

ORDER OF THE SUPREME COURT OF TEXAS

Misc. Docket No. 02 - **9103**

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

The Supreme Court of Texas hereby appoints the Honorable Dennis Powell, Judge of the 163rd District Court of Orange County, Texas, to preside in the Disciplinary Action styled

The Commission for Lawyer Discipline v. Oscar Raul Tamez

filed in the 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 the Disciplinary Petition and this Order for filing pursuant to Rule 3.03, Texas Rules of Disciplinary Procedure.

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

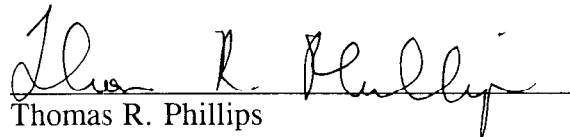
With the Seal thereof affixed at the City
Of Austin, this 7th day of June, 2002.



JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 02-9103, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code, §74.057.

Signed this 10 day of June, 2002.


Thomas R. Phillips
Chief Justice



The Supreme Court of Texas

CHIEF JUSTICE
THOMAS R. PHILLIPS

201 West 14th Street Post Office Box 12248 Austin TX 78711
Telephone: 512/463-1312 Facsimile: 512/463-1365

CLERK
JOHN T. ADAMS

JUSTICES
NATHAN L. HECHT
CRAIG T. ENOCH
PRISCILLA R. OWEN
JAMES A. BAKER
DEBORAH G. HANKINSON
HARRIET O'NEILL
WALLACE B. JEFFERSON
XAVIER RODRIGUEZ

EXECUTIVE ASSISTANT
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASST
JIM HUTCHESON

ADMINISTRATIVE ASSISTANT
NADINE SCHNEIDER

JUN 14 2008

The Honorable Reagan Greer
District Clerk of Bexar County
100 Dolorosa Street
San Antonio, Texas 78205-1205

Dear Mr. Greer:

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. Oscar Raul Tamez*, and a copy of the Supreme Court's order appointing the Honorable Dennis Powell, Judge of the 163rd District Court, Orange, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Honorable Dennis Powell
Mr. Robert E. Kaszczuk
Mr. Oscar R. Tamez



The Supreme Court of Texas

CHIEF JUSTICE
THOMAS R. PHILLIPS

201 West 14th Street Post Office Box 12248 Austin TX 78711
Telephone: 512/463-1312 Facsimile: 512/463-1365

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JIM HUTCHESON

ADMINISTRATIVE ASSISTANT
NADINE SCHNEIDER

JUN 14 2002

Mr. Robert E. Kaszczuk
Assistant Disciplinary Counsel, State Bar of Texas
425 Soledad, Suite 300
San Antonio, Texas 78205

Mr. Oscar R. Tamez
323 West Mulberry
San Antonio, Texas 78212

Dear Mr. Kaszczuk and Mr. Tamez:

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 Dennis Powell, Judge of the 163rd District Court, Orange, Texas to preside in

Commission for Lawyer Discipline v. Oscar Raul Tamez

Sincerely,

SIGNED

John T. Adams
Clerk



The Supreme Court of Texas

CHIEF JUSTICE
THOMAS R. PHILLIPS

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NADINE SCHNEIDER

JUN 14 2002

Honorable Dennis Powell
Judge, 163rd District Court
303 Courthouse
801 W. Division Street
Orange, Texas 77630

Dear Judge Powell:

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. Tamez and Mr. Kaszczuk, and a copy of the letter to the District Clerk of Bexar County.

It is recommended that, six to eight weeks after receipt of this letter, you or your coordinator contact the Bexar County Administrative Office (956-335-2300) to find out the district court to which this disciplinary case has been assigned, names and addresses of counsel, etc. We then recommend that, either before or immediately after you set the case for trial, you contact the Presiding Judge of the Administrative Judicial Region into which you have been assigned (210-769-3519) to reserve a courtroom, obtain a court reporter, obtain claims forms for your expenses incident to presiding over this disciplinary case.

Sincerely,

SIGNED

John T. Adams
Clerk

No. _____

COMMISSION FOR LAWYER
DISCIPLINE

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§

IN THE DISTRICT COURT OF

V.

BEXAR COUNTY, TEXAS

OSCAR RAUL TAMEZ

_____TH JUDICIAL DISTRICT

ORIGINAL 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, OSCAR RAUL TAMEZ, 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, OSCAR RAUL TAMEZ, Texas State Bar Number 00785081, 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 Bexar County, Texas. Respondent may be served with citation and a copy of this petition by serving him at usual place of business, 323 West Mulberry, San Antonio, Texas 78212.

Venue

Respondent's principal place of law practice is in Bexar County, Texas. Accordingly, pursuant to Texas Rules of Disciplinary Procedure 3.03, venue is proper in Bexar County, Texas.

Discovery Control Plan

Pursuant to Tex.R.Civ.P. 190.1, Petitioner designates that discovery in this action should proceed pursuant to Level 2 (Tex.R.Civ.P. 190.3).

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 December 20, 2000 by Linda Marquez Martin. The acts and conduct of Respondent, as hereinafter alleged, constitute professional misconduct.

II.

1. In or about November or December 1995, Complainant, Linda Marquez Martin, hired Respondent to pursue a potential settlement of her personal injury case resulting from an automobile accident of September 13, 1995.
2. Over the course of the next several years, Respondent undertook the representation of Complainant on a contingent fee basis without obtaining a written contingent fee agreement.
3. Upon receiving settlement funds in April 2000, Respondent failed to promptly deliver to Complainant those funds that Complainant was entitled to receive.
4. Respondent owes Complainant restitution in the amount of \$4,685.50.
5. Respondent also failed to appear at two mediation sessions at the Bexar County Dispute Resolution Center. Both mediation sessions were scheduled to provide a neutral site to assist both Respondent and Complainant in the disbursement of the settlement funds held by Respondent. The first session Respondent failed to attend was scheduled for May 16, 2001 at 9:00 A.M. at the Bexar County Justice Center. The second session respondent failed to attend was scheduled for May 31, 2001 at 9:00A.M. at the Bexar County Justice Center.

III.

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

Rule 1.04(d) – A contingent fee shall be in writing and shall state the method by which the fee is to be determined.

Rule 1.14(b) – Upon receiving funds or other property in which a client or third person has an interest, a lawyer shall promptly notify the client or third person.

PRAYER

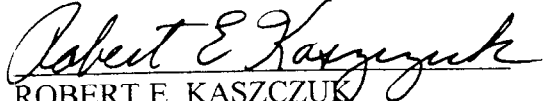
WHEREFORE, PREMISES CONSIDERED, Petitioner prays that a judgment of professional misconduct be entered against Respondent imposing an appropriate sanction as the facts shall warrant and that Petitioner have such other relief to which it is entitled, including costs of court and attorney's fees.

Respectfully submitted,

Dawn Miller
Chief Disciplinary Counsel

Robert E. Kaszczuk
Assistant Disciplinary Counsel

Office of the Chief Disciplinary Counsel
State Bar of Texas
425 Soledad, Suite 300
San Antonio, Texas 78205
Telephone: (210) 271-7881
Telecopier: (210) 271-9642


ROBERT E. KASZCZUK
State Bar No. 11106300
ATTORNEYS FOR PETITIONER