

COMMISSION FOR LAWYER DISCIPLINE

REPORT

TO THE BOARD OF DIRECTORS
ON
ATTORNEY DISCIPLINE

APRIL 2017

Disciplinary Sanctions
12/1/2016 - 2/28/2017

DISBARMENTS	District	# of Complaints Resolved
Barry, Carl Redford	9	5
Oviatt, Janice Payte	4	5
Stamps, Ingrid K.	7	1

Board of Disciplinary Appeals:

McGraw, Michael Garnet	BODA	1
Total:	4	12

RESIGNATIONS IN LIEU OF DISCIPLINE	District	# of Complaints Resolved
Aust, Richard Wayne	4	1
Benavides, Mark Henry	10	3
Dupuy, Christopher Michael	5	5
Jones, Robert M.	6	3
Layer, Ronald B.	10	1
Prins, Todd A.	10	2

Board of Disciplinary Appeals:

Greenberg, Mark Alan	BODA	1
Total:	7	16

SUSPENSIONS	District	# of Complaints Resolved
Bergman, Helene Thaissa W.	4	1
Brooker, Quinon Alexis-Rahshee	4	1
Brown, Lorenzo	6	1
Gaines, Shanita Danielle	6	1
Hutchins, David Lee	9	1
Jackson, Isaiah Roby	16	1
Krueger, David Allan Allan	1	1
McMaster, Douglas Matthew	12	3
Miller, Clyde	4	1
Offerman, Phylis West	15	1
Phifer, Gregory L.	13	1

Phifer, Gregory L.	13	1
Pittard, Robert Chris	10	1
Prins, Todd A.	10	2
Ramos, Andres Aaron	12	2
Scarbrough, Jerry W.	8	2
Simmons, Bryan Lee	1	1
Smith, Paul Andrew	9	1
Tennant, George B. Jr.	4	2
Wade, William V.	4	2
Warner, Tiffany Gayle	7	1
Williams, Paul Kobbe	16	1

Board of Disciplinary Appeals:

Mullins, Royal	BODA	1
Total:		30

PUBLIC REPRIMANDS	District	# of Complaints Resolved
Ivie, Tony Edward	13	1
Jackson, Rayshun	6	1
Lee, David R.	4	1
Nolan, Pattie Jo	3	1
Power, William R.	1	1
Rudkin, Kurtis Scott	15	1
Sutton, Shola Anthony	4	1

Board of Disciplinary Appeals:

Slay, Heather Ree	BODA	1
Total:		8

PRIVATE REPRIMANDS		
Grievance Comm.	# of Sanctions	# of Complaints Resolved
1	1	1
3	3	3
4	4	4
6	1	1
7	2	2
10	7	7
12	4	4
14	2	3
15	3	3

16

1

1

	Total:	28	29
Grievance Referral Program		11	11
	Grand Total:	81	106

Disciplinary Actions - Current Bar Year

BAR YEARS 2016-2017	Total Sanctions	Total Complaints Resolved
DISBARMENTS	19	58
RESIGNATIONS IN LIEU OF DISCIPLINE	19	93
SUSPENSIONS	98	142
PUBLIC REPRIMANDS	23	23
PRIVATE REPRIMANDS	66	73
GRIEVANCE REFERRAL PROGRAM	31	31
Total:	256	420

*does not reflect year-end figures

Disciplinary Actions - Previous Bar Year

BAR YEARS 2015-2016	Total Sanctions	Total Complaints Resolved
DISBARMENTS	22	61
RESIGNATIONS IN LIEU OF DISCIPLINE	27	146
SUSPENSIONS	132	205
PUBLIC REPRIMANDS	30	33
PRIVATE REPRIMANDS	67	72
GRIEVANCE REFERRAL PROGRAM	47	47
Total:	325	564

BAR YEARS 2014-2015	Total Sanctions	Total Complaints Resolved
DISBARMENTS	27	50
RESIGNATIONS IN LIEU OF DISCIPLINE	19	56
SUSPENSIONS	112	146
PUBLIC REPRIMANDS	32	36
PRIVATE REPRIMANDS	66	72
GRIEVANCE REFERRAL PROGRAM	64	72
Total:	320	432

BAR YEARS 2013-2014	Total Sanctions	Total Complaints Resolved
DISBARMENTS	22	41
RESIGNATIONS IN LIEU OF DISCIPLINE	17	58
SUSPENSIONS	130	169
PUBLIC REPRIMANDS	31	35
PRIVATE REPRIMANDS	63	70
GRIEVANCE REFERRAL PROGRAM	57	57
Total:	320	430

BAR YEARS 2012-2013	Total Sanctions	Total Complaints Resolved
DISBARMENTS	39	51
RESIGNATIONS	24	46
SUSPENSIONS	122	160
PUBLIC REPRIMANDS	37	40
PRIVATE REPRIMANDS	89	91
GRIEVANCE REFERRAL PROGRAM	56	56
Total:	367	444

BAR YEARS 2011-2012	Total Sanctions	Total Complaints Resolved
DISBARMENTS	38	45
RESIGNATIONS	27	87
SUSPENSIONS	137	174
PUBLIC REPRIMANDS	40	41
PRIVATE REPRIMANDS	106	115
GRIEVANCE REFERRAL PROGRAM	54	54
Total:	402	516

BAR YEARS 2010-2011	Total Sanctions	Total Complaints Resolved
DISBARMENTS	28	52
RESIGNATIONS	23	101
SUSPENSIONS	157	254
PUBLIC REPRIMANDS	40	50
PRIVATE REPRIMANDS	77	82
GRIEVANCE REFERRAL PROGRAM	46	46
Total:	371	584

BAR YEARS 2009-2010	Total Sanctions	Total Complaints Resolved
DISBARMENTS	25	33
RESIGNATIONS	22	40
SUSPENSIONS	111	169
PUBLIC REPRIMANDS	37	47
PRIVATE REPRIMANDS	81	89
GRIEVANCE REFERRAL PROGRAM	39	39
Total:	315	417

BAR YEARS 2008-2009	Total Sanctions	Total Complaints Resolved
DISBARMENTS	32	43
RESIGNATIONS	26	104
SUSPENSIONS	127	189
PUBLIC REPRIMANDS	46	54
PRIVATE REPRIMANDS	68	73
GRIEVANCE REFERRAL PROGRAM	36	36
Total:	335	499

BAR YEARS 2007-2008	Total Sanctions	Total Complaints Resolved
DISBARMENTS	24	63
RESIGNATIONS	24	90
SUSPENSIONS	121	224
PUBLIC REPRIMANDS	28	35
PRIVATE REPRIMANDS	69	73
GRIEVANCE REFERRAL PROGRAM	33	33
Total:	299	518

BAR YEARS 2006-2007	Total Sanctions
DISBARMENTS	30
RESIGNATIONS	31
SUSPENSIONS	110
PUBLIC REPRIMANDS	62
PRIVATE REPRIMANDS	87
Total:	320

DISTRICT 1:

**Dallas Attorney
12/07/2016-Private Reprimand**

RULE 1.01(b)(1)

In representing a client, a lawyer shall not neglect a legal matter entrusted to the lawyer.

RULE 3.01

A lawyer shall not bring or defend a proceeding, or assert or controvert an issue therein, unless the lawyer reasonably believes that there is a basis for doing so that is not frivolous.

**Krueger, David Allan: #24025940
11/17/2016-Fully Probated Suspension
04/15/2018-04/14/2020: PROBATED**

On November 17, 2016, **David Allan Krueger** [#24025940], 48, of Oklahoma City, agreed to a 24-month, fully probated suspension, effective April 15, 2018. The District 1 Grievance Committee found that Krueger engaged in conduct involving dishonesty, fraud, deceit or misrepresentation in the preparation, signing, and filing of real estate documents. Krueger violated Rule 8.04(a)(3). He was ordered to pay \$2,000.00 in attorneys' fees and direct expenses.

**Power, William R.: #16215050
09/20/2016-Public Reprimand**

On September 20, 2016, **William R. Power** [#16215050], 72, of Emory, received an agreed judgment of public reprimand. An evidentiary panel of the District 1 Grievance Committee found that on July 30, 2013, Complainant hired Power to represent him in connection with a debt collection matter. Power neglected the legal matter entrusted to him by failing to provide legal services. During the course of the representation, Power 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. Power violated Rules 1.01(b)(1), 1.03(a) and 8.04(a)(8). He was ordered to pay \$1,200.00 in restitution and \$675.50 in attorneys' fees and direct expenses.

**Simmons, Bryan Lee: #24033190
01/31/2017-Fully Probated Suspension
02/01/2017-10/31/2017: PROBATED**

On January 31, 2017, **Bryan Lee Simmons** [#24033190], 46, of Cass County, agreed to a nine-month, fully probated suspension, effective February 1, 2017 and ending on October 31, 2017. An evidentiary panel of the District 1 Grievance Committee found that in June 2013, the Complainant hired Simmons to defend his client in a civil suit. Simmons neglected the legal matter, failed to keep his client reasonably informed about the status of the legal matter, and failed to promptly comply with reasonable requests for information from the client. Simmons violated Rules 1.01(b)(1) and 1.03(a). He was ordered to pay \$1,950.00 in attorneys' fees and direct expenses.

DISTRICT 3:

**Houston Attorney
02/16/2017-Private Reprimand**

RULE 1.01(b)(1)
[in representing a client, a lawyer shall not neglect a legal matter entrusted to the lawyer]

**Nolan, Pattie Jo: #24046615
02/06/2017-Public Reprimand**

On February 6, 2017, **Pattie Jo Nolan** [#24046615], 47, of Conroe, received an agreed judgment of public reprimand. An evidentiary panel of the District 3 Grievance Committee found that Nolan failed to promptly comply with reasonable requests for information from her clients, and failed to respond to the grievance. Nolan violated Rules 1.03(a) and 8.04(a)(8). She was ordered to pay \$600.00 in attorneys' fees and direct expenses.

**Houston Attorney
12/15/2016-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 1.03(b)
for failing to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation

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

**Houston Attorney
01/23/2017-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

DISTRICT 4:

Aust, Richard Wayne: #24067495
12/13/2016-Resignation in lieu of Discipline

On December 13, 2016, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Richard Wayne Aust** [#24067495], 51, of League City. At the time of Aust's resignation, there was one pending grievance alleging that, while representing a client, he neglected the legal matter entrusted to him, failed to keep his client reasonably informed about the status of their legal matter, upon termination of representation, failed to refund advance payment of fee that had not been earned, and engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation. Aust violated Rules 1.01(b)(1), 1.03(a), 1.15(d), and 8.04(a)(3).

Bergman, Helene Thaissa W.: #02196500
02/13/2017-Fully Probated Suspension
02/20/2017-02/20/2018: PROBATED

On February 13, 2017, **Helene Thaissa W. Bergman** [#02196500], 62, of Houston, accepted a one-year, fully probated suspension, effective February 20, 2017. An evidentiary panel of the District 4 Grievance Committee found that Bergman neglected her client's legal matter by failing to take any of the actions she was retained to perform. Bergman violated Rule 1.01(b)(1). She also agreed to pay restitution in the amount of \$3,800.00, and attorneys' fees and costs in the amount of \$1,000.00.

Brooker, Quinon Alexis-Rahshee: #24053771
01/04/2017-Partially Probated Suspension
06/01/2017-06/30/2017: SUSPENSION
02/01/2017-01/31/2020: PROBATED

On January 4, 2017, **Quinon Alexis-Rahshee Brooker** [#24053771], 39, of Houston, received a three-year, partially probated suspension, effective February 1, 2017, with the month of June, 2017 actively suspended and the remainder probated. An evidentiary panel of the District 4 Grievance Committee found that in representing a client, Brooker neglected the legal matter entrusted to him and failed to hold funds belonging in whole or in part to his client that were in Brooker's possession in connection with a representation in a trust account. Brooker violated Rules 1.01(b)(1), and 1.14(a). He was ordered to pay \$2,000.00 in restitution and \$1,400.00 in attorneys' fees.

Houston Attorney
12/05/2016-Private Reprimand

RULE 5.05(b)

A lawyer shall not: assist a person who is not a member of the bar in the performance of activity that constitutes the unauthorized practice of law.

RULE 8.04(a)(1)

A lawyer shall not violate these rules, knowingly assist or induce another to do so, or do so through the acts of another, whether or not such violation occurred in the course of a client-lawyer relationship.

**Houston Attorney
12/02/2016-Private Reprimand**

Rule 1.03(b)

A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation

**Lee, David R.: #12142900
11/21/2016-Public Reprimand**

On November 21, 2016, **David R. Lee** [#12142900], 64, of Houston, received an agreed judgment of public reprimand. The 270th District Court of Harris County found that Lee committed professional misconduct by violating Rule 1.15(d) [upon termination of representation, requiring a lawyer to refund any advance payments of fee that has not been earned]. Lee was ordered to pay \$994.00 in attorneys' fees and direct expenses. Lee violated Rule 1.15(d).

**Miller, Clyde: #14061950
02/08/2017-Partially Probated Suspension
04/01/2017-09/30/2017: SUSPENSION
04/01/2019-03/31/2020: PROBATED**

On February 8, 2017, **Clyde Miller** [#14061950], 61, of Houston, received an 18-month, partially probated suspension, effective April 1, 2017. The 151st District Court of Harris County found that Miller violated Rule 5.03(b)(1) [encouraged conduct by a non-lawyer that would be a violation of the rules if engaged in by a lawyer]; 7.03(b) [paid, gave, or offered to pay a person not licensed to practice law for soliciting prospective clients]; 7.06(a) [accepted or continued employment in a matter when that employment was procured by conduct prohibited by the Rules]; 8.04(a)(2) [committed a criminal act that reflected adversely on his honesty]; 8.04(a)(3) [engaged in conduct involving dishonesty]; and 8.04(a)(7) [violated a disciplinary judgment].

**Houston Attorney
01/09/2017-Private Reprimand**

RULE 8.01(a)

for knowingly making a false statement of material fact

**Oviatt, Janice Payte: #24007789
12/07/2016-Disbarment**

On December 7, 2016, **Janice Payte Oviatt** [#24007789], 66, of Cypress, was disbarred. An evidentiary panel of the District 4 Grievance Committee found that in four separate immigration representations Oviatt failed to refund unearned fees and failed to respond to the grievances filed against her. In three of the matters, Oviatt neglected the cases entrusted to her, and in two of the matters she also failed to respond the clients' requests for information and failed to explain the immigration matters to the extent reasonably necessary to permit the clients to make informed decisions regarding their representations. Oviatt violated Rules 1.01(b)(1), 1.03(a), 1.03(b), 1.15(d), and 8.04(a)(8). She was ordered to pay \$19,704.02 in restitution and \$2,439.80 in attorneys' fees and direct expenses.

Sutton, Shola Anthony: #24000437
12/19/2016-Public Reprimand

On December 19, 2016, **Shola Anthony Sutton** [#24000437], 61, of Houston, received an agreed judgment of public reprimand. An evidentiary panel of the District 4 Grievance Committee found that in representing his client, Sutton neglected the legal matter entrusted to him, failed to keep the complainant reasonably informed about the status of the matter and to comply with reasonable requests for information, and failed to explain a legal matter to the extent reasonably necessary to permit his client to make informed decisions regarding the representation. Sutton violated Rules 1.01(b)(1), 1.03(a), and 1.03(b). He was ordered to pay \$875.00 in attorneys' fees.

Tennant, George B. Jr.: #24042016
12/15/2016-Fully Probated Suspension
01/01/2017-03/31/2018: PROBATED

On December 15, 2016, **George B. Tennant, Jr.** [#24042016], 48, of Houston, accepted a 15-month, fully probated suspension, effective January 1, 2017. An evidentiary panel of the District 4 Grievance Committee found that in one matter, Tennant neglected the legal matter entrusted to him, failed to promptly comply with reasonable requests for information from the client, and failed to refund advance payments of fee that had not been earned. Tennant also 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. In a second matter, Tennant failed to timely refund advance payments of fee that had not been earned. Tennant violated Rules 1.01(b)(1), 1.03(a), 1.15(d), and 8.04(a)(8). He was ordered to pay \$1,500.00 in restitution and \$1,000.00 in attorneys' fees and direct expenses.

Wade, William V.: #20642300
11/09/2016-Partially Probated Suspension
01/02/2017-01/01/2019: SUSPENSION
01/02/2019-01/01/2021: PROBATED

On November 9, 2016, **William V. Wade** [#20642300], 64, of Houston, received a four-year, partially probated suspension, effective January 2, 2017, with the first two years actively suspended and the remainder probated. An evidentiary panel of the District 4 Grievance Committee found that in both cases, Wade neglected the legal matters entrusted to him and failed to inform his clients and the court of his active suspension, and thereby violated a prior disciplinary judgment. Wade further failed to respond to the grievances. Wade violated Rules 1.01(b)(1), 8.04(a)(7), and 8.04(a)(8). He was ordered to pay \$500.00 in restitution and \$3,400.00 in attorneys' fees and direct expenses.

Houston Attorney
11/08/2016-Private Reprimand

RULE 1.03(a)

for failing to keep a client reasonably informed about the status of a matter and failing to promptly comply with reasonable requests for information On December 28, 2016, Williams filed a notice of appeal

DISTRICT 5:

Dupuy, Christopher Michael: #24003931
01/17/2017-Resignation in lieu of Discipline

On January 17, 2017, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Christopher Michael Dupuy** [#24003931], 45, of Houston. At the time of Dupuy's resignation, there were five grievances pending against him. In representing clients, Dupuy neglected the legal matters entrusted to him, failed to keep his clients reasonably informed about the status of their legal matters and to promptly comply with reasonable requests for information, failed to hold funds belonging in whole or in part to a client that was in Dupuy's possession in connection with a representation separate from his own property, and withdrew from representing a client that caused material adverse effect on the interests of the client. Upon termination of representation, Dupuy failed to take steps to the extent reasonably practicable to protect his client's interests, such as giving the client reasonable notice and allowing time for employment of other counsel. In the course of litigation, Dupuy took a position that unreasonably increased the costs and other burdens of the case and that unreasonably delayed resolution of the matter, knowingly made a false statement of material fact or law to a tribunal, and unlawfully obstructed another party's access to evidence; in anticipation of a dispute unlawfully altered, destroyed, or concealed a document or other material that a competent lawyer would believe has potential or actual evidentiary value. Dupuy knowingly disobeyed, or advised clients to disobey, an obligation under the standing rules of or a ruling by a tribunal, committed a serious crime or committed any other criminal act that reflected adversely on his honesty, trustworthiness, or fitness as a lawyer in other respects, and engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation. Dupuy violated Rules 1.01(b)(1), 1.03(a), 1.14(a), 1.15(b)(1), 1.15(d), 3.02, 3.03(a)(1), 3.04(a), 3.04(d), 8.04(a)(2), and 8.04(a)(3).

DISTRICT 6:

Brown, Lorenzo: #03151500
02/21/2017-Partially Probated Suspension
04/01/2017-06/30/2017: SUSPENSION
07/01/2017-03/31/2018: PROBATED

On February 21, 2017, **Lorenzo Brown** [#03151500], 65, of Desoto, received a one-year, partially probated suspension, effective April 1, 2017, with the first three months actively suspended and the remainder probated. The 14th Judicial District Court of Dallas County found that Brown committed professional misconduct by violating Rule 1.14(a) [failing to hold funds belonging in whole or in part to a client that were in the lawyer's possession in connection with the representation separate from the lawyer's own property]. Brown was ordered to pay \$1,115.00 in attorneys' fees and direct expenses.

Gaines, Shanita Danielle: #24045906
11/30/2016-Partially Probated Suspension
11/10/2016-11/23/2016: SUSPENSION
11/24/2016-11/09/2018: PROBATED

On November 30, 2016, **Shanita Danielle Gaines** [#24045906], 40, of Oklahoma City, received a two-year, partially probated suspension, effective November 10, 2016, with the first two weeks actively suspended and the remainder probated. An evidentiary panel of the District 6 Grievance Committee found that in October 2011, Gaines failed to notify the Complainant about the receipt of settlement funds in Complainant's personal injury case. In addition, Gaines failed to deliver any portion of the settlement funds to Complainant. And, Gaines failed to exercise direct supervisory authority over her non-lawyer assistant to ensure that his conduct was compatible with Gaines' professional obligations. Gaines violated Rules 1.14(b), and 5.03(a). She was ordered to pay \$2,209.98 and \$950.00 in attorneys' fees and direct expenses.

Jackson, Rayshun: #00797754
11/15/2016-Public Reprimand

On November 15, 2016, **Rayshun Jackson** [#00797754], 47, of Dallas, agreed to a public reprimand. The District 6 Grievance Committee found that on or about July 15, 2015, Complainant hired Jackson to represent her in a civil rights matter. Upon termination of Jackson's representation of Complainant, Jackson failed to refund advance payments of a fee that had not been earned. Jackson violated Rule 1.15(d). He was ordered to pay restitution fees in the sum of \$1,000.00 and attorneys' fees and direct expenses in the sum of \$1,200.00.

Dallas Attorney
12/13/2016-Private Reprimand

RULE 1.01(b)(1)

In representing a client, a lawyer shall not: neglect a legal matter entrusted to the lawyer.

RULE 1.03(a)

A lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.

RULE 1.03(b)

A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

DISTRICT 7:

Dallas Attorney
02/21/2017-Private Reprimand

RULE 8.04(a)(11)

A lawyer shall not engage 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.

Dallas Attorney
12/21/2016-Private Reprimand

RULE 8.04(a)(11)

A lawyer shall not engage 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.

Stamps, Ingrid K.: #19025050
12/20/2016-Disbarment

On December 20, 2016, **Ingrid K. Stamps** [#19025050], 56, of Arlington, received a default judgment of disbarment. An evidentiary panel of the District 7 Grievance Committee found that Stamps violated a disciplinary judgment of suspension by practicing law while she was actively suspended. Stamps was ordered to pay \$637.50 in attorneys' fees and \$374.50 in expenses. Stamps violated Rule 8.04(a)(7).

Warner, Tiffany Gayle: #24075245
12/06/2016-Fully Probated Suspension
12/01/2016-05/31/2017: PROBATED

On December 6, 2016, **Tiffany Gayle Warner** [#24075245], 33, of Fort Worth, received a six-month, fully probated suspension, effective December 1, 2016. An evidentiary panel of the District 7 Grievance Committee found that from February 17, 2015, to the present, Warner has been administratively suspended from the practice of law for failure to comply with Supreme Court rules concerning repayment of Texas Guaranteed Student Loans. After February 17, 2015, Warner continued to represent Complainant in connection with a family law matter, Warner discussed the case with her client and opposing counsel. Thus, Warner engaged in the practice of law while her right to do so had been administratively suspended. In addition, Warner failed to furnish to the Chief Disciplinary Counsel's office a response or other information as required by the Texas Rules of Disciplinary Procedure or assert any grounds for her failure to do so. Warner violated Rules 8.04(a)(8) and 8.04(a)(11).

DISTRICT 8:

Scarbrough, Jerry W.: #17717500
02/10/2017-Active Suspension
05/01/2015-10/04/2016: SUSPENSION

On February 10, 2017, **Jerry W. Scarbrough** [#17717500], 68, of Killeen, entered into an agreed judgment with the Commission for Lawyer Discipline. The agreed judgment finds that Scarbrough responded to various discovery requests on behalf of his client. In two of the responses, Scarbrough failed to disclose or provide copies of recorded conversations of parties to the lawsuit. At a hearing before the court, Scarbrough and his client, who both testified, continued to deny the existence of the recordings. Scarbrough also contacted a deceased party's niece, and, when asked whom he represented, he said he represented himself and the deceased party "probably more than anyone else in the world right now." This left the niece with the impression that Scarbrough represented her deceased uncle. At no time did Scarbrough represent the deceased uncle. The agreed judgment finds that Scarbrough violated Rules 3.03(a)(1), 8.04(a)(1) and 8.04(a)(3). Scarbrough agreed to a suspension that began on May 1, 2015, and ended on October 4, 2016. He also agreed to pay \$1,000.00 in attorneys' fees and direct expenses.

DISTRICT 9:

Barry, Carl Redford: #24036192
12/12/2016-Disbarment

On December 12, 2016, **Carl Redford Barry** [#24036192], 39, of Austin, was disbarred. An evidentiary panel of the District 9 Grievance Committee found that Barry committed misconduct in two cases. In the first matter, Barry represented two individuals in a personal injury matter. One client executed assignments of interests with medical providers that provided for the client's medical fees to be paid from the proceeds of any recovery received from his claim. Complainant owns a medical funding company and purchased the client's assignments of interests from the medical providers. On November 8, 2013, Complainant sent Barry a Notice of Assignment showing that total medical fees in the amount of

\$73,703.37 were due. On August 22, 2014, Barry advised the funding company that the case had settled and that Barry would issue a check on the 25th. Thereafter, Barry failed to disburse any settlement proceeds to MedStar. Barry failed to furnish a written response to the complaint as directed. In a second matter, Complainant hired Barry in 2013 to represent her in a personal injury claim after an automobile accident. Complainant attempted on numerous occasions over several months to contact Barry to ascertain the status of her legal matter, but was unable to obtain any information about her case. In December of 2013, Barry settled Complainant's case without her knowledge or consent for \$24,000. Complainant confronted Barry in April of 2015 with the fact that she knew **a settlement check had been issued and she had not received any portion of the settlement.** In 2016, after the grievance was filed, Barry paid Complainant a portion of the funds to which she was entitled but failed to provide Complainant with a settlement statement or pay medical providers. Barry failed to furnish a written response to the complaint as directed. Barry violated Rules 1.02(a)(2), 1.03(a), 1.04(d), 1.14(b), 8.04(a)(1), and 8.04(a)(8) of the Texas Disciplinary Rules of Professional Conduct, Article X, Section 9, State Bar Rules. Barry was ordered to pay \$234,893.37 in restitution and \$5,972.39 in attorney's fees and expenses.

Hutchins, David Lee: #24065470
12/19/2016-Partially Probated Suspension
01/01/2017-02/28/2017: SUSPENSION
03/01/2017-12/31/2018: PROBATED

On December 19, 2016, **David Lee Hutchins** [#24065470], 36, of Austin, received a two-year, partially probated suspension, with two months active. An evidentiary panel of the District 9 Grievance Committee found that Hutchins represented Complainant in a dental malpractice case for injuries she sustained during a dental procedure. During the course of the representation, Complainant made numerous attempts to contact Hutchins to ascertain the status of her case, to no avail. The Discovery Control Plan Order required him to designate experts by April 3, 2014. Hutchins failed to designate any medical expert. Trial was reset to March 24, 2015. Hutchins failed to notify Complainant of the trial date and failed to appear at the trial on Complainant's behalf. As a result Complainant's case was dismissed. Hutchins did not timely notify Complainant of the dismissal. Hutchins violated Rules 1.01(b)(1) and 1.03(a) of the Texas Disciplinary Rules of Professional Conduct, Article X, Section 9, State Bar Rules. Hutchins was ordered to pay \$3,013.64 attorneys' fees and expenses.

Smith, Paul Andrew: #24010408
02/10/2017-Fully Probated Suspension
11/01/2017-10/31/2018: PROBATED

On February 10, 2017, **Paul Andrew Smith** [#24010408], 47, of Austin, accepted a one-year, fully probated suspension, effective November 1, 2017. The District 9 evidentiary panel found that Smith was hired to sue Complainant's employer for injuries Complainant sustained at work on June 5, 2013. Smith filed the Original Petition for Personal Injuries on June 5, 2015, but did not request citation until September 17, 2015. The defendant filed a summary judgment motion seeking to dismiss the suit on the grounds that Smith had not used due diligence in obtaining service. Smith did not file a response to the summary judgment motion but attended the hearing on the motion. On January 7, 2016, the Court granted the defendant's summary judgment motion. Smith did not notify Complainant when the motion was filed and did not notify her that the case had been dismissed. Smith violated Rules 1.01(b)(1) and 1.03(a) of the Texas Disciplinary Rules of Professional Conduct, Article X, Section 9, State Bar Rules. Smith was ordered to pay \$500.00 in attorneys' fees and expenses.

DISTRICT 10:

Benavides, Mark Henry: #24025737
12/13/2016-Resignation in lieu of Discipline

On December 13, 2016, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Mark Henry Benavides** [#24025737], 47, of San Antonio. At the time of his resignation, Benavides had three grievances pending alleging Benavides neglected the clients' matters, failed to communicate with the client, failed to communicate to his client the basis of his fee, failed to withdraw from representation when his own interests became adverse to his client's interests, failed to withdraw when the representation would result in a violation of a rule of Professional Conduct, failed to return an unearned fee, wrongfully manifested a bias based on sex towards a person involved in a legal proceeding, and engaged in conduct involving a serious crime. Benavides violated Rules 1.01(b)(1), 1.03(b), 1.04(a)&(c), 1.06(b)(2), 1.15(a)(1)&(d), 5.08(a), and 8.04(a)(2).

San Antonio Attorney
02/15/2017-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.

San Antonio Attorney
12/13/2016-Private Reprimand

RULE 1.03(a)

A lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.

Layer, Ronald B.: #12065700
02/14/2017-Resignation in lieu of Discipline

On February 14, 2017, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Ronald B. Layer** [#12065700], 67, of San Antonio. At the time of his resignation, Layer had one grievance pending alleging Layer failed to keep client's funds in a trust account separate from his own property in violation of Rule 1.14(a).

San Antonio Attorney
01/25/2017-Private Reprimand

RULE 8.04(a)(8)

Failure to timely furnish to a district grievance committee a response unless he/she in good faith timely asserts a privilege or other legal ground for failure to do so.

San Antonio Attorney
02/02/2017-Private Reprimand

RULE 1.03(b)

A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

**San Antonio Attorney
12/08/2016-Private Reprimand**

RULE 1.03(a)

A lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.

**San Antonio Attorney
12/08/2016-Private Reprimand**

RULE 1.05(b)(1)(ii)

Knowingly revealing confidential information of a client or a former client to a person that the client has instructed is not to receive the information; or anyone else, other than the client, the client's representatives, or the members, associates, or employees of the lawyer's law firm.

**Pittard, Robert Chris: #00794465
01/12/2017-Partially Probated Suspension
12/24/2016-01/07/2017: SUSPENSION
01/08/2017-12/06/2017: PROBATED**

On January 12, 2017, **Robert Chris Pittard** [#00794465], 60, of San Antonio, agreed to a two-year, partially probated suspension, effective December 24, 2016, with the first fifteen days active and the remainder probated. The District 10 Grievance Committee found that Pittard neglected a client's matter, failed to keep client reasonably informed, and failed to explain a potential conflict of interest. Pittard violated Rules 1.01(b)(1), 1.03(a)&(b), 1.04(a), & 1.06(b)(2) and was ordered to pay \$5,000.00 in restitution and \$800.00 attorneys' fees and direct expenses.

**Prins, Todd A.: #16330400
12/09/2016-Interim Suspension**

On December 9, 2016, **Todd A. Prins** [#16330400], 50, of San Antonio, accepted an interim suspension of his law license, effective December 9, 2016. The 73rd Judicial District Court of Bexar County, Texas ordered Prins suspended from the practice of law pending the final disposition of a disciplinary proceeding.

**Prins, Todd A.: #16330400
03/07/2017-Resignation in lieu of Discipline**

On March 7, 2017, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Todd A. Prins** [#16330400], 50, of San Antonio. At the time of his resignation, Prins had one grievance pending alleging Prins failed to communicate with a client, committed criminal acts and engaged in conduct involving dishonesty, fraud, deceit and misrepresentation. Prins violated Rules 1.03(a)&(b) and 8.04(a)(1),(2)&(3).

**San Antonio Attorney
01/27/2017-Private Reprimand**

RULE 1.02(a)(1)

for failing to abide by a client's decisions concerning the objectives and general methods of representation.

DISTRICT 12:

**San Antonio Attorney
02/03/2017-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 1.15(a)(1)

for failing to decline or withdraw from representation of a client if the representation will result in a violation of Rule 3.08, other applicable rules of professional conduct, or other law.

RULE 5.03(a)

for failing to make reasonable efforts to ensure that the non-lawyer's conduct is compatible with the professional obligations of the lawyer.

RULE 5.03(b)(1)

a lawyer shall be in violation if the lawyer orders, encourages, or permits the conduct involved of a non-lawyer to be in violation of the rules of the Texas Disciplinary Rules of Professional Conduct.

**San Antonio Attorney
01/11/2017-Private Reprimand**

RULE 1.15(a)(1)

A lawyer shall decline to represent a client or, where representation has commenced, shall withdraw, except as stated in paragraph (c), from the representation of a client, if the representation will result in violation of Rule 3.08, other applicable rules of professional conduct or other law.

**McMaster, Douglas Matthew: #13786020
11/28/2016-Fully Probated Suspension
01/01/2017-12/31/2019: PROBATED**

On November 28, 2016, **Douglas M. McMaster** [#13786020], 54, of Brownsville, accepted a three-year, fully probated suspension, effective January 1, 2017. The District 12 Grievance Committee found that McMaster failed to communicate with clients, failed to refund an unearned fee and failed to respond to a grievance. McMaster violated Rules 1.03(a), 1.15(d), and 8.04(a)(8), was ordered to pay \$500.00 in restitution and \$2,300.00 in attorneys' fees and expenses.

**Ramos, Andres Aaron: #24005926
02/15/2017-Partially Probated Suspension
02/01/2017-07/31/2017: SUSPENSION
08/01/2017-01/31/2020: PROBATED**

On February 15, 2017, **Andres Aaron Ramos** [#24005926], 45, of Laredo, received a three-year, partially probated suspension, effective February 1, 2017, with the first-six months actively served and the remainder probated. The District 12 Grievance Committee found that Ramos neglected a client's matter, failed to communicate with clients and failed to refund unearned fees. Ramos violated Rules 1.01(b)(1), 1.03(a)&(b), and 1.15(d) and was ordered to pay \$3,500.00 in restitution and \$1,100.00 in attorneys' fees and direct expenses.

**San Antonio Attorney
02/07/2017-Private Reprimand**

RULE 1.03(b)

A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

RULE 1.04(d)

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 1.15(d)

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.

**San Antonio Attorney
11/07/2016-Private Reprimand**

RULE 1.03(a)

A lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.

DISTRICT 13:

**Ivie, Tony Edward: #10438800
12/19/2016-Public Reprimand**

On December 19, 2016, **Tony Edward Ivie** [#10438800], 55, of Amarillo, received a public reprimand. The District 13 Grievance Committee found that in or about March of 2014, Complainant hired Ivie to represent him in a divorce. Upon termination of Ivie's representation of Complainant, Ivie failed to refund advance payments of a fee that had not been earned. Ivie 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. Ivie did not in good faith timely assert a privilege or other legal ground for failure to do so. Ivie violated Rules 1.15(d), and 8.04(a)(8). He was ordered to pay attorneys' fees and direct expenses in the sum of \$875.00 and restitution in the sum of \$1,500.00.

**Phifer, Gregory L.: #15908580
12/22/2016-Partially Probated Suspension
12/09/2016-12/08/2017: SUSPENSION
12/09/2017-12/08/2019: PROBATED**

On December 22, 2016, **Gregory L. Phifer** [#15908580], 52, of Amarillo, received a three-year, partially probated suspension, with the first 12 months actively suspended and the remainder probated. An evidentiary panel of the District 13 Grievance Committee found that Phifer engaged in the practice of law in Texas when his right to practice had been suspended. The panel also found that Phifer 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 and that Phifer did not in good faith timely assert a privilege or other legal ground for his failure to do so. Phifer violated Rules 8.04(a)(8), and 8.04(a)(11). He was ordered to pay \$1,613.25 in attorneys' fees and \$386.75 in direct expenses.

Phifer, Gregory L.: #15908580
12/22/2016-Partially Probated Suspension
12/09/2016-12/08/2017: SUSPENSION
12/09/2017-12/08/2019: PROBATED

On December 22, 2016, **Gregory L. Phifer** [#15908580], 52, of Amarillo, received a three-year, partially probated suspension, with the first 12 months of active suspension and the remainder probated. An evidentiary panel of the District 13 Grievance Committee found that Phifer failed to keep his client reasonably informed about the status of her case, and failed to promptly comply with the client's reasonable requests for case information. The panel found that Phifer engaged in the practice of law in Texas when his right to practice had been suspended. The panel further found that Phifer 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 and that Phifer did not in good faith timely assert a privilege or other legal ground for failure to do so. Phifer violated Rules 1.03(a), 8.04(a)(8), and 8.04(a)(11). He was ordered to pay \$6,500.00 in restitution, \$2,018.25 in attorneys' fees and \$371.75 in direct expenses.

DISTRICT 14:

Dallas Attorney
11/28/2016-Private Reprimand

RULE 1.14(a)

A lawyer shall hold funds and other property belonging in whole or in part to clients or third persons that are in a lawyer's possession in connection with a representation separate from the lawyer's own property. Such funds shall be kept in a separate account, designated as a "trust" or "escrow" account, maintained in the state where the lawyer's office is situated, or elsewhere with the consent of the client or third person. Other client property shall be identified as such and appropriately safeguarded. Complete records of such account funds and other property shall be kept by the lawyer and shall be preserved for a period of five years after termination of the representation.

Dallas Attorney
10/20/2016-Private Reprimand

RULE 8.04(a)(11)

A lawyer shall not: engage 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

DISTRICT 15:

San Antonio Attorney
01/13/2017-Private Reprimand

RULE 8.04(a)(8)

for failing to timely furnish to a district grievance committee a response or other information as required unless he or she timely asserts a privilege or other legal ground for failure to do so.

**San Antonio Attorney
02/14/2017-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.

**San Antonio Attorney
01/10/2017-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.

**Offerman, Phylis West: #21205100
12/13/2016-Fully Probated Suspension
12/01/2016-05/31/2017: PROBATED**

On December 13, 2016, **Phylis West Offerman** [#21205100], 59, of New Braunfels, accepted a six-month, fully probated suspension, effective December 1, 2016. The District 10 Grievance Committee found that Offerman failed to keep client reasonably informed, failed to hold client's funds in a trust account, failed to render an accounting, and failed to refund unearned fee timely. Offerman violated Rules 1.03(b), 1.14(a)&(b), and 1.15(d) and was ordered to pay \$800.00 attorneys' fees and direct expenses.

**Rudkin, Kurtis Scott: #00792103
02/16/2017-Public Reprimand**

On February 16, 2017, **Kurtis Scott Rudkin** [#00792103], 54, of Boerne, accepted a public reprimand. The District 15 Grievance Committee found that Rudkin represented a client in a matter that was adverse to a former client without consent. Rudkin violated Rule 1.09(a)(3), and agreed to pay \$2,400.00 in attorneys' fees and direct expenses.

DISTRICT 16:

**San Antonio Attorney
02/07/2017-Private Reprimand**

RULE 8.02(a)

making a statement that the lawyer knew to be false or with reckless disregard as to its truth or falsity concerning the qualifications or integrity of a judge, adjudicatory official or public legal officer, or a candidate for election or appointment to judicial or legal office.

Jackson, Isaiah Roby: #24071021
02/24/2017-Fully Probated Suspension
03/01/2017-02/28/2019: PROBATED

On February 24, 2017, **Isaiah Roby Jackson** [#24071021], 41, of Midland, accepted a two-year, fully probated suspension, effective March 1, 2017. The District 16 Grievance Committee found that Jackson used professional association funds for personal use without consent. Jackson violated Rules 8.04(a)(1) and 8.04(a)(3), and agreed to pay \$2,820.34 in restitution, and \$1,200.00 in attorneys' fees and direct expenses.

Williams, Paul Kobbe: #21566400
12/08/2016-Fully Probated Suspension
05/22/2017-05/21/2018: PROBATED

On December 8, 2016, **Paul Kobe Williams** [#21566400], 60, of Midland, accepted a one-year, fully probated suspension, effective May 22, 2017. The District 16 Grievance Committee found that Williams failed to communicate with a client. Williams violated Rule 1.03(a) and was ordered to pay \$800.00 in attorneys' fees and expenses

DISTRICT 17:

Jones, Robert M.: #10951000
02/14/2017-Resignation in lieu of Discipline

On February 14, 2017, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Robert M. Jones** [#10951000], 72, of Duncanville. At the time of Jones' resignation, there were three pending matters against him alleging neglecting a legal matter entrusted to the lawyer, failing to keep a client reasonably informed about the status of a matter and promptly complying with reasonable requests for information, upon termination of representation, taking steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled and refunding any advance payments of fee that has not been earned, and 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. Alleged Rules Violated 1.01(b)(1), 1.03(a), 1.15(d), and 8.04(a)(11).

BOARD OF DISCIPLINARY APPEALS

Greenberg, Mark Alan - State Bar of Texas Card No. 24076921
01/17/2017-Resignation In Lieu of Discipline

On January 17, 2017, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Mark Alan Greenberg** [#24076921], 64, of Fort Lauderdale, Florida. At the time of Greenberg's resignation, a Judgment had been entered in the Circuit Court of the Seventeenth Judicial Circuit in and for Broward County, State of Florida, wherein Greenberg was found guilty of counts 2 through 10 – Sexual Performance by a Child, Third Degree Felonies and Count 11 – Computer Pornography, a Third Degree Felony, and was placed on probation for a period of five (5) years. This conviction would subject Greenberg to compulsory discipline.

Michael Garnet McGraw - State Bar of Texas Card No. 00792686
Compulsory Discipline - Disbarment

On January 27, 2017, the Board of Disciplinary Appeals signed a default judgment of disbarment against Sherman, Texas attorney **Michael Garnet McGraw**, 54, State Bar of Texas Card No. 00792686. Although properly cited and noticed, McGraw did not answer or appear. On July 22, 2016, McGraw pled guilty to Injury to a Child with serious bodily injury and mental injury in violation the Texas Penal Code sec. 22.04(e), an Intentional Crime as defined in the Texas Rules of Disciplinary Procedure, in the case styled, *The State of Texas v. Michael Garnet McGraw*, Cause No. 067190 in the 59th Judicial District Court of Grayson County, Texas. Mr. McGraw was sentenced to prison for 20 years. The criminal conviction is final.

Mullins, Royal - State Bar of Texas Card No. 14657750
01/12/2017-Interlocutory Suspension
01/12/2017-Until Further Ordered

On January 12, 2017, the Board of Disciplinary Appeals signed an agreed interlocutory order of suspension against Greenville, Texas attorney **Royal Mullins**, 63, State Bar of Texas Card No. 14657750. On May 4, 2016, Mullins was found guilty of Murder, an Intentional Crime as defined in the Texas Rules of Disciplinary Procedure, in the case styled, *The State of Texas v. Royal Lynn Mullins*, Cause No. 30544 in the 196th Judicial District Court of Hunt County, Texas. Mr. Mullins was sentenced to prison for 60 years and ordered to pay a fine in the amount of \$10,000.00 and court costs of \$266.25. Mullins has appealed his criminal conviction. The Board retains jurisdiction to enter a final judgment when the criminal appeal is final.

Slay, Heather Ree - State Bar of Texas Card No. 24027863
01/27/2017-Public Reprimand

On January 27, 2017, the Board of Disciplinary Appeals signed a default judgment of public reprimand of Houston attorney, **Heather Ree Slay**, 43, State Bar of Texas Card No. 24027863. Although properly cited and noticed, Slay did not answer or appear. Ms. Slay was publicly reprimanded by the Supreme Court of the State of Louisiana in a matter styled, *In re: Heather Ree Slay*, Case No. 2016-B-0437 for practicing law in Louisiana without a license. In accordance with the Texas Rules of Disciplinary Procedure, Ms. Slay will receive a public reprimand in Texas for practicing law in Louisiana without a license.