients or third persons that are in a lawyer's possession in connection with a representation separate from the lawyer's own property. Such funds shall be kept in a separate account, designated as a "trust" or "escrow" account, maintained in the state where the lawyer's office is situated, or elsewhere with the consent of the client or third person. Other client property shall be identified as such and appropriately safeguarded. Complete records of such account funds and other property shall be kept by the lawyer and shall be preserved for a period of five years after termination of the representation.

Rule 1.14(b) -- Upon receiving funds or other property in which a client or third persons has an interest, a lawyer shall promptly notify the client or third person. Except as stated in this Rule or otherwise permitted by law or by agreement with the client, a lawyer shall promptly deliver to the client or third person any fund or other property 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 1.15(d) -- Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as \* \* \* surrendering papers and property to which the client is entitled \* \* \* \*

## **Count II - Fernando Chavarria**

### **9.**

Fernando Chavarria hired Respondent in May of 1995 to represent him and four other individuals to assist them in obtaining electrical power service from the Medina Electrical Co-op.

Mr. Chavarria paid Respondent \$475.00 in legal fees. Mr. Chavarria delivered to Respondent

a check in the amount of \$3,000.00 made jointly payable to Medina Electric and Respondent to be held in trust. Respondent failed to perform the legal services he was hired to perform and failed to safeguard the trust funds. Upon termination of the attorney/client relationship, Respondent failed to refund the \$3,000.00 to Mr. Chavarria.

**10.**

Mr. Chavarria is due restitution in the amount of \$3,000.00.

**11.**

In relation to the representation of Mr. Chavarria, the conduct of Respondent described above constitutes a violation of the following Disciplinary Rules:

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 1.14(a) -- A lawyer shall hold funds and other property belonging in whole or in part to clients or third persons that are in a lawyer's possession in connection with a representation separate from the lawyer's own property. Such funds shall be kept in a separate account, designated as a "trust" or "escrow" account, maintained in the state where the lawyer's office is situated, or elsewhere with the consent of the client or third person. Other client property shall be identified as such and appropriately safeguarded. Complete records of such account funds and other property shall be kept by the lawyer and shall be preserved for a period of five years after termination of the representation.

Rule 1.14(b) -- Upon receiving funds or other property in which a client or third persons has an interest, a lawyer shall promptly notify the client or third person. Except as stated in this Rule or otherwise permitted by law or by agreement with the client, a lawyer shall promptly deliver to the client or third person any fund or other property 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.

**Count III - Rodolfo Barrientos Jr.**

**12.**

Rodolfo Barrientos hired Respondent in September of 1993 to represent him in an adoption proceeding. Mr. Barrientos paid Respondent \$1,000.00 in legal fees. Respondent neglected the legal matter entrusted to him by failing to complete the adoption.

**13.**

Upon the termination of the attorney/client relationship, Respondent refused to return to Mr. Barrientos the unearned portion of the fees.

**14.**

Mr. Barrientos is due restitution in the amount of \$845.00.

**15.**

In relation to the representation of Mr. Barrientos, the conduct of Respondent described above constitutes a violation of the following Disciplinary Rules:

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 1.15(d) -- Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as \* \* \* refunding any advance payments of fee that has not been earned \* \* \* \*

**Count IV - Rolando Guevara**

**16.**

Rolando Guevara hired Respondent on or about May 26, 1995 to represent him in a real



estate matter and paid Respondent a \$600.00 retainer fee. Respondent neglected a legal matter entrusted to by failing to appear for a hearing on September 12, 1995 and failing to perform any substantive legal work.

**17.**

Upon termination of the attorney client relationship, Respondent failed to timely return to Mr. Guevara his file upon request.

**18.**

Respondent, although having been duly served with notice of the complaint filed by Mr. Guevara and a request for a response, failed to timely furnish to the district grievance committee a response to the complaint as requested by the committee and failed to furnish a good faith reason for the failure to respond.

**19.**

In relation to the representation of Mr. Guevara, the conduct of Respondent described above constitutes a violation of the following Disciplinary Rules:

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 1.15(d) -- Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as \* \* \* surrendering papers and property to which the client is entitled \* \* \* \*

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 the failure to do so.

**Count V - William Ueckert**

**20.**

William Ueckert hired Respondent on or about January 13, 1997 to probate a will and paid Respondent \$695.00 for the representation. Respondent neglected a legal matter entrusted to him by failing to obtain a hearing to submit an order admitting the will to probate as a muniment of title. Respondent further neglected a legal matter entrusted to him by, after receiving \$25.00 from Mr. Ueckert as filing fees, failed to file the will, court order and warranty deed in the official public records of Webb County, Texas.

**21.**

Upon termination of the attorney/client relationship, Respondent failed to return to Mr. Ueckert the \$25.00 filing fee and failed to return to Mr. Ueckert the unearned portion of the fee.

**22.**

Mr. Ueckert is due restitution in the amount of \$375.00.

**23.**

Respondent, although having been duly served with notice of the complaint filed by Mr. Ueckert and a request for a response, failed to timely furnish to the district grievance committee a response to the complaint as requested by the committee and failed to furnish a good faith reason for the failure to respond.

**24.**

In relation to the representation of Mr. Ueckert, the conduct of Respondent described above constitutes a violation of the following Disciplinary Rules:

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 1.15(d) -- Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as \* \* \* refunding any advance payments of fee that has not been earned \* \* \* \*

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 the failure to do so.

**Count VI - Antonia I. Holmes**

**25.**

Antonia I. Holmes hired Respondent on or about September 19, 1997 to represent her in an adoption matter and paid Respondent a \$500.00 retainer fee. During the representation, Respondent was administratively suspended for failure to pay State Bar of Texas dues. Respondent neglected a legal matter entrusted to him by failing to perform any substantive legal work.

**26.**

Upon termination of the legal representation, Respondent failed to return to Ms. Holmes the unearned portion of the fee.

**27.**

Respondent, although having been duly served with notice of the complaint filed by Ms. Holmes and a request for a response, failed to timely furnish to the district grievance committee

a response to the complaint as requested by the committee and failed to furnish a good faith reason for the failure to respond.

**28.**

In relation to the representation of Ms. Holmes, the conduct of Respondent described above constitutes a violation of the following Disciplinary Rules:

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 1.15(d) -- Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as \* \* \* refunding any advance payments of fee that has not been earned \* \* \* \*

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 the failure to do so.

Rule 8.04(a)(11) -- A lawyer shall not engage in the practice of law when the lawyer is on inactive status or when the lawyer's right to practice has been suspended or terminated, including but not limited to situations where a lawyer's right to practice has been administratively suspended for failure to timely pay required fees or assessments or for failure to comply with Article XII of the State Bar Rules relating to Mandatory Continuing Legal Education.

**Count VII - David Hung**

**29.**

David Hung hired Respondent in September of 1997 to modify an existing divorce decree which included the obligation for Mr. Hung to pay child support. Mr. Hung had legal custody of his son but was still required under the divorce decree to make child support payments. Mr.

Hung paid Respondent a fee of \$850.00 for the representation. Respondent neglected the legal matter entrusted to him by failing to perform any substantive legal work.

**30.**

After nothing seemed to be happening with the representation, Mr. Hung became concerned about the status of his case and began attempting to contact Respondent. Respondent failed to respond to Mr. Hung's reasonable requests for information. Respondent's failure to respond and failure to provide the status of the representation prevented Mr. Hung from being able to make informed decisions regarding the representation.

**31.**

Mr. Hung terminated Respondent in March of 1998 and requested the return of his file and the unearned portion of the fee. Respondent failed to timely return the file and failed to return to Mr. Hung the unearned portion of the fee.

**32.**

Mr. Hung is due restitution in the amount of \$850.00.

**33.**

Respondent, although having been duly served with notice of the complaint filed by Mr. Hung and a request for a response, failed to timely furnish to the district grievance committee a response to the complaint as requested by the committee and failed to furnish a good faith reason for the failure to respond.

**34.**

In relation to the representation of Mr. Hung, the conduct of Respondent described above

constitutes a violation of the following Disciplinary Rules:

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 reasonable 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.

Rule 1.15(d) -- Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as \* \* \* surrendering papers and property to which the client is entitled and refunding any advance payments of fee that has not been earned \* \* \* \*

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 the failure to do so.

**Count VIII - Roberto Montiel Jr.**

**35.**

In January of 1997, Respondent was court appointed to represent Roberto Montiel Jr. in a criminal case. Respondent failed to communicate to Mr. Montiel and his family that a motion for writ of habeas corpus had been granted by the Federal Court allowing Mr. Montiel to attend his son's funeral by misrepresenting to the family that the Federal Court had denied the writ.

**36.**

Respondent, although having been duly served with notice of the complaint filed by Mr. Montiel and a request for a response, failed to timely furnish to the district grievance committee

a response to the complaint as requested by the committee and failed to furnish a good faith reason for the failure to respond.

**37.**

In relation to the representation of Mr. Montiel, the conduct of Respondent described above constitutes a violation of the following Disciplinary Rules:

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.

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

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 the failure to do so.

**Count IX - Martha Delgado**

**38.**

Martha Delgado hired Respondent in July of 1997 to seek child support from her ex-husband. Mr. Delgado entered into a fee agreement with Respondent which called for a payment of \$395.00 to be made prior to Respondent beginning any work on the case. Ms. Delgado made an initial payment of \$275.00 but was unable to make any further payments. No work was done on Ms. Delgado's behalf. Ms. Delgado terminated Respondent and requested a return of the \$275.00. Respondent refused to return the unearned fee.

**39.**

Restitution is due Ms. Delgado in the amount of \$275.00.

40.

Respondent, although having been duly served with notice of the complaint filed by Ms. Delgado and a request for a response, failed to timely furnish to the district grievance committee a response to the complaint as requested by the committee and failed to furnish a good faith reason for the failure to respond.

41.

In relation to the representation of Ms. Delgado, the conduct of Respondent described above constitutes a violation of the following Disciplinary Rules:

Rule 1.15(d) -- Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as \* \* \* surrendering papers and property to which the client is entitled and refunding any advance payments of fee that has not been earned \* \* \* \*

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 the failure to do so.

**Count X - Sanami Kojima**

42.

Sanami Kojima hired Respondent in August of 1997 to represent her in a divorce case. Ms. Kojima paid Respondent \$825.00 for the representation. Respondent neglected the legal matter entrusted to him by failing to obtain the entry of a decree following a default hearing.

43.

Respondent failed to return Ms. Kojima's telephone calls and failed to keep Ms. Kojima advised of the status of her case.



44.

Ms. Kojima terminated Respondent and requested the return of her file. Mr. Kojima hired a new attorney who likewise requested from Respondent the return of the file. Respondent failed to timely return the file to either Ms. Kojima or her subsequent attorney.

45.

Respondent, although having been duly served with notice of the complaint filed by Ms. Kojima and a request for a response, failed to timely furnish to the district grievance committee a response to the complaint as requested by the committee and failed to furnish a good faith reason for the failure to respond.

46.

In relation to the representation of Ms. Kojima, the conduct of Respondent described above constitutes a violation of the following Disciplinary Rules:

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 reasonable 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.

Rule 1.15(d) -- Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as \* \* \* surrendering papers and property to which the client is entitled \* \* \* \*

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 the failure to do so.

**Count XI - State Bar of Texas**

**47.**

Respondent placed an advertising in the yellow pages of the Laredo telephone directory which was not exempt from the filing requirements of the State Bar Lawyer Advertising and Solicitation Review Committee. Respondent failed to file the advertisement required by the Texas Disciplinary Rules of Professional Conduct.

**48.**

Respondent's advertisement failed to disclose the city or town in which Respondent's principal office is located.

**49.**

Respondent's advertisement did not comply with the requirements of Rule 7.04(c) because the disclaimer required was not conspicuously displayed so as to be easily seen or understood by the ordinary consumer.

**50.**

Respondent, although having been duly served with notice of the complaint filed by the State Bar of Texas and a request for a response, failed to timely furnish to the district grievance committee a response to the complaint as requested by the committee and failed to furnish a good faith reason for the failure to respond.

The foregoing allegations of professional misconduct related to Respondent's advertisement placed in the Laredo yellow pages constitutes a violation of the following Disciplinary Rules:

Rule 7.07(b) -- A lawyer shall file with the Lawyer Advertisement and Solicitation Review Committee of the State Bar of Texas, either before or concurrently with the first dissemination of an advertisement in the public media, a copy of each of the lawyer's advertisements in the public media.

Rule 7.04(c) -- Separate and apart from any other statements, the statements referred to in paragraph (b) ["Not Certified by the Texas Board of Legal Specialization"] shall be displayed conspicuously with no abbreviations, changes, or additions in the quoted language set forth in paragraph (b) so as to be easily seen or understood by an ordinary consumer.

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 the 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, litigation expenses and attorney's fees.

Respectfully submitted,

Steven W. Young  
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 292 150 114**

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

March 3, 1999

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

RE: Commission for Lawyer Discipline v. George Victor 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 Victor 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 Victor 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 can accommodate compliance with Mellon Service Co., et al v. Touche Ross Co., 946 S.W.2d 862 (Tex.App.- Houston [14th Dist.] 1997), which requires that all proceedings incident to a case occur in the county of proper venue. 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 "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/ch



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

JUSTICES  
NATHAN L. HECHT  
CRAIG T. ENOCH  
PRISCILLA R. OWEN  
JAMES A. BAKER  
GREG ABBOTT  
DEBORAH G. HANKINSON  
HARRIET O'NEILL  
ALBERTO R. GONZALES

CLERK  
JOHN T. ADAMS

EXECUTIVE ASS'T  
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASS'T  
JIM HUTCHESON

ADMINISTRATIVE ASS'T  
NADINE SCHNEIDER

APR 15 1999

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 Victor Garcia, II*, and a copy of the Supreme Court's order appointing the Honorable Mickey R. Pennington, Judge of the 38<sup>th</sup> District Court, Uvalde, Texas, to preside in this Disciplinary Action.

Sincerely,

A circular stamp containing the word "SIGNED" in capital letters, positioned over a handwritten signature.

John T. Adams  
Clerk

cc: Honorable Mickey R. Pennington  
Mr. James Eller  
Mr. George Victor Garcia, II



## 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

JUSTICES

NATHAN L. HECHT  
CRAIG T. ENOCH  
PRISCILLA R. OWEN  
JAMES A. BAKER  
GREG ABBOTT  
DEBORAH G. HANKINSON  
HARRIET O'NEILL  
ALBERTO R. GONZALES

APR 15 1999

CLERK  
JOHN T. ADAMS

EXECUTIVE ASS'T  
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASS'T  
JIM HUTCHESON

ADMINISTRATIVE ASS'T  
NADINE SCHNEIDER

Mr. James Ehler  
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. Ehler 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 Mickey R. Pennington, Judge of the 38<sup>th</sup> District Court of Uvalde, Texas to preside in

*Commission for Lawyer Discipline v. George Victor Garcia, II*

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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ADMINISTRATIVE ASS'T  
NADINE SCHNEIDER

APR 15 1999

Honorable Mickey R. Pennington  
Judge, 38<sup>th</sup> District Court  
Main & Getty Street  
Box 17  
Uvalde, Texas 78801

Dear Judge Pennington:

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. Ehler, 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