

ORDER OF THE SUPREME COURT OF TEXAS

Misc Docket No. 94- 9203

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:

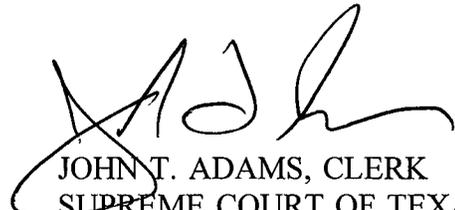
The Commission for Lawyer Discipline v. Juan R. Ledesma

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 19th day of December, 1994.


JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 94-9203, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code, §74.057.

Signed this 19 day of December, 1994.


Thomas R. Phillips
Chief Justice

NO. _____

COMMISSION FOR LAWYER DISCIPLINE § IN THE DISTRICT COURT OF
V. §
JUAN R. LEDESMA § HIDALGO COUNTY, TEXAS
§
§ _____ 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, Juan R. Ledesma, (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 Hidalgo County, Texas. An officer may serve citation on Respondent at his business address located at 1112 North 23rd Street, McAllen, Hidalgo County, Texas 78501.

III.

In and around August, 1992, Avelino Sanchez (hereinafter called "Sanchez") contacted Respondent regarding representation of his wife, Francisca Sanchez, who was incarcerated in Bryan, Texas, after being convicted on federal drug charges. Sanchez wanted Respondent to review his wife's case and determine if her sentence could be reduced. To assist in his evaluation, Sanchez provided Respondent with various documents relating to Francisca Sanchez' conviction. After purportedly reviewing the documents, Respondent indicated to Sanchez that he would take the case, but needed a \$1,500.00 retainer to travel to Bryan and meet with Francisca Sanchez to obtain additional information from her. On or about August 27, 1992, Sanchez paid Respondent the \$1,500.00 retainer fee.

IV.

Respondent thereafter made two (2) appointments to meet with Francisca Sanchez on or about September 14, 1992, and on or about October 8, 1992. However, on each occasion, Respondent failed to appear for the meeting. In addition, Respondent failed to perform any other legal services on Francisca Sanchez' behalf. As a result, Sanchez decided to terminate Respondent's representation, and notified him of the termination by mail on or about November 30, 1992, and on or about December 10, 1992. Sanchez also demanded that Respondent refund the unearned retainer fee Sanchez had previously paid him.

V.

When Respondent failed to respond to his letters and demand for a refund, Sanchez called Respondent's office on or about December 16, 1992, and on or about December 17, 1992. In addition, Sanchez travelled from his home in Fort Worth to McAllen on or about December 20, 1992, to personally meet with Respondent, who was unavailable. Respondent thereafter failed to communicate with Sanchez or respond to his calls and visits. In addition, Respondent failed to refund Sanchez' unearned retainer fee or return Francisca Sanchez' file.

VI.

Such acts and/or omissions on the part of Respondent as are described in Paragraphs III., IV. and V. hereinabove which occurred on or after January 1, 1990, constitute conduct which violates Rules 1.01(b)(1), 1.01(b)(2), 1.03(a), 1.15(d) and/or 8.04(a)(3) of the Texas Disciplinary Rules of Professional Conduct.

VII.

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 Avelino Sanchez filing a complaint on or about December 20, 1993.

PRAYER

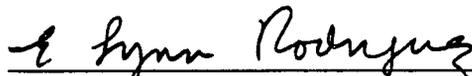
WHEREFORE, PREMISES CONSIDERED, Petitioner prays for judgment that Respondent be disciplined as the facts shall warrant; and that Petitioner have such other relief to which entitled, including costs of Court and attorney's fees.

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
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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

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CLERK
JOHN T. ADAMS

EXECUTIVE ASST.
WILLIAM L. WILLIS

ADMINISTRATIVE ASST.
NADINE SCHNEIDER

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

December 20, 1994

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. McCormack, and a copy of the letter to the District Clerk of Hidalgo County.

It is recommended that, four or five weeks after receipt of this letter, you contact the Presiding Judge of the Administrative Judicial Region into which you have been assigned (210-544-0807) to reserve a courtroom, provide for a court reporter, to obtain information on lodging, allowable expenses, and claim forms for your expenses and other information incident to presiding over this disciplinary case.

Sincerely,

SIGNED

John T. Adams
Clerk



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

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EXECUTIVE ASS'T.
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T.
NADINE SCHNEIDER

December 20, 1994

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

Mr. Juan R. Ledesma
1112 North 23rd Street
McAllen, Texas 78501

Dear Mr. McCormack 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 R. Ledesma

Sincerely,

SIGNED

John T. Adams
Clerk



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

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ROSE SPECTOR

December 20, 1994

The Honorable Pauline Gonzalez
District Clerk
Drawer 87
Edinburg, Texas 78540

Dear Ms. Gonzalez:

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 R. 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,



John T. Adams
Clerk

cc: Hon. Mark Davidson
Mr. Juan R. Ledesma
Mr. James M. McCormack