



THE BOARD *of* DISCIPLINARY APPEALS
APPOINTED BY THE SUPREME COURT *of* TEXAS
REPORT 2019

THE BOARD of DISCIPLINARY APPEALS
APPOINTED BY THE SUPREME COURT OF TEXAS

CHAIR

Robert A. Black, *Beaumont*

VICE CHAIR

John J. "Mike" McKetta III, *Austin*

MEMBERS

Jeanne C. "Cezy" Collins, *El Paso*

David M. González, *Austin*

Mike Gregory, *Denton*

Michael C. Gross, *San Antonio*

Kelli M. Hinson, *Dallas*

Roland K. Johnson, *Fort Worth*

Kathy Kinser, *Dallas*

Mike Mills, *McAllen*

Deborah Pullum, *Tyler*

Nancy J. Stone, *Amarillo*

SUPREME COURT OF TEXAS LIAISON

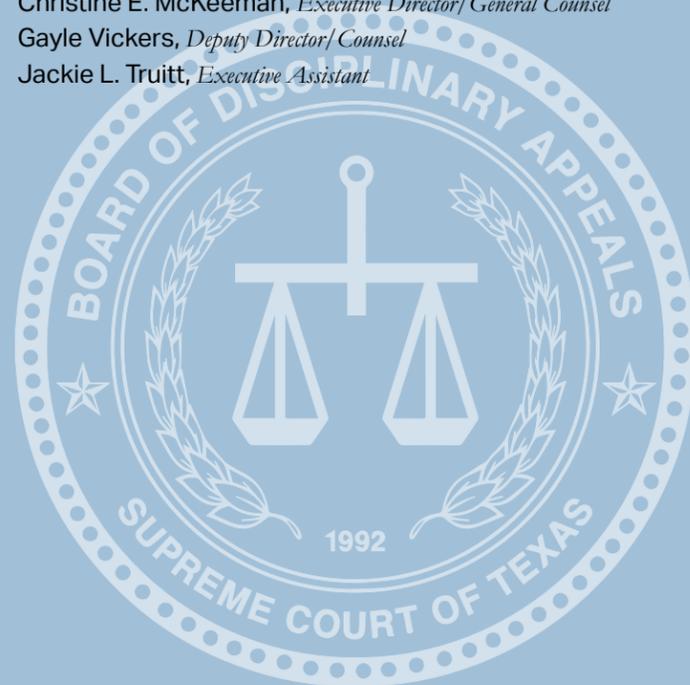
The Honorable Justice Debra H. Lehrmann

STAFF

Christine E. McKeeman, *Executive Director/General Counsel*

Gayle Vickers, *Deputy Director/Counsel*

Jackie L. Truitt, *Executive Assistant*



P.O. Box 12426
Austin TX 78711
(512) 427-1578
txboda.org
info@txboda.org

Cover photo credit: Beaumont Convention and Visitors Bureau

THE BOARD of DISCIPLINARY APPEALS
APPOINTED BY THE SUPREME COURT OF TEXAS

FROM THE CHAIR

August 31, 2019



On behalf of the Board of Disciplinary Appeals, I am pleased to submit the Annual Report for Fiscal Year June 1, 2018 through May 31, 2019 to the Supreme Court of Texas and to the State Bar Board of Directors, pursuant to Texas Rules of Disciplinary Procedure 7.08B. The report recognizes BODA's members and describes its decisions, jurisdiction, cases filed and decided, hearings, and operations.

During the past year, BODA

- Disposed of over 1,500 matters
- Decided 28 disciplinary and disability cases resulting in final judgments
- Met en banc for conferences and hearings quarterly in Austin
- Welcomed four new members
- Held 49 telephone panel conferences to render decisions in three member panels
- Reversed 119 grievances appealed and returned for just cause investigation
- Kept all dockets current
- Had all appeals to the Texas Supreme Court affirmed

On behalf of all members, we are grateful that the Supreme Court has appointed us to serve on BODA. The work of BODA is an integral part of our professional disciplinary process. BODA members average 33 years experience in the practice of law and are a diverse group representing all geographic areas of the state and many practice areas. Each member is dedicated to their service on BODA. We are assisted by a superb BODA staff providing us with invaluable knowledge and support.

A handwritten signature in black ink, appearing to read "Robert A. Black".

Robert A. Black
Chair of the Board of Disciplinary Appeals, 2018-2019



*Back row: Mike Gregory, Nancy J. Stone, David González, Mike Mills, Deborah Pullum, Kelli M. Hinson, Michael C. Gross
Front row: Cezy Collins, Mike McKetta, Bob Black, Roland Johnson, Kathy Kinser*

MEMBERS

2018–2019

Jeanne C. “Cezy” Collins serves as general counsel of the El Paso Independent School District. Ms. Collins is a former president of the National Conference of Women’s Bar Associations, Texas Women Lawyers, and the El Paso Women’s Bar Association, and a former State Bar of Texas director. In 2002–2003, she was voted Outstanding Lawyer of El Paso by the El Paso Young Lawyers Association. She received her B.A. from the University of Southern California in 1986 and her J.D. from the University of Arizona College of Law in 1991. She was appointed to BODA in 2013 and reappointed in 2016.

David M. González is a partner in Sumpter & González, L.L.P. in Austin. He is board certified in criminal law and serves as an adjunct professor in the Trial Advocacy Program at the University of Texas School of Law. He also has served as a special prosecutor for Williamson County, Travis County, Kendall County, and Panola County. He is a member of the disciplinary committee of the U.S. District Court for the Western District of Texas and previously served on the District 9 grievance committee of the State Bar of Texas from 2012–2015. Mr. González is a graduate of Dartmouth College and Stanford Law School. He was appointed to the Board in 2015 and reappointed in 2018.

Mike Gregory of Denton has been board certified in family law by the Texas Board of Legal Specialization for over 40 years. He is a trained mediator, arbitrator, and collaborative lawyer. Mr. Gregory was named a Texas Super Lawyer in alternative dispute resolution from 2013–present and in family law from 2002–2012. He served on the board of trustees of the Collaborative Law Institute of Texas from 2003 until 2007 and was president of the Denton County Collaborative Professionals from 2005 until 2009. He is a sustaining life fellow of the Texas Bar Foundation and a life member of the Texas Family Law Foundation. He served on the State Bar of Texas Board of Directors from 2008 until 2011. He is a past president of the Texas Academy of Family Law Specialists. He is a member of the Dallas County Bar Association and the Denton County Bar Association and served as its president from 1983–1984. He received his J.D. and a B.B.A. (finance) from the University of Texas at Austin. He served in the United States Marine Corps as a judge advocate from 1970–1974. He was appointed to the Board in 2018.

Michael C. Gross is a partner in Gross & Esparza, P.L.L.C. in San Antonio, Texas. He graduated from Trinity University, San Antonio, Texas, in 1984 and received his J.D. from St. Mary’s University, San Antonio, Texas, in 1987. He served as a judge advocate in the United States Marine Corps from 1988–1992. He is board certified in criminal trial advocacy by the National Board of Trial Advocacy and is board certified in criminal law and criminal appellate law by the Texas Board of Legal Specialization. He was named Defender of the Year by the San Antonio Criminal Defense Lawyers Association in 2008 and again in 2009. He served as president of the San Antonio Criminal Defense Lawyers Association in 2011. He currently serves as an officer with the Texas Criminal Defense Lawyers Association. He was appointed to the Board in 2018.

Kelli Hinson is a partner in the Dallas law firm of Carrington Coleman Sloman & Blumenthal, LLP and serves as the firm’s general counsel. She practices in the areas of commercial litigation and professional liability, representing law firms, hospitals, companies, and the professionals who run them. She received a BBA, summa cum laude, from McMurry University and a J.D., magna cum laude, from Southern Methodist University Dedman School of Law, where she was a member of the SMU Law Review and Order of the Coif. Ms. Hinson was a member of the District 6 Grievance Committee of the State Bar of Texas from 2017–2018 and has served as chair of the Dallas Bar Association Legal Ethics Committee. She was appointed to BODA in 2018.

MEMBERS

2018–2019

Robert A. Black, chair, was appointed to BODA in September 2013 and reappointed to a second term in 2016. He is managing shareholder of Mehaffy Weber, P.C. in Beaumont, where he practices mediation, arbitration, and civil litigation. He served as president of the State Bar of Texas from 2011–2012, chair of its Board of Directors, and has served on many other committees and subcommittees. Black is a past president of the Jefferson County Bar Association. He is a fellow of the Texas Bar Foundation (trustee) and a fellow of the American Bar Foundation. Black earned a B.A. from the University of Texas at El Paso and a J.D. summa cum laude from Texas Tech University School of Law.

John J. “Mike” McKetta III, vice chair, is of counsel to Graves, Dougherty, Hearon & Moody, P.C. in Austin, serving as president of the firm 1998–2008. He graduated from Harvard University and the University of Texas School of Law with high honors and was a member of the Order of the Coif and Chancellors. He is an emeritus member of the Lloyd Lochridge Inn of Court and served as president 2013–2014. During 2014–2017, he was the representative from the Fifth Circuit to the ABA Standing Committee on the Federal Judiciary. He is a life member of the American Law Institute and has held numerous offices, currently serving as chair of the Investment Committee. He chaired the Advertising Review Committee of the State Bar of Texas 2010–2014 and served as a member of the Disciplinary Committee of the U.S. District Court for the Western District of Texas. He is a fellow of the International Academy of Trial Lawyers, and a fellow emeritus the American College of Trial Lawyers and of the American Board of Trial Advocates. He is a fellow of the Texas Bar Foundation and was the recipient of organization’s Ronald D. Secrest Outstanding Trial Lawyer Award in 2010. He was appointed to the Board in 2014 and was reappointed in 2017.

MEMBERS

2018–2019

Roland K. Johnson was appointed to BODA in September 2013 and appointed to a second term in 2016, and is a shareholder in Harris, Finley & Bogle, P. C., Fort Worth. He served as president of the State Bar of Texas from 2009–2010, president of the Tarrant County Bar Association, president of the Eldon B. Mahon Inn of Court, and as chair of the State Bar Professionalism Committee. He is a sustaining life fellow of the Texas Bar Foundation and is board certified in Civil Trial Law. He is a member of the American Law Institute and the American Board of Trial Advocates, and is a fellow in the College of Commercial Arbitrators. He earned his undergraduate and J.D. degrees from Baylor University with honors.

Katherine A. Kinser is a partner in Kinser & Bates, LLP in Dallas. She graduated from the University of Arkansas at Little Rock and from Southern Methodist University School of Law. She holds a board certification in family law from the Texas Board of Legal Specialization. She is a fellow in the American Academy of Matrimonial Lawyers, a lifetime member of the American Academy of Matrimonial Lawyers Foundation, a sustaining life member of the Texas Family Law Foundation and a life fellow of the Texas Bar Foundation. She served as the president of the Texas Chapter of the American Academy of Matrimonial Lawyers from 2017–2018. She is a member of the Texas Academy of Family Law Specialists and received its Sam Emison Award in 2014. She served as president of the Academy from 2002 until 2003. She was appointed to the Board in 2014 and was reappointed in 2017.

Mike Mills is a partner in Atlas, Hall & Rodriguez, L.L.P. in McAllen. He received his law degree from the University of Texas School of Law in 1976, and is a member of Phi Delta Phi honorary legal fraternity and Phi Beta Kappa honor society. He is a fellow, American College of Trial Lawyers; advocate, American Board of Trial Advocates; president, Hidalgo County Bar Association, 1990–1991; director, Hidalgo County Bar Association, 1988–1990; chairman, Hidalgo County Bar Association Pro Bono Project 1988–1995; State Bar of Texas District 15–B grievance committee, 1989–1995; vice chair, 1994–1995; director, Texas Association of Defense Counsel, 1994–1996; executive committee, University of Texas Law Alumni Association, 1995–2000; director, University of Texas Law Alumni Association, 1992–1995; Political Action Committee of the Texas Association of Defense Counsel, 2005–present; member, American Bar Association. Mr. Mills was appointed in 2015 and was reappointed in 2018.

Deborah G. Pullum is the city attorney for the city of Tyler, Texas. She graduated from the College of William and Mary, Marshall–Wythe School of Law in 1996 after receiving a B.S. with honors from Florida A&M University. She received merit certification in municipal law from the Texas City Attorneys Association and was formerly an assistant district attorney of Smith County, Texas. She is a member of the Smith County Bar Association and served as president of the SCBA from 2016 to 2017. She is a fellow of the Texas Bar Foundation and a member of the College of the State Bar of Texas. She served on the State Bar of Texas District 2 Grievance Committee from 2006 until 2012. She was appointed to the Board in 2014 and was reappointed in 2017.

Nancy J. Stone practices complex commercial law in Amarillo. She received a B.S. with honors from the University of Texas, a master of science degree from the University of Houston and a J.D. from South Texas College of Law where she was a member of Phi Delta Phi and the South Texas Law Journal, 1982–1983. Ms. Stone is a member of the Civil Justice Reform Act Advisory Committee. She is a member of the Amarillo and American Bar Associations; State Bar of Texas; Texas Trial Lawyers Association; and The Association of Trial Lawyers of America. Ms. Stone was appointed to the Board in 2018.

THE BASICS

The Board of Disciplinary Appeals is a tribunal of 12 attorneys appointed by the Supreme Court of Texas to serve up to two three-year terms. Since 2012, the Honorable Debra H. Lehrmann has served as the Supreme Court of Texas liaison to the Board. Members represent diverse geographic and law practice areas, from small firm to large multi-state firm, corporate counsel, family law practitioners, criminal defense lawyers, corporate and business litigators, complex commercial litigators, a city attorney, employment, and education lawyers.



Justice Debra H. Lehrmann

The Board operates under the State Bar Act, the Texas Rules of Disciplinary Procedure, the Board of Disciplinary Appeals Internal Procedural Rules, and case law. The Board has appellate and original jurisdiction and disposed of 1,501 matters in the last fiscal year consistently maintaining a current docket. The Board meets en banc quarterly and confers weekly in three-person panels by telephone conference with additional special settings as needed.

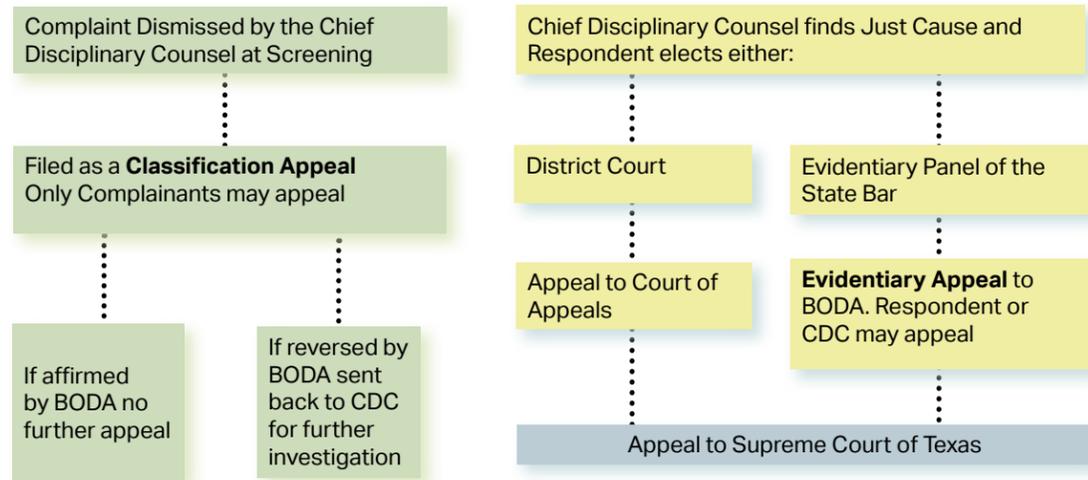
Combined, the BODA staff has 70 years of experience with the Board. Christine E. McKeeman, the executive director and general counsel, is in charge of all operations, advises the Board, serves as the official records custodian and works with related groups in the disciplinary system and in other states. Gayle Vickers, deputy director and counsel, assists with all operations and has primary responsibility for the disability docket, is the clerk for district disability committees and appeals from BODA to the Texas Supreme Court, produces the annual report, responds to inquiries from the public and attorneys, and designs and maintains the BODA website. Jackie Truitt, executive assistant, acts as office manager and is responsible for classification panels, case intake and management, docket control, hearings coordination, and requests for information and assistance from the public and attorneys. BODA maintains a website at txboda.org. In addition to all published opinions, the website provides information about members, jurisdiction, and operations. Copies of the annual report beginning in 2005 are available. The current docket is posted and all recent and archived decisions since 2002 are fully searchable. Videos of en banc hearings and oral arguments are available for most public cases on the website and through the Board's YouTube channel. The website also has copies of the *Texas Disciplinary Rules of Professional Conduct*, the *Texas Rules of Disciplinary Procedure*, and the *BODA Internal Procedural Rules*.



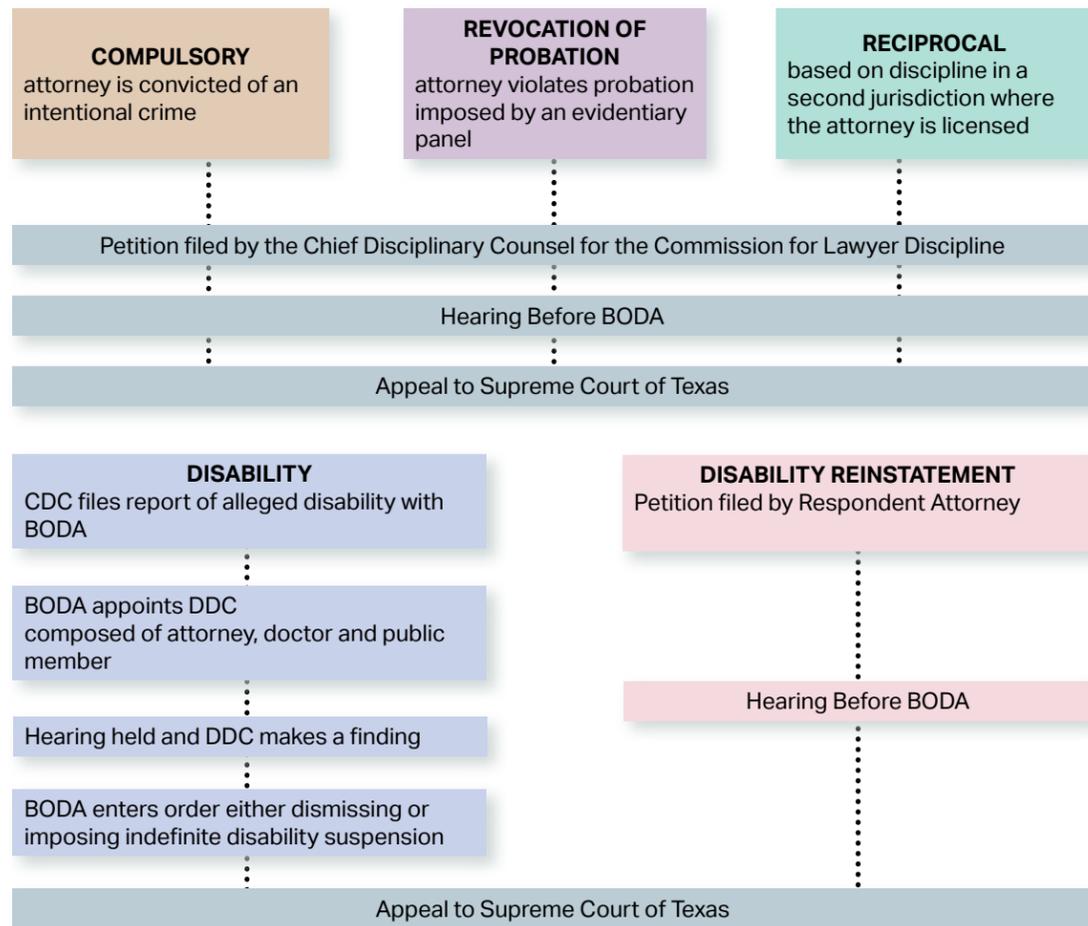
John J. "Mike" McKetta, Justice Debra H. Lehrmann, Chief Justice Nathan Hecht, and Robert A. Black

APPELLATE JURISDICTION

Grievances Filed with State Bar of Texas



ORIGINAL JURISDICTION



JURISDICTION

BODA has jurisdiction to decide six types of disciplinary matters, Tex. Gov't Code Sections 81.072-81.0751; TRDP Part VII. "BODA shall have and exercise all the powers of either a trial court or an appellate court, as the case may be, in hearing and determining disciplinary proceedings." *In re State Bar of Texas*, 113 S.W.3d 730, 734 (Tex. 2003) (citing BODA IPR 1.02). With the exception of appeals from classification screening decisions, which are final, BODA decisions are appealable directly to the Supreme Court of Texas. BODA may decide any case, other than classification appeals, with or without written opinion.

ORIGINAL

Compulsory Discipline

BODA has exclusive original jurisdiction to hear petitions for compulsory discipline filed by the State Bar of Texas Chief Disciplinary Counsel's Office on behalf of the Commission for Lawyer Discipline when an attorney has been convicted of, or placed on deferred adjudication for an "Intentional Crime." TRDP Part VIII. Compulsory discipline results in either suspension of the attorney's license for the term of the criminal sentence or disbarment.

Reciprocal Discipline

BODA has exclusive original jurisdiction to hear petitions for reciprocal discipline filed by the State Bar of Texas Chief Disciplinary Counsel's Office on behalf of the Commission for Lawyer Discipline. Texas attorneys who are licensed in another jurisdiction are subject to identical discipline in Texas following a disciplinary sanction in the second jurisdiction. TRDP Part IX.

Revocation of Probation

BODA has exclusive original jurisdiction for the full term of a probated suspension imposed by a State Bar grievance committee to hear petitions to revoke the probation if the attorney violates a term or condition of probation. TRDP Part II. If revoked, the attorney is suspended for the full term of the suspension without credit for time served on probation.

Disability and Reinstatement

BODA has exclusive original jurisdiction to suspend indefinitely an attorney who is suffering from a disability: any physical, mental, or emotional condition, with or without a substantive rule violation, which results in the attorney's inability to practice law or otherwise carry out his or her professional responsibilities to clients, the courts, the profession, or the public. A district disability committee appointed by BODA holds a hearing to determine whether the attorney is disabled and certifies its finding to BODA. BODA has concurrent jurisdiction with district courts to hear petitions for reinstatement to terminate an indefinite disability suspension. TRDP Part XII.

STATISTICS

June 1, 2018–May 31, 2019

All Cases Filed

Appeal of a dismissed grievance	1,498
Compulsory discipline	7
Revocation of probation	1
Appeal of an evidentiary panel judgment	8
Disability	2
Reciprocal discipline	10

Total **1,526**

Hearings and Conferences

En banc conferences and hearings	4
Weekly panel telephone conferences	49
Average panel docket	30 classification appeals

Dispositions

	Filed	Decided
Appeal of a dismissed grievance	1,498	1,458
Appeal from an evidentiary judgment	8	15
Compulsory discipline	7	12
Reciprocal discipline	12	12
Petitions to revoke probation	1	1
Disability suspension	2	3
Total cases disposed		1,501

Appeals to Supreme Court of Texas

All decisions appealed to Supreme Court during FY 2018–2019 were affirmed.

Total BODA decisions appealed	8
Total Supreme Court dispositions	5

STATISTICS

June 1, 2018–May 31, 2019

Appeal of Dismissed Grievance

Grievances screened by CDC*	8,015
Upgraded for investigation by CDC	2,315
Dismissed by CDC	5,561
Appeals from classification dismissal	1,498/5,561 (27%)
Appeals granted by BODA	119/1,458 (8%)

Classification Appeal Timeline

Average time to receive file from CDC	12 days
Average time to decide appeal after file received	29 days
Total time from filing to decision	41 days

Appeals Granted by BODA

Top TDRPC Violations Alleged

1.03	Communication	49
1.01	Competent and Diligent Representation	36
1.14	Safekeeping Property	27
1.15(d)	Return of File or Unearned Fee	23

Multiple Violations

Appeals granted	No. of violations
61	1
42	2
6	3

*Source: Office of the Chief Disciplinary Counsel, State Bar of Texas

JURISDICTION

APPELLATE

Appeal from an Evidentiary Judgment

Either the Commission for Lawyer Discipline or an attorney against whom discipline has been imposed by a State Bar grievance committee may appeal any judgment from an evidentiary proceeding, including dismissal, findings of professional misconduct, or sanction imposed. Appeals to BODA from evidentiary judgments proceed similarly to civil appeals. TRDP Part II. BODA reviews evidentiary questions under substantial evidence, questions of law de novo, and sanctions for abuse of discretion. BODA may decide an evidentiary appeal with or without oral argument.

Grievance Screening and Classification Appeals

The State Bar of Texas Chief Disciplinary Counsel's Office screens every writing received that alleges professional misconduct to determine whether the writing describes conduct which, if true, would violate the Texas Disciplinary Rules of Professional Conduct. If the CDC determines that the writing does not allege misconduct and dismisses the grievance, the complainant can appeal that decision to BODA. TRDP Part II.

BODA provides a one-page form in English and Spanish that CDC includes with the notice letter to complainants explaining that the grievance was dismissed. The complainant only has to sign the form and send it to BODA by email, regular mail, or fax within 30 days of his or her receipt of the notice.

BODA sends notice to the complainant and the attorney that an appeal was filed and requests a copy of the original grievance from the CDC and, if it is a second filing, the prior grievance. BODA considers only the information available to the CDC at screening and does not review additional information sent to CDC or BODA. If a complainant sends new information to BODA, the documents are returned and the complainant is informed that he or she may instead refile the grievance with the CDC to have the additional information considered.

If the attorney against whom a grievance is filed is disbarred, has resigned, or is deceased, BODA notifies the complainant that the disciplinary system no longer has jurisdiction.

Once BODA receives the original grievance from CDC, on average 12 days after the request, the grievance is assigned to a three-member panel for decision. The panel and a staff attorney discuss the grievance by telephone conference, on average 29 days after the original grievance is received from the CDC. Members vote to either affirm or grant the appeal (resulting in an upgrade of the writing from a grievance to a complaint). The granting of an appeal requires a finding that the complaint alleges one or more violations of a specific Texas Disciplinary Rule of Professional Conduct. During 2018–2019, BODA reversed approximately eight percent of the appeals. BODA members can refer any appeal for consideration by the entire board en banc.

BODA notifies the complainant, the respondent attorney, and the CDC of its decision. If the appeal is granted, the notice includes the specific TDRPC alleged to have been violated and the complaint returns to the CDC for investigation as to just cause.

Once the dismissal is either affirmed or reversed, the appeal is complete and BODA closes its file.

DISPOSITIONS

June 1, 2018–May 31, 2019

COMPULSORY DISCIPLINE

BODA has exclusive original jurisdiction to hear petitions for compulsory discipline filed by the State Bar of Texas Chief Disciplinary Counsel's Office on behalf of the Commission for Lawyer Discipline when an attorney has been convicted of, or placed on deferred adjudication for, an "Intentional Crime" as defined in TRDP 1.06T: that is, any Serious Crime that requires proof of knowledge or intent as an essential element or any crime involving misapplication of money or other property held as a fiduciary. Serious Crimes include barratry, any felony involving moral turpitude, any misdemeanor involving theft, embezzlement, or fraudulent or reckless misappropriation of money or other property or any attempt, conspiracy or solicitation of another to commit any of these. TRDP Part VIII.

If an attorney convicted of an Intentional Crime has been sentenced to prison, BODA must disbar the attorney. If the attorney's criminal sentence is fully probated or he is placed on deferred adjudication, BODA has discretion to disbar the attorney or suspend for the term of the criminal probation. If an attorney convicted of an Intentional Crime has appealed the conviction and the appeal is pending at the time the Chief Disciplinary Counsel files the compulsory action, BODA will place the attorney on interlocutory suspension pending the outcome of the appeal. BODA retains jurisdiction to enter final judgment when the appeal of the conviction is final.

During the last fiscal year, BODA decided the following 12 petitions for compulsory discipline and motions for final judgment in compulsory cases. Additional case details are available at txboda.org.

Tshombe Ali Anderson, 24012218, pled guilty to conspiracy to commit health care fraud and was sentenced to 10 years in prison. He appealed his sentence. He is suspended from the practice of law pending the appeal. Case 60492.

Julie Ann Castillo, 24092232, pled guilty to conspiracy to prepare false federal income tax returns and was placed on probation for five years and ordered to pay restitution. She is suspended from the practice of law for the term of her criminal probation. Case 61643.

Marco A. Delgado, 00796001, was convicted of conspiracy to commit money laundering and was sentenced to 240 months in prison. He appealed his sentence and it was affirmed and the criminal judgment is final. He is disbarred. Delgado appealed the disbarment to the Supreme Court of Texas in case 19-0406 and it remains pending. Case 54396.

Abraham M. Fisch, 07039900, was found guilty of conspiracy to commit obstruction of justice, obstruction of justice, aiding and abetting, conspiracy to commit money laundering, money laundering, aiding and abetting, and failure to file tax returns and was sentenced to 180 months in prison. By agreement, Mr. Fisch was suspended from the practice of law pending the appeal of his criminal conviction. His conviction was affirmed. He is disbarred. Case 57005.

DISPOSITIONS

June 1, 2018–May 31, 2019

COMPULSORY DISCIPLINE

Rayan D. Ganesh, 24068728, was found guilty of indecency with a child and sentenced to eight years in prison. Although duly cited, he failed to answer or appear. He is disbarred. Case 60489.

Shane William Gordon, 24040993, pled guilty to false statement or representation made to a department or agency of the United States and was sentenced to 24 months in prison. Although duly cited, he did not answer or appear. He is disbarred. Case 61334.

Christopher A. Jiongo, 10667800, pled guilty to wire fraud, aiding and abetting and was sentenced to 46 months in prison. Although duly cited, he failed to answer or appear. He is disbarred. Case 60830.

Stephen Young Kang, 24007465, pled guilty to wire fraud and tax evasion and was sentenced to 63 months in prison. He is disbarred. Case 57701.

Bilal Ahmed Khaleeq, 24091271, pled guilty to conspiracy to commit marriage fraud and was sentenced to six months in prison. He appealed his sentence. He is suspended from the practice of law pending the appeal. Case 60812.

Patrick Lanier, 11933500, was found guilty of conspiracy to commit wire fraud and wire fraud, harboring and concealing a person from arrest, and assisting a federal offender and was sentenced to 204 months in prison. The Supreme Court of Texas accepted Mr. Lanier's resignation in lieu of discipline and cancelled his license to practice law. His compulsory discipline case was dismissed for want of jurisdiction. Case 57700.

Rahul Malhotra, 00797781, pled guilty to making a false statement to the United States and was placed on community supervision for five years. Thereafter, Malhotra received a new sentence of community supervision for two years. He was suspended from the practice of law until March 22, 2019. Case 59097.

Juan R. Rodriguez, 24055914, pled guilty to theft of property and received deferred adjudication—community supervision for 12 months. He is suspended from the practice of law for the term of his community supervision. Case 61642.

DISPOSITIONS

June 1, 2018–May 31, 2019

RECIPROCAL DISCIPLINE

BODA has exclusive original jurisdiction under TRDP Part IX to hear petitions for reciprocal discipline filed by the State Bar of Texas Chief Disciplinary Counsel's Office on behalf of the Commission for Lawyer Discipline. Attorneys licensed in Texas and in another jurisdiction are subject to reciprocal discipline in Texas following a disciplinary sanction in the second jurisdiction.

During the last fiscal year, BODA decided the following 12 petitions for reciprocal discipline. Additional case details are available at txboda.org.

Arkansas

Scott Douglas Fletcher, 24029191, was suspended from the practice of law for 60 months by the Supreme Court of the State of Arkansas. After Fletcher appeared and answered, the Chief Disciplinary Counsel moved for non-suit and the case was dismissed. Case 60490.

Colorado

Derrick Duane Cornejo, 24048049, was suspended from the practice of law by the Supreme Court of Colorado. He was found to have violated Colorado Rules of Professional Conduct by knowingly disobeying an order of a tribunal, practicing law without a license, and engaging in acts of dishonesty, fraud, deceit, or misrepresentation. Mr. Cornejo is suspended from the practice of law in Texas for 18 months. Case 60491.

William Kevin Goode, 08145550, was suspended from the practice of law for two years by the Supreme Court of Colorado. He was found to have been convicted of 28 felony counts of animal cruelty and to have failed to report the convictions to the attorney disciplinary authority. By agreement, Mr. Goode is suspended from the practice of law in Texas for two years. Case 61333.

Arron Burt Nesbitt, 24049737, was suspended from the practice of law by the Supreme Court of Colorado. He was found to have violated Colorado Rules of Professional Conduct by billing for work not performed. By agreement, Mr. Nesbitt is suspended from the practice of law in Texas for nine months, followed by a two-year probated suspension. Case 60520.

Florida

David Andrew Jaynes, 10595790, was suspended from the practice of law in Florida for one year by the Supreme Court of Florida. He was found to be in contempt of the court's prior order. He is suspended from the practice of law in Texas for one year. Although duly cited, he did not answer or appear. Case 61331.

David Andrew Jaynes, 10595790, was suspended from the practice of law in Florida for six months by the Supreme Court of Florida. He was found to have violated trust accounting rules. He is suspended from the practice of law in Texas for six months. Although duly cited, he did not answer or appear. Case 61332.

DISPOSITIONS

June 1, 2018–May 31, 2019

RECIPROCAL DISCIPLINE

Louisiana

Richard E. Smith, 18669550, was suspended from the practice of law for 26 months with all but 60 days deferred by the Supreme Court of the State of Louisiana. He was found to have failed to safeguard client funds. By agreement, he was suspended from the practice of law in Texas for 60 days followed by two years of probated suspension. Case 60519.

District of Columbia

Phoebe Leslie Deak, 24051808, was disbarred by the District of Columbia Court of Appeals Board of Professional Responsibility. She was found to have violated the Virginia Rules of Professional Conduct by failing to keep safe client funds. She is disbarred. Although duly cited, she failed to answer or appear. Case 60163.

Illinois

Drew Randolph Quitschau, 24068447, was suspended from the practice of law for six months by the Supreme Court of Illinois. He was found to have violated the Illinois Rules of Professional Conduct by engaging in acts of dishonesty, fraud, deceit, and misrepresentation when he registered another attorney on five websites, created a false Facebook account, and wrote false reviews of another attorney on three other websites. By agreement, he is suspended from the practice of law in Texas for six months. Case 61330.

New Mexico

Eric D. Dixon, 05906020, was suspended from the practice of law for nine months by the Supreme Court of the State of New Mexico. He was found to have violated the New Mexico Rules of Professional Conduct by negligent representation of a client, filing a frivolous lawsuit, making a false statement during a disciplinary proceeding, and engaging in acts of dishonesty, deceit, or misrepresentation. Mr. Dixon is suspended from the practice of law in Texas for nine months. Case 61385.

Tennessee

Edward K. White III, 21341700, was publicly reprimanded by the Supreme Court of the State of Tennessee. He was found to have violated the Tennessee Rules of Professional Conduct by filing an interpleader that lacked any factual or legal basis. Mr. White was publicly reprimanded in Texas. Case 59481.

Virginia

A Texas attorney was privately reprimanded by the State Bar of Virginia for violating the Virginia Rules of Professional Conduct by failing to maintain proper trust account records. By agreement, the attorney was privately reprimanded in Texas. Case 61814.

DISPOSITIONS

June 1, 2018–May 31, 2019

REVOCAION OF PROBATION

BODA has exclusive original jurisdiction for the full term of a probated suspension imposed by a State Bar grievance committee to hear petitions to revoke probation filed by the Chief Disciplinary Counsel of the State Bar of Texas if the attorney violates a term or condition of probation. TRDP Part II.

Jeffrey Earl Crews, 24012475, was suspended from the practice of law for 12 months, ending July 31, 2019, after he materially violated the terms and conditions of a judgment of fully probated suspension. Although duly cited, he did not answer or appear. Case 60610.

DISABILITY SUSPENSION

BODA has exclusive original jurisdiction to suspend indefinitely an attorney who is suffering from a disability: any physical, mental, or emotional condition, with or without a substantive rule violation, which results in the attorney's inability to practice law or otherwise carry out his or her professional responsibilities to clients, the courts, the profession, or the public. A specialized District Disability Committee appointed by BODA first holds a hearing to determine whether the attorney is disabled and certifies its finding to BODA. BODA has concurrent jurisdiction with district courts to hear petitions for reinstatement to terminate an indefinite disability suspension. TRDP Part XII.

Linda Renee Hoak, 24059218, by agreement received an indefinite disability suspension. Case 61386.

Kasey Cathryn Krummel, 24097957, received an indefinite disability suspension. Krummel appealed to the Texas Supreme Court in case no. 19-0383 and it remains pending. Case 60731.

Ronnie Robert Molina, 24034585, by agreement received an indefinite disability suspension. Case 58844.

DISPOSITIONS

June 1, 2018–May 31, 2019

EVIDENTIARY APPEALS

BODA has appellate jurisdiction to review a judgment by a State Bar of Texas District grievance committee evidentiary panel, including findings of professional misconduct, dismissal of a complaint, or sanction imposed. Either the Commission for Lawyer Discipline or an attorney against whom discipline has been imposed may appeal any judgment from an evidentiary proceeding. Appeals to BODA from evidentiary judgments proceed similarly to civil appeals with a notice of appeal, record, briefs, and oral argument. BODA may affirm in whole or in part, modify the judgment and affirm as modified, reverse the judgment in whole or in part and render the judgment it determines should have been entered, or reverse the judgment and remand the complaint for a new hearing. BODA decides evidentiary appeals en banc, with or without oral argument, unless specially assigned to a three-member panel. TRDP Part II.

Eric Bliss Darnell, 00783928. Affirmed judgment of public reprimand signed by the District 17-2 grievance committee panel for violations of TDRPC 1.03 (communication), 3.01 (meritorious claims), 3.02 (burden and delay litigation), 3.03(a)(1) (candor to a tribunal), and 8.04(a)(3) (dishonesty, fraud, deceit, or misrepresentation). Darnell appealed to the Texas Supreme Court in case 18-0704 and BODA's judgment was affirmed. Case 59880.

Richard J. Deaguero, 05623500. Dismissed for want of prosecution the appeal of a judgment of probated suspension signed by the District 6-2 grievance committee panel. Case 60517.

Richard J. Deaguero, 05623500. Dismissed for want of prosecution the appeal of a judgment of partially probated suspension signed by the District 6-4 grievance committee panel. Case 61399.

Mpatanishi Syanaloli Tayari Garrett, 24073090. Affirmed a judgment of partially probated suspension signed by the District 6-2 grievance committee panel for violations of TDRPC 3.02 (burden and delay litigation) and 3.04(d) (knowingly disobey an order of a tribunal). Garrett appealed to the Supreme Court of Texas in case 19-0160 and it is pending. Case 60782.

Mark L. Honsaker, 00795425. Affirmed a judgment of disbarment signed by the District 4-1 grievance committee panel for violations of TDRPC 1.14(a) (failure to keep safe property) and 1.14(b) (failure to return property to a client). Case 58471.

Hamilton Philip Lindley, 24044838. Affirmed a judgment of disbarment signed by the District 8-3 grievance committee panel for violations of TDRPC 8.04(a)(2) (commit a serious crime or criminal act) and 8.04(a)(3) (dishonesty, fraud, deceit, or misrepresentation). Lindley appealed to the Supreme Court of Texas in case 18-0985 and BODA's judgment was affirmed. Case 60095.

DISPOSITIONS

June 1, 2018–May 31, 2019

EVIDENTIARY APPEALS

Pascual Madrigal, 12802150. Dismissed for want of jurisdiction the appeal of a judgment of active suspension signed by the District 10-4 grievance committee. Case 61008. Madrigal was disbarred by the same grievance committee panel on March 15, 2019.

Victoria V. Ochsner, 24051129. Affirmed a judgment of public reprimand signed by the District 4-3 grievance committee panel for a violation of TDRPC 1.01(b) (neglect). Ochsner appealed to the Supreme Court of Texas in case 19-0159 and it is pending. Case 60345.

Linda Irene Perez, 00798427. Affirmed judgment of disbarment signed by the District 10-4 grievance committee panel for violations of TDRPC 1.01(b)(1) (neglect), 1.03(a) (communication), 1.04(a) (unconscionable fee), 1.14(a) (safekeeping property), 1.14(b) (accounting of property), 1.15(d) (failure to return an unearned fee), 3.03(a)(1) (candor to a tribunal), and 8.04(a)(3) (dishonesty, fraud, deceit, or misrepresentation). Perez appealed to the Supreme Court of Texas in case 18-0747 and BODA's judgment was affirmed. Case 59902.

James S. Sustaita, 24013596. Upon Sustaita's motion dismissed appeal of a judgment of disbarment signed by the District 9-3 grievance committee panel. Case 60892.

Robert A. Swearingen, 19563050. Affirmed a judgment of public reprimand signed by the District 8-1 grievance committee panel for a violation of TDRPC 1.09(a)(3) (conflict of interest with a former client). Swearingen appealed to the Supreme Court of Texas in case 18-0761 and BODA's judgment was affirmed. Case 60011.

A Texas Attorney. Agreed judgment to vacate the judgment of public reprimand signed by the grievance committee panel and to dismiss the grievance. Case 60453.

A Texas Attorney. Upon appellant's motion, dismissed appeal of a private reprimand signed by the grievance committee panel. Case 60521.

A Texas Attorney. Affirmed and modified the terms of a judgment of private reprimand signed by the grievance committee panel for a violation of TDRPC 1.09(a)(3) (conflict of interest with a former client). The attorney appealed to the Supreme Court of Texas in case 19-0339 and it is pending. Case 60708.

A Texas Attorney. Agreed judgment of private reprimand signed upon joint motion of the parties to vacate the judgment of fully probated suspension signed by the grievance committee panel. Case 61384.

THE BOARD of DISCIPLINARY APPEALS

APPOINTED BY THE SUPREME COURT OF TEXAS

Members 1992–2019



S. Jack Balagia, <i>Houston*</i>	2000–2005
Robert A. Black, <i>Beaumont*</i>	2013–present
Faye M. Bracey, <i>San Antonio</i>	1992–1995; 1999–2003
Alice A. Brown, <i>Houston</i>	2006–2012
Kathy Owen Brown, <i>Dallas**</i>	2000–2006; 2008–2014
David A. Chaumette, <i>Sugar Land</i>	2008–2014
Paul D. Clote, <i>Houston***</i>	2002–2008
Jeanne C. “Cezy” Collins, <i>El Paso</i>	2013–present
Frank Costilla, <i>Brownsville</i>	1995–2001
Jack R. Crews, <i>Temple†</i>	2009–2015
Yolanda de León, <i>Harlingen</i>	2002–2008
Josephine V. Dye, <i>Dallas</i>	1996–2002
Ramon Luis Echevarria II, <i>Houston**</i>	2012–2018
Robert Flowers, <i>Austin†</i>	2001–2007
Susan Saab Fortney, <i>Lubbock</i>	1995–1999
James S. Frost, <i>Seguin***</i>	1994–1997; 2000–2006
Alexander J. Gonzales, <i>Austin</i>	1994–2000
David M. González, <i>Austin</i>	2015–present
Jose I. Gonzalez-Falla, <i>Corpus Christi, Austin**</i>	2003–2009
William D. Greenhill, <i>Fort Worth</i>	2001–2007
Mike Gregory, <i>Denton</i>	2018–present
Michael C. Gross, <i>San Antonio</i>	2018–present
Gary R. Gurwitz, <i>McAllen</i>	2009–2015
Kelli M. Hinson, <i>Dallas</i>	2018–present
Wendy-Adele Humphrey, <i>Lubbock</i>	2015–2018
Rhonda F. Hunter, <i>Dallas</i>	1993–1996
Tim James, <i>Nacogdoches</i>	1993–1996
Roland K. Johnson, <i>Fort Worth</i>	2013–present
Marvin W. Jones, <i>Amarillo***</i>	2009–2015
John E. Kinney, <i>Austin</i>	1992
Kathy Kinsler, <i>Dallas</i>	2014–present
David N. Kitner, <i>Dallas***</i>	2012–2018
W. Clark Lea, <i>Midland*</i>	2007–2013
Ann Crawford McClure, <i>El Paso</i>	1992
John J. “Mike” McKetta III, <i>Austin**</i>	2014–present
Mary Alice McLarty, <i>Dallas</i>	1992–1994
Mike Mills, <i>McAllen</i>	2015–present
Evelina Ortega, <i>El Paso</i>	1994–1997
Clement H. Osimehta, <i>Dallas</i>	2002–2008
Thomas E. Pitts, <i>Lubbock***</i>	2003–2009
Carol E. Prater, <i>Temple</i>	2003–2009
Deborah Pullum, <i>Tyler</i>	2014–present
Deborah J. Race, <i>Tyler</i>	2007–2013
William J. Rice, <i>Houston</i>	1992–1993
Eduardo Roberto Rodriguez, <i>Brownsville</i>	1992–1995
Ben Selman, <i>Waco*</i>	1995–2001; 2006–2012
Stanley M. Serwatka, <i>El Paso**</i>	1997–2003
JoAl Cannon Sheridan, <i>Austin**</i>	2008–2014
Charles L. Smith, <i>San Antonio</i>	2006–2012
Nancy J. Stone, <i>Amarillo</i>	2018–present
George A. Taylor, <i>San Antonio</i>	2012–2018
Bill Turner, <i>Bryan</i>	1996–2002
Karen L. Watkins, <i>Austin*</i>	2001–2007
Steven J. Watkins, <i>Houston*</i>	1992–2000
Thomas H. Watkins, <i>Austin*</i>	1992–1994; 2001
J. Michael Watson, <i>Houston</i>	1996–2002
Cheryl B. Wattle, <i>Dallas</i>	1992–1995
Carol Herring Weir, <i>San Antonio†</i>	1995–2001
Thomas David Wells III, <i>Paris†</i>	1992–1993
Robert J. Werner, <i>Austin</i>	1994–2000
Gaines West, <i>College Station***</i>	1992–1996; 1997–2003
Thomas J. Williams, <i>Fort Worth</i>	2007–2013

*Chair**Vice Chair†Deceased