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BODA ACTIONS

On April 2, the Board of Disciplinary Appeals dismissed for want of prosecution the appeal of **Douglas L. Haynes** [#24025417], 48, of The Woodlands, from a judgment of disbarment signed on Feb. 23, 2011, by an evidentiary panel of the District 3 Grievance Committee in Case Nos. H0050826675, H0070827182, H0070827188, H0020928345, H0030928564, and H0040928715. Haynes did not file a brief and the Board issued an order to show cause to Haynes on Nov. 10, 2011, giving him 30 days to respond and show cause as to why the appeal should not be

dismissed for want of prosecution. Haynes did not respond. BODA Cause No. 48371.

On April 2, the Board of Disciplinary Appeals dismissed for want of prosecution the appeal of **Edward Wade Garrison** [#24010559], 47, of San Antonio, from a judgment of disbarment signed on May 19, 2011, by an evidentiary panel of the District 10-2 Grievance Committee in Case Nos. S0100922638, S0100922738, S0120923061, and S0120922969. Garrison did not file a brief and the Board issued an order to show cause to Garrison on Nov. 10, 2011, giving him 30 days to respond and show cause as to why the appeal should not be dismissed for want of prosecution. Garrison did not respond. BODA Cause No. 48798.

On April 23, the Board of Disciplinary Appeals signed a judgment of suspension of **Joanne Engum** [#24007161], 44, of Watertown, Mass. Engum did not answer or appear. On Nov. 18, 2011, the Supreme Court of Louisiana issued its per curiam 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 and failed to communicate with her client, to return an unearned fee, and to cooperate with disciplinary authority. 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 until October 23. BODA Cause No. 50071.

On April 23, the Board of Disciplinary Appeals signed a final judgment of disbarment against **Daniel F. Ayers** [#00796149], 50, of Farmers Branch. On Jan. 11, Ayers pleaded 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 U.S. District Court for the Eastern District of Texas, Sherman Division. He was sentenced to 39 months in the custody of the U.S. Bureau of Prisons and after release he will be on supervised release for three years. He was also ordered to pay \$9,165,208 in restitution and an assessment of \$100. Ayers did not answer or appear. BODA Cause No. 50073.

On April 23, the Board of Disciplinary Appeals signed a final judgment of disbarment against **Manuel J. Barraza** [#01805270], 57, of El Paso. Barraza did

On April 23, the Board of Disciplinary Appeals partially affirmed and partially reversed the judgment of active suspension of **James Okoro Okorafor** [#15241710], 52, of Houston, signed on Oct. 21, 2010, by an evidentiary panel of the District 4-F Grievance Committee in Case Nos. H0060724640, H0030826302, and H0030826344. The Commission for Lawyer Discipline conceded that the evidentiary panel's finding that Okorafor violated Texas Disciplinary Rule of Professional Conduct (TDRPC) 4.01(a) was error as a matter of law. In light of that, the panel concedes that the award of attorney's fees to the State Bar of Texas was excessive. BODA rendered judgment suspending Okorafor from the practice of law from Dec. 1, 2010, until April 23, 2012, and awarding attorney's fees to the State Bar of Texas in the amount of \$1,000. BODA Cause No. 44357.

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not answer or appear. On Oct. 22, 2010, the Board of Disciplinary Appeals signed an interlocutory order suspending Barraza from the practice of law pending the appeal of his conviction. On 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 U.S. 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 No. EP-09-CR-978-FM, styled, *United States of America v. Manuel Joseph Barraza aka Manny Barraza*, in the U.S. District Court for the Western District of Texas, El Paso Division.

Barraza was sentenced to five years in prison followed by three years of supervised release and ordered to forfeit \$15,000 and to pay an assessment of \$300. Barraza appealed the conviction and on Sept. 30, 2011, the U.S. Court of Appeals for the Fifth Circuit affirmed the criminal conviction and issued its mandate. The conviction is final and Barraza is disbarred. BODA Cause No. 47270.

On April 23, the Board of Disciplinary Appeals signed a final judgment of disbarment against **Phillip Windom Offill, Jr.** [#75004273], 53, of Irving. Offill did not answer or appear. On Oct. 22, 2010, the Board of Disciplinary Appeals signed an interlocutory order suspending him from the practice of law. On 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 No. 1:09CR00134-001, styled, *United States of America v. Phillip Windom Offill Jr.*, in

the U.S. District Court for the Eastern District of Virginia, Alexandria Division. Offill was sentenced to eight years in prison followed by three years of supervised release and ordered to pay \$30,110.90 in restitution. The United States of America was granted a personal money judgment against Offill in the amount of \$4,838,986. Offill appealed the conviction and on Sept. 30, 2011, the U.S. Court of Appeals for the Fourth Circuit affirmed the criminal conviction and issued its mandate. The conviction is final and Offill is disbarred. BODA Cause No. 47265.

On April 23, the Board of Disciplinary Appeals signed a judgment suspending **Bryan P. Cartall** [#03907300], 62, of San Antonio, for the remainder of his criminal probation. On Sept. 20, 2011, Cartall was sentenced to probation for three years and participation in the Location Monitoring Program for a period of six months (home confinement) and ordered to pay a fine of \$150,000 in Cause No. 1:11CR00220-001 styled, *United States of America v. Bryan Cartall*, in the U.S. District Court for the Northern District of Ohio, Eastern, after Cartall pleaded 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. BODA Cause No. 49552.

DISBARMENTS

On March 12, **Stephen C. Brewer** [#02967010], 49, of Bedford, was disbarred. An evidentiary panel of the District 7 Grievance Committee found that in representing the complainant in a probate matter, Brewer neglected the legal matter entrusted to him. Brewer failed to keep the complainant reasonably informed about the status of her case and to promptly comply with reasonable requests for information from the complainant about her matter. Upon termination of

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DISCIPLINARY ACTIONS

representation, Brewer failed to surrender papers and property to which the complainant was entitled and to refund advance payments of fee 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 \$2,363.92 in attorney's fees and costs and \$3,500 in restitution. Brewer did not file an appeal.

On March 12, Brewer was disbarred. An evidentiary panel of the District 7 Grievance Committee found that in representing the 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 the complainant. Brewer failed to keep the complainant reasonably informed about the status of his family law matter and to promptly comply with reasonable requests for information from the complainant. Upon termination of representation, Brewer failed to surrender papers and property to which the complainant was entitled and to refund advance payments of fee 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 \$2,457.50 in attorney's fees and costs and \$3,000 in restitution. Brewer did not file an appeal.

On April 10, **Jose Santiago Solis** [#18826760], 48, of Harlingen, was disbarred. An evidentiary panel of the District 12 Grievance Committee found that Solis committed the act of aiding and abetting extortion in violation of Title 18, U.S. Code §§1961 and 1952.

Solis violated Rule 8.04(a)(2). He was ordered to pay \$1,500 in attorney's fees and direct expenses.

RESIGNATIONS

On April 6, 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 client funds in a trust account, to provide an accounting of client funds, and to promptly deliver funds that a third party was entitled to receive.

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

On Jan. 24, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **F. Benjamin Riek III** [#16906190], 59, of Richardson. 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 U.S. Equal Employment Opportunity Commission (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 from his client for representation at an administrative hearing. Riek charged \$3,000 for the representation and agreed to refund \$1,500. Riek deposited the \$4,500 into his operating account and issued the client a check for \$1,500, which was returned for nonsufficient funds. Riek then issued to his client another check for \$1,500, drawn on Riek's Ohio IOLTA account, that also had nonsufficient funds.

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

On April 6, 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) and 4.04(a) and (b).

On Feb. 15, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Anthony Paul Calisi** [#03646570], 59, of Dallas. 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 the complainant. Calisi failed to respond to requests for information on the status of the case and to provide meaningful legal services and closed his law office without providing notice or new contact information to the 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 and 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 the 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 the complainant's requests for information regarding the status of the cases and 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 the complainant.

In the fifth matter, Calisi was hired in connection with criminal matters.

Thereafter, Calisi failed to notify the complainant about a trial set for Dec. 17, 2009, as a result of which the complainant was arrested for failure to appear. Calisi failed to perform any legal services on the complainant's behalf and closed his law office without providing notice or new contact information to the client.

In addition, Calisi failed to reply in writing to the 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 in restitution.

SUSPENSIONS

On April 19, **Valorie W. Davenport** [#05419500], 56, of Houston, received a three-year, fully probated suspension effective March 1. An evidentiary panel of the District 4-F Grievance Committee found that, in connection with three clients, Davenport neglected the legal matter and failed to carry out completely the obligations owed to a client, to communicate with clients, to withdraw when a conflict of interest arose with a client, and to withdraw from the representations when Davenport became ill.

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

On April 16, **Dennis Warren Craggs** [#04975000], 67, of Houston, accepted an 18-month, fully probated suspension effective May 1. An evidentiary panel of the District 4-D Grievance Committee found that Craggs pleaded 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.

Craggs violated Rule 8.04(a)(2). He agreed to pay \$675 in attorney's fees and costs. ❖



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