



DISCIPLINARY ACTIONS

General questions regarding attorney discipline should be directed to the Chief Disciplinary Counsel's Office, toll-free (877)953-5535 or (512)453-5535. The Board of Disciplinary Appeals may be reached at (512)475-1578. Information and copies of actual orders are available at www.txboda.org. The State Commission on Judicial Conduct may be contacted toll-free (877)228-5750 or (512)463-5533. Please note that persons disciplined by the Commission on Judicial Conduct are not necessarily licensed attorneys.

BODA ACTION

On Oct. 19, 2009, the Board of Disciplinary Appeals signed an agreed judgment of indefinite disability suspension against **Sharon Darlene Evans** [#06728040], 43, of Houston, 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. BODA cause number 45442.

RESIGNATIONS

On Aug. 13, 2009, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Thomas G.**

Richey [#16874900], 62, of Houston. At the time of Richey's resignation, there was one disciplinary matter pending against him alleging that he neglected a legal matter entrusted to him, failed to keep his client reasonably informed about the status of the client's legal matter, failed to surrender papers and property to which his client was entitled, failed to refund an advance payment of fees that had not been earned, and 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.

On Oct. 8, 2009, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Robert Allen Rogers** [#00784869], 45, of Austin. The Court found that Rogers managed the personal injury department of an Austin law firm until he was placed on indefinite leave on May 1, 2009. As part of an internal investigation, it was discovered that Rogers had created two fictitious companies, for both of which Rogers was the principal, and had been billing the firm's operating accounts and client accounts for services never actually provided by these companies.

Rogers violated Rules 1.14(b), 4.01(a), and 8.04(a)(1); (a)(2); and (a)(3).

The Court concluded that acceptance of Rogers' resignation is in the best interest of the public and the profession.

SUSPENSIONS

On Oct. 9, 2009, **Christopher Dupuy** [#24003931], 38, of League City, accepted a six-month, fully probated suspension effective Oct. 9, 2009. An evidentiary panel of the District 5 Grievance Committee found that Dupuy's professional websites contained statements that omitted facts necessary

to make the statements considered as a whole not materially misleading. Also, Dupuy's advertisement in a telephone directory did not conspicuously publish the name of at least one lawyer responsible for the content of such advertisement, and did not disclose the geographic location, by city or town, of Dupuy's principal office. Dupuy failed to file the telephone directory advertisement with the State Bar Advertising Review Committee.

Dupuy violated Rules 7.02(a)(1) and (a)(2); 7.04(b), (c), and (j); and 7.07(b). He agreed to pay \$2,500 in attorney's fees and costs.

On Sept. 17, 2009, **Victor C. Ihezukwu**, aka Victor C. Victor [#24027085], 47, of Houston, received a two-year, partially probated suspension effective Nov. 11, 2009, with the first four months to be actively served and the remainder probated. An evidentiary panel of the District 4 Grievance Committee found that Ihezukwu neglected his client's legal matter and frequently failed to carry out the obligations owed to the client. Ihezukwu failed to keep the client reasonably informed about the status of the legal matter and failed to promptly comply with reasonable requests for information from the client. Upon termination of representation, Ihezukwu failed to surrender papers and property to which the client was entitled and failed to refund advance payments of fees that had not been earned. Ihezukwu engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation. Ihezukwu failed to respond to the grievance.

Ihezukwu violated Rules 1.01(b)(1) and (b)(2), 1.03(a), 1.15(d), and 8.04(a)(3) and (a)(8). He was ordered to pay \$1,995 in attorney's fees and costs and \$1,000 in restitution.

On Sept. 14, 2009, **Christina Hoffmann Givaudan** [#09791320], 45, of Carrollton, received a two-year, partially probated suspension effective Sept. 15, 2009, with the first year actively served and the remainder probated. In repre-

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senting the complainant in an immigration matter, Givaudan neglected the legal matter. She failed to keep the complainant reasonably informed about the status of the matter, failed to promptly comply with reasonable requests for information, and failed to respond to the grievance.

Givaudan violated Rules 1.01(b)(1), 1.03(a), and 8.04(a)(8). She was ordered to pay \$4,918.31 in attorney's fees and expenses and \$925 in restitution. She was also ordered to attend an additional eight hours of CLE.

On Sept. 21, 2009, **Scott A. Young** [#22207150], 54, of Austin, received a two-year, fully probated suspension. An evidentiary panel of the District 9 Grievance Committee found that in a case involving post-conviction matters, Young neglected the legal matter, failed to keep his client reasonably informed about the status of the matter, and failed to promptly comply with reasonable requests for information.

Young violated Rules 1.01(b)(1), 1.03(a), and 8.04(a)(1). He was ordered to pay \$3,777.18 in attorney's fees and \$2,500 in restitution.

On Oct. 16, 2009, **Daniel E. Villasana** [#20585100], 49, of San Antonio, accepted a one-year, active suspension, effective Nov. 1, 2009. An evidentiary panel of the District 10 Grievance Committee found that Villasana neglected a client's representation, failed to keep his client reasonably informed, practiced law while his law license was administratively suspended, and failed to timely respond to the grievance.

Villasana violated Rules 1.01(b)(1), 1.03(a), and 8.04(a)(8) and (a)(11). He was ordered to pay \$800 in attorney's fees and expenses.

On Sept. 21, 2009, **Alice D. Morales** [#05641900], 46, of Houston, received a five-year, partially probated suspension effective Oct. 1, 2009, with the first two years to be actively served and the remainder probated. An evidentiary panel of the

District 4 Grievance Committee found that Morales entered into an arrangement for, charged, or collected an unconscionable fee from her client. Morales' representation of her client was adversely limited by her own interests. Morales failed to hold funds belonging in whole or in part to her client separate from her own funds, and upon receiving the funds in which her client had an interest, failed to promptly deliver funds that the client was entitled to receive. Morales failed to keep client funds in which both she and the client claimed an interest separate until there was an accounting and severance of their interests. Morales engaged in the practice of law when her right to practice had been administratively suspended and failed to comply with the rules governing the Texas Equal Access to Justice program.

Morales violated Rules 1.04(a); 1.06(b)(2); 1.14(a), (b), and (c); and 8.04(a)(11) and (a)(12). She was ordered to pay \$5,889 in attorney's fees and costs and \$1,155 in restitution.

REPRIMANDS

On Oct. 26, 2009, **Frank Alvarez** [#01126900], 72, of Pasadena, accepted a public reprimand. An evidentiary panel of the District 4-B Grievance Committee found that, in two matters, Alvarez failed to keep his clients reasonably informed about the status of their legal matters and, upon termination of their representation, failed to refund advance fees that had not been earned.

Alvarez violated Rules 1.03(a) and 1.15(d). He was ordered to pay \$575 in attorney's fees and \$6,900 in restitution.

PRIVATE REPRIMANDS

Listed below is the breakdown of rule violations for 65 attorneys, with the number of attorneys violating each rule in parentheses. Please note that an attorney may be reprimanded for more than one rule violation. Texas Disciplinary Rules of Professional Conduct (TDRPC): 1.01(b)(1) — neglecting a legal matter (24); 1.01(b)(2) — failing

to carry out completely the obligations owed to a client (eight); 1.02(a)(3) — failing to abide by a client's decisions in a criminal case, after consultation with the lawyer, as to a plea to be entered, whether to waive jury trial, and whether the client will testify (one); 1.03(a) — failing to keep a client reasonably informed about the status of a case (17); 1.03(b) — failing to explain a matter to the extent reasonably necessary to permit a client to make informed decisions (four); 1.04(a) — entering into an arrangement for, charging, or collecting an unreasonable fee (one); 1.06(a) — for representing opposing parties to the same litigation (one); 1.06(b)(2) — for representing a person where the representation of that person reasonably appears to be or become adversely limited by the lawyer's or law firm's responsibilities to another client or to a third

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person or by the lawyer's or law firm's own interests (one); 1.07 — a lawyer shall not act as intermediary between clients unless the lawyer consults with each client concerning the implications of the common representation, including the advantages and risks involved, and the effect on the attorney-client privileges, and obtains each client's written consent to the common representation (one); 1.09 — 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 (one); 1.09(a)(3) — for representing a person in a matter adverse to a former client if it is the same or a substantially related matter (one); 1.14(a) — failing to hold client funds in a separate trust account (four); 1.14(b) — failing to promptly notify a client of

the existence of and deliver funds or property (two); 1.15(a) — for failing to decline or withdraw from representation of a client if the representation will result in a violation of Rule 3.08, other applicable rules of professional conduct, or other law (one); 1.15(a)(1) — for failing to decline or withdraw from representation of a client if the representation will result in a violation of Rule 3.08, other applicable rules of professional conduct, or other law (one); 1.15(a)(2) — for failing to decline or withdraw from representation of a client if the lawyer's physical, mental, or psychological condition materially impairs the lawyer's fitness to represent the client (one); 1.15(d) — failing to take necessary steps to protect a client's interests upon withdrawal (eight); 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 (one); 3.03(a)(1) — making a false statement of material fact or law to a tribunal (one); 3.04(b) — a lawyer shall not unlawfully obstruct another party's access to evidence; in anticipation of a dispute unlawfully alter, destroy, or conceal a document or other material that a competent lawyer would believe has potential or actual evidentiary value; or counsel or assist another person to do any such act; falsify evidence, counsel, or assist a witness to testify falsely, or pay, offer to pay, or acquiesce in the offer or payment of compensation to a witness or other entity contingent upon the content of the testimony of the witness or the outcome of the case (one); 3.04(d) — for knowingly disobeying an obligation under the standing rules or of a ruling by a tribunal (one); 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 (one); 4.04(b)(2) — a lawyer shall not present, participate in presenting, or threaten to present civil, criminal or disciplinary charges against a complainant, a witness, or a potential witness in a bar disciplinary

proceeding solely to prevent participation by the complainant, witness, or potential witness therein (one); 5.03(a) — for failing to make reasonable efforts to ensure that the non-lawyer's conduct is compatible with the professional obligations of the lawyer (three); 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 TDRPC (two); 5.04(a) — sharing or promising to share legal fees with a non-lawyer (one); 5.05(a) — for practicing law in a jurisdiction where doing so violates the regulation of the legal profession in that jurisdiction (three); 7.01(a) — for making a false or misleading communication about the identity, qualifications, or services of the respondent (one); 7.01(e) — for advertising in the public media or seeking professional employment by written communication under a trade or fictitious name (one); 7.02(a) — for making a false or misleading communication about the qualifications of the services of any lawyer or firm (one); 7.03(a) — a lawyer shall not by in-person contact, or by regulated telephone or other electronic contact as defined in paragraph (f), seek professional employment concerning a matter arising out of a particular occurrence or event, or series of occurrences or events, from a prospective client or non-client who has not sought the lawyer's advice regarding employment or with whom the lawyer has no family or past or present attorney-client relationship when a significant motive for the lawyer's doing so is the lawyer's pecuniary gain (one); 7.04(b) — a lawyer who advertises in the public media shall publish or broadcast the name of at least one lawyer who is responsible for the content of such advertisement; not include a statement that the lawyer has been certified or designated by an organization as possessing special competence or a statement that the lawyer is a member of an organization the name of which implies that its members possess special competence; and, in the case of infomercial or compa-

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able presentation, state that the presentation is an advertisement (one); 7.04(b)(1) — a lawyer who advertises in the public media shall publish or broadcast the name of at least one lawyer who is responsible for the content of such advertisement (two); 7.04(j) — a lawyer or firm who advertises in the public media must disclose the geographic location, by city or town, of the lawyer's or firm's principal office. A lawyer or firm shall not advertise the existence of any office other than the principal office unless that other office is staffed by a lawyer at least three days a week or the advertisement states the days and times during which a lawyer will be present at that office or that meetings with lawyers will be by appointment only (three); 7.04(o)(1) — a lawyer may not advertise in the public media as part of an advertising cooperative or venture of two or more lawyers not in the same firm unless each such advertisement states that the advertisement is paid for by the cooperating lawyers (three); 7.04(o)(2) — a lawyer may not advertise in the public media as part of an advertising cooperative or venture of two or more lawyers not in the same firm unless each such advertisement names each of the cooperating lawyers (three); 7.05(b)(1) — except as provided in paragraph (e) of this Rule, a written solicitation communication to prospective clients for the purpose of obtaining professional employment shall, in the case of a non-electronically transmitted written communication, be plainly marked "Advertisement" on its first page, and on the face of the envelope or other packaging used to transmit the communication. If the written communication is in the form of a self-mailing brochure or pamphlet, the word "Advertisement" shall be in a color that contrasts sharply with the background color; and in a size of at least 3/8" vertically or three times the vertical height of the letters used in the body of such communication, whichever is larger (one); 7.06(a) for accepting or continuing employment when the lawyer knows or reasonably should know that the per-

son who seeks the lawyer's services does so as a result of conduct prohibited by these Rules (one); 7.07(a) — except as provided in paragraph (d) of this Rule, a lawyer shall file with the State Bar Advertising Review Committee, either before or concurrently with the mailing or sending of a written solicitation communication (one); 7.07(b) — except as provided in paragraph (d) of this Rule, a lawyer shall file with the State Bar Advertising Review Committee, either before or concurrently with the dissemination of an advertisement in the public media, a copy of each of the lawyer's advertisements in the public media (three); 7.07(c) — except as provided in paragraph (e) of this Rule, a lawyer shall file with the State Bar Advertising Review Committee no later than its first posting on the Internet or other comparable network of computers information concerning the lawyer's or lawyer's firm's website (two); 8.04(a)(1) — violating the TDRPC, counseling or assisting another to violate the Rules, or violating the Rules through the acts of another (eight); 8.04(a)(8) — failing to timely furnish the chief disciplinary counsel or a district grievance committee a response or other information as required by the TDRPC (six); and 8.04(a)(11) — engaging in the practice of law when the lawyer's right to practice law has been suspended (eight); and 8.05(a) — a lawyer is subject to the disciplinary authority of this state, if admitted to practice in this state or if specially admitted by a court of this state for a particular proceeding. In addition to being answerable for his or her conduct occurring in this state, any such lawyer also may be disciplined in this state for conduct occurring in another jurisdiction or resulting in lawyer discipline in another jurisdiction, if it is professional misconduct under Rule 8.04(1). ☉

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