

COMMISSION FOR LAWYER DISCIPLINE

REPORT

TO THE BOARD OF DIRECTORS
ON
ATTORNEY DISCIPLINE

JANUARY 2016

Disciplinary Sanctions
September 1, 2015 through November 30, 2015

DISBARMENTS	DISTRICT	Number of Complaints Resolved
Barnes, George Michael	7	1
Barnes, George Michael	7	1
Maldonado, Michael	11	1
Soward, II, Joe Weldon	7	1
Total	4	4

RESIGNATIONS IN LIEU of DISCIPLINE	DISTRICT	Number of Complaints Resolved
Demond, Walter E.	9	1
Fafatas, Robert Constantine	3	5
Fredrickson, Eric Lee	9	1
Jones, Gregory G.	7	2
Smith, James Robert	4	13
Thawer, Sherin	6	21
Wright, Timothy Lane	9	1
Total	7	44

SUSPENSIONS	DISTRICT	Number of Complaints Resolved
Barry, Carl Redford	9	1
Baskette, William L.	10	1
Demerson, Christopher Dante	4	2
Eaton, Michael W.	7	1
Froeschl, Adam Thomas	10	3
Graves, Willie Stephen	10	1
Guillotte, Jr., Paul H.	1	1
Hamner, Brian Anthony	10	1
Hinchman, Gary A.	4	1
Howard, Stephen Kenneth	7	3
Huber, Scott K.	6	1
LaFuente, Steven Ryan	13	1
LaFuente, Steven Ryan	13	1
Marquardt, Scott Douglas	1	1
Parker, Randall A.	10	1
Parker, Randall Dale	6	1
Pugh, Michael Nicholls	14	2
Saldana, III, Humberto	10	1
Stevens, Terresha Deneen Wile	7	2
Tafel, Roger Mathew	7	1
Taylor, II, John Fisher	10	1

Thomas, Jon Phillip	4	1
Thomas, Jon Phillip	4	5
Toscano, Andrew E.	10	1
Towery, Beverly Lynn Gaines	1	1
Vasquez, Alex	13	1
Williams, Paul Kobbe	16	1

Board of Disciplinary Appeals:

O'Briant, James Michael	BODA	1
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Total	28	39
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PUBLIC REPRIMANDS	DISTRICT	Number of Complaints Resolved
Alley, Travis Richard	7	1
Cox, Sharron Lynn Spriggs	1	1
Deutsch, Melissa Ann	9	1
Escobar, Paul Joseph	17	1
Lanfear, Michelle Sorokwasz	10	1
Marquardt, Scott D.	1	1
Marsaw, Terry Levoy	6	1
Prentice, Walter C	9	1
Riebschlager, Gary M.	4	1
Total	9	9

PRIVATE REPRIMANDS		
GRIEVANCE COMM.	NUMBER OF SANCTIONS	Number of Complaints Resolved
3	1	1
4	3	3
5	1	1
6	2	2
7	3	3
10	1	1
12	2	2
14	2	2
Total	15	15
Grievance Referral Program	12	12
GRAND TOTAL:	75	123

DISCIPLINARY ACTIONS - CURRENT BAR YEAR

BAR YEARS		Total Sanctions		Total Complaints Resolved	
2015-2016*	DISBARMENTS	11		14	
	RESIGNATIONS	15		70	
	SUSPENSIONS	56		84	
	PUBLIC REPRIMANDS	14		15	
	PRIVATE REPRIMANDS	27		31	
	GRIEVANCE REFERRAL PROGRAM	18	141	18	232

*does not reflect year-end figures

DISCIPLINARY ACTIONS - PREVIOUS BAR YEARS

BAR YEARS		Total Sanctions		Total Complaints Resolved	
2014-2015	DISBARMENTS	28		39	
	RESIGNATIONS	19		50	
	SUSPENSIONS	111		146	
	PUBLIC REPRIMANDS	32		34	
	PRIVATE REPRIMANDS	65		71	
	GRIEVANCE REFERRAL PROGRAM	63	318	63	403

BAR YEARS		Total Sanctions		Total Complaints Resolved	
2013-2014	DISBARMENTS	21		21	
	RESIGNATIONS	17		55	
	SUSPENSIONS	131		164	
	PUBLIC REPRIMANDS	31		34	
	PRIVATE REPRIMANDS	65		72	
	GRIEVANCE REFERRAL PROGRAM	57	322	57	403

2012-2013	DISBARMENTS	39		51	
	RESIGNATIONS	24		46	
	SUSPENSIONS	122		160	
	PUBLIC REPRIMANDS	37		40	
	PRIVATE REPRIMANDS	89		91	
	GRIEVANCE REFERRAL PROGRAM	56	367	56	444
2011-2012	DISBARMENTS	38		45	
	RESIGNATIONS	27		87	
	SUSPENSIONS	137		174	
	PUBLIC REPRIMANDS	40		41	
	PRIVATE REPRIMANDS	106		115	
	GRIEVANCE REFERRAL PROGRAM	55	403	55	517
2010-2011	DISBARMENTS	28		52	
	RESIGNATIONS	23		101	
	SUSPENSIONS	157		254	
	PUBLIC REPRIMANDS	40		50	
	PRIVATE REPRIMANDS	77		82	
	GRIEVANCE REFERRAL PROGRAM	46	371	46	585
2009-2010	DISBARMENTS	25		33	
	RESIGNATIONS	22		40	
	SUSPENSIONS	111		169	
	PUBLIC REPRIMANDS	37		47	
	PRIVATE REPRIMANDS	81		89	
	GRIEVANCE REFERRAL PROGRAM	39	315	39	417
2008-2009	DISBARMENTS	32		43	
	RESIGNATIONS	26		104	
	SUSPENSIONS	127		189	
	PUBLIC REPRIMANDS	46		54	
	PRIVATE REPRIMANDS	68		73	
	GRIEVANCE REFERRAL PROGRAM	36	335	36	499

2007-2008	DISBARMENTS	24		63	
	RESIGNATIONS	24		90	
	SUSPENSIONS	121		224	
	PUBLIC REPRIMANDS	28		35	
	PRIVATE REPRIMANDS	69		73	
	GRIEVANCE REFERRAL PROGRAM	33	299	33	518
2006-2007	DISBARMENTS	30			
	RESIGNATIONS	31			
	SUSPENSIONS	110			
	PUBLIC REPRIMANDS	62			
	PRIVATE REPRIMANDS	87	320		

COMMISSION FOR LAWYER DISCIPLINE
REPORT TO THE BOARD OF DIRECTORS
JANUARY 2016

DISTRICT 01:

COX, SHARRON LYNN SPRIGGS: #24006599
09/23/2015-PUBLIC REPRIMAND

On September 23, 2015, **Sharron Lynn Spriggs Cox** [#24006599], 61, of Bonham, received an agreed judgment of public reprimand. The District 1 Grievance Committee found that in representing the complainant, Cox failed to keep the complainant reasonably informed about the status of the complainant's tax matter and failed to promptly comply with the complainant's reasonable requests for information. In addition, Cox failed to explain the legal matter to the extent reasonably necessary to permit the complainant to make informed decisions regarding the representation.

Cox violated Rules 1.03(a), and 1.03(b). She was ordered to pay \$1,494.96 in attorneys' fees.

GUILLOTTE, PAUL H., JR.: #08597100
09/21/2015-FULLY PROBATED SUSPENSION
10/01/2015-09/30/2017

On September 21, 2015, **Paul H. Guillotte, Jr.** [#08597100], 52, of Athens, received a 24-month, fully probated suspension, effective October 1, 2015. On March 12, 2013, Guillotte was hired to defend a personal injury matter and was paid \$10,000.00. Upon request, Guillotte failed to promptly render a full accounting of the attorney's fees paid. Upon termination of representation, Guillotte failed to refund advance payment of a fee that had not been earned.

Guillotte violated Rules 1.14(b), and 1.15(d). He was ordered to pay \$1,500.00 in attorneys' fees and direct expenses and \$5,000.00 in restitution.

MARQUARDT, SCOTT DOUGLAS: #00796999
10/26/2015-PUBLIC REPRIMAND

On October 26, 2015, **Scott Douglas Marquardt** [#00796999], 45, of Plano, received an agreed judgment of public reprimand. An evidentiary panel of the District 1 Grievance Committee found that on or about March 26, 2012, Complainant hired Marquardt for representation in a divorce case and failed to keep the Complainant reasonably informed about the status of his divorce case and failed to promptly comply with reasonable requests for information from the Complainant about his divorce case. Upon termination of representation, Marquardt failed to surrender papers and property to which the complainant was entitled. Marquardt failed to timely furnish to the Chief Disciplinary Counsel's office a response or other information as required by the Texas Rules of Disciplinary Procedure. Marquardt did not in good faith timely assert a privilege or other legal ground for failure to do so.

Marquardt violated Rules 1.03(a), 1.15(d), and 8.04(a)(8). He was ordered to pay \$1,879.12 in attorneys' fees and direct expenses.

MARQUARDT, SCOTT DOUGLAS: #00796999
10/26/2015-FULLY PROBATED SUSPENSION
11/01/2015-04/30/2016

On October 26, 2015, **Scott Douglas Marquardt** [#00796999], 45, of Plano, received a six-month, fully probated suspension, effective November 1, 2015. An evidentiary panel of the District 1 Grievance Committee found that on or about June 22, 2013, Complainant hired Marquardt in a civil matter. In representing Complainant, Marquardt neglected the legal matter entrusted to him by failing to provide legal services on Complainant's behalf. Marquardt failed to keep Complainant reasonably informed about the status of his legal matter and failed to promptly comply with reasonable requests for information from Complainant about his legal matter. Upon termination of representation, Marquardt failed to refund advance payments of the fee that had not been earned. Marquardt failed to timely furnish to the Chief Disciplinary Counsel's office a response or other information as required by the Texas Rules of Disciplinary Procedure. Marquardt did not in good faith timely assert a privilege or other legal ground for failure to do so.

Marquardt violated Rules 1.01(b)(1), 1.03(a), 1.15(d), and 8.04(a)(8). He was ordered to pay \$2,500.00 in restitution and \$1,728.30 in attorneys' fees and direct expenses.

TOWERY, BEVERLY LYNN GAINES
11/20/2015-ACTIVE SUSPENSION
11/15/2015-11/14/2017

On November 20, 2015, **Beverly Lynn Gaines Towery** [#24039354], 53, of Plano, agreed to a two-year, active suspension, effective November 15, 2015.

The District 1 Grievance Committee found that Towery failed to explain the civil matter to the extent reasonably necessary to permit Complainant to make informed decisions regarding the representation. Towery engaged in conduct involving dishonesty, fraud, deceit or misrepresentation.

Towery violated Rules 1.03(b) and 8.04(a)(3). She was ordered to pay \$2,500.00 in attorneys' fees and direct expenses.

DISTRICT 03:

FAFATAS, ROBERT CONSTANTINE: #24010017
11/17/2015-RESIGNATION

On November 17, 2015, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Robert Constantine Fafatas** [#24010017], 45, of The Woodlands. In the first three cases, Fafatas neglected the legal matters and failed to keep his clients reasonably informed about the statuses and comply with reasonable requests for information. Fafatas further failed to refund any advance payments of fees that were not earned and engaged in the practice of law while on administrative suspension.

In the fourth case, Fafatas failed to refund any advance payment of fees that was not earned and failed to respond to the grievance. In the final matter, Fafatas neglected the legal matter, failed to keep his client reasonably informed about the status and comply with reasonable requests for information, and failed to explain the matter to the extent reasonably necessary to permit his client to make informed decisions. Fafatas also failed to respond to the grievance and engaged in the practice of law while on administrative suspension.

Fafatas violated Rules 1.01(b)(1), 1.03(a), 1.03(b), 1.15(d), 8.04(a)(8), and 8.04(a)(11).

**HOUSTON ATTORNEY
10/01/2015-PRIVATE REPRIMAND**

RULE 1.14(b)

for failing, upon receiving funds or other property in which a client or third person has an interest, to promptly notify the client or third person and render a full accounting upon request

DISTRICT 04:

**HOUSTON ATTORNEY
11/04/2015-PRIVATE REPRIMAND**

RULE 8.04(a)(11)

for engaging in the practice of law when the lawyer is on inactive status or when the lawyer's right to practice has been suspended or terminated, including but not limited to situations where a lawyer's right to practice has been administratively suspended for failure to timely pay required fees or assessments or for failure to comply with Article XII of the STATE BAR RULES relating to Mandatory Continuing Legal Education

**HOUSTON ATTORNEY
10/27/2015-PRIVATE REPRIMAND**

RULE 1.14(a)

for failing to hold funds and other property belonging in whole or part to clients or third persons in a lawyer's possession separate from the lawyer's own property;

RULE 1.14(b)

for failing, upon receiving funds or other property in which a client or third person has an interest, to promptly notify the client or third person and render a full accounting upon request

**DEMERSON, CHRISTOPHER DANTE: #24066913
11/10/2015-FULLY PROBATED SUSPENSION
11/05/2015-05/05/2017**

On November 10, 2015, **Christopher Dante Demerson** [#24066913], 32, of Houston, accepted an 18-month, fully probated suspension, effective November 5, 2015. An evidentiary panel of the District 4 Grievance Committee found that, with regard to two grievances filed against him, Demerson neglected the legal matters entrusted to him, failed to keep the complainants reasonably informed about the status of the matters, failed to promptly comply with reasonable requests for information from complainants about the matters, and failed to explain the matters to the extent reasonably necessary to permit the complainants to make informed decisions regarding the representation.

Demerson violated Rules 1.01(b)(1), 1.03(a), and 1.03(b). He was ordered to pay \$1,261.00 in attorneys' fees and direct expenses.

HINCHMAN, GARY A.: #09684350
08/24/2015-FULLY PROBATED SUSPENSION
08/24/2015-08/24/2016

On August 24, 2015, **Gary A. Hinchman** [#09684350], 60, of Houston, received a one-year, fully probated suspension, effective August 24, 2015. An evidentiary panel of the District 4 Grievance Committee found that Hinchman failed to keep his client reasonably informed about the status of her divorce and further failed to promptly comply with her reasonable requests for information. In addition, upon termination of his representation, Hinchman failed to refund advance payments of fee that had not been earned and also failed to comply with requests for the return of the client's file.

Hinchman violated Rules 1.03(a), and 1.15(d). He was ordered to pay \$2,000.00 in restitution and \$1,396.95 in attorneys' fees and direct expenses.

RIEBSCHLAGER, GARY M.: #16902200
09/15/2015-PUBLIC REPRIMAND

On September 15, 2015, **Gary M. Riebschlager** [#16902200], 59, of Houston, accepted an agreed judgment of public reprimand. An evidentiary panel of the District 4 Grievance Committee found that in connection with a bar admission application for the State of Kansas, Riebschlager failed to correct a misapprehension known to have arisen in the matter.

Riebschlager violated Rule 8.01(b). He was ordered to pay \$500.00 in attorneys' fees.

SMITH, JAMES ROBERT: #18621500
10/20/2015-RESIGNATION

On October 20, 2015, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **James Robert Smith** [#18621500], 72, of Houston. At the time of Smith's resignation, there were 13 disciplinary matters pending against him alleging that he neglected the legal matters entrusted to him and failed to keep his clients reasonably informed about the status of their legal matters and to promptly comply with reasonable requests for information. Smith also entered into a business transaction with a client without giving an opportunity for the client to seek the advice of independent counsel, failed to hold funds and other property belonging in whole or in part to his clients that were in his possession separate from his own property, and upon termination of the representation, failed to refund advance payments of fee that had not been earned. Smith also engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation and failed to respond to grievances.

Smith violated Rules 1.01(b)(1), 1.03(a), 1.08(a), 1.14(a), 1.15(d), 8.04(a)(3), and 8.04(a)(8).

THOMAS, JON PHILLIP: #24037593
08/28/2015-PARTIALLY PROBATED SUSPENSION
03/12/2015-03/12/2016: SUSPENSION
03/13/2016-03/12/2018: PROBATION

On August 28, 2015, **Jon Phillip Thomas** [#24037593], 37, of Houston, received a three-year, partially probated suspension, effective March 12, 2015, with the first year actively suspended and the remainder two years probated. An evidentiary panel of the District 4 Grievance Committee found that Thomas neglected the legal matter entrusted to him, failed to keep his client reasonably informed about the status of his legal matter, and failed to promptly comply with reasonable requests for information. Upon termination of representation, Thomas failed to surrender papers and property to which the client was entitled and Thomas failed to refund advance payments of fee that had not been earned. Thomas practiced law in a jurisdiction where doing so violated the regulation of the legal

profession in that jurisdiction, engaged in conduct involving dishonesty, fraud, deceit or misrepresentation, and failed to timely furnish to the Office of Chief Disciplinary Counsel a response or other information as required by the Texas Rules of Disciplinary Procedure.

Thomas violated Rules 1.01(b)(1), 1.03(a), 1.15(d), 5.05(a), 8.04(a)(3), and 8.04(a)(8). He was ordered to pay restitution in the amount of \$1,300.00 and direct expenses in the amount of \$220.00. Thomas has filed a notice of appeal.

THOMAS, JON PHILLIP: #24037593
10/06/2015-PARTIALLY PROBATED SUSPENSION
09/28/2015-10/28/2015: SUSPENSION
10/29/2015-09/28/2016: PROBATION

On October 6, 2015, **Jon Phillip Thomas** [#24037593], 37, of Houston, agreed to a 12-month, partially probated suspension, effective September 28, 2015, with the first 30 days actively suspended and the remaining probated. An evidentiary panel of the District 4 Grievance Committee found that Thomas failed to timely furnish a response or other information as required by the Texas Rules of Disciplinary Procedure to the Chief Disciplinary Counsel without asserting a privilege or other legal ground to do so and violating a disciplinary judgment.

Thomas violated Rules 8.04(a)(7), and 8.04(a)(8). He agreed to attorneys' fees and costs in the amount of \$1,720.00.

HOUSTON ATTORNEY
09/08/2015-PRIVATE REPRIMAND

RULE 1.01(b)(1)
for neglecting a legal matter entrusted to the lawyer

RULE 1.03(a)
for failing to keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information

RULE 8.04(a)(1)
for violating these Rules, knowingly assisting or inducing another to do so, or doing so through the acts of another, whether or not such violation occurred in the course of a client-lawyer relationship

DISTRICT 05:

HOUSTON ATTORNEY
09/29/2015-PRIVATE REPRIMAND

RULE 1.01(b)(1)
for neglecting a legal matter entrusted to the lawyer

RULE 1.03(a)
for failing to keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information

DISTRICT 06:

**DALLAS ATTORNEY
10/05/2015-PRIVATE REPRIMAND**

RULE 1.01(b)(1)

for neglecting a legal matter entrusted to the lawyer

RULE 1.03(a)

for failing to keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information

RULE 1.15(d)

for failing, upon termination of representation, to reasonably protect a client's interests, give notice to the client to seek other counsel, or surrender papers and property which belongs to the client

**HUBER, SCOTT K.: #24013905
09/23/2015-PARTIALLY PROBATED SUSPENSION
10/15/2015-01/14/2016: SUSPENSION
01/15/2016-10/14/2016: PROBATION**

On September 23, 2015, **Scott K. Huber** [#24013905] 48, of Dallas, received a 12-month, partially probated suspension, effective October 15, 2015, with the first three months actively suspended and the remainder probated. An evidentiary panel of the District 6 Grievance Committee found that on or about June 26, 2009, Complainant hired Huber in connection with a civil matter. In representing Complainant, Huber neglected the legal matter entrusted to him by failing to perform any work on the matter. Huber failed to promptly comply with reasonable requests for information from Complainant about her civil matter. Huber failed to timely furnish to the Chief Disciplinary Counsel's office a response or other information as required by the Texas Rules of Disciplinary Procedure. Huber did not in good faith timely assert a privilege or other legal ground for failure to do so.

Huber violated Rules 1.01(b)(1), 1.03(a), and 8.04(a)(8). He was ordered to pay \$1,000.00 in restitution, \$2,120.00 in attorneys' fees, \$250.00 in attorneys' fees as ordered in the Order Granting Petitioner's Motion for Discovery Sanctions entered on March 11, 2015, and \$972.88 in direct expenses.

**DALLAS ATTORNEY
10/15/2015-PRIVATE REPRIMAND**

RULE 1.01(b)(1)

for neglecting a legal matter entrusted to the lawyer

RULE 1.03(a)

for failing to keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information

MARSAW, TERRY LEVOY: #00786085
11/04/2015-PUBLIC REPRIMAND

On November 4, 2015, **Terry Levoy Marsaw** [#00786085], 60, of Dallas, received a public reprimand. An evidentiary panel of the District 6 Grievance Committee found that Marsaw filed a motion for continuance with the Dalworthington Gardens Municipal Court stating he was detained in another court. Marsaw did not appear in the second court.

Marsaw violated Rule 3.03(a)(1). He was ordered to pay \$925.00 in attorneys' fees and direct expenses.

PARKER, RANDALL DALE: #24025583
10/07/2015-PARTIALLY PROBATED SUSPENSION
10/15/2015-01/14/2016: SUSPENSION
01/15/2016-10/14/2016: PROBATED

On October 7, 2015, **Randall Dale Parker** [#24025583], 44, of Dallas, received a 12-month, partially probated suspension, effective October 15, 2015, with the first three months actively suspended and the remainder probated. An evidentiary panel of the District 6 Grievance Committee determined that after Parker was hired as legal counsel on August 25, 2009, Parker failed to abide by Complainant's decisions concerning the objectives and general methods of representation, failed to keep Complainant reasonably informed about the case, and failed to promptly comply with reasonable requests for information about the status of the civil matter. Parker also failed to explain the civil matter to the extent reasonably necessary to permit Complainant to make informed decisions regarding the legal representation. Parker further failed to timely furnish the Chief Disciplinary Counsel's office a response or other information as required by the Texas Rules of Disciplinary Procedure. Parker did not in good faith timely assert a privilege or other legal ground for failure to do so.

Parker violated Rules 1.02(a)(1), 1.03(a), 1.03(b), and 8.04(a)(8). He owes restitution in the amount of \$3,000.00 to Complainant. Parker owes \$3,000.00 to the Chief Disciplinary Counsel of the State Bar of Texas for reasonable attorneys' fees and direct expenses associated with this Disciplinary Proceeding.

THAWER, SHERIN: #00798542
09/08/2015-RESIGNATION

On September 8, 2015, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Sherin Thawer** [#00798542], 45, of Irving. At the time of Thawer's resignation, there were 21 pending matters against her alleging neglecting legal matters; failing to keep clients reasonably informed about the status of their legal matters; failing to promptly comply with reasonable requests for information from clients about their legal matters; failing to explain matters to the extent reasonably necessary to permit clients to make informed decisions regarding the representation; entering into an arrangement for, charging, or collecting an unconscionable or illegal fee from clients; failing to hold funds belonging to clients separate from her own property; failing to promptly deliver to clients' funds that clients were entitled to receive; upon termination of representation, failing to surrender papers or property to which clients were entitled; making a false or misleading communication about her qualifications or services; failing to comply with the State Bar of Texas' Advertising Review Committee's application requirements; making a false statement of material fact in a disciplinary matter; committing a serious crime; engaging in conduct involving dishonesty, fraud, deceit or misrepresentation; violating a disciplinary judgment; failing to respond to grievances; engaging in the practice of law when her right to practice had been suspended; and violating laws relating to the professional conduct of lawyers and to the practice of law.

Thawer violated Rules 1.01(b)(1), 1.03(a), 1.03(b), 1.04(a), 1.14(a), 1.14(b), 1.15(d), 7.02(a)(2)(i), 7.07, 8.01(a), 8.04(a)(2), 8.04(a)(3), 8.04(a)(7), 8.04(a)(8), 8.04(a)(11), and 8.04(a)(12)

DISTRICT 07:

**DALLAS ATTORNEY
10/30/2015-PRIVATE REPRIMAND**

RULE 1.01(b)(1)
for neglecting a legal matter entrusted to the lawyer

RULE 1.01(b)(2)
for failing to carry out completely the obligations owed to a client

**ALLEY, TRAVIS RICHARD: #01078010
09/24/2015-PUBLIC REPRIMAND**

On September 24, 2015, **Travis Richard Alley** [#01078010], 59, of Fort Worth, received an agreed judgment of public reprimand. An evidentiary panel of the District 7 Grievance Committee found that in representing Complainant, Alley neglected the legal matter entrusted to him, failed to keep Complainant reasonably informed about the status of his legal matter, and failed to refund unearned legal fees.

Alley violated Rules 1.01(b)(1), 1.03(a), and 1.15(d). He was ordered to pay \$10,000.00 in restitution to Complainant and \$1,350.00 in attorneys' fees and direct expenses.

**BARNES, GEORGE MICHAEL: #01767100
07/09/2015-DISBARMENT**

On July 9, 2015, **George Michael Barnes** [#01767100], 61, of Fort Worth, was disbarred. The District 7 Grievance Committee found that Barnes violated a disciplinary judgment. Barnes failed to timely furnish to the Chief Disciplinary Counsel's office a response or other information as required by the Texas Rules of Disciplinary Procedure. Barnes did not in good faith timely assert a privilege or other legal ground for failure to do so. Barnes engaged in the practice of law when his right to practice had been suspended.

Barnes violated Rules 8.04(a)(7), 8.04(a)(8), and 8.04(a)(11). He was ordered to pay \$4,074.17 in attorneys' fees and direct expenses.

**BARNES, GEORGE MICHAEL: #01767100
08/10/2015-DISBARMENT**

On August 10, 2015, **George Michael Barnes** [#01767100], 61, of Fort Worth, was disbarred. The District 7 Grievance Committee found that Barnes violated a disciplinary judgment. Barnes failed to timely furnish to the Chief Disciplinary Counsel's office a response or other information as required by the Texas Rules of Disciplinary Procedure. Barnes did not in good faith timely assert a privilege or other legal ground for failure to do so. Barnes engaged in the practice of law when his right to practice had been suspended.

Barnes violated Rules 8.04 (a)(7), 8.04(a)(8), and 8.04(a)(11). He was ordered to pay \$1,299.50 in attorneys' fees and direct expenses.

EATON, MICHAEL W.: #06383800
09/29/2015-PARTIALLY PROBATED SUSPENSION
11/01/2015-12/31/2015: SUSPENSION
01/01/2016-10/31/2016: PROBATION

On September 29, 2015, **Michael W. Eaton** [#06383800], 57, of Grapevine, agreed to a 12-month, partially probated suspension, effective November 1, 2015, with the first two months actively served and the remainder probated.

An evidentiary panel of the District 7 Grievance Committee found that in representing Complainant in a breach of contract and fraud claim, Eaton neglected the legal matter entrusted to him by failing to do any significant legal work. Eaton failed to keep Complainant reasonably informed about the status of the legal matter, and failed to promptly comply with reasonable requests for information from Complainant.

Eaton violated Rules 1.01(b)(1), and 1.03(a). He was ordered to pay \$1,700.00 in attorneys' fees and direct expenses.

HOWARD, STEPHEN K.: #10079420
11/10/2015-PARTIALLY PROBATED SUSPENSION
12/01/2015-11/30/2020: SUSPENSION
12/01/2020-11/30/2025: PROBATED

On November 10, 2015, **Stephen K. Howard** [#10079420], 52, of Hurst, received a ten-year, partially probated suspension, effective December 1, 2015, with the first five years actively suspended and the remainder probated. An evidentiary panel of the District 7 Grievance Committee found that in the first matter, Howard failed to keep Complainant reasonably informed about the status of her personal injury matter. Howard failed to hold funds belonging in whole or in part to Complainant that were in Howard's possession in connection with the representation separate from Howard's own property. Howard failed to promptly deliver funds that Complainant was entitled to receive. Howard engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation.

In the second matter, Howard failed to keep Complainant reasonably informed about the status of his personal injury matter. Howard failed to hold funds belonging to whole or in part to Complainant that were in Howard's possession in connection with the representation separate from Howard's own property. Howard failed to promptly deliver funds that Complainant was entitled to receive. Howard engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation.

In the final matter, Howard failed to keep Complainant reasonably informed about that status of her personal injury matter. Howard failed to hold funds belonging in whole or in part to Complainant that were in Howard's possession in connection with the representation separate from Howard's own property. Howard failed to promptly deliver funds that Complainant was entitled to receive. Howard engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation.

Howard violated Rules 1.03(a), 1.14(a), 1.14(b), and 8.04(a)(3). He was ordered to pay \$337.50 in attorneys' fees and direct expenses and \$46,500.00 in restitution.

JONES, GREGORY G.: #10889370
09/08/2015-RESIGNATION

On September 8, 2015, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Gregory G. Jones** [#10889370], 59, of Southlake. At the time of Jones' resignation, there were two pending cases against him.

In the first case, in representing Complainant in an employment matter, Jones neglected the legal matter by failing to perform legal services after filing the lawsuit; failed to keep Complainant reasonably informed of the status of the matter; failed to respond to requests for information from Complainant about the legal matter; failed to provide an accounting of the retainer after requested by Complainant; failed to return the unearned fee after his services were terminated; and failed to respond to the grievance.

In the second case, in representing Complainant in a breach of contract matter, Jones neglected the legal matter by failing to perform legal services after filing the lawsuit; failed to keep Complainant reasonably informed of the status of the matter; failed to respond to requests for information from Complainant about the legal matter; failed to return the unearned fee and legal documents after his services were terminated; failed to keep funds received by Complainant in a separate account; and failed to respond to the grievance.

Jones violated Rules 1.01(b)(1), 1.03(a), 1.14(a), 1.14(b), 1.15(d), and 8.04(a)(8).

DALLAS ATTORNEY
10/19/2015-PRIVATE REPRIMAND

RULE 1.01(b)(1)
for neglecting a legal matter entrusted to the lawyer

RULE 1.03(a)
for failing to keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information

RULE 1.04(d)
for entering into a contingent fee agreement prohibited by paragraph (e) or other law, and/or failing to enter into a written contingency fee agreement that states the method by which the fee is to be determined

RULE 8.04(a)(8)
for failing to timely furnish a district grievance committee a response or other information as required unless he/she timely asserts a privilege or other legal ground for failure to do so

SOWARD, II, JOE WELDON: #90001760
06/30/2015-DISBARMENT

On June 30, 2015, **Joe Weldon Soward, II** [#90001760], 45, of Fort Worth, was disbarred. An evidentiary panel of the District 7 Grievance Committee found that Soward neglected a client's legal matter by failing to comply with discovery and failing to file necessary pleadings or motions in the civil suit. As a result of Soward's neglectful conduct, the court in the civil suit entered an order which granted the opposing party's Motion to Compel discovery and imposed sanctions against Soward's client. The court also issued an order granting the opposing party's No-Evidence Motion for Summary Judgment against Soward's client. Soward failed to keep his client reasonably informed about the status of his civil matter. Also, upon termination of representation, Soward failed to surrender papers and property to which his client was entitled. Soward further failed to timely furnish to the Office of the Chief Disciplinary Counsel a response to the complaint or assert a privilege or other legal ground for his failure to do so. Soward violated Rules 1.01(b)(1), 1.03(a), 1.15(d) and 8.04(a)(8).

STEVENS, TERRESHA D.: #24043939
10/16/2015-FULLY PROBATED SUSPENSION
10/01/2015-09/30/2016

On October 16, 2015, **Terresha D. Stevens** [#24043939], 37, of Arlington, received a one-year, fully probated suspension, effective October 1, 2015. In the first matter, Stevens engaged in the practice of law when her right to practice had been administratively suspended for failure to pay Texas Guaranteed Student Loans. In the second matter, Stevens failed to keep Complainant reasonably informed about the status of her family law case.

Stevens violated Rules 1.03(a), and 8.04(a)(11). She was ordered to pay \$1,500.00 in restitution.

TAFEL, ROGER MATHEW: #19607775
08/24/2015-PARTIALLY PROBATED SUSPENSION
08/05/2015-08/04/2018: SUSPENSION
08/05/2018-08/04/2020: PROBATION

On August 24, 2015, **Roger Mathew Tafel** [#19607775], 53, of Euless, received a five-year, partially probated suspension, effective August 5, 2015, with three years active and two years probated. An evidentiary panel of the District 7 Grievance Committee found that in June 2008, Tafel was hired to represent his client in a social security disability matter. Thereafter, Tafel neglected the case by failing to provide legal services, and he failed to communicate with his client. In addition, Tafel failed to respond to the grievance.

Tafel violated Rules 1.01(b)(1), 1.03(a), and 8.04(a)(8). He was ordered to pay \$1,300.00 in attorneys' fees and direct expenses.

DALLAS ATTORNEY
10/07/2015-PRIVATE REPRIMAND

RULE 1.14(b)

for failing, upon receiving funds or other property in which a client or third person has an interest, to promptly notify the client or third person and render a full accounting upon request

DISTRICT 09:

BARRY, CARL REDFORD: #24036192
08/19/2015-FULLY PROBATED SUSPENSION
09/01/2015-08/31/2016

On August 19, 2015, **Carl Redford Barry** [#24036192], 38, of Austin, received a 12-month, fully probated suspension, effective September 1, 2015. An evidentiary panel of the District 9 Grievance Committee found that Barry disseminated the websites www.barrylawaustin.com and www.austin-injury-law-answers.com but did not, on or prior to their first posting on the internet, file the lawyer advertising and solicitation communication application and required filing fee with the Advertising Review Committee of the State Bar of Texas. Although notified, in both instances, of his failure to file and instructed to comply, Barry failed to submit the required filings. Barry was sent a second notice of his failure to file on the barrylawaustin.com site and the required remedial steps, but again failed to submit the required filing.

The Austin-injury-law-answers website contains the description of a settlement in a DWI case. However, the description does not include information about the damages or injuries sustained by the client. Barry referenced results obtained for several clients. Although he listed the amount of the settlement and an approximate distribution to the client, he failed to provide information regarding the attorney's fees and expenses withheld from the settlement.

Barry violated Rules 7.02(a)(2), 7.07(c), and 8.04(a)(1). Barry was ordered to pay \$2,681.70 in attorneys' fees and direct expenses.

DEMOND, WALTER E.: #05736600
10/20/2015-RESIGNATION

On October 20, 2015, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Walter E. Demond** [#05736600], 68, of Austin. At the time of Demond's resignation, two Judgments of Conviction by Jury had been entered in Case Nos. CR-1016 Count I, and CR-1016 Count III, styled *The State of Texas v. Walter Demond*, in the 424th District Court of Blanco County, Texas, wherein Respondent was found guilty of Misapplication of Fiduciary Property and Money Laundering and was committed into the custody of the Institutional Division of the Texas Department of Criminal Justice to be imprisoned for a total term of ten (10) years to be served concurrently. The Court suspended the confinement and placed Demond on community supervision for ten (10) years to be served concurrently and ordered him to pay a fine of \$10,000, court costs of \$378.00 and restitution of \$212,000. These convictions would subject Demond to compulsory discipline.

DEUTSCH, MELISSA ANN: #24063946
10/16/2015-PUBLIC REPRIMAND

On October 16, 2015, **Melissa Ann Deutsch** [#24063946], 33, of Austin, accepted a public reprimand. The District 9 evidentiary panel found that on or about July 8, 2011, Complainant hired Melissa Ann Deutsch to represent Complainant and his daughter for a Deceptive Trade Practices suit. Deutsch prepared and filed a petition on August 30, 2011. From July 27, 2012, through July 17, 2013, Deutsch failed to respond to telephone calls, letters and emails from Complainant seeking information regarding the status of Complainant's case. When Complainant hired new counsel, Deutsch failed to respond to the new attorney's attempts to contact him.

Deutsch violated Rules 1.03(a), and 8.04(a)(1) of the Texas Disciplinary Rules of Professional Conduct, Article X, Section 9, State Bar Rules. Deutsch was ordered to pay \$1,096.91 in attorneys' fees and expenses.

FREDRICKSON, ERIC LEE: #00790715
10/20/2015-RESIGNATION

On October 20, 2015, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Eric Lee Fredrickson** [#00790715], 52, of Tacoma, Washington. Fredrickson previously resigned from the practice of law in Washington, before the Disciplinary Board of the Washington State Bar Association in a matter styled, *In re Eric Lee Fredrickson, Lawyer, Bar No. 44759*, Proceeding No. 15#00020. That resignation in lieu of discipline would subject Fredrickson to reciprocal discipline.

PRENTICE, WALTER C.: #16249400
10/06/2015-PUBLIC REPRIMAND

On October 6, 2015, **Walter C. Prentice** [#16249400], 68, of Austin, accepted a public reprimand. The District 9 evidentiary panel found that on or about February 10, 2014, complainant hired Prentice to represent her son in a DWI case. Prentice sent a letter of representation to DPS on or about February 24, 2014. Prentice went to two pre-trial hearings and reset the criminal matter. An ALR hearing before DPS was set for April 17, 2014, but Prentice failed to notify complainant or her son of the hearing date. Prentice did not attend the hearing and complainant's son's driver's license was suspended. On or about April 20, 2014, complainant's son was informed that his license was suspended. Thereafter, complainant attempted to contact Prentice repeatedly via telephone, text message and emails. Prentice only responded to one of these attempts at communication wherein he instructed complainant to tell her son to drive carefully to work and not to drive at night.

Prentice violated Rules 1.01(b)(1), 1.03(a), and 8.04(a)(1) of the Texas Disciplinary Rules of Professional Conduct, Article X, Section 9, State Bar Rules. Prentice paid \$487.35 in attorneys' fees and costs.

WRIGHT, TIMOTHY LANE: #22060000
09/08/2015-RESIGNATION

On September 8, 2015, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Timothy Lane Wright** [#22060000], 70, of Georgetown, Texas. At the time of Wright's resignation, a Judgment in a Criminal Case had been entered in Case No. A15-CR-0089-SS, styled *United States of America v. Timothy L. Wright, Aliases Timothy L. Wright, III, The Judge, and Timothy Lane Wright, III, Defendant*, in the United States District Court, Western District of Texas, Austin Division, wherein Respondent pled guilty to Count 1s – Engaging in Business of Dealing Firearms without a License and Count 2s – False Statement to Government Agents, and was committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of eighteen months on each count to be served concurrently, ordered upon release from imprisonment to be on supervised release for a term of three years on each count to be served concurrently, ordered to pay an assessment of \$200.00 and a fine in the amount of \$15,000.00. This conviction would subject Wright to compulsory discipline.

DISTRICT 10:

BASKETTE, WILLIAM L.: #01871400
10/19/2015-FULLY PROBATED SUSPENSION
11/01/2015-04/30/2016

On October 19, 2015, **William L. Baskette** [#01871400], 60, of San Antonio, agreed to a six-month, fully probated suspension, effective November 1, 2015. The District 10 Grievance Committee found that Baskette neglected a client's matter and failed to keep a client reasonably informed.

Baskette violated Rules 1.01(b)(1), and 1.03(b), was ordered to pay \$3,000.00 in restitution and \$500.00 in attorneys' fees and direct expenses.

FROESCHL, ADAM THOMAS: #24076390
10/05/2015-PARTIALLY PROBATED SUPENSION
10/01/2015-03/31/2016: SUSPENSION
04/01/2016-09/30/2017: PROBATION

On October 5, 2015, **Adam Thomas Froeschl** [#24076390], 30, of San Antonio, agreed to a two-year, partially probated suspension, effective October 1, 2015, with the first six months actively served and the remainder probated. The District 10 Grievance Committee found that Froeschl neglected client's matters, failed to keep clients reasonably informed, failed to return unearned fees paid to him, and failed to respond to grievances.

Froeschl violated Rules 1.01(b)(1)&(2), 1.03(a), 1.15(d), and 8.04(a)(8) and was ordered to pay \$1,800.00 in restitution and \$800.00 attorneys' fees and direct expenses.

GRAVES, WILLIE S.: #08313010
09/15/2015-FULLY PROBATED SUSPENSION
09/01/2015-02/28/2016

On September 15, 2015, **Willie S. Graves** [#08313010], 62, of San Antonio, accepted a six-month, fully probated suspension, effective September 1, 2015. The 45th District Court of Bexar County found that Graves committed professional misconduct by violating Rules 1.03(a) [failing to keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information], 1.14(a) [failing to hold funds and other property belonging in whole or part to clients or third persons in a lawyer's possession separate from the lawyer's own property], 1.14(b) [failing to promptly deliver to the client or third person any funds or other property that the client or third person is entitled to receive].

Graves violated Rules 1.03(a), 1.14(a) & (b), and was ordered to pay \$1,100.00 in attorneys' fees and direct expenses.

HAMNER, BRIAN ANTHONY: #24041050
10/21/2015-PARTIALLY PROBATED SUSPENSION
02/01/2016-09/01/2016: SUSPENSION
09/01/2016-01/31/2018: PROBATION

On October 21, 2015, **Brian Anthony Hamner** [#24041050], 39, of San Antonio, agreed to a two-year, partially probated suspension, with the first seven months actively served and the remainder probated. The District 10 Grievance Committee found that Hamner neglected a client's matter, failed to communicate with a client, failed to return the unearned portion of the fee, and engaged in conduct involving misrepresentation.

Hamner violated Rules 1.01(b)(1), 1.03(a), 1.03(b), 1.15(d), and 8.04(a)(3), was ordered to pay \$5,200.00 in restitution and \$1,100.00 in attorneys' fees and direct expenses.

SAN ANTONIO ATTORNEY
09/07/2015-PRIVATE REPRIMAND

RULE 1.03(a)

for failing to keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information

LANFEAR, MICHELLE S.: #00784444
09/15/2015-PUBLIC REPRIMAND

On September 15, 2015, **Michelle S. Lanfear** [#00784444], 47, of San Antonio, accepted a judgment of public reprimand. The 408th District Court of Bexar County found that Lanfear committed professional misconduct by violating Rule 1.14(a) [failing to hold funds and other property belonging in whole or part to clients or third persons in a lawyer's possession separate from the lawyer's own property].

Lanfear violated Rule 1.14(a), and was ordered to pay \$750.00 in attorneys' fees and direct expenses.

PARKER, RANDALL A.: #15495300
11/18/2015-FULLY PROBATED SUSPENSION
12/01/2015-05/31/2016

On November 18, 2015, **Randall A. Parker** [#15495300], 66, of San Antonio, agreed to a six-month, fully probated suspension, effective December 1, 2015. The District 10 Grievance Committee found that Parker failed to communicate with a client, and failed to respond to the grievance.

Parker violated Rules 1.03(a) and 8.04(a)(8), and was ordered to pay \$800.00 in attorneys' fees and direct expenses.

PUGH, MICHAEL NICHOLLS: #24045052
10/27/2015-FULLY PROBATED SUSPENSION
10/21/2015-07/21/2016

On October 27, 2015, **Michael Nicholls Pugh** [#24045052], 41, of Weatherford, received a nine-month, fully probated suspension, effective October 21, 2015 through July 21, 2016. An evidentiary panel of the District 14 Grievance Committee found that Pugh was hired in October of 2012 to represent Complainant A in a family law matter and that Pugh thereafter neglected the legal matter by allowing the case to be dismissed for want of prosecution and by failing to timely file a motion to reinstate. Pugh also failed to keep Complainant A reasonably informed about the status of the case and failed to promptly comply with Complainant A's reasonable requests for case information.

The evidentiary panel also found that after Pugh was hired in November of 2012 to represent Complainant B in a civil matter, Pugh neglected to address pending matters before the court with regard to the civil matter. Pugh violated Rules 1.01(b)(1) and 1.03(a). Pugh owes restitution in the amount of One Thousand Five Hundred Dollars and No Cents (\$1,500.00) to Complainant "B" and Two Thousand Eight Hundred Dollars and No Cents (\$2,800.00) in attorneys' fees and direct expenses to the State Bar of Texas.

SALDANA, III, HUMBERTO: #24026460
10/19/2015-FULLY PROBATED SUSPENSION
12/01/2015-05/30/2017

On October 19, 2015, **Humberto Saldana III** [#24026460], 46, of San Antonio, accepted an 18-month, fully probated suspension, effective December 1, 2015. The 73rd Judicial District Court of Bexar County found that Saldana committed professional misconduct by violating Rule 1.01(b)(1) [neglecting a legal matter entrusted to the lawyer], 3.02 [unreasonably increase the costs or other burdens of the case or that unreasonably delays resolution of the matter], and 3.04(d) [knowingly disobeying an obligation under the standing rules or of a ruling by a tribunal].

Saldana was ordered to pay \$1,500.00 in attorneys' fees and direct expenses.

TAYLOR, II, JOHN F.: #19706050
09/17/2015-FULLY PROBATED SUSPENSION
09/15/2015-03/15/2016

On September 17, 2015, **John F. Taylor, II** [#19706050], 63, of San Antonio, agreed to a six-month, fully probated suspension, effective September 15, 2015. The District 10 Grievance Committee found that Taylor failed to keep his client reasonably informed, failed to hold client's funds in a trust account, failed to account for fees paid, and failed to return the client's file.

Taylor violated Rules 1.03(a), 1.14(a) & (b), and 1.15(d) and was ordered to pay \$1,000.00 in attorneys' fees and direct expenses.

TOSCANO, ANDREW E.: #00786832
11/12/2015-FULLY PROBATED SUSPENSION
11/15/2015-11/14/2017

On November 12, 2015, **Andrew E. Toscano** [#00786832], 46, of San Antonio, accepted a two-year, fully probated suspension, effective November 15, 2015. The 37th Judicial District Court of Bexar County found that Toscano committed professional misconduct by violating Rule 1.15(a) [for failing to decline or withdraw from representation of a client].

Toscano was ordered to pay \$5,500.00 in attorneys' fees and direct expenses.

DISTRICT 11:

MALDONADO, MICHAEL: #12855260
07/02/2015-DISBARMENT

On July 2, 2015, **Michael Maldonado** [#12855260], 55, of Corpus Christi, was disbarred. The District 11 Grievance Committee found that Maldonado entered into a business transaction with a 93 year old client on terms that were not fair and without first obtaining her written consent, improperly made interest payments on the loan from his IOLTA trust account, misrepresented the source of the interest payments and failed to satisfy the terms of the transaction.

Maldonado violated Rules 1.06(b)(2), 1.08(a), 1.14(a), and (b), 2.01, and 8.04(a)(3), was ordered to pay \$66,950.00 in restitution and \$10,104.40 in attorneys' fees and direct expenses.

DISTRICT 12:

SAN ANTONIO ATTORNEY
10/16/2015-PRIVATE REPRIMAND

RULE 1.01(b)(1)
for neglecting a legal matter entrusted to the lawyer

RULE 8.04(a)(8)
for failing to timely furnish a district grievance committee a response or other information as required unless he/she timely asserts a privilege or other legal ground for failure to do so

**SAN ANTONIO ATTORNEY
10/08/2015-PRIVATE REPRIMAND**

RULE 1.01(b)(1)
for neglecting a legal matter entrusted to the lawyer

RULE 1.03(a)
for failing to keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information

DISTRICT 13:

**LAFUENTE, STEVEN R.: #24032522
08/18/2015-ACTIVE SUSPENSION
12/01/2016-05/31/2017**

On August 18, 2015, **Steven R. Lafuente** [#24032522], 46, of Amarillo, received a six-month, active suspension, effective December 1, 2016. An evidentiary panel of the District 13 Grievance Committee found that in or about May 2012, Lafuente was hired by Complainant to represent Complainant in a misdemeanor criminal matter and for multiple traffic citations. In representing Complainant, Lafuente neglected the legal matter entrusted to him by failing to appear in court in the misdemeanor case resulting in a bench warrant being issued for Complainant's arrest. Lafuente failed to keep Complainant reasonably informed about the status of his various matters. Lafuente failed to promptly comply with reasonable requests for information from Complainant about his various matters. Lafuente failed to timely furnish to the Chief Disciplinary Counsel's office a response or other information as required by the Texas Rules of Disciplinary Procedure. Lafuente did not in good faith timely assert a privilege or other legal ground for failure to do so.

Lafuente violated Rules 1.01(b)(1), 1.03(a), and 8.04(a)(8). He was ordered to pay \$2,274.38 in attorneys' fees and direct expenses.

**LAFUENTE, STEVEN R.: #24032522
08/18/2015-ACTIVE SUSPENSION
06/01/2017-08/31/2017**

On August 18, 2015, **Steven R. Lafuente** [#24032522], 46, of Amarillo, received a three-month, active suspension, effective June 1, 2017. An evidentiary panel of the District 13 Grievance Committee found that Lafuente failed to timely furnish to the Chief Disciplinary Counsel's office a response to the complaint filed by Complainant or other information as required by the Texas Rules of Disciplinary Procedure. Lafuente did not in good faith timely assert a privilege or other legal ground for failure to do so.

Lafuente violated Rule 8.04(a)(8). He was ordered to pay \$2,404.01 in attorneys' fees and direct expenses.

VASQUEZ, ALEX: #20502050
09/14/2015-FULLY PROBATED SUSPENSION
09/15/2015-03/14/2017

On September 14, 2015, **Alex Vasquez** [#20502050], 57, of Amarillo, received an 18-month, fully probated suspension, effective September 15, 2015. The District 13 Grievance Committee found that Vasquez engaged in conduct involving dishonesty, fraud, deceit or misrepresentation.

Vasquez violated Rule 8.04(a)(3). He was ordered to pay \$2,125.00 in attorneys' fees and direct expenses.

DISTRICT 14:

FORT WORTH ATTORNEY
09/08/2015-PRIVATE REPRIMAND

RULE 1.03(a)
for failing to keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information

DALLAS ATTORNEY
10/01/2015-PRIVATE REPRIMAND

RULE 1.15(d)
for failing, upon termination of representation, to reasonably protect a client's interests, give notice to the client to seek other counsel, or surrender papers and property which belongs to the client

DISTRICT 16:

WILLIAMS, PAUL K.: #21566400
09/08/2015-FULLY PROBATED SUSPENSION
09/01/2015-11/30/2015

On September 8, 2015, **Paul K. Williams** [#21566400], 59, of Midland, accepted a three-month, fully probated suspension, effective September 1, 2015. The District 16 Grievance Committee found that Williams neglected a client's matter.

Williams violated Rule 1.01(b)(1) and was ordered to pay \$500.00 in restitution and \$800.00 in attorneys' fees and direct expenses.

DISTRICT 17:

ESCOBAR, PAUL JOSEPH: #06665810
11/17/2015-PUBLIC REPRIMAND

On November 17, 2015, **Paul Joseph Escobar** [#06665810], 52, of El Paso, accepted a public reprimand. The District 17 Grievance Committee found that Escobar neglected a client's matter, failed to keep client reasonably informed, and engaged in conduct involving misrepresentation with client.

Escobar violated Rules 1.01(b)(1), 1.03(a)&(b), and 8.04(a)(3), and agreed to pay \$800.00 in attorneys' fees and direct expenses.

BOARD OF DISCIPLINARY APPEALS:

O'BRIANT, JAMES MICHAEL: #00788875

10/13/2015-ACTIVE SUSPENSION

11/15/2015-11/14/2016

On October 13, 2015, the Board of Disciplinary Appeals signed an agreed judgment suspension of Snyder, Texas attorney, **James Michael O'Briant**, 56, State Bar of Texas Card No. 00788875. Mr. O'Briant was suspended from the practice of law for one year after an Order of Suspension and Restitution (By Consent) was filed with the State of Michigan Attorney Discipline Board in a matter styled, *Grievance Administrator, Attorney Grievance Commission, Petitioner, v. James M. O'Briant, P41556*, Respondent, Case No. 14-78-GA. The Michigan Attorney Discipline Board found that O'Briant, among other rule violations, neglected matters in four separate legal matters, failed to seek the lawful objectives of his clients and failed to act with reasonable diligence and promptness. He also failed to keep his clients reasonably informed about the status of their matters and failed to explain matters to the extent reasonably necessary to allow the clients to make informed decisions in three of the cases. Mr. O'Briant is suspended from the practice of law in Texas for one year, from November 15, 2015 until November 14, 2016.

GRIEVANCE COMMITTEE APPOINTMENT GUIDE

I. OVERVIEW

- Eligibility Guidelines

II. COMMONLY ASKED QUESTIONS

- Timeline for Appointments
- Forms and Certificates

I. OVERVIEW

One of your important duties as a Director of the State Bar of Texas is to nominate attorney and public members to Grievance Committees in your District. This packet is designed to guide you through that process by:

- (1) Setting out your duties and responsibilities under the Texas Rules of Disciplinary Procedure and Board Policy,
- (2) Setting forth the timeline by which your nominations should be completed,
- (3) Offering logistical assistance through the Chief Disciplinary Counsel's Regional Office serving your Bar District, and
- (4) Providing you with the appropriate forms to make your nominations.

With each Director's consent, the Chief Disciplinary Counsel's Office provides logistical assistance in the administration of committee nomination process. The Chief Disciplinary Counsel's Office is the primary record-keeper for the nomination and appointment of committee members. The Regional Counsel serving your area will notify you of upcoming vacancies in accordance with the enclosed timeline. The Regional Counsel serving your area will notify you of any vacancies that may occur at other times during your term.

The responsibility for the nomination of grievance committee members is solely that of the Directors. However, the Chief Disciplinary Counsel provides a variety of services to assist you in that task. Each potential attorney nomination will be screened for prior attorney discipline. All would-be nominees are asked to consent to a criminal background check.

The Regional Counsel for your District will coordinate with you to assure that the appropriate forms are signed by both Directors and nominees. The Chief Disciplinary Counsel will then forward the nomination to the President for formal appointment, have appointment certificates executed, and send each new member a grievance committee handbook introducing the member to the grievance system. The Regional Counsel will provide a very thorough orientation for new members and training to familiarize new members with the grievance process and applicable rules. If you would like a copy of the grievance committee handbook, please contact the Regional Counsel in your area.

As a member of the Board of Directors, you are prohibited from having or acquiring knowledge about disciplinary matters beyond what is knowable in the public domain. Stated simply, confidentiality extends from the inception of the disciplinary process until either a public sanction is imposed against the respondent lawyer in the evidentiary process or a lawsuit is filed in an open forum, such as a district court or BODA. Even in instances where a Director may have knowledge acquired elsewhere about a disciplinary matter pending at a confidential stage or a matter dismissed as an inquiry, because of the confidentiality rules the Office of Chief Disciplinary Counsel will be unable to confirm such information or provide any information with

regard to confidential matters.

Both the Chief Disciplinary Counsel and the Commission for Lawyer Discipline periodically report to the Board of Directors regarding the state of the attorney discipline system and annually present for approval a recommended budget for the disciplinary system to the Board as a part of the overall Bar's budget.

ELIGIBILITY FOR GRIEVANCE COMMITTEE MEMBERS

ATTORNEYS:

Any attorney with an active Texas law license in good standing and who has not been convicted of a misdemeanor involving theft, a felony, or a crime involving moral turpitude is eligible for service, provided that he or she resides in or maintains his or her principal place of practice within the District. However, lawyers with prior discipline are usually not nominated. Likewise, lawyers with a history of administrative suspension for non-payment of bar dues or non-compliance with MCLE may not make good candidates. No person may serve as a grievance committee member while he or she is a member of the Board or an active judge subject to Canon 4H of the Code of Judicial Conduct.

PUBLIC MEMBERS:

Any member of the public is eligible to serve on a grievance committee provided he or she meets the following qualifications:

- (1) Must be representative of the general public;
- (2) Have not been convicted of a misdemeanor involving theft, a felony, or a crime involving moral turpitude;
- (3) Is not a member of the State Bar Board of Directors; and
- (4) Does not have, other than as a consumer, a financial interest in the practice of law. "Financial interest in the practice of law" is specifically defined in State Bar Board of Directors Policy as:
 - (a) the spouse of a lawyer;
 - (b) any employee of a lawyer, private law firm, or professional legal corporation;
 - (c) any person who acquires the majority of his or her annual gross income from or through a lawyer, law firm, professional legal corporation by way of professional or consultant fees;
 - (d) the spouse of any person listed in (b) through (c) above.

In making nominations every Director is requested to consider the following goal set out in Board of Directors Policy:

"It is in the best interest of the public and the lawyers of Texas for the racial, ethnic, and gender makeup of the district grievance committees to fairly represent, as closely as reasonably practicable, the racial, ethnic, and gender makeup of the district they serve. Directors are encouraged to make their district grievance committee appointments so as to continue the fulfillment of this goal and to ensure that lawyer members reflect the various sizes of practice groups."

ALL POTENTIAL NOMINEES:

Each person seeking to serve as a grievance committee member shall, prior to nomination, submit to the Chief Disciplinary Counsel a written consent to the performance of a criminal background check as a prerequisite to nomination.

COMMONLY ASKED QUESTIONS

How will I know how many new committee members to nominate and how many current members could be re-nominated for another term?

Answer: The Regional Counsel serving your district will advise you in February of each year of the number of new members needed for the next term to begin July 1. You may choose to nominate a current member whose term is expiring for another three-year term, if the member is eligible. Members may serve two consecutive three-year terms. Nominations should be submitted to the Regional Counsel who services your region by April 1, utilizing the form included in this manual. Regional Counsel will assist you in the completion of the required forms to implement your nominations.

What information can I obtain about a respondent lawyer or pending grievance case?

Answer: You are not entitled to obtain any information regarding matters dismissed as inquiries, complaints dismissed by summary disposition panels, or disciplinary actions pending before an evidentiary panel. You can get information with respect to any public discipline of an attorney or any lawsuit pending in an open forum, such as a district court or the Board of Disciplinary Appeals.

How do I remove a committee member?

Answer: A committee member who fails or neglects to fulfill the duties of office, including unexcused absences at two or more meeting, may be removed for cause. Rule 4.06(H), Texas Rules of Disciplinary Procedure, provides that the Commission for Lawyer Discipline may recommend removal of a member to the Board of Directors. If a member is no longer eligible because he/she no longer qualifies (either under the TDRP or Board policy) you should notify the President and our office, and the President shall remove the member. Many times a member can be persuaded to resign rather than be removed. Please work with your Regional Counsel to resolve these problems.

What if a committee member becomes ineligible?

Answer: Committee members are requested to notify the Chief Disciplinary Counsel's Office if they become ineligible to serve due to relocation outside the District, change in employment or otherwise. They are given a grievance committee notebook outlining responsibilities and eligibility. An ineligible member should resign the appointment and usually can be persuaded to do so. If an ineligible member refuses to resign, that member can be removed as set out above.

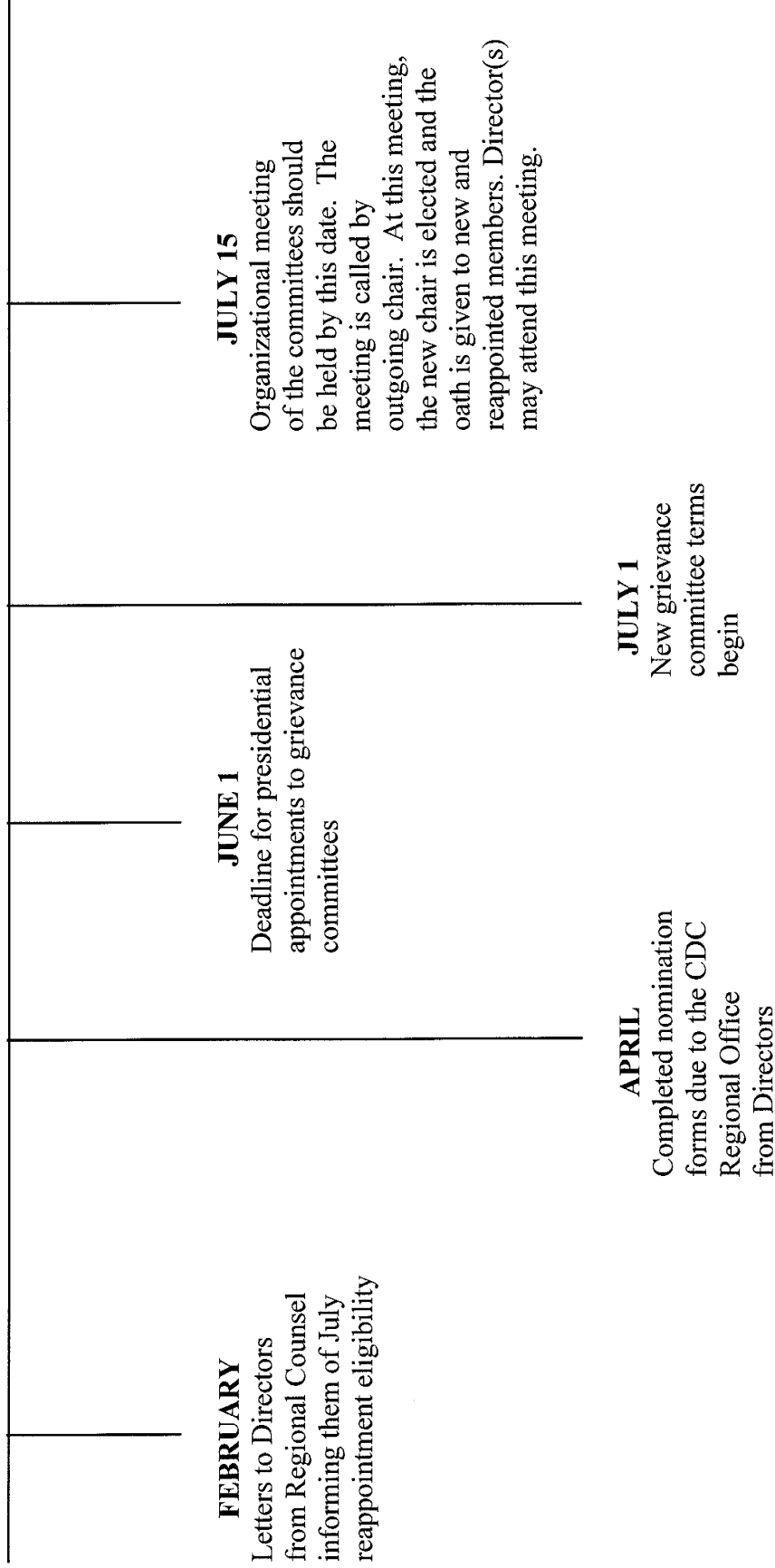
What happens if a grievance is filed against a committee member?

Answer: It is very unlikely that a Director would ever know of such an occurrence because the Director is not privy to that information. By way of information, however, the filing of a grievance does not disqualify an attorney member from service. Any information provided to the Chief Disciplinary Counsel's office about alleged attorney misconduct will proceed in accordance with the protocol as established by the State Bar Act and the Texas Rules of Disciplinary Procedure. If the grievance is classified as a complaint, the committee member will be asked to cease sitting as a grievance committee member until the matter is resolved. The State Bar grievance/discipline process will follow due course.

What is the Director's continuing responsibility with respect to grievance committees in his or her district?

Answer: On occasion, a Director may be called upon to assist either district grievance committee chairs or the Chief Disciplinary Counsel in encouraging members to regularly attend called panel meetings. In cases of frequent or habitual absence, a Director may be asked to participate in seeking removal of a grievance committee member.

GRIEVANCE COMMITTEE NOMINATION AND APPOINTMENT TIMELINE



FORMS AND CERTIFICATES

GRIEVANCE COMMITTEE MEMBER NOMINEE FORM

TO BE COMPLETED BY DISTRICT DIRECTOR:

TERM: 1st x
2nd _____
Unexpired _____

I nominate _____ for appointment as a
PUBLIC/ATTORNEY (circle one) member of the District _____ Grievance Committee.

RESIDING AT: _____
(Street, City, County, and Zip Code)

BUSINESS ADDRESS: _____
(Street, P.O. Box, and/or Building, Suite, City, and Zip Code)

HOME TELEPHONE: (_____) _____ BUSINESS TELEPHONE: (_____) _____

FAX: (_____) _____ E-MAIL ADDRESS: _____

DATE OF BIRTH: _____ DRIVER LICENSE #: _____

PROPOSED TERM TO BEGIN: _____ EXPIRE: _____

DISTRICT DIRECTOR

2. TO BE SIGNED BY ALL NOMINEES:

I have not been convicted of a misdemeanor involving theft, a felony or a crime involving moral turpitude. I am not under indictment or other legal accusation of a misdemeanor involving theft, a felony or a crime involving moral turpitude.

I hereby consent to a criminal background check as a prerequisite to my nomination.

I have not served as a member of the grievance committee for two consecutive three-year terms immediately prior to this nomination or three years have passed since my last service.

If appointed, I agree to serve and to actively participate as a member of the State Bar of Texas district grievance committee.

The District Director has explained to me the importance of this position.

I understand that Board Policy prohibits me from counseling or representing any respondent attorney at any time during the grievance process.

I understand that Board Policy prohibits me from serving as a grievance committee member while I am a member of the State Bar Board of Directors.

I understand that Board Policy prohibits me from serving as a grievance committee member while I am serving as an active judge.

I understand that Board Policy prohibits me from sitting on a panel for either a summary disposition hearing or evidentiary hearing if the Respondent or Complainant is represented by a member, associate, employee or shareholder of the law firm or professional corporation of the director who nominated me.

I understand that Board Policy prohibits me from testifying on behalf of a Respondent lawyer in a disciplinary matter while I am serving on the grievance committee.

I understand that if I am absent from more than two meetings during the course of a year, I am subject to removal from office.

I agree to abide by the provisions of the Texas Rules of Disciplinary Procedure, the State Bar Act, and the policies established from time to time by the Board of Directors of the State Bar of Texas relating to grievance committees.

I agree that if at any time during my service I am charged with or indicted for a misdemeanor involving theft, a felony or a crime involving moral turpitude I will immediately notify the Chief Disciplinary Counsel.

NOMINEE

GRIEVANCE COMMITTEE MEMBER NOMINEE FORM FOR: _____ (NAME)

3. TO BE COMPLETED AND SIGNED BY **PUBLIC MEMBER** NOMINEE:

OCCUPATION OR PROFESSION: _____

EMPLOYER: _____

I am not a licensed attorney and, except as a consumer, I have no financial interest in the practice of law. Financial interest includes:

- (1) the spouse of a lawyer;
- (2) an employee of a lawyer, private law firm, or professional legal corporation;
- (3) any person who acquires the majority of his or her annual gross income from or through a lawyer, law firm, or professional legal corporation by way of professional or consultant fees; and
- (4) spouse of any person listed in (2) through (3) above.

PUBLIC MEMBER NOMINEE

4. Furnishing the following information is voluntary on the part of the member. We would like to have this data for the purpose of achieving balanced representation in compliance with Board policy as set forth below:

"The Board of Directors of the State Bar of Texas reaffirms that it is in the best interest of the public and the lawyers of Texas for the racial, ethnic, and gender makeup of the district grievance committees to fairly represent, as closely as reasonably practicable, the racial, ethnic, and gender makeup of the district they serve. Members of the Board are encouraged to make their district grievance committee nominations so that lawyer representatives reflect the various size of practice groups."

GENDER: _____

ETHNICITY: (Please Circle One)

Native American

Asian

White/Caucasian

African-American/Black

Hispanic

Other: _____

ATTORNEY NOMINEE: LAW FIRM SIZE (number of attorneys): _____

PRIMARY AREA OF PRACTICE: _____