



**BEFORE THE BOARD OF DISCIPLINARY APPEALS
APPOINTED BY
THE SUPREME COURT OF TEXAS**

IN THE MATTER OF §
JOHN CUCCI, JR. § **CAUSE NO. 51058**
STATE BAR CARD NO. 24030107 §

DEFAULT JUDGMENT OF SUSPENSION

On the 1st day of February 2013, the above-styled and numbered reciprocal disciplinary action was called for hearing before the Board of Disciplinary Appeals. Petitioner Commission for Lawyer Discipline of the State Bar of Texas appeared by attorney and announced ready. Respondent, John Cucci, Jr., although duly cited to appear and having notice of the hearing, failed to answer or appear and wholly made default. All issues of fact as well as all questions of law were submitted to the Board of Disciplinary Appeals for determination. Having considered the pleadings on file, having received evidence, and having heard the argument of counsel, the Board of Disciplinary Appeals is of the opinion that Petitioner is entitled to entry of the following findings and orders:

Findings of Fact. The Board of Disciplinary Appeals finds that:

- (1) Respondent, John Cucci, Jr., Bar Card No. is 24030107, is an attorney who is licensed but not currently authorized to practice law in the State of Texas due to being administratively suspended for non-payment of Bar dues and Occupational tax.
- (2) On or about March 13, 2012, an Order/Per Curium was entered in the Supreme Court of the State of Louisiana in a matter styled: *In Re: John Cucci, Jr.*, No. 11-B-2202, suspending Respondent from the practice of law

for a period of three (3) years. In the Order/Per Curium, the Court found that Respondent: 1) failed to place client's advanced deposits against fees in the lawyer's trust account and failed to provide an accounting for those funds in violation of Louisiana Rule of Professional Conduct ("LRPC") 1.5(f)(3); 2) failed to place client's advance deposit for costs and expenses in the lawyer's trust account in violation of LRPC 1.15(f)(4); 3) failed to hold disputed funds in a trust account until the dispute was resolved in violation of LRPC 1.15(f)(5); 4) made an agreement for, charged or collected an unreasonable fee or an unreasonable amount for expenses in violation of LRPC 1.5(a); 5) failed to hold property of clients or third persons that was in the his possession in connection with a representation separate from his own property in violation of LRPC 1.15(a); 6) did not deposit his own funds in a client trust account for the sole purpose of paying bank service charges on that account or obtaining a waiver of those charges only in an amount necessary for that purpose in violation of LRPC 1.15(b); 7) failed to place into a client trust account legal fees and expenses that were paid in advance in violation of LRPC 1.15(c); 8) failed to properly communicate with his client in violation of LRPC 1.4; 9) failed to cooperate with the Office of Disciplinary Counsel in its investigation of any matter in violation of LRPC 8.1(c); and 10) engaged in conduct involving dishonesty, fraud, deceit or misrepresentation in violation of LRPC 8.4(c).

- (3) Respondent, John Cucci, Jr., is the same person as the John Cucci, Jr., who is the subject of the Order/Per Curium entered by the Supreme Court of the State of Louisiana.
- (4) The Order from the Supreme Court of the State of Louisiana is final.
- (5) Respondent was personally served with the Order to Show Cause and Petition for Reciprocal Discipline by a duly authorized private process server on December 6, 2012, and the return and affidavit of service has been on file with the Board since December 21, 2012.

Conclusions of Law. Based upon the foregoing findings of facts the Board of Disciplinary

Appeals makes the following conclusions of law:

- (1) This Board has jurisdiction to hear and determine this matter. Tex. R. Disciplinary P. 7.08(H) ("TRDP");
- (2) Reciprocal discipline identical to that imposed by the Supreme Court of the State of Louisiana is warranted in this case. TRDP 9.02

It is, accordingly, ORDERED, ADJUDGED, AND DECREED that Respondent, John Cucci, Jr., State Bar Card No. 24030107, is hereby SUSPENDED from the practice of law in Texas for a period of three years beginning the date of this Judgment and ending February 4, 2016.

It is further ORDERED that during the term of active suspension ordered herein, Respondent shall be prohibited from practicing law in Texas, holding himself out as an attorney at law, performing any legal service for others, accepting any fee directly or indirectly for legal services, appearing as counsel in any proceeding in any Texas court or before any Texas administrative body, or holding himself out to others or using his name, in any manner, in conjunction with the words "attorney," "counselor," or "lawyer."

It is further ORDERED that Respondent, John Cucci, Jr., shall notify in writing, no later than thirty (30) days from the date of this Judgment, each and every justice of the peace, judge, magistrate, and chief justice of each and every court in which Respondent, John Cucci, Jr., has any legal matter pending, if any, of his suspension, of the style and cause number of the pending matter(s), and of the name, address, and telephone number of the client(s) Respondent is representing in that court. Respondent is also ORDERED to mail copies of all such notifications to the Statewide Compliance Monitor, Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711.

It is further ORDERED that Respondent, John Cucci, Jr., shall immediately notify each of his current clients and opposing counsel, if any, in writing, of his suspension. In addition to such notification, Respondent is ORDERED to return all files, papers, unearned fees paid in advance, and all other monies and properties which are in his possession but which belong to current or former clients, if any, to those respective clients or former clients within thirty (30) days after the date on

which this Judgment is signed by the Board. Respondent is further ORDERED to file with this Board, within the same thirty (30) days, an affidavit stating that all current clients have been notified of his suspension and that all files, papers, unearned fees paid in advance, and all other monies and properties belonging to clients and former clients have been returned as ordered herein. If Respondent should be unable to return any file, papers, money or other property to any client or former client, Respondent's affidavit shall state with particularity the efforts made by Respondent with respect to each particular client and the cause of his inability to return to said client any file, paper, money or other property. Respondent is also ORDERED to mail a copy of said affidavit and copies of all notification letters to clients, to the Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711.

It is further ORDERED that Respondent, John Cucci, Jr., immediately surrender his Texas law license and permanent State Bar Card to the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Austin, Texas 78711, for transmittal to the Clerk of the Supreme Court of Texas.

Signed this 4th day of February 2013.


VICE CHAIR PRESIDING