

ORDER OF THE SUPREME COURT OF TEXAS

Misc Docket No. 94-9151

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

The Supreme Court of Texas hereby appoints the Honorable James L. Rex, Judge of the 109th District Court of Andrews County, Texas, to preside in the Disciplinary Action styled:

The Commission for Lawyer Discipline v. James J. Crook

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

The Clerk of the Supreme Court shall promptly forward to the District Clerk of El Paso 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.

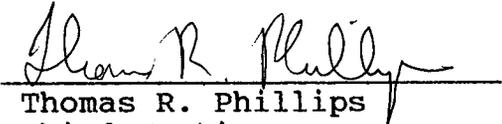
As ordered by the Supreme Court of Texas, in chambers,

with the Seal thereof affixed at the City
of Austin, this 12th day of October, 1994.


JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 94- 9151 , is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 13th day of October , 1994.



Thomas R. Phillips
Chief Justice

COPY

NO. _____

COMMISSION FOR LAWYER DISCIPLINE	§	IN THE DISTRICT COURT OF
	§	
V.	§	EL PASO COUNTY, TEXAS
	§	
JAMES J. CROOK	§	_____ JUDICIAL DISTRICT

DISCIPLINARY PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Petitioner, the Commission for Lawyer Discipline, a committee of the State Bar of Texas (hereinafter called "Petitioner"), complaining of Respondent, James J. Crook, (hereinafter called "Respondent"), showing the Court:

I.

Petitioner brings this disciplinary action pursuant to the State Bar Act, Tex. Gov't. Code Ann. §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 the Disciplinary Petition was filed on or after May 1, 1992.

II.

Respondent is an attorney licensed to practice law in Texas and a member of the State Bar of Texas. Respondent is a resident of and has his principal place of practice in El Paso County, Texas. An officer may serve citation on Respondent at 109 North Oregon Street, Suite 602, El Paso, El Paso County, Texas 79901.

III.

On or about December 3, 1991, Maria Mayela Holguin (hereinafter called "Holguin") hired Respondent to represent her in a divorce proceeding. At that time, she paid Respondent \$600.00 in attorney's fees. In addition, on or about December 17, 1991, she paid Respondent an additional \$326.00 for attorney's fees and court costs.

IV.

Respondent filed Holguin's divorce petition on or about April 14, 1992. Holguin's husband never appeared or filed an answer. A hearing was held on the matter on or about June 29, 1992, at which time the court granted the divorce by default and signed the final divorce decree. Respondent retained possession of the original signed decree and was to file it with the El Paso County District Clerk in order to finalize the divorce. Instead, Respondent gave the original decree to Holguin as proof that her divorce was final, and failed to file any documents with the district clerk.

V.

In and around August, 1992, Holguin's spouse entered an appearance in the divorce proceeding. His attorney contacted Respondent, who assisted in drafting a new decree which differed in several respects from the original decree signed by the court. At no time did Respondent inform Holguin that her divorce was not final because the original divorce decree was never filed with the district clerk, or advise Holguin that he was working with counsel for her spouse to draft a different divorce decree.

VI.

On or about February 18, 1993, the court where the divorce was pending issued a notice

of intent to dismiss for want of prosecution since there was no record of the prior judgment issued by the court in June, 1992. The parties set the matter for hearing on or about May 24, 1993, at which time a new divorce decree which differed from the original decree was signed and entered. At no time was Holguin informed of the May 24th hearing or advised regarding the contents of the new divorce decree. She learned of the new decree when Respondent sent her a copy on or about June 3, 1993.

VII.

Such acts and/or omissions on the part of Respondent as are described in Paragraphs III., IV., V., and VI. hereinabove which occurred on or after January 1, 1990, constitute conduct which violates Rules 1.01(b)(2), 1.03(a), and/or 1.03(b) of the Texas Disciplinary Rules of Professional Conduct.

VIII.

The complaint which forms the basis of the Cause of Action hereinabove set forth was brought to the attention of the Office of General Counsel of the State Bar of Texas by Maria Mayela Holguin filing a complaint on or about August 20, 1993.

PRAYER

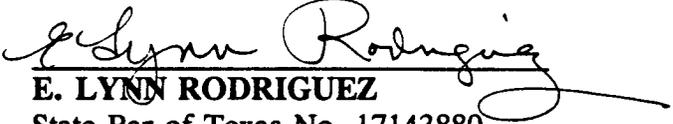
WHEREFORE, PREMISES CONSIDERED, Petitioner prays for judgment that Respondent be disciplined as the facts shall warrant; and that Petitioner have such other relief to which entitled, including costs of Court and attorney's fees.

Respectfully submitted,

James M. McCormack
General Counsel

E. Lynn Rodriguez
Assistant General Counsel

Office of the General Counsel
State Bar of Texas
P.O. Box 12487
Austin, Texas 78711
Telephone: (512) 463-1463
Telecopier: (512) 477-4607


E. LYNN RODRIGUEZ
State Bar of Texas No. 17143880

ATTORNEYS FOR PETITIONER

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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
JACK HIGHTOWER
NATHAN L. HECHT
LLOYD DOGGETT
JOHN CORNYN
BOB GAMMAGE
CRAIG ENOCH
ROSE SPECTOR

EXECUTIVE ASS'T.
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T.
NADINE SCHNEIDER

October 13, 1994

Honorable James L. Rex
Judge, 109th District Court
County Courthouse
Andrews, Texas 79714

Dear Judge Rex:

We enclose for your information a copy of the order of assignment, a copy of the notification letter to Mr. Crook and Mr. McCormack, and a copy of the letter to the District Clerk of El Paso County.

It is recommended that, ten days to two weeks after receipt of this letter, you or your coordinator contact the presiding judge of El Paso County or the District Court Administrator (915 546-2143) 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 District Court Administrator 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 (915 546-8135) to obtain general information as well as claims forms for your expenses incident to presiding over this disciplinary case.

Sincerely,

SIGNED

John T. Adams
Clerk



THE SUPREME COURT OF TEXAS

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THOMAS R. PHILLIPS

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EXECUTIVE ASST.
WILLIAM L. WILLIS

ADMINISTRATIVE ASST.
NADINE SCHNEIDER

October 13, 1994

Mr. James M. McCormack
General Counsel, State Bar of Texas
P.O. Box 12487
Austin, Texas 78711

Mr. James J. Crook
109 North Oregon Street, Suite 602
El Paso, Texas 79901

Dear Mr. McCormack and Mr. Crook:

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 James L. Rex, Judge of the 109th District Court, Andrews, Texas to preside in

Commission for Lawyer Discipline v. James J. Crook.

Sincerely,

SIGNED

John T. Adams
Clerk



THE SUPREME COURT OF TEXAS

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THOMAS R. PHILLIPS

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EXECUTIVE ASST.
WILLIAM L. WILLIS

ADMINISTRATIVE ASST.
NADINE SCHNEIDER

October 13, 1994

The Honorable Edie Rubalcaba
District Clerk of El Paso County
500 East San Antonio Ave., Rm. 103
El Paso, Texas 79901-2496

Dear Ms. Rubalcaba:

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. James J. Crook and a copy of the Supreme Court's order appointing the Honorable James L. Rex, Judge of the 109th District Court, Andrews, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Hon. James L. Rex
Mr. James J. Crook
Mr. James M. McCormack