

COMMISSION FOR LAWYER DISCIPLINE

REPORT

TO THE BOARD OF DIRECTORS
ON
ATTORNEY DISCIPLINE

JUNE 2012

Disciplinary Sanctions
March 1, 2012 through May 31, 2012

DISBARMENTS	DISTRICT	Number of Complaints Resolved
Bitter, Aaron Christopher	14	1
Brewer, Stephen C.	7	1
Brewer, Stephen C.	7	1
Daubenmire, Gloria Carole	10	1
Dicus, Brian G.	1	1
Mauzy, Bruce	5	1
Nutt, Jeremy Clyde	1	1
Solis, Jose Santiago	12	1
Board of Disciplinary Appeals Actions:		
Ayers, Daniel F.	BODA	1
Barraza, Manuel J.	BODA	1
Everett, James Joseph	BODA	1
Offill, Jr., Phillip,	BODA	1
Total	12	12

RESIGNATIONS IN LIEU of DISCIPLINE	DISTRICT	Number of Complaints Resolved
Calisi, Anthony Paul	6	5
Morgan, Gordon Blaine	11	2
Phares, Rhett Banker	3	2
Riek, III, F. Benjamin	6	2
Total	4	11

SUSPENSIONS	DISTRICT	Number of Complaints Resolved
Abrams, Gary Stephen	6	1
Avery, Caron D.	7	1
Bailey, Althea M.	5	3
Barnes, George	7	1
Bitter, Aaron Christopher	14	2
Bitter, Aaron Christopher	14	2
Brooks, Shane Michael	9	1
Brown, James M.	7	1
Craggs, Dennis Warren	4	1
Davenport, Valorie W.	4	3
Dillon, David M.	15	1
Greene, Hollie Vesla	3	1
Gutierrez, Jose L.	4	2
Hardin, Gordon Wesley	9	2
Heath, Paul Lee	10	1

Houston, Melvin	6	1
Ingle, Margaret A.H.	9	1
Leas, Stephen T.	12	1
Leas, Stephen T.	12	1
Leas, Stephen T.	12	2
Lee, Clyde E.	1	1
Mooney, Tiffany R.	4	1
Nation, John D.	6	1
Nellis, William Gay	1	1
Parks, Calvin Deshon	5	1
Ray, Melissa Ann	1	1
Rushing, Steven L.	2	1
Saffary-Khozani, Behzad	4	1
Saldana, III, Humberto	10	1
Sibley, David	11	1
Tholstrup, Richard Joseph	4	2
Turton, Eric R.	10	1
Wallace, Robert T.	5	1

Board of Disciplinary Appeals Actions:

Cartall, Bryan P.	BODA	1
Engum, Joanne	BODA	1

Total	35	45
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PUBLIC REPRIMANDS	DISTRICT	Number of Complaints Resolved
Briggs, Richard F.	10	1
Fitzgerald, Robert E.	6	1
Hiran, S. Bruce	4	1
Martin, Richard H.	1	1
Oko, Chukwu Uwakwe	4	1
Pinkerton, Kimberly	6	1
Ray, Melissa Ann	1	1
Sandling, Craig F.	9	1
Silvas, Ricardo H.	10	1

Board Of Disciplinary Appeals Actions:

Lee, Peggy J.	BODA	1
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Total	10	10
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PRIVATE REPRIMANDS		Number of Complaints Resolved
GRIEVANCE COMM.		
1	1	1
2	2	2

3	2	3
4	5	5
5	1	1
6	5	6
7	1	1
8	1	1
9	5	5
10	7	7
11	1	1
12	2	2
13	2	2
14	2	2
15	1	1
17	1	2
Total:		42
Grievance Referral Program		23
GRAND TOTAL:		143

DISCIPLINARY ACTIONS - CURRENT BAR YEAR

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

DISCIPLINARY ACTIONS - PREVIOUS BAR YEARS

BAR YEARS		Total Sanctions		Total Complaints Resolved	
2010-2011	DISBARMENTS	28		52	
	RESIGNATIONS	23		101	
	SUSPENSIONS	157		254	
	PUBLIC REPRIMANDS	40		50	
	PRIVATE REPRIMANDS	77		82	
	GRIEVANCE REFERRAL PROGRAM	46	371	46	585
	2009-2010	DISBARMENTS	25		33
RESIGNATIONS		22		40	
SUSPENSIONS		111		169	
PUBLIC REPRIMANDS		37		47	
PRIVATE REPRIMANDS		81		89	
GRIEVANCE REFERRAL PROGRAM		39	315	39	417
2008-2009		DISBARMENTS	32		43
	RESIGNATIONS	26		104	
	SUSPENSIONS	127		189	
	PUBLIC REPRIMANDS	46		54	
	PRIVATE REPRIMANDS	68		73	
	GRIEVANCE REFERRAL PROGRAM	36	335	36	499

2007-2008	DISBARMENTS	24	63	
	RESIGNATIONS	24	90	
	SUSPENSIONS	121	224	
	PUBLIC REPRIMANDS	28	35	
	PRIVATE REPRIMANDS	69	73	
	GRIEVANCE REFERRAL PROGRAM	33	299	33
2006-2007	DISBARMENTS	30		
	RESIGNATIONS	31		
	SUSPENSIONS	110		
	PUBLIC REPRIMANDS	62		
	PRIVATE REPRIMANDS	87	320	
2005-2006	DISBARMENTS	38		
	RESIGNATIONS	17		
	SUSPENSIONS	119		
	PUBLIC REPRIMANDS	62		
	PRIVATE REPRIMANDS	108	344	
	ORDER FOR REHABILITATION			
2004-2005	DISBARMENTS	34		
	RESIGNATIONS	10		
	SUSPENSIONS	130		
	PUBLIC REPRIMANDS	52		
	PRIVATE REPRIMANDS	170		
	ORDER FOR REHABILITATION	18	414	
2003-2004	DISBARMENTS	30		
	RESIGNATIONS	14		
	SUSPENSIONS	113		
	PUBLIC REPRIMANDS	60		
	PRIVATE REPRIMANDS	188		
	ORDER FOR REHABILITATION	54	459	

2002-2003	DISBARMENTS	34	
	RESIGNATIONS	11	
	SUSPENSIONS	126	
	PUBLIC REPRIMANDS	68	
	PRIVATE REPRIMANDS	145	
	ORDER FOR REHABILITATION	53	437

2001-2002	DISBARMENTS	50	
	RESIGNATIONS	20	
	SUSPENSIONS	161	
	PUBLIC REPRIMANDS	70	
	PRIVATE REPRIMANDS	142	
	ORDER FOR REHABILITATION	39	482

COMMISSION FOR LAWYER DISCIPLINE
REPORT TO THE BOARD OF DIRECTORS
JUNE 2012

DISTRICT 01:

DICUS, BRIAN G.: #05846100
04/25/2012-DISBARMENT

On April 25, 2012, **Brian G. Dicus** [#05846100], 50, of Rockwall, was disbarred.

An Evidentiary Panel of the District 1 Grievance Committee found that, upon termination of representation in Complainant's probate matter, Dicus failed to refund advance payments of fees that had not been earned. During the representation, Dicus engaged in conduct involving dishonesty, fraud, deceit or misrepresentation, violated a disciplinary judgment by practicing law when his right to practice had been suspended and by failing to notify Complainant of the suspension, and engaged in the practice of law when his right to practice had been suspended.

Dicus violated Rules 1.15(d), 8.04(a)(3), 8.04(a)(7), and 8.04(a)(11). He was ordered to pay \$5,786.27 in attorneys' fees and costs and \$3,500.00 in restitution.

LEE, CLYDE E.: #12113300
03/16/2012-PARTIALLY PROBATED SUSPENSION
04/01/2012-06/30/2012: SUSPENSION
07/01/2012-03/31/2014: PROBATION

On March 16, 2012, **Clyde E. Lee** [#12113300], 58, of Texarkana, received a two-year, partially probated suspension, effective April 1, 2012, with the first 90 days actively served and the remainder probated.

The District 1 Evidentiary Panel found that Lee practiced law while he was administratively suspended, and that he violated a disciplinary judgment.

Lee violated Rules 8.04(a)(7), and 8.04(a)(11). He was ordered to pay \$3,868.40 in attorneys' fees and costs.

DALLAS ATTORNEY
02/06/2012-PRIVATE REPRIMAND

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

RULE 3.04(d)
for knowingly disobeying an obligation under the standing rules or of a ruling by a tribunal

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

MARTIN, RICHARD H.: #24037034
02/10/2012-PUBLIC REPRIMAND

On February 10, 2012, **Richard H. Martin** [#24037034], 36, of McKinney, received a public reprimand.

On May 10, 2010, Martin pled guilty to the criminal offense of Abuse of Official Capacity for conduct committed while he was serving as the City Manager of the City of Oak Point.

Martin violated Rules 8.04(a)(2) and 8.04(a)(3). He was ordered to pay \$1,400.00 in attorneys' fees.

NELLIS, WILLIAM GARY: #9001643
04/24/2012-PARTIALLY PROBATED SUSPENSION
05/01/2012-04/30/2013: SUSPENSION
05/01/2012-04/30/2014: PROBATION

On April 24, 2012, **William Gary Nellis** [#9001643], 42, of Frisco, received a two-year, partially probated suspension, effective May 1, 2012, with the first year actively served and the remainder probated.

The District 1 Grievance Committee found that in representing Complainant in a child custody matter, Nellis neglected the legal matter, failed to keep Complainant reasonably informed, failed to promptly comply with reasonable requests for information from Complainant, and upon termination of representation, failed to refund advance payments of fees that had not been earned. Nellis also failed to respond to the grievance.

Nellis violated Rules 1.01(b)(1), 1.03(a), 1.15(d), and 8.04(a)(8). He was ordered to pay \$2,500.00 in attorneys' fees and costs and \$6,500.00 in restitution.

D0101041560 01

NUTT, JEREMY CLYDE: #00793010
02/22/2012-DISBARMENT

On February 22, 2012, **Jeremy Clyde Nutt** [#00793010], 48, of Frisco, was disbarred.

An Evidentiary Panel of the District 1 Grievance Committee found that Nutt violated a disciplinary judgment, and failed to respond to the grievance.

Nutt violated Rules 8.04(a)(7) and 8.04(a)(8). He was ordered to pay \$1,096.31 in attorneys' fees and costs and \$3,600.00 in restitution.

D0091041336 01

RAY, MELISSA ANN: #24031618
02/29/2012-ACTIVE SUSPENSION
03/01/2012-02/28/2014

On February 29, 2012, **Melissa Ann Ray** [#24031618], 36, of Plano, received a two-year, active suspension, effective March 1, 2012.

An Evidentiary Panel of the District 1 Grievance Committee found that Ray neglected a client's legal matter, failed to keep the client reasonably informed about the status of the matter, failed to promptly comply with reasonable requests for information, and failed to surrender papers and property to which her client was entitled. Further, Ray engaged in conduct involving dishonesty, fraud, deceit or misrepresentation and failed to furnish a response to the complaint.

Ray violated Rules 1.01(b)(1), 1.03(a), 1.15(d), 8.04(a)(3), and 8.04(a)(8). She was ordered to pay \$3,641.13 in attorneys' fees and costs and \$7,714.15 in restitution.

RAY, MELISSA ANN: #21031618
03/01/2012-PUBLIC REPRIMAND

On March 1, 2012, **Melissa Ann Ray** [#24031618], 36, of Plano, received a public reprimand.

An Evidentiary Panel of the District 1 Grievance Committee found that Ray neglected a client's legal matter, failed to comply with reasonable requests from the client for information, and failed to surrender papers and property to the client. Ray also failed to furnish a response to the complaint to the Chief Disciplinary Counsel's Office.

Ray violated Rules 1.01(b)(1), 1.03(a), 1.15(d), and 8.04(a)(8). She was ordered to pay \$2,095.31 in attorneys' fees and costs.

DISTRICT 02:

HOUSTON ATTORNEY
03/23/2012-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

TYLER ATTORNEY
05/15/2012-PRIVATE REPRIMAND

RULE 7.04(a)
for advertising in the public media that the lawyer is a specialist, except as permitted under Rule

RUSHING, STEVEN L.: #00789058
03/12/2012-ACTIVE SUSPENSION
11/15/2012-11/14/2016

On March 12, 2012, **Steven L. Rushing** [#00789055], 53, of Longview, received a four-year, active suspension, effective November 15, 2012.

The 188th District Court of Gregg County found that Rushing neglected Complainant's legal matter, failed to adequately communicate with Complainant, failed to return Complainant's file upon request, made misrepresentations to Complainant about the status of the case, and failed to respond to the complaint to the Office of the Chief Disciplinary Counsel.

Rushing violated Rules 1.01(b)(1), 1.03(a), 1.15(d), 8.04(a)(3), and 8.04(a)(8). He was ordered to pay \$2,456.91 in attorneys' fees.

DISTRICT 03:

HOUSTON ATTORNEY
02/29/2012-PRIVATE REPRIMAND

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

GREENE, HOLLIE VESLA: #24006564
03/13/2012-ACTIVE SUSPENSION
06/13/2014-09/12/2014

On March 13, 2012, **Hollie Vesla Greene**, [#24006564], 36, of Montgomery, accepted a three-month, active suspension, effective June 13, 2014.

The District 3 Evidentiary Panel found that Greene failed to remit restitution, attorneys' fees and expenses as ordered in two prior disciplinary judgments.

Greene violated Rules 8.04(a)(1), and 8.04(a)(7). She agreed to repay the Client Security Fund monies paid out in restitution in a previous judgment. Greene also agreed to pay the attorneys' fees and expenses previously ordered.

HOUSTON ATTORNEY
04/04/2012-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

PHARES, RHETT BANKER: #24002763
04/06/2012-RESIGNATION

On April 6, 2012, The Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Rhett Banker Phares** [#24002763], 41, of Beaumont.

Phares sent offensive and threatening emails and text messages to a number of people, including potential litigation witnesses and persons represented by counsel. Many of the emails and text messages had no substantial purpose other than to embarrass or burden the recipients and some threatened criminal prosecution solely to gain an advantage in a civil case.

Phares violated Rules 4.02(a), 4.04(a) and 4.04(b).

DISTRICT 04:

HOUSTON ATTORNEY
03/02/2012-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

HOUSTON ATTORNEY
03/01/2012-PRIVATE REPRIMAND

RULE 4.04(b)(1)

for presenting, participating in presenting, or threatening to present criminal or disciplinary charges solely to gain an advantage in a civil matter

CRAGGS, DENNIS WARREN: #04975000
04/16/2012-FULLY PROBATED SUSPENSION
05/01/2012-10/31/2013

On April 16, 2012, **Dennis Warren Craggs** [#04975000], 67, of Houston, accepted an 18-month, fully probated suspension, effective May 1, 2012.

An Evidentiary Panel of the District 4 Grievance Committee found that Craggs pled no contest to the charge of tampering with a governmental record, a Class B Misdemeanor, in the County Court at Law No. 1 of Brazoria County, Texas.

Craggs violated Rule 8.04(a)(2). He agreed to pay \$675.00 in attorneys' fees and costs.

DAVENPORT, VALORIE W.: #05419500
04/19/2012-FULLY PROBATED SUSPENSION
03/01/2012-02/28/2015

On April 19, 2012, **Valorie W. Davenport** [#05419500], 56, of Houston, received a three-year, fully probated suspension, effective March 1, 2012.

The District 4 Grievance Committee found that in representation of three clients, Davenport neglected the legal matters, failed to carry out completely the obligations owed to a client, failed to communicate with clients, failed to withdraw when a conflict of interest arose with a client, and failed to withdraw from the representations when Davenport became ill.

Davenport violated Rules 1.01(b)(1), 1.01(b)(2), 1.03(a), 1.03(b), 1.06(b)(2), and 1.15(a)(2). She was ordered to pay \$8,600.33 in attorneys' fees and direct expenses.

HOUSTON ATTORNEY
05/04/2012-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

GUTIERREZ, JOSE L.: #08642450
04/19/2012-ACTIVE SUSPENSION
04/11/2012-04/11/2014

On April 19, 2012, **Jose L. Gutierrez** [#08642450], 54, of Houston, received a two-year, active suspension, effective April 11, 2012.

The District 4 Evidentiary Panel found that Gutierrez was hired for representation in a personal injury matter, in which Gutierrez later settled the case, but failed to pay the medical provider. Gutierrez also failed to respond to his client's attempts to ascertain the status of her case. Furthermore, Gutierrez was administratively suspended from the practice of law during the representation of his client.

HIRAN, S. BRUCE: #00785965
05/29/2012-PUBLIC REPRIMAND

On May 29, 2012, **S. Bruce Hiran** [#00785965], 52, of Houston, accepted a public reprimand.

The District 4 Grievance Committee found that Hiran failed to adequately supervise a non-lawyer and permitted him to engage in conduct which involved a violation of the Texas Disciplinary Rules of Professional Conduct.

Hiran violated Rule 5.03(a). He agreed to pay \$1,877.86.00 in attorneys' fees and costs.

**HOUSTON ATTORNEY
03/23/2012-PRIVATE REPRIMAND**

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

**MOONEY, TIFFANY R.: #24038468
03/07/2012-PARTIALLY PROBATED SUSPENSION
03/01/2012-06/01/2012: SUSPENSION
06/02/2012-03/01/2013: PROBATION**

On March 7, 2012, **Tiffany R. Mooney** [#24038468], 39, of Houston, received a 12-month, partially probated suspension, effective March 1, 2012, with the first three months actively served and the remaining nine months probated.

An Evidentiary Panel of the District 4 Grievance Committee found that without prior consent from the former client, Mooney represented another person in a matter adverse to the former client, failed to decline to represent a client or, where representation has commenced, and also failed to withdraw, 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.

Mooney violated Rules 1.09(a)(2), 1.09(a)(3), and 1.15(a)(1). She was ordered to pay \$1,159.42 in attorneys' fees and costs.

**OKO, CHUKWU UWAKWE: #24007771
05/03/2012-PUBLIC REPRIMAND**

On May 3, 2012, **Chukwu Uwakwe Oko** [#24007771], 49, of Houston, accepted a public reprimand.

The 269th District Court of Harris County, Texas found that Oko violated a disciplinary judgment previously entered against him.

Oko violated Rule 8.04(a)(7). He agreed to pay a total of \$19,060.83 in past-due restitution and \$5,591.29 in past-due attorneys' fees and expenses. He agreed to pay \$347.88 in current attorneys' fees and expenses.

**HOUSTON ATTORNEY
03/05/2012-PRIVATE REPRIMAND**

RULE 1.01(b)(1)

for neglecting a legal matter entrusted to the lawyer

SAFFARY-KHOZANI, BEHZAD: #24041846
02/06/2012-FULLY PROBATED SUSPENSION
04/01/2013-03/31/2014

On February 6, 2012, **Behzad Saffary-Khozani** [#24041846], 40, of Houston, received a one-year, fully probated suspension, issued by Judge Matt Johnson, effective April 1, 2013.

In representing a client, Saffary-Khozani neglected the legal matter entrusted to him, failed to keep his client reasonably informed about the status of the matter, and failed to promptly comply with reasonable requests for information. Saffary-Khozani 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.

Saffary-Khozani violated Rules 1.01(b)(1), 1.03(a), and 8.04(a)(8). He was ordered to pay \$1,125.00 in attorneys' fees and \$685.00 in expenses.

THOLSTRUP, RICHARD JOSEPH: #00793079
05/17/2012-FULLY PROBATED SUSPENSION
07/01/2012-06/30/2015

On May 17, 2012, **Richard Joseph Tholstrup** [#00793079], 58, of Houston, accepted a three-year, fully probated suspension, effective July 1, 2012.

The District 4 Grievance Committee found that in one matter, Tholstrup failed to keep his client reasonably informed about the status of their legal matter, and failed to promptly comply with reasonable requests for information.

In another matter, Tholstrup neglected the legal matter entrusted to him. In both matters, Tholstrup failed to explain matters to the extent reasonably necessary to permit his clients to make informed decisions regarding their representation.

Tholstrup violated Rules 1.01(b)(1), 1.03(a), and 1.03(b). He agreed to pay \$1,300.00 in attorneys' fees and costs.

DISTRICT 05:

HOUSTON ATTORNEY
05/03/2012-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

MAUZY, BRUCE: #13239300
12/13/2011-DISBARMENT

On December 13, 2011, **Bruce Mauzy** [#13239300], 56, of Galveston, was disbarred.

An Evidentiary Panel of the District 5 Grievance Committee found that Mauzy neglected the client's legal matter, failed to keep the client reasonably informed about the status of the legal matter, and failed to promptly comply with the client's reasonable requests for information. Upon termination of representation, Mauzy failed to surrender papers and property to which the client was entitled, failed to refund any advance payments of fees that Mauzy had not earned and also failed to respond to the grievance.

Mauzy violated Rules 1.01(b)(1), 1.03(a), 1.15(d), and 8.04(a)(8). He was ordered to pay restitution in the amount of \$3,000.00, attorneys' fees and costs in the amount of \$1,222.24.

PARKS, CALVIN DESHON: #24027592
04/09/2012-FULLY PROBATED SUSPENSION
10/01/2012-09/30/2013

On April 9, 2012, **Calvin Deshon Parks** [#24027592], 36, of League City, accepted a one-year, fully probated suspension, effective October 1, 2012.

Parks was hired for representation in a personal injury claim. Parks filed suit, but when the Court later issued a notice of intent to dismiss, he failed to take any action and the case was dismissed. Parks then filed a motion to reinstate one day late, but the case was not reinstated. Additionally, Parks failed to communicate with his client and keep her apprised as to the status of her case.

Parks violated Rules 1.01(b)(1), 1.03(a), and 1.03(b). He agreed to pay \$560.00 in attorneys' fees and expenses.

WALLACE, ROBERT T.: #20776400
11/29/2011-PARTIALLY PROBATED SUSPENSION
01/01/2012-12/31/2013: SUSPENSION
01/01/2014-12/31/2015: PROBATION

On November 29, 2011, **Robert T. Wallace** [#20776400], 72, of Houston, received a four-year, partially probated suspension, effective January 1, 2012.

The 152nd District Court, Harris County, Texas, found that Wallace asserted an issue in court proceedings that he could not reasonably believe was not frivolous, and that his position unreasonably delayed the resolution of the matter.

Wallace violated Rules 3.01, and 3.02. He was ordered to pay \$4,815.00 in attorneys' fees and expenses.

Wallace has appealed the judgment.

DISTRICT 06:

ABRAMS, GARY STEPHEN: #24010616
03/15/2012-ACTIVE SUSPENSION
03/08/2012-03/07/2015

On March 15, 2012, **Gary Stephen Abrams** [#24010616], 53, of Dallas, received a three-year, active suspension, effective March 8, 2012.

The District 6 Grievance Committee found that Abrams engaged in conduct involving dishonesty, fraud, deceit or misrepresentation, violated a disciplinary judgment, and engaged in the practice of law when his right to practice had been suspended.

Abrams violated Rules 8.04(a)(3), 8.04(a)(7), and 8.04(a)(11). He was ordered to pay \$4,990.11 in attorneys' fees and costs.

CALISI, ANTHONY PAUL: #03646570
02/15/2012-RESIGNATION

On February 15, 2012, The Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Anthony Paul Calisi** [#03646570], 59, of Phoenix, Arizona.

At the time of Calisi's resignation there were five pending matters. In the first matter, Calisi was hired to obtain early release from probation for Complainant. Calisi failed to respond to requests for information on the status of the case, failed to provide meaningful legal services, and closed his law office without providing notice or new contact information to Complainant.

In the second matter, Calisi was hired in a criminal matter. After Calisi was hired, the client, represented by a public defender as Calisi had not made an appearance in the case, was released on bail. Thereafter, Calisi failed to respond to requests for information regarding the status of the case, failed to provide meaningful legal services, and closed his law office without providing notice or new contact information to the client.

In the third matter, Calisi was hired in connection with a criminal matter. Thereafter, Calisi failed to respond to Complainant's reasonable requests for information regarding the status of the matter and failed to appear for a court hearing. Calisi closed his law office without providing notice or new contact information to the client.

In the fourth matter, Calisi was hired in connection with criminal matters. Thereafter, Calisi failed to respond to Complainant's requests for information regarding the status of the cases, failed to provide meaningful legal services, and closed his law office without providing notice or new contact information to the client. Due to Calisi's disappearance, warrants were issued and bond forfeitures were issued against Complainant.

In the fifth matter, Respondent was hired in connection with criminal matters. Thereafter, Calisi failed to notify the Complainant about a trial set for December 17, 2009, and as a result, Complainant was arrested for failure to appear. Respondent failed to perform any legal services on Complainant's behalf and closed his law office without providing notice or new contact information to the client.

In addition, Respondent failed to respond in writing to all five grievances and asserted no grounds for his failure.

Calisi violated Rules 1.01(b)(1), 1.03(a), 1.15(d), and 8.04(a)(8). He was ordered to pay \$22,550.00 in restitution.

FITZGERALD, ROBERT E.: #07088700
03/30/2012-PUBLIC REPRIMAND

On March 30, 2012, **Robert E. Fitzgerald** [#07088700], 62, of Dallas, accepted a public reprimand.

The 298th District Court of Dallas County found that in representing Complainant, Fitzgerald neglected the legal matter entrusted to him, failed to keep Complainant reasonably informed about the status of her legal matter, and failed to promptly comply with her reasonable requests for information regarding the matter. Fitzgerald also engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation.

Fitzgerald violated Rules 1.01(b)(1), 1.03(a), 1.03(b), and 8.04(a)(3). He was ordered to pay \$2,531.25 in attorneys' fees.

HOUSTON, MELVIN: #00793987
12/05/2011-FULLY PROBATED SUSPENSION
01/01/2012-12/31/2013

On December 5, 2011, **Melvin Houston** [#00793987], 50, of Houston, received a two-year, fully probated suspension, effective January 1, 2012.

The 165th District Court of Harris County found that Houston was hired for representation in a federal civil rights lawsuit. Shortly after filing the lawsuit, Houston was made aware that one of the named defendants was not a proper defendant, but failed to take any corrective action and was later sanctioned.

Houston also failed to comply with discovery requests and he further failed to respond to motions to compel on behalf of his client. After a hearing on a motion to dismiss, Houston was ordered to file discovery responses or risk dismissal of the case. Houston again failed to file the discovery responses. Accordingly, the Court dismissed the lawsuit with prejudice.

Houston violated Rules 1.01(b)(1), 3.01, 3.02, and 3.04(d). He was ordered to pay \$8,700.00 in attorneys' fees and expenses.

Houston has filed a notice of appeal.

DALLAS ATTORNEY
03/13/2012-PRIVATE REPRIMAND

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

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

DALLAS ATTORNEY
04/05/2012-PRIVATE REPRIMAND

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

**DALLAS ATTORNEY
04/16/2012-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

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

**NATION, JOHN D.: #14819700
02/22/2012-PARTIALLY PROBATED SUSPENSION
03/01/2012-05/31/2012: SUSPENSION
06/01/2012-02/28/2014: PROBATION**

On February 22, 2012, **John D. Nation** [#14819700], 59, of Dallas, accepted a twenty four-month, partially probated suspension, effective March 1, 2012, with the first three months actively served and the remainder probated.

The 191st District Court of Dallas County found that Nation neglected a legal matter entrusted to him.

Nation violated Rule 1.01(b)(1). He was ordered to pay \$3,000.00 in attorneys' fees and costs.

**PINKERTON, KIMBERLY: #24046634
05/10/2012-PUBLIC REPRIMAND**

On May 10, 2012, **Kimberly Pinkerton** [#24046634], 35, of Cedar Hill, accepted a public reprimand.

The District 6 Grievance Committee found that in representing Complainant in his civil matter, Pinkerton neglected the legal matter entrusted to her, failed to keep Complainant reasonably informed about the status of his civil matter, and failed to explain Complainant's civil matter to the extent reasonably necessary to permit Complainant to make informed decisions regarding the representation.

Pinkerton also failed to hold funds or other property belonging in whole or in part to Complainant that were in Pinkerton's possession in connection with the representation separate from Pinkerton's own property, failed to keep Complainant's funds in a separate trust or escrow account, and failed to appropriately safeguard Complainant's property.

Pinkerton violated Rules 1.01(b)(1), 1.03(a), 1.03(b), and 1.14(a). She was ordered to pay \$1,743.75 in attorneys' fees and \$700.00 in restitution.

DALLAS ATTORNEY

04/05/2012-PRIVATE REPRIMAND

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

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

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

**RIEK, III, F. BENJAMIN: #16906190
01/24/2012-RESIGNATION**

On January 24, 2012, The Supreme Court of Texas accepted the resignation, in lieu of discipline, of **F. Benjamin Riek, III** [#16906190], 59, of Shaker Heights, Ohio.

At the time of Riek's resignation, he had two pending disciplinary matters. In the first matter, Riek misrepresented to his client that the client's claim with the EEOC had been timely filed. On April 16, 2009, after the deadline to file the charge, Riek informed his client that the EEOC had no record of having received the charge.

In a second matter, Riek received a cashier's check in the amount of \$4,500.00 from his client for representation at an administrative hearing. Riek charged \$3,000.00 for the representation, and agreed to refund \$1,500.00. Riek deposited the \$4,500.00 into his operating account and issued the client a check for \$1,500.00, which was returned for insufficient funds. Riek then issued another check to his client for \$1,500.00, drawn on Riek's Ohio IOLTA account that also had insufficient funds.

Riek violated Rules 1.01(b)(1), 1.14(a), 1.14(b), and 1.14(c).

**DALLAS ATTORNEY
04/13/2012-PRIVATE REPRIMAND**

RULE 1.02(a)
for failing to abide by a client's decisions concerning the objectives and general methods of representation

RULE 4.01(b)
for failing to disclose a material fact to a third person when disclosure is necessary to avoid making the lawyer a party to a criminal act or knowingly assisting a fraudulent act perpetrated by a client

DISTRICT 07:

AVERY, CARON D.: #00789135
04/23/2012-ACTIVE SUSPENSION
04/11/2012-04/10/2015

On April 23, 2012, **Caron D. Avery** [#00789135], 50, of Wyoming, received a three-year, active suspension, effective April 11, 2012.

The District 7 Grievance Committee found that while representing Complainant, Avery neglected the family law matter entrusted to her. She also failed to keep Complainant reasonably informed about the status of his case and failed to respond to his requests for information. Furthermore, Avery failed to render a full accounting to Complainant of the funds he paid to Avery, and failed to refund any advance payments of fees that had not been earned. Finally, Avery failed to respond to Complainant's grievance.

Avery violated Rules 1.01(b)(1), 1.03(a), 1.14(b), 1.15(d), and 8.04(a)(8). She was ordered to pay \$2,200.45 in attorneys' fees and \$7,700.00 in restitution.

BARNES, GEORGE: #01767100
04/04/2012-FULLY PROBATED SUSPENSION
04/04/2012-06/01/2013

On April 4, 2012, **George Barnes** [#01767100], 57, of Fort Worth, accepted a 14- month, fully probated suspension, effective April 4, 2012.

The District 7 Evidentiary Panel found that in representing complainant in her family law matter, Barnes neglected the legal matter entrusted to him, failed to promptly comply with reasonable requests for information from complainant about her family law matter. Barnes also failed to timely furnish a response to the Chief Disciplinary Counsel's Office and failed to timely assert a privilege or other legal ground for failure to do so.

Barnes violated Rules 1.01(b)(1), 1.03(a), and 8.04(a)(8). He was ordered to pay \$1,181.25 in attorneys' fees and \$1,058.00 in restitution.

BREWER, STEPHEN C.: #02967010
03/12/2012-DISBARMENT

On March 12, 2012, **Stephen C. Brewer** [#02967010], 49, of Bedford was disbarred.

An Evidentiary Panel of the District 7 Grievance Committee found that in representing Complainant in a family law matter, Brewer neglected the legal matter entrusted to him by failing to perform any meaningful legal services on behalf of Complainant, failed to keep Complainant reasonably informed about the status of the case, and failed to promptly comply with reasonable requests for information from Complainant. Upon termination of representation, Brewer failed to surrender papers and property to which Complainant was entitled, and failed to refund advance payments of fees that had not been earned.

Brewer violated Rules 1.01(b)(1), 1.03(a), 1.15(d), and 8.04(a)(8). He was ordered to pay \$2,062.50 in attorneys' fees, \$395.00 in costs, and \$3,000.00 in restitution.

D0041039962

BREWER, STEPHEN C.: #02967010
03/12/2012-DISBARMENT

On March 12, 2012, **Stephen C. Brewer** [#02967010], 49, of Bedford, was disbarred.

An Evidentiary Panel of the District 7 Grievance Committee found that in representing Complainant in a probate matter, Brewer neglected the legal matter entrusted to him, failed to keep Complainant reasonably informed about the status of her case, and failed to promptly comply with reasonable requests for information from Complainant about her matter. Upon termination of representation, Brewer failed to surrender papers and property to which Complainant was entitled, and failed to refund advance payments of fees that had not been earned.

Brewer violated Rules 1.01(b)(1), 1.03(a), 1.15(d), and 8.04(a)(8). He was ordered to pay \$2,062.50 in attorneys' fees, \$301.42 in costs, and \$3,500.00 in restitution.

D0081041038

BROWN, JAMES M.: 03199600
05/09/2012-FULLY PROBATED SUSPENSION
05/15/2012-05/14/2013

On May 9, 2012, **James M. Brown, Jr.** (03199600), 65 of Bedford, accepted a one-year, fully probated suspension, effective May 15, 2012.

The District 7 Evidentiary Panel found that Brown failed to keep Complainant reasonably informed about the status of his divorce matter, and failed to promptly comply with reasonable requests for information from Complainant about his divorce matter. Upon termination of representation in Complainant's divorce matter, Brown failed to give reasonable notice to Complainant, and failed to allow Complainant time for the employment of other counsel.

Brown violated Rules 1.03(a) and 1.15(d). He was ordered to pay \$1,518.75 in attorneys' fees and costs.

FT. WORTH ATTORNEY
05/16/2012-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

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

DISTRICT 08:

**AUSTIN ATTORNEY
03/12/2012-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
- 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
- RULE 8.04(a)(1)
for violating these Rules, knowingly assisting or inducing another to do so, or doing so through the acts of another, whether or not such violation occurred in the course of a client-lawyer relationship

DISTRICT 09:

**AUSTIN ATTORNEY
05/10/2012-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
- 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
- RULE 8.04(a)(8)
for failing to timely furnish a district grievance committee a response or other information as required unless he/she timely asserts a privilege or other legal ground for failure to do so
- RULE 8.04(a)(1)
for violating these Rules, knowingly assisting or inducing another to do so, or doing so through the acts of another, whether or not such violation occurred in the course of a client-lawyer relationship

**BROOKS, SHANE MICHAEL: #24031765
03/01/2012-PARTIALLY PROBATED SUSPENSION
03/05/2012-05/05/2012: SUSPENSION
05/06/2012-03/05/2016: PROBATION**

On March 1, 2012, **Shane Michael Brooks** [#24031765], 36, of Austin, accepted a four-year, partially probated suspension, effective March 5, 2012, with the first two-months actively served and the remainder probated.

The District 9 Evidentiary Panel found that Brooks was hired to represent a client in a criminal matter but failed to take any meaningful action on the client's case. Subsequently, the client terminated the representation and hired alternate counsel. Brooks also failed to return any unearned payment of fees.

Brooks violated Rules 1.01(b)(1), 1.15(d) and 8.04(a)(1). He paid \$538.62 in attorneys' fees and costs and \$1,000.00 in restitution.

**AUSTIN ATTORNEY
03/21/2012-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

RULE 8.04(a)(1)

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

**AUSTIN ATTORNEY
04/25/2012-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

RULE 1.04(d)

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

RULE 8.04(a)(1)

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

RULE 8.04(a)(8)

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

HARDIN, GORDON WESLEY: #08963700
03/13/2012-PARTIALLY PROBATED SUSPENSION
02/23/2012-08/22/2013: SUSPENSION
08/23/2013-02/22/2022: PROBATION

On March 13, 2012, **Gordon Wesley Hardin** [#08963700], 62, of Austin, received a ten-year, partially probated suspension, effective February 23, 2012, with the first eighteen months actively served and the remainder probated.

The District 9 Evidentiary Panel found that in the first matter, Complainant hired Hardin to represent her in a divorce case. At the conclusion of the divorce, the court ordered Hardin to place property settlement proceeds into his trust account in the amount of \$47,558.87. Hardin failed to safeguard Complainant's funds in his trust account and misappropriated the funds for other purposes. Hardin told Complainant that he had used the funds for a real estate transaction. In his response to the Office of Chief Disciplinary Counsel, he claimed he used the funds for a payment to the Bankruptcy Trustee on behalf of another client.

In a second matter, the Panel found that Complainant hired Hardin to represent her in a medical malpractice case. On April 15, 2010, Hardin filed an original petition on Complainant's behalf. After filing the petition, Hardin failed to keep Complainant reasonably informed about the status of her case. On September 7, 2010, unbeknownst to Complainant, the trial court dismissed, with prejudice, Complainant's case due to Hardin's failure to file the required qualifying expert report.

Hardin violated Rules 1.01(b)(1), 1.03(a), 1.14(a), 1.14(b), 8.04(a)(1), and 8.04(a)(3). He was ordered to pay \$6,764.00 in attorneys' fees and expenses.

AUSTIN ATTORNEY
04/26/2012-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

RULE 8.04(a)(1)

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

INGLE, MARGARET A.H.: #24050805
04/23/2012-PARTIALLY PROBATED SUSPENSION
06/01/2012-06/30/2012: SUSPENSION
07/01/2012-05/31/2016: PROBATION

On April 23, 2012, **Margaret A. H. Ingle** [#24050805], 57, of Austin, accepted a four-year, partially probated suspension, effective June 1, 2012, with the first month actively served and the remainder probated.

The District 9 Evidentiary Panel found that Complainant was retained by two individuals involved in an automobile accident on or about March 7, 2010. Complainant received notice in late April 2010 that his representation had been terminated by the clients.

In February 2011, Complainant contacted the insurance claims adjuster to conduct a routine status check of the cases. Complainant was informed that the cases had been settled in the amount of \$15,000.00 each and that he was named as a payee on both settlement checks. Complainant obtained copies of the checks and discovered that the checks contained what purported to be his signature although he had not signed or authorized anyone to affix his name to the back of the checks. The checks were then negotiated for payment and deposited into Ingle's IOLTA account.

On three separate occasions, an employee under Ingle's direct supervision affixed one of the client's names to authorizations to release medical records without the client's authorization. When the case settled, Ingle failed to obtain the clients' signatures on settlement releases, did not provide settlement statements to the clients and failed to notify Complainant of the settlement. Ingle also disbursed funds from the settlements to medical providers, her firm and the clients but did not maintain funds to which Complainant was entitled in her trust account.

SANDLING, CRAIG F.: #17621700
03/19/2012-PUBLIC REPRIMAND

On March 19, 2012, **Craig F. Sandling** [#17621700], 57, of Austin, accepted a public reprimand.

The District 9 Evidentiary Panel found that Sandling was hired to represent a client in several criminal cases and was paid a total of \$27,400.00 for the representation. The client subsequently terminated the relationship and requested an accounting and a refund of any unearned fees. Sandling refunded \$7,300.00 but failed to provide an accounting to the client.

Sandling violated Rules 1.14(b) and 8.04(a)(1). He was ordered to complete four additional hours of continuing legal education in the area of trust accounts and to pay \$2,500.00 in attorneys' fees and costs.

DISTRICT 10:

BRIGGS, RICHARD F.: #02986080
05/07/2012-PUBLIC REPRIMAND

On May 7, 2012, **Richard F. Briggs** [#02986080], 51, of San Antonio, accepted a public reprimand.

The District 10 Grievance Committee found that Briggs accepted payments for expenses from a court appointed client without disclosing to the court the client's financial ability to pay, and Briggs failed to return a client's file timely.

Briggs violated Rules 1.15(d), and 3.03(a)(2). He agreed to pay \$900.00 in restitution, and \$800.00 in attorneys' fees and direct expenses.

**SAN ANTONIO ATTORNEY
03/15/2012-PRIVATE REPRIMAND**

RULE 1.04(f)

A division or agreement for division of a fee between lawyers who are not in the same firm shall not be made unless: (1) the division is: (iii) made, by written agreement with the client, with a lawyer who assumes joint responsibility for the representation

**SAN ANTONIO ATTORNEY
05/07/2012-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

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

**DAUBENMIRE, GLORIA CAROLE: #00790561
02/24/2012-DISBARMENT**

On February 24, 2012, **Gloria Carole Daubenmire** [#00790561], 57, of San Antonio, was disbarred.

The District 10 Grievance Committee found that Daubenmire failed to hold client's funds in a trust account separate from her own property, disobeyed a court order requiring the funds to be held in trust, failed to provide an accounting of client funds, falsely inflated charges for legal services provided to a client, and also charged and collected an unconscionable fee.

Daubenmire violated Rules 1.04(a), 1.14(a), 1.14(b), 1.15(d), 3.04(d), and 8.04(a)(3). She was ordered to pay \$128,402.75 in restitution and \$3,472.85 in attorneys' fees and costs.

**HEATH, PAUL LEE: #24030780
05/16/2012-FULLY PROBATED SUSPENSION
06/01/2012-05/31/2013**

On May 16, 2012, **Paul Lee Heath** [#24030780], 45, of San Antonio, accepted a one-year, fully probated suspension, effective June 1, 2012.

The District 10 Grievance Committee found that Heath failed to carry out completely the obligations owed to a client and failed to return unearned fees.

Heath violated Rules 1.01(b)(2) and 1.15(d). He was ordered to pay \$500.00 in attorneys' fees and expenses.

**SAN ANTONIO ATTORNEY
05/21/2012-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

**SAN ANTONIO ATTORNEY
02/29/2012-PRIVATE REPRIMAND**

RULE 8.01(b)
for knowingly failing to respond to a lawful demand for information from a disciplinary authority

**SAN ANTONIO ATTORNEY
03/26/2012-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

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

**SAN ANTONIO ATTORNEY
03/13/2012-PRIVATE REPRIMAND**

RULE 1.02(a)(2)
for failing to abide by a client's decisions regarding acceptance of an offer of settlement of a matter

RULE 8.04(a)(3)
for engaging in conduct involving dishonesty, fraud, deceit or misrepresentation

SALDANA, III, HUMBERTO: #24026460
02/16/2012-FULLY PROBATED SUSPENSION
03/01/2012-02/28/2013

On February 16, 2012, **Humberto Saldana, III** [#24026460], 42, of San Antonio, accepted a one-year, probated suspension, effective March 1, 2012.

The District 10 Grievance Committee found that Saldana failed to carry out completely the obligations owed to a client and failed to keep the client reasonably informed.

Saldana violated Rules 1.01(b)(2) and 1.03(a). He was ordered to pay \$1,500.00 in attorneys' fees and direct expenses.

SAN ANTONIO ATTORNEY
05/18/2012-PRIVATE REPRIMAND

RULE 5.03(a)
for failing to make reasonable efforts to ensure that the nonlawyer'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;

SILVAS, RICARDO H.: #18351800
03/15/2012-PUBLIC REPRIMAND

On March 15, 2012, **Ricardo H. Silvas** [#18351800], 60, of San Antonio, accepted a public reprimand.

The District 10 Grievance Committee found that Silvas failed to keep disputed funds separated from his personal property.

Silvas violated Rule 1.14(c). He agreed to pay \$800.00 in attorneys' fees and expenses.

SAN ANTONIO ATTORNEY
03/05/2012-PRIVATE REPRIMAND

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

TURTON, ERIC R.: #20345400
04/06/2012-FULLY PROBATED SUSPENSION
03/31/2012-03/30/2014

On April 6, 2012, **Eric R. Turton** [#20345400], 57, of San Antonio, accepted a two-year, fully probated suspension, effective March 31, 2012.

The District 10 Grievance Committee found that Turton failed to keep his client reasonably informed and failed to return unearned fees.

Turton violated Rules 1.03(a), and 1.15(d). He was ordered to pay \$5,000.00 in restitution and \$800.00 attorneys' fees and expenses.

DISTRICT 11:

SAN ANTONIO ATTORNEY
03/12/2012-PRIVATE REPRIMAND

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

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

MORGAN, GORDON BLAINE: #14438920
04/06/2012-RESIGNATION

On April 6, 2012, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Gordon Blaine Morgan** [#14438920], 55, of Corpus Christi.

At the time of Morgan's resignation, there were two disciplinary matters pending alleging that Morgan failed to hold clients' funds in a trust account, failed to provide an accounting of clients' funds, and also failed to promptly deliver funds that a third party was entitled to receive.

Morgan violated Rules 1.14(a), and 1.14(b).

SIBLEY, DAVID: #18337600
04/30/2012-ACTIVE SUSPENSION
05/15/2012-05/14/2014

On April 30, 2012, **David Sibley** [#18337600], 51, of Gregory, received a two-year, active suspension, effective May 15, 2012.

The 36th District Court of San Patricio County found that Sibley committed professional misconduct and ordered Sibley suspended for two years.

Sibley violated Rule 3.04(c)(1).

DISTRICT 12:

LEAS, STEPHEN T.: #12095255
01/30/2012-FULLY PROBATED SUSPENSION
11/23/2011-11/22/2014

On January 30, 2012, **Stephen T. Leas** [#12095255], 57, of McAllen, accepted a three-year, fully probated suspension, effective November 23, 2011.

The District 12 Grievance Committee found that Leas failed to supervise non-lawyer staff and ensure that the non-lawyer's conduct was compatible with the professional obligations of a lawyer.

Leas violated Rule 5.03(a). He was ordered to pay \$500.00 in attorneys' fees and direct expenses.

LEAS, STEPHEN T.: #12095255
01/24/2012-FULLY PROBATED SUSPENSION
11/23/2011-11/22/2014

On January 24, 2012, **Stephen T. Leas** [#12095255], 57, of McAllen, accepted a three-year, fully probated suspension, effective November 23, 2011.

The District 12 Grievance Committee found that Leas failed to supervise non-lawyer staff and ensure that the non-lawyer's conduct was compatible with the professional obligations of a lawyer.

Leas violated Rule 5.03(a). He was ordered to pay \$500.00 in attorneys' fees and direct expenses.

LEAS, STEPHEN T.: #12095255
03/26/2012-FULLY PROBATED SUSPENSION
04/01/2012-03/31/2014

On March 26, 2012, **Stephen T. Leas** [#12095255], 57, of McAllen, accepted a two-year, fully probated suspension, effective April 1, 2012.

The 275th District Court of Hidalgo County found that Leas failed to communicate with his client and failed to respond to the grievance.

Leas violated Rules 1.03(a), and 8.04(a)(8). He was ordered to pay \$1,800.00 in restitution and \$1,000.00 in attorneys' fees.

**SAN ANTONIO ATTORNEY
03/28/2012-PRIVATE REPRIMAND**

RULE 8.04(a)(11)

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

**SOLIS, JOSE SANTIAGO: #18826760
04/10/2012-DISBARMENT**

On April 10, 2012, **Jose Santiago Solis** [#18826760], 48, of Cameron, was disbarred.

The District 12 Grievance Committee found that Solis committed the act of aiding and abetting extortion in violation of Title 18, United States Code Sections 1961 and 1952.

Solis violated Rules 8.04(a)(2). He was ordered to pay \$1,500.00 in attorneys' fees and direct expenses.

**SAN ANTONIO ATTORNEY
04/27/2012-PRIVATE ATTORNEY**

RULE 1.01(b)(1)

for neglecting a legal matter entrusted to the lawyer

RULE 1.03(a)

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

RULE 8.04(a)(8)

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

DISTRICT 13:

**DALLAS ATTORNEY
04/17/2012-PRIVATE REPRIMAND**

RULE 1.03(a)

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

**DALLAS ATTORNEY
05/22/2012-PRIVATE REPRIMAND**

RULE 1.01(b)(1)

for neglecting a legal matter entrusted to the lawyer

DISTRICT 14:

BITTER, AARON CHRISTOPHER: #24048137
02/21/2012-ACTIVE SUSPENSION
03/01/2012-02/29/2016

On February 21, 2012, **Aaron Christopher Bitter** [#24048137], 33, of Lake Dallas, received a four-year, active suspension, effective March 1, 2012.

The 16th District Court of Denton County found that Bitter failed to respond to Complainant's reasonable requests for information regarding the status of her family law case and neglected the case. Complainant terminated Bitter and demanded an itemized accounting and a refund of unearned fees. Bitter failed to provide an accounting and a refund.

In a second matter, Bitter failed to respond to Complainant's reasonable requests for information regarding the status of her family law case, neglected the case.

Bitter also failed to explain the matter sufficiently to allow Complainant to make informed decisions. Bitter failed to respond to the grievances.

Bitter violated Rules 1.01(b)(1), 1.03(a), 1.03(b), 1.15(d), and 8.04(a)(8). He was ordered to pay restitution to the Complainants in the sum of \$5,200.00 and \$1,895.51 in attorneys' fees and costs. Bitter filed an appeal on May 17, 2012.

2011-10732-16

BITTER, AARON CHRISTOPHER: #24048137
02/21/2012-ACTIVE SUSPENSION
03/01/2012-02/29/2016

On February 21, 2012, **Aaron Christopher Bitter** [#24048137], 33, of Lake Dallas, received a four-year, active suspension, effective March 1, 2012.

The 367th District Court of Denton County found that Bitter failed to respond to Complainant's reasonable requests for information regarding the status of her expunction case and neglected the case.

In the second matter, Bitter failed to respond to Complainant's reasonable requests for information regarding the status of her personal injury case and neglected the case and also Bitter failed to respond to the grievances.

Bitter violated Rules 1.01(b)(1), 1.03(a), and 8.04(a)(8). He was ordered to pay \$600.00 in restitution and \$1,895.51 in attorneys' fees and costs. Bitter filed an appeal on May 17, 2012

2011-50731-367

BITTER, AARON CHRISTOPHER: #24048137
02/21/2012-DISBARMENT

On February 21, 2012, **Aaron Christopher Bitter** [#24048137], 33, of Lake Dallas, was disbarred.

The 362nd District Court of Denton County found that Bitter committed a serious crime and engaged in conduct involving dishonesty, fraud, deceit or misrepresentation. Bitter failed to respond to the grievance.

Bitter violated Rules 8.04(a)(2), 8.04(a)(3), and 8.04(a)(8). He was ordered to pay \$1,895.51 in attorneys' fees and costs. Bitter filed an appeal on May 17, 2012.

DALLAS ATTORNEY
03/23/2012-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

DALLAS ATTORNEY
03/09/2012-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 15:

SAN ANTONIO ATTORNEY
04/10/2012-PRIVATE REPRIMAND

RULE 1.14(b)
for failing, upon receiving funds or other property in which a client or third person has an interest, to promptly notify the client or third person and render a full accounting upon request

DILLON, DAVID M.: #05875800
03/19/2012-PARTIALLY PROBATED SUSPENSION
03/02/2012-07/01/2012: SUSPENSION
07/01/2012-03/01/2014: PROBATION

On March 19, 2012, **David M. Dillon** [#05875800], 58, of Buda, accepted a two-year, partially probated suspension, effective March 2, 2012, with the first four-months actively served and the remainder probated.

The District 15 Grievance Committee found that Dillon violated a disciplinary judgment and failed to file a response to a grievance.

Dillon violated Rules 8.04(a)(7), and 8.04(a)(8). He was ordered to pay \$750.00 in attorneys' fees and \$727.00 to the State Bar of Texas Client Security Fund.

DISTRICT 17:

SAN ANTONIO ATTORNEY
05/05/2012-PRIVATE REPRIMAND

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

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

BOARD OF DISCIPLINARY APPEALS ACTIONS:

AYERS, DANIEL F.: #00796149
04/23/2012-DISBARMENT

On April 23, 2012, the Board of Disciplinary Appeals signed a final judgment of disbarment against Farmers Branch, Texas, attorney **Daniel F. Ayers**, 50, State Bar of Texas Card No. 00796149.

On January 11, 2012 Ayers pled guilty to one count of conspiracy to commit mail and wire fraud in violation of 18 U.S.C. §. 1349, an Intentional Crime as defined in the TEXAS RULES OF DISCIPLINARY PROCEDURE, in Case No. 4:10CR00057-020 styled, *The United States of America v. Daniel Ayers*, in the United States District Court for the Eastern District of Texas, Sherman Division. He was sentenced to 39 months in the custody of the United States Bureau of Prisons and after release he will be on supervised release for three years. He was also ordered to pay an assessment of \$100.00 and restitution in the amount of \$9,165,208.00. Mr. Ayers did not answer or appear.

BAILEY, ALTHEA M.:01513450
05/07/2012-INDEFINITE DISABILITY SUSPENSION
05/07/2012-UNTIL FURTHER ORDER

On May 7, 2012, the Board of Disciplinary Appeals signed an Agreed Judgment of Indefinite Disability Suspension against Houston attorney **Althea M. Bailey**, 46, State Bar of Texas Card No. 01513450, in accordance with Part XII of the Texas Rules of Disciplinary Procedure and Section 8 of the Internal Procedural Rules of the Board of Disciplinary Appeals.

BARRAZA, MANUEL J.: #01805270
04/23/2012-DISBARMENT

On April 23, 2012, the Board of Disciplinary Appeals signed a final judgment of disbarment against El Paso attorney **Manuel J. Barraza**, 57, State Bar of Texas Card No. 01805270. Barraza did not answer or appear. On October 22, 2010 the Board of Disciplinary Appeals signed an interlocutory order suspending Mr. Barraza from the practice of law pending the appeal of his conviction.

On or about June 1, 2010, Barraza was found guilty of two counts of wire fraud and deprivation of honest services in violation of 18 U.S.C. §§1343 and 1346 and one count of making a material false statement as to a matter within the jurisdiction of the United States Department of Justice, Federal Bureau of Investigation, an agency of the United States in violation of 18 U.S.C. §1001, Intentional Crimes as defined in the TEXAS RULES OF DISCIPLINARY PROCEDURE, in case number EP-09-CR-978-FM, styled, *United States of America v. Manuel Joseph Barraza aka Manny Barraza*, in the United States District Court for the Western District of Texas, El Paso Division. Barraza was sentenced to 60 months in prison followed by three years of supervised release. He was ordered to forfeit \$15,000.00 and to pay an assessment of \$300.00.

Barraza appealed the conviction and on September 30, 2011 the United States Court of Appeals for the Fifth Circuit affirmed the criminal conviction and issued its mandate. The conviction is final and Barraza is disbarred.

CARTALL, BRYAN P.: #03907300
04/23/2012-ACTIVE SUSPENSION
04/23/2012-09/21/2014

On April 23, 2012, the Board of Disciplinary Appeals signed a judgment suspending San Antonio attorney **Bryan P. Cartall**, 62, State Bar of Texas Card No. 03907300, for the remainder of his criminal probation.

On or about September 20, 2011, Cartall was sentenced to probation for three years, participation in the Location Monitoring Program for a period of six months (home confinement) and ordered to pay a fine of \$150,000.00 in Cause Number 1:11CR00220-001 styled, *United States of America v. Bryan Cartall*, in the United States District Court for the Northern District of Ohio, Eastern, after Cartall pled guilty to conspiracy to commit bribery in federally funded programs in violation of 18 U.S.C. §371 (18 U.S.C. §666), an Intentional Crime as defined in the TEXAS RULES OF DISCIPLINARY PROCEDURE. The criminal judgment is final.

ENGUM, JOANNE: #24007161
04/23/2012-ACTIVE SUSPENSION
04/23/2012-10/23/2012

On April 23, 2012, the Board of Disciplinary Appeals signed a six-month, judgment of suspension, of Watertown, Massachusetts attorney, **Joanne Engum**, 44, State Bar of Texas Card No. 24007161, effective April 23, 2012.

Ms. Engum did not answer or appear. On November 18, 2011 the Supreme Court of Louisiana issued its Per Curium Order in a matter styled: In re: Joanne S. Engum, No. 11-B-2006 suspending Engum from the practice of law for six months because she neglected a client matter (TDRPC 1.01); failed to communicate with her client (TDRPC 1.03); failed to return an unearned fee (TDRPC 1.15(d)); and failed to cooperate with disciplinary authority (TDRPC 8.04(a)(8) . In accordance with Part IX of the TEXAS RULES OF DISCIPLINARY PROCEDURE, Engum is suspended from the practice of law in Texas from April 23, 2012 until October 23, 2012.

EVERETT, JAMES JOSEPH: #06742100
01/31/2012-DISBARMENT

On January 31, 2012, the Board of Disciplinary Appeals signed a final judgment of disbarment against Scottsdale, Arizona attorney **James Joseph Everett**, 56, State Bar of Texas Card No. 06742100.

On August 18, 2009, the Board of Disciplinary Appeals signed an interlocutory order of suspension against Everett because on January 23, 2009, Everett was found guilty of violating Title 18 U.S.C. § 152(3), False Declaration in Bankruptcy Proceedings, Title 18 U.S.C. § 157, Bankruptcy Fraud and Title 18 U.S.C. § 1956(a)(1)(B)(i), Money Laundering/Concealment, intentional crimes as defined in the TEXAS RULES OF DISCIPLINARY PROCEDURE, in Cause No. CR 06-00795-001-PHX-JAT, styled, *United States of America v. James Joseph Everett*, in the United States District Court for the District of Arizona. Everett was sentenced to 13 months in the custody of the United States Bureau of Prisons followed by supervised release for three (3) years, and was ordered to pay an assessment of \$3,300.00 and a fine of \$7,500.00. On November 8, 2010, the United States Court of Appeals for the Ninth Circuit affirmed his conviction and issued its mandate. Everett answered but failed to appear at the hearing.

LEE, PEGGY J.: 12130500
02/01/2012-PUBLIC REPRIMAND

On February 1, 2012, the Board of Disciplinary Appeals signed a judgment of public reprimand of Memphis, Tennessee attorney, **Peggy J. Lee**, 63, State Bar of Texas Card No. 12130500.

Lee entered an appearance but did not answer or appear. On February 16, 2011 the Supreme Court of the State of Tennessee at Nashville issued a public censure against Lee in a matter styled: PEGGY J. LEE, BPR #009013 An Attorney Licensed to Practice Law in Tennessee (Shelby County), No. M2011-00331SC-BPO-BP, BOPR No. 2005-1531-9-LC. In accordance with Part IX of the TEXAS RULES OF DISCIPLINARY PROCEDURE, Lee is publicly reprimanded.

OFFILL, JR., PHILLIP: #75004273
04/23/2012-DISBARMENT

On April 23, 2012, the Board of Disciplinary Appeals signed a final judgment of disbarment against Irving attorney **Phillip Windom Offill Jr.**, 53, State Bar of Texas Card No. 75004273. Offill did not answer or appear.

On October 22, 2010 the Board of Disciplinary Appeals signed an interlocutory order suspending Offill from the practice of law. On or about April 26, 2010, Offill was found guilty of one count of conspiracy to commit securities registration violations, securities fraud and wire fraud in violation of 18 U.S.C. §371 and nine counts of wire fraud in violation of 18 U.S.C. §§1343 and 2, Intentional Crimes as defined in the TEXAS RULES OF DISCIPLINARY PROCEDURE, in case number 1:09CR00134-001, styled, *United States of America v. Phillip Windom Offill, Jr.*, in the United States District Court for the Eastern District of Virginia, Alexandria Division. Offill was sentenced to 96 months in prison followed by three years of supervised release and was ordered to pay restitution of \$30,110.90. The United States of America was granted a personal money judgment against Offill in the amount of \$4,838,986.00. Offill appealed the conviction and on September 30, 2011 the United States Court of Appeals for the Fourth Circuit affirmed the criminal conviction and issued its mandate. The conviction is final and Offill is disbarred.