

ORDER OF THE SUPREME COURT OF TEXAS

Misc. Docket No. 97- 9165

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

The Supreme Court of Texas hereby appoints the Honorable Dean Rucker, Judge of the 318th District Court of Midland County, Texas, to preside in the Disciplinary Action styled:

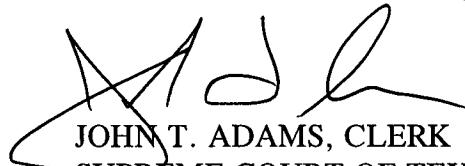
The Commission for Lawyer Discipline v. David D. Garza

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

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

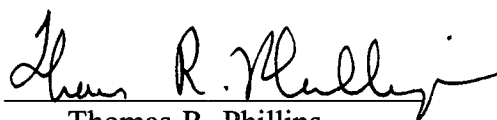
with the Seal thereof affixed at the City
of Austin, this 18th day of September, 1997.

A handwritten signature in black ink, appearing to read "J. Adams", written over the printed name of the signatory.

**JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS**

This assignment, made by Misc. Docket No. 97-9165, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 22 day of September, 1997.

A handwritten signature in cursive script, reading "Thomas R. Phillips". The signature is written in black ink and is positioned above a horizontal line.

Thomas R. Phillips
Chief Justice

NO. _____

COMMISSION FOR LAWYER DISCIPLINE § IN THE DISTRICT COURT OF
V. § LUBBOCK COUNTY, TEXAS
DAVID D. GARZA § ____ 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, DAVID D. GARZA (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 Lubbock County, Texas. An officer may serve citation on Respondent at 2302 Avenue Q, Lubbock, Lubbock County, Texas.

FIRST CAUSE OF ACTION

III.

In or around October, 1994, Respondent was retained by Mary B. Flores (hereinafter referred to as "Complainant") to represent her in a personal injury claim arising as a result of an automobile accident which occurred on or about August 11, 1993. Complainant was hospitalized

with various injuries, including fractured bones. During the course of Respondent's representation, Respondent willfully and knowingly neglected the case, failed to keep the client reasonably informed about the status of her case, and failed to adequately explain matters relating to the case to the Complainant so that she could make informed decisions. As of this date, Complainant has received no settlement for the injuries she sustained in this automobile accident.

IV.

Such acts and/or omissions on the part of Respondent as are described in Paragraph III hereinabove which occurred on or after January 1, 1990, constitute conduct violative of Rule 1.01(b)(1), 1.03(a), 1.03(b), and 8.04(a)(1) of the Texas Rules of Professional Conduct.

V.

The complaint which forms the basis of the cause of action hereinabove set forth was brought to the attention of the Office of the General Counsel of the State Bar of Texas by a complaint filed by the Mary B. Flores on or about November 14, 1996.

SECOND CAUSE OF ACTION

VI.

By letter dated November 20, 1996 and received by Respondent on or about November 22, 1996, the Grievance Committee for State Bar District 16A urged Respondent to provide a written response to a complaint presented against him by Mary B. Flores, which complaint was brought to the attention of the Office of the General Counsel of the State Bar of Texas by the filing of a complaint with the State Bar of Texas on or about November 14, 1996. Respondent thereafter failed to provide a written response to a disciplinary authority, to wit: the Grievance Committee for State Bar District 16A, thereby engaging in professional misconduct in violation of Rule 8.04(a)(8) of the Texas Disciplinary Rules of Professional Conduct.

PRAYER

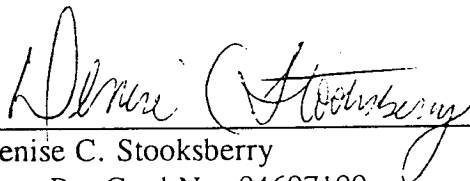
WHEREFORE, PREMISES CONSIDERED, Petitioner prays for judgment that Respondent be disciplined as the facts shall warrant; and that Petitioner have such other relief to which entitled, including costs of Court and attorney's fees.

Respectfully submitted,

Steven W. Young
General Counsel

Denise C. Stooksberry
Assistant General Counsel

Office of the General Counsel
STATE BAR OF TEXAS
201 Main Street, Suite 1150
Fort Worth, TX 76102
817/877-4993
817/335-4249 (FAX)



Denise C. Stooksberry
State Bar Card No. 04607100

ATTORNEYS FOR PETITIONER

STATE BAR OF TEXAS



Office of the Chief Disciplinary Counsel

July 25, 1997

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

Re: Commission for Lawyer Discipline v. David D. Garza

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 David D. Garza. Mr. Garza is a resident of Lubbock County, Texas. Request is hereby made that the Court appoint an active District Judge who does not reside in the Administrative Judicial Region in which Respondent resides to preside in this case. Upon appointment, request is hereby made that you notify the Respondent at the address shown below and the undersigned of the identity and address of the judge assigned:

David D. Garza
2302 Avenue Q
Lubbock, Texas

As a practical matter, I would respectfully suggest that you inquire with the judge to be appointed as to whether he will be able to comply with the 180 day deadline by which the case must be set for trial 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, the filing fee check, also enclosed herewith, and the Court's appointing order to the District Clerk of Lubbock County, Texas, with the request that the suit be filed, service be obtained, and a file-marked copy of the petition be returned to the undersigned. Further, please provide the undersigned a copy of the Court's appointing order in the pre-addressed envelope enclosed.

John T. Adams, Clerk
July 25, 1997
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Also enclosed is a pre-addressed envelope for your use in transmitting the petition, etc., to the District Clerk of Lubbock County, Texas, and a return envelope to be sent to the District Clerk of Lubbock County, Texas, for the Clerk's use in returning a file-marked copy of the petition to the undersigned.

If you have any questions, please contact me. Thank you for your assistance.

Sincerely,

A handwritten signature in cursive script that reads "Denise C. Stooksberry". The signature is written in black ink and is positioned above the typed name.

Denise C. Stooksberry
Assistant General Counsel
Office of the Chief Disciplinary Counsel
State Bar of Texas

/am

Enclosures



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

OCT 2 1997

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

CLERK
JOHN T. ADAMS

EXECUTIVE ASST
WILLIAM L. WILLIS

ADMINISTRATIVE ASST
NADINE SCHNEIDER

Ms. Denise C. Stooksberry
Assistant General Counsel, State Bar of Texas
201 Main Street, Suite 1150
Fort Worth, Texas 76102

Mr. David D. Garza
2302 Avenue Q
Lubbock, Texas 79405

Dear Ms. Stooksberry and Mr. Garza:

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 Dean Rucker, Judge of the 318th District Court, Midland, Texas to preside in

Commission for Lawyer Discipline v. David D. Garza

Sincerely,

SIGNED

John T. Adams
Clerk



THE SUPREME COURT OF TEXAS

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THOMAS R. PHILLIPS

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JOHN T. ADAMS

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ADMINISTRATIVE ASST
NADINE SCHNEIDER

OCT 02 1997

Honorable Dean Rucker
Judge, 318th District Court
200 West Wall Street, Suite 200
Midland, Texas 79701

Dear Judge Rucker:

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 Ms. Stooksberry and Mr. Garza, and a copy of the letter to the District Clerk of Lubbock 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 Lubbock 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 (806-637-8171) to obtain claims forms for your expenses and other information incident to presiding over this disciplinary case.

Sincerely,

JOHN T. ADAMS

John T. Adams
Clerk



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

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CLERK
JOHN T. ADAMS

EXECUTIVE ASS'T
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

The Honorable Jean Anne Stratton
District Clerk of Lubbock County
P.O. Box 10536
Lubbock, Texas 79408-3536

Dear Ms. Stratton:

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. David D. Garza, and a copy of the Supreme Court's order appointing the Honorable Dean Rucker, Judge of the 318th District Court, Midland, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Hon. Dean Rucker
Ms. Denise C. Stooksberry
Mr. David D. Garza