

**ORDER OF THE SUPREME COURT OF TEXAS**

**Misc Docket No. 94- 9207**

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

The Supreme Court of Texas hereby appoints the Honorable John R. Hollums, Judge of the 110th District Court of Floyd County, Texas, to preside in the Disciplinary Action styled:

**The Commission for Lawyer Discipline v. James V. Mazuca**

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

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

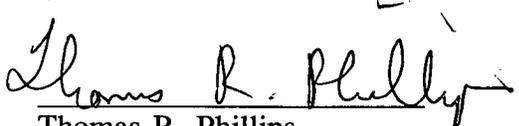
As ordered by the Supreme Court of Texas, in chambers,

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. 94-9207, 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. §  
JAMES V. MAZUCA § BEXAR 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, James V. Mazuca, (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 Bexar County, Texas. An officer may serve citation on Respondent at his business address located at 511 West French Place, San Antonio, Bexar County, Texas 78212.

### III.

On or about July 26, 1993, Lisa A. Bohannon (hereinafter called "Bohannon") hired Respondent to represent her in a personal injury claim for damages she had recently sustained in an automobile accident.

### IV.

Bohannon thereafter became dissatisfied with Respondent's representation and terminated his employment on or about September 14, 1993. Approximately two weeks later, she changed her mind and rehired Respondent to represent her. However, after rehiring Respondent, Bohannon again grew concerned with the quality of his representation, particularly since she was unable to meet with him or discuss her case with him personally. As a result, she terminated his employment on or about October 20, 1993.

### V.

Following the termination of his employment, Bohannon asked Respondent for a copy of her file, including her contract of employment. Respondent failed and/or refused to provide Bohannon with a copy of her file, purportedly because all the documents in the file had allegedly been mailed to her on prior occasions by Respondent's staff. Bohannon also requested that Respondent release his interest in her case so that she could hire another attorney to represent her. Respondent informed Bohannon that he was maintaining his interest in the case and planned to collect a share of the attorney's fees at the time of settlement.

### VI.

Notwithstanding the fact that his representation had been terminated by Bohannon, Respondent thereafter failed to promptly notify the defendant's insurance company that he was

withdrawing from his representation of Bohannon, thereby effectively preventing other counsel from representing her. Respondent did not notify the insurance company of his termination until on or about March 25, 1994, one day after a hearing was held on the matter before the District 10B Grievance Committee of the State Bar of Texas.

**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 1.03(a), 1.03(b), 1.15(a)(3), and/or 1.15(d) 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 Lisa A. Bohannon filing a complaint on or about December 10, 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**

u:\users\catherin\lynn\mazuca.dp



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 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

The Honorable David J. Garcia  
District Clerk of Bexar County  
Bexar County Courthouse  
San Antonio, Texas 78205

Dear Mr. Garcia:

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 V. Mazuca and a copy of the Supreme Court's order appointing the Honorable John R. Hollums, Judge of the 110th District Court, Floydada, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams  
Clerk

cc: Hon. John R. Hollums  
Mr. James V. Mazuca  
Mr. James M. McCormack



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE  
THOMAS R. PHILLIPS

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ROSE SPECTOR

EXECUTIVE ASST.  
WILLIAM L. WILLIS

ADMINISTRATIVE ASST.  
NADINE SCHNEIDER

December 20, 1994

Honorable John R. Hollums  
Judge, 110th District Court  
100 Main Street  
Floydada, Texas 79235

Dear Judge Hollums:

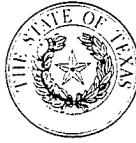
We enclose for your information a copy of the order of assignment, a copy of the Disciplinary Action, a copy of the notification letter to Mr. Mazuca and Mr. McCormack, and a copy of the letter to the District Clerk of Bexar County.

It is recommended that, four or five weeks after receipt of this letter, you contact the Bexar County District Court Administrative Office (210-220-2544) 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 (210-769-3182) to obtain information on lodging, allowable expenses, and claims forms for your expenses 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 ASST.  
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. James V. Mazuca  
511 West French Place  
San Antonio, Texas 78212

Dear Mr. McCormack and Mr. Mazuca:

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 John R. Hollums, Judge of the 110th District Court, Floydada, Texas to preside in

Commission for Lawyer Discipline v. James V. Mazuca

Sincerely,

SIGNED

John T. Adams  
Clerk