

COMMISSION FOR LAWYER DISCIPLINE

REPORT

TO THE BOARD OF DIRECTORS  
ON  
ATTORNEY DISCIPLINE

JUNE 2014

**Disciplinary Sanctions**  
**March 1, 2014 through May 31, 2014**

DISBARMENTS	DISTRICT	Number of Complaints Resolved
Adams, Cathy Jean	1	1
Roberts, Kirby J.	11	1
Ward, Keith Alan	9	1
<b>Board of Disciplinary Appeals:</b>		
Avery, Caron Denean	BODA	1
Bailey, Joseph William	BODA	1
Chandler, Dean Gregory	BODA	1
Mercier, Eugene X.	BODA	1
Vahid-Dastjerdi, Najmeh	BODA	1
Total	8	8

RESIGNATIONS IN LIEU of DISCIPLINE	DISTRICT	Number of Complaints Resolved
Valadez, Hilda	10	2
Williams, Gregory Lance	14	5
Total	2	7

SUSPENSIONS	DISTRICT	Number of Complaints Resolved
Acevedo, Jr., Alberto	8	1
Adams, Cathy Jean	1	1
Bakhtavar, Samuel	6	1
Bass, Daniel A.	10	1
Becker, Don D.	4	2
Bennett, Dane William	4	1
Biagas, David Edward	17	1
Biel, Jr., Albert A.	17	1
Bishop, Kenneth E.	5	1
Bishop, Kenneth E.	5	1
Bishop, Kenneth E.	5	1
Caballero, Theresa	17	1
Danforth, Ronald W.	1	2
Farley, Ellen Wilburn	14	1
Griffin, Allen R.	6	1
Griffin, Allen R.	6	1

Hamner, Brian A.	10	2
Hoffman, Robert L.	6	1
Jackson, Rayshun	6	1
Leas, Stephen T.	12	1
Marsala, Dominick J.	14	1
Martinez, Alicia R.	10	1
McCoy, Michael Gregory	9	1
Monte, Steven Daniel	6	1
Oviatt, Janice Payte	4	3
Phifer, Gregory L.	13	1
Ramos, Andres Aaron	12	1
Rokohl, Bruce A.	11	1
Scharff, Alex J.	10	1
Schulman, Cary William	6	1
Schultz, Joseph Campbell	4	4
Smith, Kimberly Dian	1	1
Thomas, Jon Phillip	4	1
Willie, II, Joseph R.	4	1
Witherspoon, Nuru L.	6	1

**Board of Disciplinary Appeals:**

Gilbert, Juliet Carol	BODA	1
LaFuente, Steven Ryan	BODA	2
Rosenthal, Marc G.	BODA	1
Tepper, Max Leon	BODA	1
Total		48

PUBLIC REPRIMANDS	DISTRICT	Number of Complaints Resolved
Agomo, Chinyeve A.	4	1
Barber, Mark Houston	14	1
Burnett, Lenda Bush	1	1
Fitzgerald, Robert E.	6	1
Gonzalez, Sergio	17	1
Herrera, Jesse Aranda	17	2
Jones, Kaycee Lynn	3	2
Loya, Raul Hector	6	1
Madrigal, Pascual	10	1
Monte, Steven Daniel	6	1
Plant, John L.	1	1
Roman, Richard Abram	17	1
Sims, Jody Wayne	9	1
Washington, Craig A.	4	1
Total		16

PRIVATE REPRIMANDS

GRIEVANCE COMM.	DISTRICT	Number of Complaints Resolved
2	1	1
4	7	7
7	1	1
8	1	1
10	4	4
11	1	1
12	1	1
13	1	1
14	2	2
15	2	2
17	1	2
Total		23
Grievance Referral Program		22
GRAND TOTAL:		124

**DISCIPLINARY ACTIONS - CURRENT BAR YEAR**

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

**DISCIPLINARY ACTIONS - PREVIOUS BAR YEARS**

BAR YEARS		Total Sanctions		Total Complaints Resolved	
2012-2013	DISBARMENTS	39		51	
	RESIGNATIONS	24		46	
	SUSPENSIONS	122		160	
	PUBLIC REPRIMANDS	37		40	
	PRIVATE REPRIMANDS	89		91	
	GRIEVANCE REFERRAL PROGRAM	56	367	56	444
2011-2012	DISBARMENTS	38		45	
	RESIGNATIONS	27		87	
	SUSPENSIONS	137		174	
	PUBLIC REPRIMANDS	40		41	
	PRIVATE REPRIMANDS	106		115	
	GRIEVANCE REFERRAL PROGRAM	55	403	55	517
2010-2011	DISBARMENTS	28		52	
	RESIGNATIONS	23		101	
	SUSPENSIONS	157		254	
	PUBLIC REPRIMANDS	40		50	
	PRIVATE REPRIMANDS	77		82	
	GRIEVANCE REFERRAL PROGRAM	46	371	46	585

2009-2010	DISBARMENTS	25		33	
	RESIGNATIONS	22		40	
	SUSPENSIONS	111		169	
	PUBLIC REPRIMANDS	37		47	
	PRIVATE REPRIMANDS	81		89	
	GRIEVANCE REFERRAL PROGRAM	39	315	39	417
2008-2009	DISBARMENTS	32		43	
	RESIGNATIONS	26		104	
	SUSPENSIONS	127		189	
	PUBLIC REPRIMANDS	46		54	
	PRIVATE REPRIMANDS	68		73	
	GRIEVANCE REFERRAL PROGRAM	36	335	36	499
2007-2008	DISBARMENTS	24		63	
	RESIGNATIONS	24		90	
	SUSPENSIONS	121		224	
	PUBLIC REPRIMANDS	28		35	
	PRIVATE REPRIMANDS	69		73	
	GRIEVANCE REFERRAL PROGRAM	33	299	33	518
2006-2007	DISBARMENTS	30			
	RESIGNATIONS	31			
	SUSPENSIONS	110			
	PUBLIC REPRIMANDS	62			
	PRIVATE REPRIMANDS	87	320		
2005-2006	DISBARMENTS	38			
	RESIGNATIONS	17			
	SUSPENSIONS	119			
	PUBLIC REPRIMANDS	62			
	PRIVATE REPRIMANDS	108	344		
	ORDER FOR REHABILITATION				

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

**COMMISSION FOR LAWYER DISCIPLINE  
REPORT TO THE BOARD OF DIRECTORS  
JUNE 2014**

DISTRICT 01:

**ADAMS, CATHY JEAN: #00793226  
01/20/2014-PARTIALLY PROBATED SUSPENSION  
01/10/2014-01/09/2015: SUSPENSION  
01/10/2015-01/09/2017: PROBATED**

On January 20, 2014, **Cathy Jean Adams** [#00793226], 53, of Kaufman, received a 36-month, partially probated suspension, effective January 10, 2014, with the first 12 months actively suspended and the remainder probated. An evidentiary panel of the District 1 Grievance Committee found that Adams was hired to probate the will of Complainant's late spouse and revise Complainant's will. In representing Complainant, Adams neglected the legal matter entrusted to her by failing to provide legal services on behalf of Complainant, failed to keep Complainant reasonably informed about the status of the probate matter and failed to promptly comply with reasonable requests for information from Complainant about the probate matter. Upon termination of representation, Adams failed to surrender papers and property to which Complainant was entitled and failed to refund advance payments of a fee that had not been earned. Adams 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. Adams did not in good faith timely assert a privilege or other legal ground for failure to do so.

Adams violated Rules 1.01(b)(1), 1.03(a), 1.15(d), and 8.04(a)(8). She was ordered to pay \$1,500.00 in restitution, \$2,350.00 in attorneys' fees and \$358.63 in direct expenses.

**ADAMS, CATHY JEAN: #00793226  
01/20/2014-DISBARMENT**

On January 20, 2014, **Cathy Jean Adams** [#00793226], 53, of Kaufman, was disbarred. An evidentiary panel of the District 1 Grievance Committee found that Adams was hired to represent Complainant in a family law matter. Adams neglected the legal matter entrusted to her by failing to provide legal services on Complainant's behalf. Adams failed to keep Complainant informed about the status of the legal matter and failed to promptly comply with reasonable requests for information pertaining to the legal matter. Upon termination of representation, Adams failed to refund advance payments of a fee that had not been earned. Adams engaged in conduct involving dishonesty, fraud, deceit or misrepresentation, by misrepresenting to Complainant that a Petition to Modify Custody had been filed when, in fact, nothing had been filed. Adams 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. Adams did not in good faith timely assert a privilege or other legal ground for failure to do so.

Adams 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 \$1,000.00 in restitution, \$2,500.00 in attorneys' fees and \$392.09 in direct expenses.



**BURNETT, LENDA BUSH: #03496270**  
**04/21/2014-PUBLIC REPRIMAND**

On April 21, 2014, **Lenda Bush Burnett** [#03496270], 62, of Terrell, agreed to a judgment of public reprimand. The District 1 Grievance Committee found that upon termination in Complainant's divorce matter, Burnett failed to promptly return the unearned fee to Complainant. Burnett failed to timely furnish to the Chief Disciplinary Counsel's office a response or other information as required by the Texas Rules of Disciplinary Procedure, and did not in good faith timely assert a privilege or other legal ground for failure to do so.

Burnett violated Rules 1.15(d) and 8.04(a)(8). She was ordered to pay \$1,456.33 in attorneys' fees.

**DANFORTH, RONALD W.: #05352970**  
**04/28/2014-PARTIALLY PROBATED SUSPENSION**  
**06/01/2014-07/31/2014: SUSPENSION**  
**08/01/2014-05/31/2017: PROBATION**

On April 28, 2014, **Ronald W. Danforth** [#05352970], 50, of McKinney, agreed to a 36-month, partially probated suspension, effective June 1, 2014, with the first two months actively served and the remainder probated. The 296th District Court of Collin County found that Danforth committed Professional Misconduct by violating Rules 3.02 [In the course of litigation, a lawyer shall not take a position that unreasonably increases the costs or other burdens of the case or that unreasonably delays resolution of the matter], 7.02(a)(3) [A lawyer shall not make or sponsor a false or misleading communication about the qualifications or the services of any lawyer or firm. A communication is false or misleading if it is likely to create an unjustified expectation about results the lawyer can achieve, or states or implies that the lawyer can achieve results by means that violate these rules or other law], and 8.04(a)(4) [A lawyer shall not engage in conduct constituting obstruction of justice].

Danforth was ordered to pay attorneys' fees and direct expenses in the sum of \$3,500.00.

**PLANT, JOHN L.: #24027619**  
**05/23/2014-PUBLIC REPRIMAND**

On May 23, 2014, **John L. Plant** [#24027619], 42, of Anna, agreed to a judgment of public reprimand. The District 1 Grievance Committee found that Plant failed to promptly comply with reasonable requests for information from Complainant about his name change and amendment to his birth certificate. Plant failed to timely furnish to the Chief Disciplinary Counsel's office a response or other information as required by the Texas Rules of Disciplinary Procedure, and did not in good faith timely assert a privilege or other legal ground for failure to do so.

Plant violated Rules 1.03(a), and 8.04(a)(8). He was ordered to pay \$1,500.00 in attorneys' fees and \$750.00 in restitution.

**SMITH, KIMBERLY DIAN: #24041944**  
**02/14/2014-FULLY PROBATED SUSPENSION**  
**02/15/2014-11/14/2014**

On February 14, 2014, **Kimberly Dian Smith** [#24041944], 36, of Texarkana, received a nine-month, fully probated suspension, effective February 15, 2014. An evidentiary panel of the District 1 Grievance Committee found that in representing Complainant in a custody and child support matter, Smith neglected the legal matter entrusted to her by failing to get a modification order finalized. Smith failed to promptly comply with reasonable requests for information from Complainant. Upon termination of representation, Smith failed to refund advance payments of fees that had not been earned. Smith 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. Smith did not in good faith timely assert a privilege or other legal ground for failure to do so.

Smith violated Rules 1.01(b)(1), 1.03(a), 1.15(d), and 8.04(a)(8). She was ordered to pay \$750.00 in restitution and \$910.84 in attorneys' fees and direct expenses.

DISTRICT 02:

**DALLAS ATTORNEY**  
**04/23/2014-PRIVATE REPRIMAND**

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 1.14(c)

for failing to keep funds or other property in which both the lawyer and another person claim interests separate until there is an accounting and severance of their interests

DISTRICT 03:

**JONES, KAYCEE LYNN: #24034511**  
**05/05/2014-PUBLIC REPRIMAND**

On May 5, 2014, **Kaycee Lynn Jones** [#24034511], 39, of Livingston, accepted an agreed judgment of public reprimand. An evidentiary panel of the District 3 Grievance Committee found that Jones, then an Assistant Criminal District Attorney, engaged in *ex parte* communications with a judge during a jury trial wherein the judge was presiding on the bench and Jones was an observer. One of the texts from the judge suggested a line of questioning for the prosecutor and Jones then handwrote a message which contained the judge's text verbatim and had it delivered to the prosecutor during the trial.

Jones violated Rules 3.05(b), and 8.04(a)(6). She was ordered to pay \$650.00 in attorneys' fees and direct expenses.

DISTRICT 04:

**AGOMO, CHINYERE A.: #00786960**  
**05/06/2014-PUBLIC REPRIMAND**

On May 6, 2014, **Chinyere A. Agomo** [#00786960], 56, of Houston, accepted a public reprimand. An evidentiary panel of the District 4 Grievance Committee found that in the course of litigation, Agomo took a position that unreasonably delayed resolution of a matter.

Agomo violated Rule 3.02. She agreed to pay \$500.00 in attorneys' fees.

**BECKER, DON D.: #02012888**  
**03/20/2014-PARTIALLY PROBATED SUSPENSION**  
**05/01/2014-04/30/2016: SUSPENSION**  
**05/01/2016-04/30/2018: PROBATION**

On March 20, 2014, **Don D. Becker** [#02012888], 59, of Houston, received a four-year, partially probated suspension, effective May 1, 2014, with the first two years actively suspended and the remainder probated. An evidentiary panel of the District 4 Grievance Committee found that in representing two separate clients, Becker neglected the legal matter entrusted to him, failed to keep his clients reasonably informed about the status of the case and failed to promptly comply with reasonable request for information, and, upon termination of representation, failed to refund advance payments of fee that had not been earned. Becker also failed to timely furnish to the Chief Disciplinary Counsel's office responses or other information as required by the Texas Rules of Disciplinary Procedure.

Becker violated Rules 1.01(b)(1), 1.03(a), 1.15(d), and 8.04(a)(8). He was ordered to pay \$5,000.00 in restitution, \$1,650.00 in attorneys' fees and \$70.00 in direct expenses.

**BENNETT, DANE WILLIAM: #24039271**  
**04/02/2014-FULLY PROBATED SUSPENSION**  
**04/01/2014-04/30/2014**

On April 2, 2014, **Dane William Bennett** [#24039271], 51, of Houston, received a 30-day, fully probated suspension, effective April 1, 2014. The 164<sup>th</sup> District Court of Harris County found that Bennett violated Rule 1.03(a) [requiring a lawyer to keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information].

Bennett was ordered to pay \$800.00 in attorneys' fees and direct expenses.

**HOUSTON ATTORNEY  
03/26/2014-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

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

**HOUSTON ATTORNEY  
05/20/2014-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

**HOUSTON ATTORNEY  
05/01/2014-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

**HOUSTON ATTORNEY  
05/05/2014-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  
04/01/2014-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

**HOUSTON ATTORNEY  
04/08/2014-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

**OVIATT, JANICE PAYTE: #24017789  
03/05/2014-PARTIALLY PROBATED SUSPENSION  
03/10/2014-06/08/2014: SUSPENSION  
06/09/2014-09/09/2015: PROBATION**

On March 5, 2014, **Janice Payte Oviatt** [#24017789], 63, of Houston, received an 18-month, partially probated suspension, effective March 10, 2014, with the first three months actively suspended and the remainder probated. An evidentiary panel of the District 4 Grievance Committee found that regarding three clients, Oviatt failed to timely surrender papers and property to which the client was entitled or failed to timely refund advance payments of fee that had not been earned.

Oviatt violated Rule 1.15(d). She was ordered to pay \$2,500.00 in restitution and \$500.00 in attorneys' fees and direct expenses.

**HOUSTON ATTORNEY  
03/07/2014-PRIVATE REPRIMAND**

**RULE 1.01(a)**

for accepting or continuing employment in a legal matter which the lawyer knew or should have known was beyond lawyer's competence

**RULE 1.01(b)(1)**

for neglecting a legal matter entrusted to the lawyer

**RULE 1.03(a)**

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

**RULE 1.03(b)**

for failing to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation

**RULE 1.14(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

**SCHULTZ, JOSEPH CAMPBELL: #24041886**  
**05/09/2014-PARTIALLY PROBATED SUSPENSION**  
**06/01/2014-11/30/2014: SUSPENSION**  
**12/01/2014-05/31/2016: PROBATION**

On May 9, 2014, **Joseph Campbell Schultz** [#24041886], 37, of Houston, accepted a two-year, partially probated suspension, effective June 1, 2014, with the first six months actively suspended and the remainder probated. An evidentiary panel of the District 4 Grievance Committee found that, among four different matters, Schultz neglected a legal matter entrusted to him, failed to keep clients reasonably informed about the status of their legal matter and failed to promptly comply with reasonable requests for information, failed to keep funds belonging to third parties in a trust account, and also failed to promptly deliver to third parties funds that they were entitled to receive.

Schultz violated Rules 1.01(b)(1), 1.03(a), 1.14(a), and 1.14(b). He was ordered to pay \$2,475.00 in attorneys' fees and \$536.66 in direct expenses.

**THOMAS, JON PHILLIP: #24037593**  
**02/24/2014-FULLY PROBATED SUSPENSION**  
**02/12/2014-02/11/2015**

On February 24, 2014, **Jon Phillip Thomas** [#24037593], 35, of Houston, received a 12-month, fully probated suspension, effective February 12, 2014. An evidentiary panel of the District 4 Grievance Committee found that Thomas 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.

Thomas violated Rules 8.04(a)(1), and 8.04(a)(8). He was ordered to pay attorneys' fees and direct expenses in the amount of \$2,395.00.

**WASHINGTON, CRAIG A.: #20901000**  
**02/07/2014-PUBLIC REPRIMAND**

On February 7, 2014, **Craig A. Washington** [#20901000], 72, of Bastrop, received a public reprimand. The 335th District Court of Bastrop County found that Washington committed professional misconduct by violating Rule 1.04(f)(2) [a division or arrangement for division of a fee between lawyers who are not in the same firm may be made only if the client consents in writing to the terms of the arrangement prior to the time of the association or referral proposed]; Rule 1.14(a) [failing to hold funds and other property belonging in whole or in part to clients or third persons that are in a lawyer's possession in connection with a representation separate from the lawyer's own property]; Rule 1.15(d) [upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled and refunding any advance payments of a fee that has not been earned]; and Rule 8.04(a)(1) [prohibiting lawyers from violating the disciplinary rules].

Washington was ordered to pay \$23,568.67 in attorneys' fees and direct expenses. Washington has filed an appeal.

**WILLIE, II, JOSEPH R.: #21633500**  
**07/29/2013-FULLY PROBATED SUSPENSION**  
**08/01/2013-08/01/2014**

On July 29, 2013, **Joseph R. Willie, II** [#21633500], 57, of Houston, received a 12-month, fully probated suspension, effective August 1, 2013. The 165<sup>th</sup> District Court of Harris County found that Willie violated Rule 3.01 [prohibiting a lawyer from bringing or defending a proceeding, or asserting or controverting an issue therein, unless the lawyer reasonably believes that there is a basis for doing so that is not frivolous], Rule 3.03(a)(1) [prohibiting a lawyer from making a false statement of material fact or law to a tribunal], and Rule 8.04(a)(3) [prohibiting a lawyer from engaging in conduct involving dishonesty, fraud, deceit or misrepresentation]. Willie has filed a notice of appeal.

DISTRICT 05:

**BISHOP, KENNETH E.: #02354850**  
**04/23/2014-PARTIALLY PROBATED SUSPENSION**  
**04/22/2014-10/21/2014: SUSPENSION**  
**10/22/2014-04/21/2016: PROBATION**

On April 23, 2014, **Kenneth E. Bishop** [#02354850], 65, of Lake Jackson, received a two-year, partially probated suspension, effective April 22, 2014, with the first six months actively suspended and the remainder probated. An evidentiary panel of the District 5 Grievance Committee found that in representing a client, Bishop neglected the legal matter entrusted to him. Upon termination of the representation, Bishop failed to refund advance payments of fee that had not been earned.

Bishop violated Rules 1.01(b)(1), and 1.15(d). He was ordered to pay \$750.00 in restitution and \$1,979.00 in attorneys' fees and direct expenses.

**BISHOP, KENNETH E.: #02354850**  
**04/23/2014-PARTIALLY PROBATED SUSPENSION**  
**04/22/2014-10/21/2014: SUSPENSION**  
**10/22/2014-04/21/2016: PROBATION**

On April 23, 2014, **Kenneth E. Bishop** [#02354850], 65, of Lake Jackson, received a two-year, partially probated suspension, effective April 22, 2014, with the first six months actively suspended and the remainder probated. An evidentiary panel of the District 5 Grievance Committee found that upon termination of a representation, Bishop failed to refund advance payments of fee that had not been earned.

Bishop violated Rule 1.15(d). He was ordered to pay \$300.00 in restitution and \$1,304.00 in attorneys' fees and direct expenses.

**BISHOP, KENNETH E.: #02354850**  
**04/23/2014-FULLY PROBATED SUSPENSION**  
**04/22/2014-10/21/2014: PROBATION**

On April 23, 2014, **Kenneth E. Bishop** [#02354850], 65, of Lake Jackson, received a six-month, fully probated suspension, effective April 22, 2014. An evidentiary panel of the District 5 Grievance Committee found that in representing a client, Bishop neglected the legal matter entrusted to him. Bishop failed to keep the client reasonably informed about the status of his legal matter. Bishop failed to explain the status of the legal matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation. Upon termination of the representation, Bishop failed to refund advance payments of fee that had not been earned. Also, Bishop 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.

Bishop 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 \$100.00 in restitution and \$1,329.00 in attorneys' fees and direct expenses.

DISTRICT 06:

**BAKHTAVAR, SAMUEL: #24059412**  
**04/21/2014-PARTIALLY PROBATED SUSPENSION**  
**05/01/2014-07/31/2014: SUSPENSION**  
**08/01/2014-04/30/2016: PROBATION**

On April 21, 2014, **Samuel Bakhtavar** [#24059412], 36, of Irving, received a two-year, partially probated suspension, effective May 1, 2014, with the first three months actively suspended and the remainder probated. An evidentiary panel of the District 6 Grievance Committee found that Bakhtavar neglected the products liability matter entrusted to him by failing to appear at trial. Bakhtavar failed to abide by his client's decisions concerning the objectives and general methods of representation in his civil matter. Further, Bakhtavar failed to keep his client reasonably informed about the status of his case. Finally, Bakhtavar failed to furnish to the Chief Disciplinary Counsel's office a response as required by the Texas Rules of Disciplinary Procedure or assert any grounds for his failure to do so.

Bakhtavar violated Rules 1.01(b)(1), 1.02(a)(1), 1.03(a), and 8.04(a)(8). He was ordered to pay \$1,052.60 in attorneys' fees and direct expenses and \$1,500.00 in restitution.

**FITZGERALD, ROBERT E.: #07088700**  
**5/27/2014-PUBLIC REPRIMAND**

On May 27, 2014, **Robert E. Fitzgerald** [#07088700], 64, of Dallas, received an agreed judgment of public reprimand. An evidentiary panel of the District 6 Grievance Committee found that in representing the Complainant, Fitzgerald neglected the legal matters entrusted to him. Fitzgerald also failed to keep the complainant reasonably informed about the status of his matters. Furthermore, Fitzgerald failed to secure a written contingency fee agreement from the complainant. In addition, in one of the matters, Fitzgerald was sanctioned for filing a frivolous pleading.

Fitzgerald violated Rules 1.01(b)(1), 1.03(a), 1.04(d), and 3.01. He was ordered to pay \$1,500.00 in attorneys' fees and direct expenses.



**GRIFFIN, ALLEN R.: #00784175**  
**02/12/2014-FULLY PROBATED SUSPENSION**  
**02/10/2014-08/09/2014**

On February 12, 2014, **Allen R. Griffin** [#00784175], 47, of Dallas, agreed to a six-month, fully probated suspension, effective February 10, 2014. The District 6 Grievance Committee found that in representing Complainant in her divorce and child custody matter, Griffin neglected the legal matter entrusted to him, by failing to draft a proposed divorce decree or take any further action in the matter. Griffin failed to promptly comply with reasonable requests for information from Complainant. Upon termination of representation, Griffin failed to return Complainant's case file and refund to Complainant, advance payments of fee that had not been earned. Griffin 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, and did not in good faith timely assert a privilege or other legal ground for failure to do so.

Griffin violated Rules 1.01(b)(1), 1.03(a), 1.15(d), and 8.04(a)(8). He was ordered to pay \$1,353.14 in attorneys' fees and \$2,500.00 in restitution.

**GRIFFIN, ALLEN R.: #00784175**  
**02/20/2014-FULLY PROBATED SUSPENSION**  
**02/10/2014-08/09/2014**

On February 20, 2014, **Allen R. Griffin** [#00784175], 47, of Dallas, agreed to a six-month, fully probated suspension, effective February 10, 2014. The District 6 Grievance Committee found that in representing Complainant in her divorce matter, Griffin neglected the legal matter entrusted to him, by failing to appear at two hearings and failing to answer written discovery from Complainant's spouse. Griffin failed to keep Complainant reasonably informed about the status of her matter and failed to promptly comply with reasonable requests for information from Complainant. Griffin 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, and did not in good faith timely assert a privilege or other legal ground for failure to do so.

Griffin violated Rules 1.01(b)(1), 1.03(a), and 8.04(a)(8). He was ordered to pay \$1,133.50 in attorneys' fees and \$2,000.00 in restitution.

**HOFFMAN, ROBERT L.: #09788000**  
**12/10/2013-ACTIVE SUSPENSION**  
**01/01/2014-12/31/2015**

On December 10, 2013, **Robert L. Hoffman** [#09788000], 68, of Dallas, received a two-year, active suspension effective on January 1, 2014. The 134<sup>th</sup> District Court of Dallas County found that Hoffman committed professional misconduct by violating Rule 1.01(b)(1) [prohibiting a lawyer from neglecting a legal matter entrusted to the lawyer], Rule 1.03(a) [requiring a lawyer to keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information], Rule 1.03(b) [requiring a lawyer to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation], Rule 1.04(d) [requiring a contingent fee agreement to be in writing], Rule 1.15(d) [requiring the return of the case file and any unearned portion of the fee upon termination of the representation] and Rule 8.01(b) [requiring a response to any lawful demand for information from a disciplinary authority].

Hoffman was ordered to pay restitution to the Complainant in the sum of \$7,000.00 and \$4,149.50 in attorneys' fees and direct expenses. Hoffman filed a notice of appeal on March 10, 2014.

**JACKSON, RAYSHUN: #00797754**  
**04/18/2014-FULLY PROBATED SUSPENSION**  
**03/15/2014-03/14/2015**

On April 18, 2014, **Rayshun Jackson** [#00797754], 44, of Dallas, received a twelve-month, fully probated suspension, effective March 15, 2014. An evidentiary panel of the District 6 Grievance Committee found that in representing Complainant in a personal injury matter, Jackson neglected the legal matter entrusted to him by failing to ensure that the settlement disbursements were accurate. Jackson failed to promptly deliver to Complainant and lienholders funds that Complainant and the lienholders were entitled to receive and upon request from Complainant, Jackson failed to promptly render a full accounting regarding such funds. Jackson associated other attorneys in the representation of Complainant, but failed to inform Complainant of the terms of the arrangement to pay the attorneys and failed to obtain Complainant's consent in writing to the terms of the arrangement with the associated attorneys.

Jackson violated Rules 1.01(b)(1), 1.04(d), 1.04(f)(1),(2),(3), 1.04(g), and 1.14(b). He was ordered to pay \$9,089.19 in attorneys' fees and direct expenses.

**LOYA, RAUL HECTOR: #00791142**  
**04/29/2014-PUBLIC REPRIMAN**

On April 29, 2014, **Raul Hector Loya** [#00791142], 50, of Dallas, received an agreed judgment of public reprimand. The 160<sup>th</sup> District Court of Dallas County found that Loya committed professional misconduct by violating Rule 1.03(b) [A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation] and 1.04(d) [A fee may be contingent on the outcome of the matter for which the service is rendered, except in a matter in which a contingent fee is prohibited by paragraph (e) or other law. A contingent fee agreement shall be in writing and shall state the method by which the fee is to be determined. If there is to be a differentiation in the percentage or percentages that shall accrue to the lawyer in the event of settlement, trial or appeal, the percentage for each shall be stated. The agreement shall state the litigation and other expenses to be deducted from the recovery, and whether such expenses are to be deducted before or after the contingent fee is calculated. Upon conclusion of a contingent fee matter, the lawyer shall provide the client with a written statement describing the outcome of the matter and, if there is a recovery, showing the remittance to the client and the method of its determination].

Loya was ordered to pay \$2,000.00 in attorneys' fees and direct expenses.

**MONTE, STEVEN DANIEL: #24007695**  
**05/09/2014-PUBLIC REPRIMAND**

On May 9, 2014, **Steven Daniel Monte** [#24007695], 44, of Dallas, received an agreed judgment of public reprimand. An evidentiary panel of the District 6 Grievance Committee found that in representing Complainant, Monte neglected the legal matter entrusted to him by failing to enter an appearance or contact the court regarding the legal matter. Monte engaged in the practice of law when his right to practice had been administratively suspended for failure to pay his Guaranteed Student Loan. Monte 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. Monte did not in good faith timely assert a privilege or other legal ground for failure to do so.

Monte violated Rules 1.01(b)(1), 8.04(a)(8), and 8.04(a)(11). He was ordered to pay \$899.27 in attorneys' fees and direct expenses.

**MONTE, STEVEN DANIEL: #24007695**  
**05/09/2014-FULLY PROBATED SUSPENSION**  
**06/01/2014-05/31/2015**

On May 9, 2014, **Steven Daniel Monte** [#24007695], 44, of Dallas, received a 12-month, fully probated suspension, effective June 1, 2014. An evidentiary panel of the District 6 Grievance Committee found that in representing Complainant in the expunction of his criminal record, Monte neglected the legal matter entrusted to him by failing to perform any work on the matter. Monte failed to keep Complainant reasonably informed about the status of the legal matter. Upon termination of representation, Monte failed to take steps to the extent reasonably practicable to protect Complainant's interests and failed to refund advance payments of fee that had not been earned. Monte engaged in the practice of law when his right to practice had been administratively suspended for failure to pay his Guaranteed Student Loan. Monte 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. Monte did not in good faith timely assert a privilege or other legal ground for failure to do so.

Monte violated Rules 1.01(b)(1), 1.03(a), 1.15(d), 8.04(a)(8), and 8.04(a)(11). He was ordered to pay \$500.00 in restitution and \$774.27 in attorneys' fees and direct expenses.

**SCHULMAN, CARY WILLIAM: #00797390**  
**03/25/2014-ACTIVE SUSPENSION**  
**05/01/2014-04/30/2016**

On March 25, 2014, **Cary William Schulman** [#00797390], 47, of Dallas, received a two-year, Active Suspension, effective May 1, 2014. An evidentiary panel of the District 6 Grievance Committee found that Schulman was hired to represent Complainant in a claim against the Complainant's homeowners insurance. In representing Complainant, Schulman failed to hold funds belonging to Complainant separate from Schulman's own property and failed to promptly deliver to Complainant funds that Complainant was entitled to receive.

Schulman violated Rules 1.14(a) and 1.14(b). He was ordered to pay \$5,000.00 in restitution, \$3,600.00 in attorney's fees and \$422.83 in direct expenses.

**WITHERSPOON, NURU L.: #24039244**  
**05/15/2014-FULLY PROBATED SUSPENSION**  
**06/01/2014-05/31/2015**

On May 15, 2014, **Nuru L. Witherspoon** [#24039244], 36, of Dallas, received a one-year, fully probated suspension, effective June 1, 2014. An evidentiary panel of the District 6 Grievance Committee found that upon the termination of his representation of Complainants, Witherspoon failed to surrender to them the papers and property to which they were entitled. The panel also found that while representing the Complainants, Witherspoon failed to make reasonable efforts to ensure that the conduct of his employees was compatible with his professional obligations.

Witherspoon violated Rules 1.15(d), and 5.03(a). He was ordered to pay \$2,500.00 in attorneys' fees and direct expenses.

DISTRICT 07:

**DALLAS ATTORNEY  
03/14/2014-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:

**ACEVEDO, JR., ALBERTO: #00829720  
03/31/2014-INTERIM SUSPENSION  
03/31/2014-UNTIL FURTHER ORDERED**

On March 31, 2014, **Alberto Acevedo, Jr.** [#00829720], 60, of San Antonio, accepted an interim suspension, effective March 31, 2014. The 224<sup>th</sup> Judicial District Court of Bexar County, Texas ordered Acevedo suspended from the practice of law pending the final disposition of a disciplinary proceeding.

**AUSTIN ATTORNEY  
04/01/2014-PRIVATE REPRIMAND**

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)(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

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:

**MCCOY, MICHAEL GREGORY: #24037062**  
**03/10/2014-PARTIALLY PROBATED SUSPENSION**  
**03/07/2014-03/06/2016: SUSPENSION**  
**03/07/2016-03/06/2024: PROBATION**

On March 10, 2014, **Michael Gregory McCoy** [#24037062], 43, of Hazard, Kentucky, received a ten-year, partially probated suspension, effective March 7, 2014, with the first two years actively suspended and the remainder probated. An evidentiary panel of the District 9 Grievance Committee found that McCoy agreed to assist Complainant in obtaining a patent on a medical device to be used in scoliosis surgery. Complainant paid McCoy \$10,250.00 for prepayment of expenses to perform prior art searches and file the patents. McCoy failed to hold the funds separate from his own property. Complainant requested that McCoy provide an accounting as well as a copy of his file, but McCoy failed to do so.

McCoy violated Rules 1.14(a), 1.14(b), 1.15(d), and 8.04(a)(1). He was ordered to pay \$2,357.25 in attorneys' fees and direct expenses and \$10,250.00 in restitution.

**SIMS, JODY WAYNE: #18425800**  
**04/16/2014-PUBLIC REPRIMAND**

On April 16, 2014, **Jody Wayne Sims** [#18425800], 59, of Austin, accepted a public reprimand. The District 9 evidentiary panel found that on or about March 19, 2012, Complainant hired Sims for her divorce. After filing the divorce petition on March 26, 2012, Sims failed to serve Complainant's husband with the petition or to have a waiver of service executed. Additionally, between June of 2012 and February 2013, Complainant attempted numerous times to contact Sims by telephone to ascertain the status of her divorce but Sims failed to respond.

Sims violated Rules 1.01(b)(1), 1.03(a), and 8.04(a)(1). She was ordered to pay \$1,286.48 in attorneys' fees and direct expenses.

**WARD, KEITH ALAN: #00797625**  
**01/27/2014-DISBARMENT**

On January 27, 2014, **Keith Alan Ward** [#00797625], 42, of Austin, was disbarred. An evidentiary panel of the District 9 Grievance Committee found that Ward represented Melwood Alliance, L.L.C. ("Melwood") in three lawsuits concerning the construction of a commercial building. After filing an answer in the first case, Ward provided no further legal services in the case. Specifically, Ward failed to respond to discovery requests and numerous motions. In the second case, Ward entered into a Rule 11 Agreement without the knowledge or consent of his client.

In the third case, Ward filed a petition on behalf of Melwood against several defendants asserting various claims for defective construction. Thereafter, Ward did not respond to discovery requests or to summary judgment motions, and failed to appear at scheduled hearings. Complainant attempted multiple times to obtain information regarding the status of the case from Ward but Ward failed to provide the requested information. Additionally, Ward was a fact witness in the cases and his testimony was necessary to establish essential facts to support Melwood's claims in the lawsuit. Ward also failed to furnish a written response to the complaint as directed.

Ward violated Rules 1.01(b)(2), 1.02(a)(2), 1.03(a), 3.08(a), 8.04(a)(1), and 8.04(a)(8). He was ordered to pay \$7,150.00 in attorneys' fees and direct expenses.

DISTRICT 10:

**BASS, DANIEL A.: #1875695**  
**04/02/2014-ACTIVE SUSPENSION**  
**02/21/2014-02/20/2016**

On April 2, 2014, **Daniel A. Bass** [#1875695], 57, of San Antonio, received a two-year, active suspension, effective February 21, 2014. The 285th District Court of Bexar County found that Bass violated Rules 1.01(b)(1) [A lawyer shall not neglect a legal matter entrusted to the lawyer], 1.03(a) [A lawyer shall keep a client reasonably informed about the status of a matter and promptly, comply with reasonable request for information], 1.03(b) [A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation], 1.14(a) [A lawyer shall hold funds and other property belonging in whole or in part to clients or third persons that are in a lawyer's possession in connection with a representation separate from the lawyer's own property. Such funds shall be kept in a separate account, designated as a trust or escrow account, maintained in the state where the lawyers office is situated, or elsewhere with the consent of the client or third person. Other client property shall be identified as such and appropriately safeguarded. Complete records of such account funds and other property shall be kept by the lawyer and shall be preserved for a period of five years after termination of the representation], 1.15(a)(1) [A lawyer shall decline to represent a client or, where representation has commenced, shall withdraw, except as stated in paragraph (c), from the representation of a client, if: the representation will result in violation of Rule 3.08, other applicable rules of professional conduct or other law], 1.15(d) [Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled and refunding any advance payments of fee that has not been earned. The lawyer may retain papers relating to the client to the extent permitted by other law only if such retention will not prejudice the client in the subject matter of the representation], 8.04(a)(8) [A lawyer shall not fail to timely furnish to the Chief Disciplinary Councils office or a district grievance committee a response or other information as required by the Texas Rules of Disciplinary Procedure, unless he or she in good faith timely asserts a privilege or other legal ground for failure to do so], 8.04(a)(10) [Failure to comply with section 13.01 of the Texas Rules of Disciplinary Procedure relating to notification of an attorneys cessation of practice].

Bass violated Rules 1.01(b)(1), 1.03(a), 1.03(b), 1.14(a), 1.15(a)(1), 1.15(d), 8.04(a)(8), and 8.04(a)(10).

**SAN ANTONIO ATTORNEY**  
**03/04/2014-PRIVATE REPRIMAND**

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

**HAMNER, BRIAN A.: #24041050**  
**05/08/2014-FULLY PROBATED SUSPENSION**  
**03/17/2015-03/16/2017**

On May 8, 2014, **Brian A. Hamner** [#24041050], 38, of San Antonio, accepted a two-year, fully probated suspension, effective March 17, 2015. The District 10 Grievance Committee found that Hamner neglected clients' matters, failed to keep clients reasonably informed, and also failed to surrender papers and property to which a client was entitled.

Hamner violated Rules 1.01(b)(1), 1.03(a), and 1.15(d) and was ordered to pay \$650.00 in restitution and \$400.00 in attorneys' fees and direct expenses.

**MADRIGAL, PASCUAL: #12802150**  
**05/28/2014-PUBLIC REPRIMAND**

On May 28, 2014, **Pascual Madrigal** [#12802150], 59, of San Antonio, accepted a public reprimand. The District 10 Grievance Committee found that Madrigal failed to return unearned fees.

Madrigal violated Rule 1.15(d) and agreed to pay \$3,500.00 in restitution, and \$800.00 in attorneys' fees and direct expenses.

**MARTINEZ, ALICIA R.: #24014390**  
**04/14/2014-PARTIALLY PROBATED SUSPENSION**  
**05/01/2014-04/30/2015: SUSPENSION**  
**05/01/2015-04/30/2016: PROBATION**

On April 14, 2014, **Alicia R. Martinez** [#24014390], 45, of San Antonio, received a 24-month, partially probated suspension, effective May 1, 2014, with the first 12 months actively served and the remainder probated. The District 10 Grievance Committee found that Martinez knowingly disobeyed a court order and failed to respond to the grievance. The Committee also found Martinez to be in default in the disciplinary proceeding.

Martinez violated Rules 3.04(d), and 8.04(a)(8), and was ordered to pay \$1,000.00 in attorneys' fees and direct expenses.

**SAN ANTONIO ATTORNEY**  
**04/01/2014-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)(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

**SCHARFF, ALEX J.: #17727350**  
**05/08/2014-FULLY PROBATED SUSPENSION**  
**05/01/2014-10/31/2014**

On May 8, 2014, **Alex J. Scharff** [#17727350], 48, of San Antonio, received a six-month, fully probated suspension, effective May 1, 2014. The District 10 Grievance Committee found that Scharff shared legal fees with a non-lawyer private investigator.

Scharff violated Rule 5.04(a). He was ordered to pay \$5,000.00 in restitution and \$1,000.00 in attorneys' fees and direct expenses.

**VALADEZ, HILDA Q.: #20421843**  
**01/15/2014-RESIGNATION**

On January 15, 2014, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Hilda Q. Valadez** [#20421843], 52, of San Antonio. At the time of resignation, two matters were pending alleging Valadez knowingly presented Attorney's Fees Expense Claim Forms ostensibly bearing the signature of approval by judges which were not genuine or authorized signatures of the judges.

Valadez allegedly violated Rules 8.04(a)(1), and 8.04(a)(3).

**SAN ANTONIO ATTORNEY**  
**04/21/2014-PRIVATE REPRIMAND**

**RULE 1.03(a)**

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

**SAN ANTONIO ATTORNEY**  
**05/28/2014-PRIVATE REPRIMAND**

**RULE 5.01(b)**

The lawyer is a partner in the law firm in which the other lawyer practices, is the general counsel of a government agency's legal department in which the other lawyer is employed, or has direct supervisory authority over the other lawyer, and with knowledge of the other lawyer's violation of these rules knowingly fails to take reasonable remedial action to avoid or mitigate the consequences of the other lawyer's violation.

DISTRICT 11:

**SAN ANTONIO ATTORNEY**  
**02/20/2014-PRIVATE REPRIMAND**

**RULE 1.09(a)(2)**

Without prior consent, a lawyer who personally has formerly represented a client in a matter shall not thereafter represent another person in a matter adverse to the former client: in which such other person questions the validity of the lawyer's services or work product for the former client

**ROBERTS, KIRBY J.: #17012900**  
**03/28/2014-DISBARMENT**

On March 28, 2014, **Kirby J. Roberts** [#17012900], 57, of Port Aransas, was disbarred. The District 11 Grievance Committee found that Roberts engaged in the practice of law while his law license was administratively suspended and he also failed to respond to the grievance.

Roberts violated Rules 8.04(a)(8), and 8.04(a)(11). He was ordered to pay \$1,630.00 in attorneys' fees and direct expenses.



**ROKOHL, BRUCE A.: #17208800**  
**03/06/2014-PARTIALLY PROBATED SUSPENSION**  
**08/01/2014-07/31/2015: SUSPENSION**  
**08/01/2015-07/31/2017: PROBATION**

On March 6, 2014, **Bruce A. Rokohl** [#17208800], 58, of Orange Grove, received a three-year, partially probated suspension, effective August 1, 2014, with the first year actively served and the remainder probated. The District 11 Grievance Committee found that Rokohl neglected a client's matter, failed to keep a client reasonably informed, and also failed to return unearned fees.

Rokohl violated Rules 1.01(b)(1), 1.03(a), and 1.15(d) and was ordered to pay \$2,500.00 in restitution and \$2,685.00 attorneys' fees and direct expenses.

DISTRICT 12:

**LEAS, STEPHEN T.: #12095255**  
**10/04/2013-PARTIALLY PROBATED SUSPENSION**  
**09/01/2013-12/31/2013: SUSPENSION**  
**01/01/2014-08/31/2014: PROBATION**

On October 4, 2013, **Stephen T. Leas** [#12095255], 58, of McAllen, received a 12-month, partially probated suspension, effective September 1, 2013, with the first four months actively served and the remainder probated. The 398<sup>th</sup> Judicial District Court of Hidalgo County found that Leas violated Rule 1.14(b) [Upon receiving funds or other property in which a client or third person has an interest, a lawyer shall promptly notify the client or third person. Except as stated in this Rule or otherwise permitted by law or by agreement with the client, a lawyer shall promptly deliver to the client or third person any funds or other property that the client or third person is entitled to receive and, upon request by the client or third person, shall promptly render a full accounting regarding such property].

Leas was ordered to pay \$10,547.00 in attorneys' fees and litigation expenses.

**SAN ANTONIO ATTORNEY  
04/11/2014-PRIVATE REPRIMAND**

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

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

RULE 1.04(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

RULE 1.04(g)  
Every agreement that allows a lawyer or law firm to associate other counsel in the representation of a person, or to refer the person to other counsel for such representation, and that results in such an association with or referral to a different law firm or a lawyer in such a different firm, shall be confirmed by an arrangement conforming to paragraph (f). Consent by a client or a prospective client without knowledge of the information specified in subparagraph (f)(2) does not constitute a confirmation within the meaning of this rule. No attorney shall collect or seek to collect fees or expenses in connection with any such agreement that is not confirmed in that way, except for:

RULE 1.02(a)(1)  
for failing to abide by a client's decisions concerning the objectives and general methods of representation

**RAMOS, ANDRES AARON: #24005926  
03/20/2014-FULLY PROBATED SUSPENSION  
12/01/2013-11/30/2015**

On March 20, 2014, **Andres Aaron Ramos** [#24005926], 42, of Laredo, accepted a two-year, fully probated suspension, effective December 1, 2013. The District 12 Grievance Committee found that Ramos engaged in the practice of law while his license was suspended.

Ramos violated Rule 8.04(a)(11) and was ordered to pay \$200.00 attorneys' fees and direct expenses.

DISTRICT 13:

**DALLAS ATTORNEY  
02/19/2014-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

**PHIFER, GREGORY L.: #15908580**  
**02/14/2014-FULLY PROBATED SUSPENSION**  
**01/01/2014-06/30/2014**

On February 14, 2014, **Gregory L. Phifer** [#15908580], 50, of Amarillo, received a six-month, fully probated suspension, effective January 1, 2014. An evidentiary panel of the District 13 Grievance Committee found that in July 2011, Phifer was hired by Complainant to seal her criminal records. In representing Complainant, Phifer neglected the legal matter entrusted to him by failing to do any meaningful work on behalf of Complainant. Phifer failed to keep Complainant reasonably informed about the status of her legal matter. Upon termination of representation, Phifer failed to refund advance payments of fee that had not been earned. Phifer failed to timely furnish to the Chief Disciplinary Counsel's office a response or other information as required by the Texas Rules of Disciplinary Procedure. Phifer did not in good faith timely assert a privilege or other legal ground for failure to do so.

Phifer violated Rules 1.01(b)(1), 1.03(a), 1.15(d), and 8.04(a)(8). He was ordered to pay \$200.00 in restitution and \$875.00 in attorneys' fees and direct expenses.

DISTRICT 14:

**BARBER, MARK HOUSTON: #01708050**  
**05/16/2014-PUBLIC REPRIMAND**

On May 16, 2014, **Mark Houston Barber** [#01708050], 51, of Wichita Falls, agreed to a public reprimand. The 30th District Court of Wichita County found that Barber committed Professional Misconduct by violating Rules 3.01 [A lawyer shall not bring or defend a proceeding, or assert or controvert an issue therein, unless the lawyer reasonably believes that there is a basis for doing so that is not frivolous], and 4.04(a) [In representing a client, a lawyer shall not use means that have no substantial purpose other than to embarrass, delay, or burden a third person, or use methods of obtaining evidence that violate the legal rights of such a person].

Barber was ordered to pay attorneys' fees and direct expenses in the sum of \$1,472.57.

**FARLEY, ELLEN WILBURN: #24012606**  
**01/30/2014-FULLY PROBATED SUSPENSION**  
**03/01/2014-02/28/2015**

On January 30, 2014, **Ellen Wilburn Farley** [#24012606], 65, of Lewisville, received a 12-month, fully probated suspension, effective March 1, 2014.

The District 14 Grievance Committee found that Farley failed to timely furnish to the Chief Disciplinary Counsel's office a response or other information as required by the Texas Rules of Disciplinary Procedure, and did not in good faith timely assert a privilege or other legal ground for failure to do so. Farley engaged in the practice of law when her right to practice had been administratively suspended for failure to timely pay required fees or assessments.

Farley violated Rules 8.04(a)(8), and 8.04(a)(11). She was ordered to pay \$1,337.89 in attorneys' fees.

**DALLAS ATTORNEY  
03/10/2014-PRIVATE REPRIMAND**

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

**MARSALA, DOMINICK J.: #24054063  
03/07/2014-FULLY PROBATED SUSPENSION  
03/01/2014-02/28/2015**

On March 7, 2014, **Dominick J. Marsala** [#24054063], 36, of Denton, received a one-year, fully probated suspension, effective March 1, 2014. In 2006, in representing Complainant in her personal injury matter, Marsala neglected the legal matter, and failed to keep Complainant reasonably informed about the status of her personal injury case. In addition, Marsala failed to furnish a response to the grievance to the Chief Disciplinary Counsel's office or assert any grounds for his failure to do so.

Marsala violated Rules 1.01(b)(1), 1.03(a), and 8.04(a)(8). He was ordered to pay \$1,235.22 in attorneys' fees and direct expenses.

**DALLAS ATTORNEY  
05/05/2014-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

**WILLIAMS, GREGORY LANCE: #24053550  
04/15/2014-RESIGNATION IN LIEU OF DISCIPLINE**

On April 15, 2014, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Gregory Lance Williams** [#24053550], 43, of Frisco. At the time of Williams' resignation, there were five pending matters against him alleging neglecting legal matters, failure to keep clients reasonably informed, failure to respond to reasonable requests for information from clients, failure to safe keep client's property; violating a disciplinary judgment, and also failure to respond to grievances.

Williams violated Rules 1.01(b)(1), 1.03(a), 1.14(b), 1.14(c), 8.04(a)(7), and 8.04(a)(8).

DISTRICT 15:

**SAN ANTONIO ATTORNEY  
04/08/2014-PRIVATE REPRIMAND**

**RULE 8.04(a)(8)**

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

**SAN ANTONIO ATTORNEY  
03/07/2014-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 17:

**BIAGAS, DAVID EDWARD: #02285500  
04/29/2014-FULLY PROBATED SUSPENSION  
05/01/2014-04/30/2015**

On April 29, 2014, **David Edward Biagas** [#02285500], 57, of El Paso, accepted a one-year, fully probated suspension, effective May 1, 2014. The District 17 Grievance Committee found that Biagas shared fees that were not in proportion to the services performed, failed to obtain his client's consent to share fees with another attorney, and knowingly assisted a judge in the violation of the Code of Judicial Conduct.

Biagas violated Rules 1.04(a), 1.04(f), and 8.04(a)(6) and was ordered to pay \$600.00 attorneys' fees and direct expenses.

**BIEL, JR., ALBERT A.: #02301300  
05/23/2014-FULLY PROBATED SUSPENSION  
06/02/2014-06/01/2015**

On May 23, 2014, **Albert A. Biel, Jr.** [#02301300], 63, of El Paso, accepted a one-year, fully probated suspension, effective June 2, 2014. The District 17 Grievance Committee found that Biel neglected a client's matter, failed to communicate with a client, failed to promptly render a full accounting of fees paid, and also failed to return the client's file and the unearned fees.

Biel violated Rules 1.01(b)(1), 1.03(a), 1.03(b), 1.14(b), and 1.15(d) and was ordered to pay \$2,000.00 in restitution and \$800.00 attorneys' fees and direct expenses.

**CABALLERO, THERESA: #03569625**  
**05/16/2014-FULLY PROBATED SUSPENSION**  
**06/01/2014-02/28/2015**

On May 16, 2014, **Theresa Caballero** [#03569625], 47, of El Paso, accepted a nine-month, fully probated suspension, effective June 1, 2014. The 448th District Court of El Paso County found that Caballero committed professional misconduct by violating Rule 3.04(c)(5) [In representing a client before a tribunal, a lawyer shall not engage in conduct intended to disrupt the proceedings].

Caballero violated Rule 3.04(c)(5), and was ordered to pay \$1,000.00 in attorneys' fees and direct expenses.

**GONZALEZ, SERGIO: #00784147**  
**05/21/2014-PUBLIC REPRIMAND**

On May 21, 2014, **Sergio Gonzalez** [#00784147], 49, of El Paso, accepted a public reprimand. The District 17 Grievance Committee found that Gonzalez, upon termination, failed to take steps to the extent reasonably practicable to protect his client's interests.

Gonzalez violated Rule 1.15(d) and agreed to pay \$200.00 in attorneys' fees and direct expenses.

**HERRERA, JESSE ARANDA: #00784261**  
**02/24/2014-PUBLIC REPRIMAND**

On February 24, 2014, **Jesse Aranda Herrera** [#00784261], 49, of El Paso, accepted a public reprimand. An evidentiary panel of the District 17 Grievance Committee found that Herrera failed to obtain his client's written consent to share fees with another attorney.

Herrera violated Rules 1.04(f)(2) and agreed to pay \$1,000.00 in attorneys' fees and direct expenses.

**SAN ANTONIO ATTORNEY**  
**05/22/2014-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 1.09(a)  
for representing a person in a matter adverse to a former client if it is the same or a substantially related matter;

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

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

**ROMAN, RICHARD ABRAM: #00789595**  
**03/31/2014-PUBLIC REPRIMAND**

On March 31, 2014, **Richard Abram Roman** [#00789595], 50, of El Paso, accepted a public reprimand. The District 17 Grievance Committee found that Roman failed to carry out completely the obligations owed to a client, failed to keep the client reasonably informed and, upon termination of the representation, failed to take steps to protect his client's interests.

Roman violated Rules 1.01(b)(2), 1.03(b), 1.15(d) and agreed to pay \$850.00 in attorneys' fees and direct expenses.

**BOARD OF DISCIPLINARY APPEALS:**

**AVERY, CARON DENEAN: #00789135**  
**05/07/2014-DISBARMENT**

On May 7, 2014, the Board of Disciplinary Appeals signed a Judgment of Disbarment against Sheridan, WY attorney **Caron Denean Avery**, 52, State Bar of Texas Card No. 00789135. On or about November 13, 2013, Ms. Avery pled guilty to two counts of forgery, an Intentional Crime as defined in the TEXAS RULES OF DISCIPLINARY PROCEDURE, and was sentenced to serve not less than three years and not more than five years in the Wyoming Department of Corrections, sentence suspended and she was placed on supervised probation for five years and ordered to pay restitution on the amount of \$2,921.48 in *The State of Wyoming v. Caron Denean Avery*, Case No. CR-2012-107, in the District Court of the Fourth Judicial District within and for the County of Sheridan, State of Wyoming. Her conviction is final.

**BAILEY, JOSEPH WILLIAM: #01529200**  
**05/07/2014-DISBARMENT**

On May 7, 2014, the Board of Disciplinary Appeals signed a default judgment of disbarment of Shreveport, LA attorney, **Joseph William Bailey**, 69, State Bar of Texas Card No. 01529200. Mr. Bailey was disbarred by the Supreme Court of the State of Louisiana on or about April 12, 2013 in *In Re: Joseph W. Bailey*, No. 2012-B-2536, for violating Louisiana Rules of Professional Conduct 1.5 and 1.7, 1.15, 5.3 and 8.4(c). Although cited to appear, Mr. Bailey did not appear.

**CHANDLER, DEAN GREGORY: #24071146**  
**05/07/2014-DISBARMENT**

On May 7, 2014, the Board of Disciplinary Appeals signed a default judgment of disbarment of San Marcos, CA attorney, **Dean Gregory Chandler**, 49, State Bar of Texas Card No. 24071146. Mr. Chandler was disbarred by the Supreme Court of California on or about September 11, 2013 in *In re Dean Gregory Chandler*, State Bar Court Nos. 10-O-02926; 10-O-03052; 10-O-06693; 10-O-06694; 10-O-06699; 10-O-7029; 10-O-07384; 10-O-07904; 10-O-07920; 10-O-07931; 10-O-07967; 10-O-07970; 10-O-07972; 10-O-07973; 10-O-07974; 10-O-08521; 10-O-08526; 10-O-08529; 10-O-08716; 10-O-08717; 10-O-08721; 10-O-08722; 10-O-08926; 10-O-08927; 10-O-08933; 10-O-09117; 10-O-09119; 10-O-09497; 10-O-09499; 10-O-09500; 10-O-09502; 10-O-09552; 10-O-09555; 10-O-10125; 10-O-10127; 10-O-10132; 10-O-10133; 10-O-10137; 10-O-10140; 10-O-10142; 10-O-10144; 10-O-10338; 10-O-10339; 10-O-10342; 10-O-10403; 10-O-10408; 10-O-10453; 10-O-10454; 10-O-10455; 10-O-10457; 10-O-10458; 10-O-10536; 10-O-10610; 10-O-10897; 10-O-10900; 10-O-10901; 10-O-11081; 10-O-11082; 10-O-11114; 10-O-11118; 10-O-11180; 10-O-11181; 10-O-11182; 11-O-10021; 11-O-10024; 11-O-10026; 11-O-10237; 11-O-10238; 11-O-10239; 11-O-10242; 11-O-10244; 11-O-10285; 11-O-10288; 11-O-10370; 11-O-10521; 11-O-10535; 11-O-10664; 11-O-10668; 11-O-10774; 11-O-10781; 11-O-10807; 11-O-10816; 11-O-11005; 11-O-11007; 11-O-11195; 11-O-11206; 11-O-11215; 11-O-11356; 11-O-11358; 11-O-11439; 11-O-11544; 11-O-11595; 11-O-11598; 11-O-11599; 11-O-11600; 11-O-11603; 11-O-11692; 11-O-11695; 11-O-11699; 11-O-11871; 11-O-11986; 11-O-11996; 11-O-12005; 11-O-12275; 11-O-12404; 11-O-12467; 11-O-12468; 11-O-12472; 11-O-12515; 11-O-12516; 11-O-12517; 11-O-12666; 11-O-12786; 11-O-12824; 11-O-12828; 11-O-12928) S211687, for 116 counts of violating California Rules of Professional Conduct 1-300(B) and 4-200(A) and one count of violating California Business and Professions Code sec. 6106 in 118 matters. Although cited to appear, Mr. Chandler did not answer or appear.

**GILBERT, JULIET CAROL: #177224050**  
**05/14/2014-FULLY PROBATED SUSPENSION**  
**05/14/2014-11/13/2014**

On May 14, 2014, the Board of Disciplinary Appeals signed an agreed judgment of fully probated suspension of Westminster, CO attorney, **Juliet Carol Gilbert**, 61, State Bar of Texas Card No. 17224050. Ms. Gilbert was suspended from the practice of law, stayed upon the successful completion of six months' probation by the Supreme Court of Colorado on or about October 18, 2013 in *The People of the State of Colorado, Respondent: Juliet Carol Gilbert*, Case No. 12PDJ085, for violating Colo. RPC 1.15(a), 1.15(c) and 1.5(f). Ms. Gilbert is suspended from the practice of law in Texas for three months, probated for six months, beginning May 14, 2014, and ending November 13, 2014.



**LAFUENTE, STEVEN RYAN: #24032522**  
**04/29/2014-ACTIVE SUSPENSION**  
**04/29/2014-11/30/2016**

On April 29, 2014, by agreement the Board of Disciplinary Appeals revoked the probation of Houston attorney **Steven Ryan LaFuente**, 45, State Bar of Texas Card No. 24032522 and suspended him from the practice of law for 31 months, beginning April 29, 2014, and ending November 30, 2016. In the first matter, on or about October 24, 2012, the District 6 State Bar of Texas grievance committee signed an agreed judgment of a four-year partially probated suspension against Mr. LaFuente. The judgment found that LaFuente committed professional misconduct by violating the Texas Disciplinary Rules of Professional Conduct and suspended him from the practice of law for four years with the last 24 months of the suspension, beginning December 1, 2014, and ending on November 30, 2016, probated on certain terms and conditions.

In the second matter, on or about November 5, 2012, the District 6 State Bar of Texas grievance committee signed a two-year partially probated suspension, also an agreed judgment, against Mr. LaFuente. The judgment found that LaFuente committed professional misconduct by violating the Texas Disciplinary Rules of Professional Conduct and suspended him from the practice of law for two years with the last 12 months of the suspension, beginning December 1, 2013, and ending on November 30, 2014, probated on certain terms and conditions.

The Board of Disciplinary Appeals found that LaFuente materially violated the terms and conditions of both agreed judgments of probated suspension.

**MERCIER, EUGENE X.: #13946700**  
**05/12/2014-DISBARMENT**

On May 12, 2014 the Board of Disciplinary Appeals signed a final judgment of disbarment against Corpus Christi attorney **Eugene X. Mercier**, 55, State Bar of Texas Card No. 13946700. On May 13, 2013, the Court of Appeals for the Thirteenth District of Texas issued its mandate to the 332<sup>nd</sup> District Court of Hidalgo County, Texas in Cause No. CR-3680-01-F styled, *The State of Texas v. Eugene X. Mercier* affirming Mercier's criminal felony conviction for conspiracy to commit barratry, a state jail felony, an intentional crime as defined in the TEXAS RULES OF DISCIPLINARY PROCEDURE. On November 3, 2006, the Board of Disciplinary Appeals entered an interlocutory order of suspension pending the appeal of his criminal conviction. Mercier appealed the interlocutory order of the Board to the Supreme Court of Texas. The Supreme Court affirmed the finding that Mercier was convicted of an Intentional Crime and the interlocutory suspension. *In re Mercier*, 242 S.W.3d 46, 48 (Tex. 2007) (per curiam).

**ROSENTHAL, MARC G.: #17281450**  
**04/11/2014-INTERLOCUTORY SUSPENSION**  
**04/11/2014-UNTIL FURTHER ORDERED**

On April 11, 2014, the Board of Disciplinary Appeals signed an agreed interlocutory order of suspension against Austin attorney **Marc G. Rosenthal**, 52, State Bar of Texas Card No. 17281450. On or about February 13, 2014, Mr. Rosenthal was convicted in *United States of America v. Marc Garrett Rosenthal*, Case No. 1:11CR00743-001, United States District Court for the Southern District of Texas holding session in Brownsville of One count of participating in conduct and affairs of a criminal enterprise in violation of 18 U.S.C. § 1962(d), four counts of mail fraud and aiding and abetting in violation of 18 U.S.C. §§ 1341 and 1342, one count tampering with a witness and aiding and abetting in violation of 18 U.S.C. §§ 1512(b)(1) and 2, one count of tampering with official proceeding by false affidavit in violation of 18 U.S.C. §§ 1512(c)(2) and 2, one count of tampering with official proceeding by perjured testimony in violation of 18 U.S.C. §§ 1512(c)(2) and 2, one count of extortion under color of official right and aiding and abetting in violation of 18 U.S.C. §§ 1951 and 2, and one count of honest services mail fraud and aiding and abetting in violation of 18 U.S.C. §§ 1341, 1346, and 2, Intentional Crimes as defined in the Texas Rules of Disciplinary Procedure, and sentenced to was sentenced to 240 months incarceration on each count, to run concurrently. Rosenthal has appealed his criminal conviction. The Board retains jurisdiction to enter a final judgment when the criminal appeal is final.

**TEPPER, MAX LEON: #24033377**  
**02/28/2014-PARTIALLY PROBATED SUSPENSION & DISSOLVING STAY**  
**02/28/2014-02/27/2015: SUSPENSION**  
**02/28/2015-02/28/2017: PROBATED**

On February 28, 2014, the Board of Disciplinary Appeals affirmed judgment of partially probated suspension of Dallas and Destin, Florida attorney **Max Leon Tepper**, 40, State Bar of Texas Card No. 24033377 signed by the District 6 Evidentiary Panel of the State Bar of Texas on August 8, 2012, in case no. D0020936831. The Board affirmed the finding that Tepper violated TDRPC 8.04(a)(3). (A lawyer shall not engage in conduct involving dishonesty, fraud, deceit or misrepresentation.) His sanction was stayed during his appeal. The stay is now dissolved and he is suspended from the practice of law for three years, the first year active and the remainder probated.

**VAHID-DASTJERDI, NAJMEH: #24075200**  
**05/07/2014-DISBARMENT**

On May 7, 2014, the Board of Disciplinary Appeals signed a Judgment of Disbarment against McAllen attorney **Najmeh Vahid-Dastjerdi**, 39, State Bar of Texas Card No. 24075200. On or about January 24, 2014, Ms. Vahid-Dastjerdi pled guilty to conspiracy commit healthcare fraud and conspiracy to violate the Iranian sanctions, Intentional Crimes as defined in the TEXAS RULES OF DISCIPLINARY PROCEDURE, in *United States of America v. Najmeh Vahid-Dastjerdi*, Case No. 4:11CR00030-002, in the United States District Court for the Southern District of Texas, Holding Session in Houston. She was sentenced to serve twelve months and one day in the custody of the United States Bureau of Prisons followed by supervised release for three years and ordered to pay an assessment of \$200.00, a fine of \$1,250,000.00 and restitution of \$703,524.74. Her conviction is final.