

ORDER OF THE SUPREME COURT OF TEXAS

Misc Docket No. 96- 9268

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:

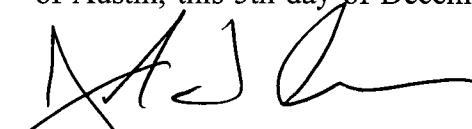
The Commission for Lawyer Discipline v. Juan Ramiro Ledesma

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.

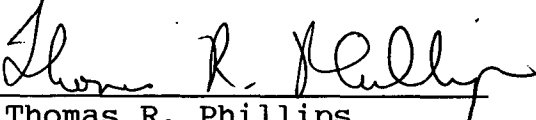
As ordered by the Supreme Court of Texas, in chambers,

with the Seal thereof affixed at the City
of Austin, this 5th day of December, 1996.


JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 96-9268, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 9 day of December, 1996.



Thomas R. Phillips
Chief Justice

No. _____

FILE COPY

COMMISSION FOR LAWYER
DISCIPLINE

§
§
§
§
§
§

IN THE DISTRICT COURT OF

V.

HIDALGO COUNTY, TEXAS

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 Mission, Hidalgo County, Texas, and may be served with process at 2600 East Griffin Parkway, Mission, Hidalgo County, Texas 78572, 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 Hidalgo 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 Lilia Marmolejo on or about October 25, 1995. The acts and conduct of Respondent, as hereinafter alleged, constitute professional misconduct.

Count I - Lilia Marmolejo

II.

In 1982, Lilia Marmolejo hired Respondent to terminate the parent-child relationship of the biological father and obtain a step-father adoption of Ms. Marmolejo's minor daughter, Karen Cavazos. Ms. Marmolejo paid Respondent a \$500.00 retainer fee. Respondent neglected Ms. Marmolejo's case by failing to file the necessary termination and adoption petition. Ms. Marmolejo made numerous requests for a status of her case and was told by Respondent the termination and adoption action had been filed. In 1993, Ms. Marmolejo went to the district clerk's office and found that no termination and adoption action had been filed. When Ms. Marmolejo confronted Respondent with this information, Respondent told her the district clerk's office had lost the paperwork and he would have to re-file the termination and adoption action. Respondent delayed the filing of the termination and adoption action until September 14, 1993. An amended petition for termination and adoption was filed February 23, 1994.

III.

Between February 23, 1994 and early 1995, Respondent neglected legal matters entrusted to him by failing to perform any meaningful work on Ms. Marmolejo's case. In 1995,

Respondent failed to attend two scheduled termination and adoption court hearings. From February 1994 through August 1995, Ms. Marmolejo made numerous attempts to contact Respondent to request information on her case. Respondent failed to return Ms. Marmolejo's telephone calls, failed to meet with Ms. Marmolejo in person and then moved his law office without giving notice to Ms. Marmolejo of an address or telephone number where he could be reached.

IV.

When Respondent did show up for a court hearing, the termination and adoption was further delayed when the Court determined Respondent had failed to obtain service on the biological father. Respondent frequently failed to carry out completely the obligations he owed to Ms. Marmolejo by delaying to complete the termination and adoption for a period of four (4) years. The decree on termination and adoption was finally entered January 10, 1996.

V.

The conduct of Respondent in relation to his representation of Ms. Marmolejo described above constitutes violations 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)(1) -- In representing a client, a lawyer shall not frequently fail to carry out completely the obligations that the lawyer owes to a client;

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 reasonable necessary to permit the client to make informed decisions regarding the representation; and

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

Count II. -- State Bar of Texas

VI.

Respondent was noticed of the filing of the Lilia Marmolejo's complaint by letter dated October 31, 1995 and received by Respondent on November 9, 1995 as evidenced by a signed Certified Mail Return Receipt (green card). District 12B Grievance Committee, in its letter of October 31, 1995, requested that Respondent file a written response to the allegations contained in Ms. Marmolejo'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.

VII.

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

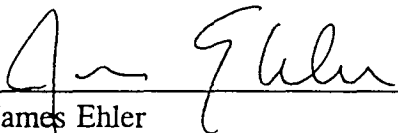
WHEREFORE, PREMISES CONSIDERED, Petitioner prays that a judgment of professional misconduct be entered against Respondent imposing an appropriate sanction as the facts shall warrant and that Petitioner have such other relief to which it is entitled, including costs of court and attorney's fees.

Respectfully submitted,

Steve 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
P 551 185 525**

**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**

October 31, 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
2600 East Griffin Parkway
Mission, Hidalgo County, Texas 78572

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.

Page 2

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/tmg



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

December 16, 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. James Ehler
Mr. Juan Ramiro Ledesma



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

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

EXECUTIVE ASS'T
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

December 16, 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. Ehler, 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,

A handwritten signature in dark ink, appearing to read "John T. Adams".

John T. Adams
Clerk



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

December 16, 1996

Mr. James Ehler
Assistant General Counsel, State Bar of Texas
425 Soledad, Suite 300
San Antonio, Texas 78205

Mr. Juan Ramiro Ledesma
2600 East Griffin Parkway
Mission, Texas 78572

Dear Mr. Ehler 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