

ORDER OF THE SUPREME COURT OF TEXAS

Misc. Docket No. 9078

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

The Supreme Court of Texas hereby appoints the Honorable Guilford L. Jones, Judge of the 33rd District Court of Burnet County, Texas, to preside in the Disciplinary Action styled:

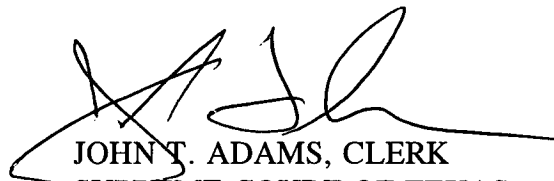
The Commission for Lawyer Discipline v. Ricardo G. Padilla

to be filed in a District Court of Val Verde County, Texas.

The Clerk of the Supreme Court shall promptly forward to the District Clerk of Val Verde 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.

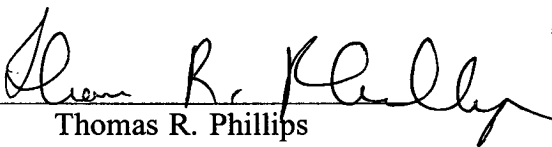
As ordered by the Supreme Court of Texas, in chambers,

with the Seal thereof affixed at the City
of Austin, this 8th day of May, 1997.


JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 97-9078, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 7 day of May, 1997.

A handwritten signature in cursive script, appearing to read "Thomas R. Phillips", written over a horizontal line.

Thomas R. Phillips
Chief Justice

FILE COPY

No. _____

**COMMISSION FOR LAWYER
DISCIPLINE**

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§

IN THE DISTRICT COURT OF

V.

VAL VERDE COUNTY, T E X A S

RICARDO G. PADILLA

___ 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, RICARDO G. PADILLA, 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, Ricardo G. Padilla, State Bar Number 15406200, 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 Val Verde County, Texas and may be served with process at 111 Wall Street, Del Rio, Val Verde County, Texas 78840, his usual place of business.

Venue

Respondent resides in and maintains his principal place of practice in Val Verde County, Texas. The alleged professional misconduct occurred in Val Verde County, Texas. Accordingly, pursuant to Texas Rules of Disciplinary Procedure 3.03, venue is proper in Val Verde 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 on or about October 30, 1996. The acts and conduct of Respondent, as hereinafter alleged, constitute professional misconduct.

II.

On or about October 27, 1995, the Complainant, Elida V. Flores, paid the Respondent \$350 to represent her grandson, Jeremy Fernandez, in a juvenile matter. During the course of the representation, the Respondent failed to keep Jeremy Fernandez reasonably informed of the status of his case despite assurances by the Respondent that he would communicate with the client. After the passage of a couple of weeks, on or about November 14, 1995, the client became frustrated with the inaction and lack of communication of the Respondent and terminated the Respondent. Upon termination, the Respondent failed to refund unearned fees when his trust account check in the amount of \$300, payable to Ms Elida V. Flores, was returned as insufficient funds.

III.

On November 8, 1996, the Respondent received notice by certified mail return receipt requested of the complaint filed against him by Elida V. Flores. Pursuant to Rule 2.09 of the Texas Rules of Disciplinary Procedure, such notice informed the Respondent of his obligation to furnish a written response to the State Bar of Texas within (30) thirty days after receipt of the notice. The Respondent knowingly failed to timely file a response to the notice of complaint.

IV.

The conduct of Respondent described above constitutes a violation of the following Texas Disciplinary Rules of Professional Conduct:

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 1.15(d) -- Upon termination of representation, a lawyer shall surrender papers and property to which the client is entitled and refund any payment of fees that have not been earned.

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 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,

Steven W. Young
General Counsel

John J. Rivas
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



John J. Rivas
State Bar No. 00788285

ATTORNEYS FOR PETITIONER

STATE BAR OF TEXAS



CERTIFIED MAIL
RETURN RECEIPT REQUESTED
P 583 839 965

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

April 9, 1997

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

RE: Commission for Lawyer Discipline v. Ricardo G. Padilla

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 Ricardo G. Padilla. Mr. Padilla has designated Val Verde 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:

Ricardo Padilla
111 Wall Street
Del Rio, Zavala County, Texas 78840

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 three (3) copies of the Disciplinary Petition and the filing fee check, also enclosed herewith, and the Court's appointing order to the District Clerk of Texas, with the request that the suit be filed, service be obtained, and a filemarked copy of the petition returned to the undersigned.

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John T. Adams

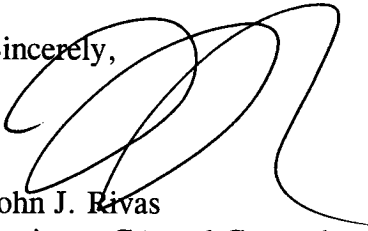
Commission v. Ricardo Padilla

April 9, 1997

Also enclosed are a pre-addressed envelope for your use in transmitting the petition, etc., to the District Clerk of Val Verde County, Texas and a return envelope to be sent to the District Clerk of Val Verde 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 be 'John J. Rivas', written over a large, stylized, circular scribble.

John J. Rivas

Assistant General Counsel

Enclosures

JJR/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

May 9, 1997

Honorable Guilford L. Jones
Judge, 33rd District Court
220 South Pierce Street
Burnet, Texas 78611-3136

Dear Judge Jones:

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. Rivas and Mr. Padilla, and a copy of the letter to the District Clerk of Val Verde 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 Val Verde 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 (210-792-2290) to obtain claims 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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CLERK
JOHN T. ADAMS

EXECUTIVE ASST
WILLIAM L. WILLIS

ADMINISTRATIVE ASST
NADINE SCHNEIDER

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ROSE SPECTOR
PRISCILLA R. OWEN
JAMES A. BAKER
GREG ABBOTT

May 9, 1997

Mr. John J. Rivas
Assistant General Counsel, State Bar of Texas
425 Soledad, Suite 300
San Antonio, Texas 78205

Mr. Ricardo Padilla
111 Wall Street
Del Rio, Texas 78840

Dear Mr. Rivas and Mr. Padilla:

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 Guilford L. Jones, Judge of the 33rd District Court of Burnet, Texas to preside in

Commission for Lawyer Discipline v. Ricardo G. Padilla

Sincerely,

SIGNED

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

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JUSTICES
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ROSE SPECTOR
PRISCILLA R. OWEN
JAMES A. BAKER
GREG ABBOTT

CLERK
JOHN T. ADAMS

EXECUTIVE ASS'T
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

May 9, 1997

The Honorable Martha Germany
District Clerk of Val Verde County
P.O. Box 1544
Del Rio, Texas 78841-1544

Dear Ms. Germany:

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 Ricardo G. Padilla, and a copy of the Supreme Court's order appointing the Honorable Guilford L. Jones, Judge of the 33rd District Court of Burnet Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Hon. Guilford L. Jones
Mr. Mr. Ricardo G. Padilla
Mr. John J. Rivas