

**BEFORE THE GRIEVANCE COMMITTEE FOR
STATE BAR DISTRICT NO. 04J, STATE BAR OF TEXAS**

COMPLAINT AGAINST	X	
	X	
JOHN STEVEN MOSTYN	X	NO. H0030212798
	X	
HOUSTON, TEXAS	X	

AGREED JUDGMENT OF PUBLIC REPRIMAND

A complaint was docketed by the Grievance Committee for State Bar District No. 04J, State Bar of Texas, against John Steven Mostyn, Texas Bar Number 00798389. (herein after referred to as "Respondent") a licensed attorney and member of the State Bar of Texas, residing or maintaining an office in Houston, Harris County, Texas, by [REDACTED] (herein after referred as "Complainant"), alleging certain acts of professional misconduct on the part of the Respondent which occurred in Houston, Harris County, Texas.

The Grievance Committee and the Respondent lawyer have signed an Agreed Findings of Fact and Conclusions of Law on file herein, and said findings and conclusions support a Judgment of Public Reprimand herein agreed to, and by reason of said findings and conclusions the Committee is of the opinion that Respondent is guilty of professional misconduct and should be publicly reprimanded.

Respondent consents to the rendition and entry of this Judgment and having his acknowledgment to the Agreed Findings of Fact and Conclusions of Law taken in accordance with the provision of the State Bar Rules. Respondent further agrees to pay three hundred dollars and no cents in attorneys' fees to the State Bar of Texas, 1111 Fannin, Suite. 1370 Houston, Texas 77002, via in the form of money order, certified or cashier's check by May 1, 2003.

IT IS FURTHER ORDERED that this reprimand is made a matter of public record, and it shall be published in the Texas Bar Journal.

Agreed Judgment of Public Reprimand
Agreed Findings of Fact and Conclusions of Law/Mostyn

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SIGNED this 14 day of May, 2003.

GRIEVANCE COMMITTEE
DISTRICT NO. 04
STATE BAR OF TEXAS

BY: 
RICHARD SCHWARTZ
Chairperson

Agreed Judgment of Public Reprimand
/Agreed Findings of Facts and Conclusions of Law/Mustyn

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**BEFORE THE GRIEVANCE COMMITTEE FOR THE STATE BAR
DISTRICT NO. 04J THE STATE BAR OF TEXAS**

COMPLAINT AGAINST	X	
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JOHN STEVEN MOSTYN	X	H0030212798
	X	
HOUSTON, TEXAS	X	

AGREED FINDINGS OF FACT AND CONCLUSIONS OF LAW

A complaint was docketed by the Grievance Committee for State Bar District No.04J State Bar of Texas, against John Steven Mostyn, Texas Bar Number 00798389 (herein after referred to as "Respondent") a licensed attorney and member of the State Bar of Texas, residing or maintaining an office in Houston, Harris County, Texas, by [REDACTED] (herein after referred to as "Complainant"), alleging certain acts of professional misconduct on the part of the Respondent which occurred in Houston, Harris County, Texas. A Panel of the Committee has conducted a hearing on this complaint and having considered all of the evidence submitted, and by agreement of the Respondent lawyer, has on January 7, 2005 made the following findings of fact and conclusions of law:

**I.
FINDINGS OF FACT**

- 1) Respondent is an attorney licensed to practice law in Texas and is a member of the State Bar of Texas.
- 2) The Chief Disciplinary Counsel of the State Bar of Texas has incurred reasonable attorney fees and direct expenses associated with the proceedings of this matter, which should be paid by Respondent.
- 3) On or about April 20, 1999, [REDACTED] (herein after referred to as "Complainant") retained Respondent to represent him in a lawsuit against an insurance company.
- 4) Subsequently, Respondent frequently failed to respond to reasonable requests for information by Complainant and failed to affirmatively communicate with Complainant

Agreed Judgment of Public Reprimand
/Agreed Findings of Facts and Conclusions of Law/Mostyn

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concerning settlement negotiations, limitations problems and other important information necessary for Complainant to make informed decisions about the case. Complainant regularly attempted to contact Respondent between July, 1999 and September, 2000 and received only two (2) uninformative communications from Respondent's office in this fifteen (15) month period. Likewise, during the time between September 2000 and February 2002, Respondent did not provide any meaningful communication to the Complainant.

5) On or about July 31, 2001, Respondent agreed to a settlement of Complainant's case without consulting Complainant. Complainant did not agree to the settlement. Respondent represented to opposing counsel that the Complainant's case had been settled.

6) On February 20, 2002, Respondent wrote Complainant a letter describing the prior settlement of July 2002 as a "settlement proposal". On February 22, 2002, Respondent represented to the 333rd Judicial District Court regarding Complainant's case that, "The parties have reached an agreement to amicably settle all of these consolidated cases and intend to file agreed motions to dismiss in each as soon as the respective settlement papers had been executed. Other writings acknowledged by the Respondent also evidenced a settlement.

7) Because of Respondent's actions, Complainant was bound by a settlement of his case to which he did not agree.

II. CONCLUSIONS OF LAW

It is agreed that the foregoing findings of fact support a violation of Rule(s) 1.02(a)(2) a lawyer shall abide by a client's decisions; whether to accept an offer of settlement of a matter, except as otherwise authorized by law; 1.03(a) for failing to keep a client reasonably informed about the status of a matter and to promptly comply with reasonable requests for information; and 1.08(f) a lawyer who represents two or more clients shall not participate in making an aggregate settlement of the claims of or against the clients, or in a criminal case an aggregated agreement to *guilty or nolo contendere* pleas, unless each client has consented after consultation, including

disclosure of the existence and nature of all the claims or pleas involved and of the nature and extent of the participation of each person in the settlement; ~~2.01 for failing to give a client straightforward advice, expressing the lawyer's honest assessment of the case.~~ The Texas Disciplinary Rules of Professional Conduct, Article X, Section 9, State Bar Rules, effective January 1, 1990.

SIGNED this 14 day of May, 2003.

GRIEVANCE COMMITTEE
DISTRICT NO. 04J
STATE BAR OF TEXAS

BY: Richard Schwartz
RICHARD SCHWARTZ
Chairperson

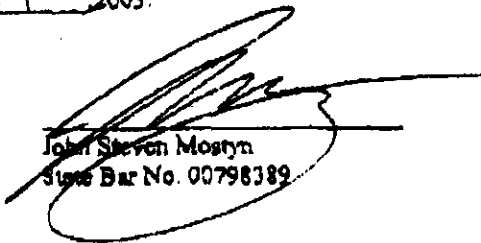
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CONSENT TO FINDINGS OF FACT AND CONCLUSIONS OF LAW

In connection with the charges of professional misconduct filed against me and heard by your Committee, I hereby consent to entry of Agreed Findings of Fact and Conclusions of Law in the form submitted to me.

SIGNED this 10th day of April, 2003.


John Steven Mostyn
State Bar No. 00798389

STATE OF TEXAS

X

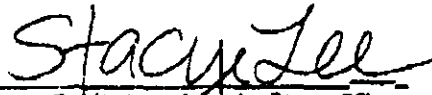
COUNTY OF Harris

X

X

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared John Steven Mostyn known to me to be the person whose name is subscribed to the foregoing instrument, and being by me first duly sworn, acknowledged to me that he executed same for the purposes and considerations therein expressed, and the Agreed Findings of Fact and Conclusions of Law are true in every respect.

April GIVEN UNDER my hand and seal of office this 10 day of April, 2003.


Notary Public in and for the State of Texas



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Agreed Findings of Facts and Conclusions of Law: Mostyn

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