

IN THE SUPREME COURT OF TEXAS  
IN THE MATTER OF  
JOHN E. LAEMLEIN

Misc. Docket No. 93- 0230

ORDER

On this day came on for consideration the Motion for Acceptance of Resignation as Attorney and Counselor at Law of John E. Laemlein, together with the Response of the Chief Disciplinary Counsel. The Court has reviewed said Motion and Response and finds each to be legally sufficient. Based on said Motion and Response, being advised that such resignation is tendered in lieu of disciplinary sanction, and being of the opinion that such resignation is in the public interest and will meet with ends of justice, hereby concludes that the following order is appropriate.

IT IS HEREBY ORDERED AND DECREED that the law license of John E. Laemlein of El Paso County, Texas, State Bar Card No. 11818000, heretofore issued by this Court on May 18, 1976, be cancelled and his name be dropped and deleted from the list of persons licensed to practice law in the State of Texas.

IT IS HEREBY ORDERED AND DECREED that John E. Laemlein shall notify each of his current clients of this resignation. In addition to such notification, said John E. Laemlein is ORDERED to

return any files, papers, unearned monies and other property belonging to the clients and former clients in his possession to the clients and former clients or to another attorney at the client's or former client's request. Said John E. Laemlein is ORDERED to file with the General Counsel of the State Bar of Texas, P.O. Box 12487, Austin, Texas 78711, within thirty (30) days of the effective date of this Order, an affidavit stating that all current clients have been notified of his resignation, and that all files, papers, monies, and other property belonging to all clients and former clients have been returned as ordered herein.

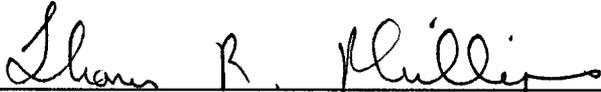
IT IS HEREBY ORDERED AND DECREED that John E. Laemlein shall immediately notify in writing each and every justice of the peace, judge, magistrate, and chief justice of each and every court in which John E. Laemlein has any matter pending of this resignation, the style and cause number of the pending matter(s), and the name, address, and telephone number of the client(s) John E. Laemlein is representing in that Court. Said John E. Laemlein is ORDERED to file with the General Counsel of the State Bar of Texas, P. O. Box 12487, Austin, Texas 78711, within thirty days of the effective date of this Order, an affidavit that he has notified each and every justice of the peace, judge, magistrate, and chief justice of each and every Court in which he has any matter pending of his resignation, the style and cause number of the pending matter(s),

Misc. Docket No. 93- 0230

and the name, address, and telephone number of the client(s) Respondent is representing in that Court.

IT IS FURTHER ORDERED AND DECREED that should John E. Laemlein seek reinstatement to the practice of law in the State of Texas, the terms, conditions, and requirements of Part XI, of the Texas Rules of Disciplinary Procedure shall be in effect and shall apply to all subsequent proceedings. It is ORDERED that should John E. Laemlein seek reinstatement to the practice of law, he must produce written documentation of his compliance with the terms of restitution to the aggrieved parties made the basis of the Motion, and the payment of fees and expenses incurred by the State Bar of Texas in each of the complaints made the basis of the Motion.

By the Court, en banc, in chambers, on this the 2nd day of November, 1993.

  
Thomas R. Phillips, Chief Justice

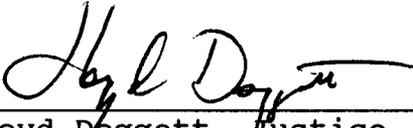
  
Raul A. Gonzalez, Justice

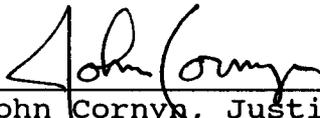
  
Jack Hightower, Justice

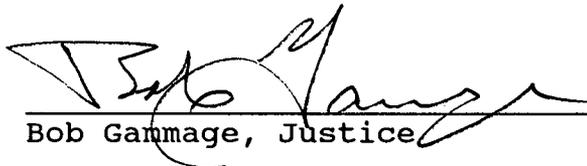
Misc. Docket No. 93- 0230

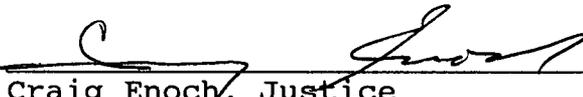
ORDER - JOHN E. LAEMLEIN - PAGE 3 OF 4

  
Nathan L. Hecht, Justice

  
Lloyd Doggett, Justice

  
John Cornyn, Justice

  
Bob Gammage, Justice

  
Craig Enoch, Justice

  
Rose Spector, Justice

Misc. Docket No. 93- 0230

ORDER - JOHN E. LAEMLEIN - PAGE 4 OF 4

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

OF

John E. Laemlein

NOW COMES your Applicant, John E. Laemlein, 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, <sup>effective July 25, 1993</sup> and prays that the Court accept said resignation.

Attached hereto is the License and permanent State Bar card issued by this Court to the Applicant, John E. Laemlein, as an Attorney and Counselor at Law on May 18, 1976. Said License and permanent State Bar card are hereby surrendered by the Applicant.

I.

In connection with such resignation, Applicant acknowledges the following findings of fact:

FINDINGS OF FACT: KING COMPLAINT

(1) Ms. Evelyn King hired Applicant, John E. Laemlein, on or about September 14, 1990 to represent her in a divorce and bankruptcy matter, and paid Applicant \$450.00 for his services. To date, Applicant has failed to complete the matters for which he was hired; has refused to communicate with his client about the cases; and has, in fact, abandoned representation of his client.

Applicant did not pursue the matters diligently, and as a result, the client's divorce was dismissed for want of prosecution and the bankruptcy action was never filed.

FINDINGS OF FACT: OBLICK COMPLAINT

(1) Thomas J. Oblick hired Applicant, John E. Laemlein, on March 31, 1992 to represent him in an adoption matter and paid Applicant a retainer fee of \$350.00. Applicant failed to complete the adoption and failed to keep Mr. Oblick informed about the status of the case. Applicant has neglected the case, and deceived and misinformed Mr. Oblick about the status of the case. Applicant abandoned representation of Mr. Oblick's case and despite Mr. Oblick's repeated requests, Applicant, to date, has failed to return adoption papers that are vitally important to the completion of the adoption process.

(2) Applicant acknowledges that restitution of \$350.00 is due to Mr. Oblick, and the State Bar of Texas has incurred attorney's fees and expenses related to the investigation and hearing of this complaint in the amount of \$1,000.00.

FINDINGS OF FACT: WHITFORD COMPLAINT

(1) Ms. Cara Whitford hired Applicant, John E. Laemlein, in June, 1990 to represent her in a divorce, and paid Applicant \$250.00. After filing Ms. Whitford's Original Petition, Cause No.

90-5543, County Court at Law #4, El Paso County, Texas. Applicant failed to complete the divorce; did not keep his client informed of the status of her case, and in fact, abandoned representation of his client's case. Ms. Whitford's case was dismissed for want of prosecution by the court on January 2, 1992, and Ms. Whitford was forced to retain other counsel to complete the matter, and pay additional attorney's fees to her new counsel.

(2) Applicant acknowledges that he failed to produce a written response to this complaint pursuant to the District 17 Grievance Committee's lawful demand for information pursuant to subpoena issued on April 15, 1993. Subpoena was returned to the State Bar of Texas "unclaimed" on May 2, 1993.

(3) Applicant acknowledges that restitution of \$1,200.00 is due to Ms. Whitford, and the State Bar of Texas has incurred attorney's fees and expenses related to the investigation and hearing of this complaint in the amount of \$1,000.00.

**FINDINGS OF FACT: DEAN COMPLAINT**

(1) Mr. Eddie James Dean hired Applicant, John E. Laemlein, on or about March 8, 1991, to represent him in an uncontested divorce, and paid Applicant a retainer of \$675.00. After filing Mr. Dean's Original Petition, Cause No. 91-2536, County Court at Law #1, El Paso County, Texas, Applicant abandoned representation of his client's case and did not communicate with his client about

the status of the case despite the client's repeated requests for information.

(2) On July 29, 1992, Mr. Dean's case was dismissed for want of prosecution. Applicant failed to advise his client of the dismissal of the case, and Mr. Dean was forced to hire other counsel to complete the matter.

(3) Applicant acknowledges that restitution of \$500.00 is due to Mr. Dean, and the State Bar of Texas has incurred attorney's fees and expenses related to the investigation and hearing of this complaint in the amount of \$750.00.

FINDINGS OF FACT: GARCIA COMPLAINT

(1) Ms. Carmen F. Garcia hired Applicant, John E. Laemlein, in June, 1986 to represent her in a suit regarding a repossessed vehicle. Applicant filed an Original Petition in 1987, Cause No. 87-2920, in El Paso County Court at Law #5. Thereafter, Applicant performed no substantive work on his client's case, and did not respond to his client's repeated requests for information regarding the status of her case.

(2) On May 21, 1990, Applicant's neglect resulted in the dismissal of the case for want of prosecution. Ms. Garcia's vehicle was not recovered, and she was damaged, at minimum, in the amount of \$8,999.00.

(3) Applicant acknowledges that the State Bar of Texas has incurred attorney's fees and expenses related to the investigation and hearing of this case in the amount of \$500.00.

FINDINGS OF FACT: KLOUDA COMPLAINT

(1) Mr. Werner Klouda hired Applicant, John E. Laemlein, in approximately 1991 to represent him in a Deceptive Trade Practices (DTPA) case. Thereafter, Applicant filed suit but has not provided any substantive representation to his client since that time. Applicant repeatedly cancelled or postponed court dates without notice to his client, did not respond to his client's repeated requests for information about the status of the case, and misrepresented the status of the case to his client. Applicant abandoned representation of the case without notice to his client.

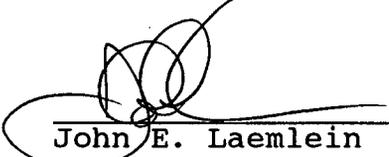
(2) Applicant acknowledges that the State Bar of Texas has incurred attorney's fees and expenses related to the investigation and hearing of this complaint in the amount of \$500.00.

II.

Based on the foregoing findings of fact, Applicant acknowledges that he has committed professional misconduct by violating the Texas Disciplinary Rules of Professional Conduct, Rule 1.01 (b) (1) & (2); Rule 1.03 (a); Rule 1.15 (d); Rule 8.01 (b); Rule 8.04 (a) (3).

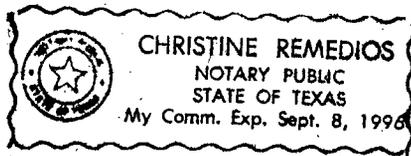
III.

Your applicant is voluntarily resigning and withdrawing from the practice of law; Applicant does so in lieu of discipline for professional misconduct; and 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.

  
\_\_\_\_\_  
John E. Laemlein  
State Bar No. 11818000

SUBSCRIBED AND SWORN to before me by the said John E. Laemlein this the 6th day of July, 1993.

  
\_\_\_\_\_  
NOTARY PUBLIC in and for  
the State of Texas



CHRISTINE REMEDIOS  
\_\_\_\_\_  
Printed Name of Notary

9-8-96  
\_\_\_\_\_  
My commission expires

CF6-17.PRI

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

OF

John E. Laemlein

TO THE HONORABLE SUPREME COURT OF TEXAS:

The Commission for Lawyer Discipline ("Commission") moves the Court to accept the Resignation as Attorney and Counselor at law of John E. Laemlein, showing the Court that:

I.

On July 6, 19 93 John E. Laemlein voluntarily executed a Motion for Acceptance of Resignation as Attorney and Counselor at Law. The Commission hereby concurs in such motion. Acceptance of such resignation in lieu of disciplinary action will protect the public.

II.

In connection with such resignation, the Commission makes the following findings of fact:

FINDINGS OF FACT: KING COMPLAINT

(1) Ms. Evelyn King hired Applicant, John E. Laemlein, on or about September 14, 1990 to represent her in a divorce and bankruptcy matter, and paid Applicant \$450.00 for his services. To date, Applicant has failed to complete the matters for which he was

hired; has refused to communicate with his client about the cases; and has, in fact, abandoned representation of his client. Applicant did not pursue the matters diligently, and as a result, the client's divorce was dismissed for want of prosecution and the bankruptcy action was never filed.

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June, 1990 to represent her in a divorce, and paid Applicant \$250.00. After filing Ms. Whitford's Original Petition, Cause No. 90-5543, County Court at Law #4, Applicant failed to complete the divorce; did not keep his client informed of the status of her case, and in fact, abandoned representation of his client's case. Ms. Whitford's case was dismissed for want of prosecution by the court on January 2, 1992, and Ms. Whitford was forced to retain other counsel to complete the matter, and pay additional attorney's fees to her new counsel.

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(3) Applicant acknowledges that restitution of \$1,200.00 is due to Ms. Whitford, and the State Bar of Texas has incurred attorney's fees and expenses related to the investigation and hearing of this complaint in the amount of \$1,000.00.

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of his client's case and did not communicate with his client about the status of the case despite the client's repeated requests for information.

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(2) Applicant acknowledges that the State Bar of Texas has incurred attorney's fees and expenses related to the investigation and hearing of this complaint in the amount of \$500.00.

III.

Based on the foregoing findings of fact, the Commission concludes as a matter of law that John E. Laemlein committed professional misconduct by violating the Texas Disciplinary Rules of Professional Conduct, Rule 1.01 (b) (1) & (2); Rule 1.03 (a); Rule 1.15 (d); Rule 8.01 (b); Rule 8.04 (a) (3).

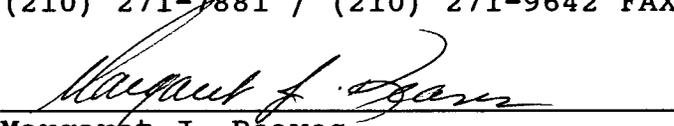
IV.

The Commission prays that the Court accept the resignation as an Attorney and Counselor of Law of John E. Laemlein and drop his name from the list of persons licensed to practice law in the State of Texas.

Respectfully submitted,

James M. McCormack  
General Counsel

Margaret J. Reaves  
Regional Counsel  
Office of the General Counsel  
State Bar of Texas  
405 N. St. Mary's, Suite 600  
San Antonio, Texas 78205  
(210) 271-7881 / (210) 271-9642 FAX

  
\_\_\_\_\_  
Margaret J. Reaves  
Bar Card No.

ATTORNEY FOR COMMISSION

CF6-19.PRI

# STATE BAR OF TEXAS



**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**  
P 839 229 699

Regional Office of the General Counsel  
405 N. St. Mary's, Suite 600  
San Antonio, Texas 78205  
(512) 271-7881

October 29, 1993

John Adams, Clerk  
Supreme Court of Texas  
201 W. 14th Street, Room 104  
Austin, Texas 78701

Re: John E. Laemlein, Bar Card No. 11818000

Dear Mr. Adams:

Enclosed please find a proposed Order of Resignation for the above-referenced attorney.

As of this date, the attorney has made no attempt to withdraw the Motion for Acceptance of Resignation. Therefore, pursuant to Part X of the Texas Rules of Disciplinary Procedure, the detailed statement of professional misconduct is deemed to have been conclusively established for all purposes.

I will appreciate your bringing this to the Court's attention. Please return a fully executed copy of the Order to our office at your earliest convenience.

Sincerely,

A handwritten signature in cursive script, appearing to read "Margaret J. Reaves".

Margaret J. Reaves  
Office of the General Counsel  
State Bar of Texas

Enclosure

CF3-24RA.PRI

# STATE BAR OF TEXAS



CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
P 299 305 116

Regional Office of the General Counsel  
405 N. St. Mary's, Suite 600  
San Antonio, Texas 78205  
(512) 271-7881

September 30, 1993

John Adams, Clerk  
Supreme Court of Texas  
201 W. 14th St.  
Room 104  
Austin, Texas 78701

Re: John E. Laemlein, State Bar No. 11818000

Dear Mr. Adams:

Pursuant to Part X of the Texas Rules of Disciplinary Procedure, please find enclosed herewith the following:

- (1) Original executed Motion for Acceptance of Resignation as Attorney and Counselor at Law for the above referenced attorney;
- (2) Original and two (2) copies of the Response of the Chief Disciplinary Counsel to Motion for Acceptance of Resignation as Attorney and Counselor at Law for the above referenced attorney; and
- (3) Permanent State Bar Card and law license for the above referenced attorney.

I will appreciate your bringing this to the Court's attention. Please return a file stamped copy of the Response to our office at your earliest convenience.

Sincerely,

  
Margaret J. Reaves  
Regional Counsel  
Office of the General Counsel  
State Bar of Texas

Enclosure

CF3-24R.PRI