

# 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](http://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.

## REINSTATEMENT

**Robin Brantley Reese, Jr.** [#16710300], 50, of Belton, has petitioned the 169th District Court of Bell County for reinstatement as a member of the State Bar of Texas.

## SUSPENSIONS

On Nov. 7, 2005, **Reo Harris, Jr.** [#09107000], 57, of Houston, received a

five-year active suspension effective Nov. 4, 2005. The District 4-B Grievance Committee found that in one matter, Harris was hired for representation in a divorce case, but neglected the case and failed to respond to his client's requests for information.

In a second matter, Harris was hired for representation in a criminal case. After his client was sentenced, Harris failed to file the requested motion for early release. He further failed to routinely communicate with his client.

In a third matter, Harris was hired to establish paternity and obtain corrected birth certificates for his client's grandsons, but failed to perform any action on behalf of his clients. The client also hired him to represent a daughter in her divorce action. Harris failed to memorialize the parties' agreement, failed to attend a hearing, and further failed to notify his client of the hearing. During the course of the representations, Harris failed to keep those involved apprised as to the status of their cases.

Harris violated Rules 1.01(b)(1) and (b)(2), 1.03(a), and 8.04(a)(3). He was ordered to pay \$5,000 in restitution, \$1,200 in attorney's fees, and \$376.35 in costs.

On Jan. 27, 2006, **Stephen A. Cihal** [#04251050], 51, of Victoria, accepted a one-year, partially probated suspension effective Feb. 1, 2006, with the first month actively served and the remainder probated. The District 11-C Grievance Committee found that Cihal neglected two personal injury cases resulting in both cases being dismissed for want of

prosecution. Following the dismissals, Cihal misrepresented the status of the cases to his clients by telling them their cases had been settled. Cihal failed to respond to the grievances.

Cihal violated Rules 1.01(a), (b)(1), and (b)(2), 1.03(a) and (b), 1.04(d), and 8.04(a)(3) and (a)(8). He was ordered to pay \$3,000 in attorney's fees and costs.

On Feb. 2, 2006, **Della Fay Perez** [#15776440], 43, of McAllen, received a one-year, fully probated suspension effective Feb. 15, 2006. The evidentiary panel of the District 12-B Grievance Committee found Perez withheld funds from the proceeds of settlement and failed to deliver the funds to the medical provider timely. Perez failed to timely submit a response to the grievance and failed to timely assert legal grounds for her failure to reply.

Perez violated Rules 1.01(b)(1) and 8.04(a)(8). She was ordered to pay \$1,500 in attorney's fees.

On Jan. 19, 2006, **Clyde W. Howard** [#10083500], 62, of Nacogdoches, received an 18-month, active suspension effective Jan. 25, 2006. The District 2-B Grievance Committee found that Howard was appointed to represent four complainants in criminal matters and failed to communicate with all four of them. Howard neglected a legal matter entrusted to him by one of the complainants by failing to make contact with the complainant prior to his court date. Respondent failed to perform any significant legal services on a second complainant's behalf. Howard failed to timely respond to all four notices of the complaints.

Howard violated Rules 1.01(b)(1) and (b)(2), 1.03(a), and 8.04(a)(8). He was ordered to pay \$3,250 in attorney's fees and \$197 in costs.

On March 9, 2006 **Gregory W. Allen** [#01033500], 58, of Houston, accepted a two-year, fully probated suspension effective March 1, 2006. The evidentiary

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panel of the District 4-D Grievance Committee found Allen, in a civil law matter, failed to hold funds and other property belonging to clients separate from his own property. The complainant retained Allen for representation in an auto accident. Allen negotiated a settlement with the insurance carrier but failed to properly deposit monies into his trust account.

Allen violated Rules 1.14(a) and (c). He was ordered to pay \$1,200 in attorney's fees.

On Feb. 6, 2006, **Benjamin E. Mbonu** [#24008601], 47, of Houston, accepted a five-year, partially probated suspension effective April 1, 2006, with the first two years actively served and the remainder probated. The 234th District Court of Harris County found, pursuant to an agreed judgment, that Mbonu engaged in conduct involving dishonesty, fraud, deceit, and misrepresentation. Mbonu was retained in an immigration matter. During the representation, Mbonu falsified immigration forms and assisted the complainant in falsifying the forms with the purpose of achieving a desired result.

Mbonu violated Rules 3.03(a)(1) and (a)(2) and 8.04(a)(3). He agreed to pay \$3,500 in attorney's fees.

On Feb. 23, 2006, **Perry Don Cortese** [#00790508], 42, of Kerrville, received a 27-month, partially probated suspension effective May 1, 2006, with the first three months actively served and the remainder probated. The District 15-C Grievance Committee found that Cortese was retained to probate the estate of his client's deceased father. Cortese failed to respond to telephone calls, failed to keep his client reasonably informed about the status of the probate case, and failed to explain the matter to the extent reasonably necessary for the client to make informed decisions regarding the representation. Cortese neglected the representation by failing to pursue the probate matter in a timely manner, failed to pro-

TECT the decedent's estate, and failed to provide a requested accounting of funds he received on behalf of the estate. Upon termination of the representation, Cortese failed to surrender papers, funds, and property to which the client was entitled.

Cortese violated Rules 1.01(b)(1) and (b)(2), 1.03(a) and (b), 1.14(b), and 1.15(d). Cortese was ordered to pay \$1,340 in restitution and \$1,500 in attorney's fees. Cortese has appealed the decision.

On Oct. 31, 2005, **Richard F. Garza** [#07737300], 46, of Dallas, received a 10-year, partially probated suspension effective Oct. 7, 2005, with the first five years actively served and the remainder probated.

The District 6-A Grievance Committee found that the complainant's law firm employed Garza from July 2, 2001, until April 3, 2003. While employed by the complainant's firm, Garza created his own letterhead that listed the complainant's firm address, phone number, and fax number. In October 2001, using this letterhead, Garza notified an insurance company that he, rather than the firm, represented a client in connection with an automobile accident. The client was the driver of the car. The other driver was at fault in the accident. Garza settled the client's claim for \$20,000. A passenger of the client during the accident also became a client of the complainant's law firm. Garza had the passenger sign a contingency fee contract with the law firm using his own letterhead, instead of with the complainant's law firm. On April 1, 2003, Garza and another attorney associated with the complainant's firm went to court to try the second client's case to a jury. That same day, prior to trial, the case settled for \$165,000. It was mutually agreed two days later that Garza would leave the complainant's law firm. The settlement check in the second client's case was issued to Garza, the complainant, and the client. On April 30, 2003, a letter was sent to Garza outlining the terms of

the final agreement reached between Garza and the complainant regarding the amount that Garza would pay the complainant from the client settlement. On April 30, 2003, Garza issued a check for the agreed amount, \$34,505.82, from a trust account set up with the address of the complainant's firm. The complainant's firm deposited the check into its operating account, but subsequently Garza put a stop payment on the check. The complainant's law firm filed an intervention in the client's case after Garza failed to honor the agreement regarding fees. Further, Garza failed to retain the disputed funds in trust as required. Further, Garza withheld funds from the settlement for a hospital lien but failed to remit the funds.

Garza violated Rules 1.14(a), (b), and

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(c) and 8.04(a)(3). Garza was ordered to pay \$74,505.82 in restitution, \$3,782.50 in attorney's fees, and \$588.35 in costs.

On March 24, 2006, Dallas attorney, **James D. Key** [#11369400], 67, of Dallas, received three-year, partially probated suspension effective April 1, 2006, with the first year actively served and the remainder probated.

The 95th District Court of Dallas County found that in his capacity as a medical doctor, Key and/or his clinic(s) provided treatment to the complainant for injuries stemming from an automobile accident on Dec. 12, 1997. On Dec. 18, 1997, the complainant employed Key's law firm, Key Law Services, to represent him in his personal injury case stemming from his accident. Specifically, the complainant signed a contingency fee contract with Key's law firm on letterhead bearing Key's name.

The complainant's case was eventually assigned to an attorney employed within his firm. The associate was a newly licensed attorney who worked under Key's supervision. At the time, Key and the associate were involved in a personal relationship without the complainant's knowledge. In light of their involvement, the associate requested that Key appear at a scheduled mediation of the complainant's case as a medical expert witness.

On July 12, 2001, the complainant's personal injury case settled for \$75,000 and on Aug. 10, 2001, the settlement check was deposited into Key Law Services' trust account, which bore the name "American Law Services L.L.C. Trust Account." Key then issued checks disbursing the complainant's settlement proceeds, including checks written to medical clinics where Key both practiced and provided medical treatment to the complainant. Although he issued the checks, Key failed to properly supervise the associate by ensuring that she provide a written accounting of the disbursements made from the settlement funds

to the complainant. Furthermore, Key was paid \$5,003 out of the settlement funds as a medical expert witness. After the representation ended, the complainant requested a copy of his file, but Key failed to respond to or ensure compliance with the complainant's request.

Key violated Rules 1.01(b)(1), 1.03(a), and 8.04(a)(8). He was ordered to pay \$3,000 in attorney's fees.

On Feb. 22, 2006, **Scott Alan Holman** [#00787710], 38, of Denton, received a two-year, fully probated suspension effective Feb. 13, 2006. The District 14-B Grievance Committee found that Holman was employed to represent the complainant in two criminal matters. After the complainant was found guilty of a felony charge, Holman was appointed by the court to handle the appeal. After this, Holman sent the complainant a copy of the appeal brief but did not communicate in any other fashion. The complainant repeatedly attempted to contact Holman to learn the status of his case; however, Holman failed to respond. On July 30, 2003, the complainant was informed, during an immigration hearing, that his appeal had been denied in March 2003. Since then, the complainant wrote Holman requesting the complainant's file but Holman did not respond.

Holman violated Rules 1.03(a), 1.14(a), and 1.15(d). He was ordered to pay \$1,497.50 in attorney's fees and \$336.37 in costs.

#### PUBLIC REPRIMANDS

On Feb. 23, 2006, **Gary J. Cohen** [#04508300], 57, of Austin, accepted a public reprimand. The evidentiary panel of the District 9-A Grievance Committee found that in representing a client's son before the prison parole board review, Cohen neglected a legal matter entrusted to the lawyer.

Cohen violated Rule 1.01(b)(1). He was ordered to pay \$720 in attorney's fees.

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On March 1, 2006, **Carol Myers** [#14758480], 58, of Houston, accepted a public reprimand. The District 4-A Grievance Committee found that Myers was retained to handle a family law matter. Upon termination of her representation, Myers failed to return the client file and did not obtain the required court permission prior to her withdrawal.

Myers violated Rule 1.15(d). She was ordered to pay \$650 in attorney's fees.

On March 7, 2006, **Lee S. Burns** [#03454000], 77, of Houston, accepted a public reprimand. Pursuant to an agreed judgment, the evidentiary panel of the District 4-C Grievance Committee found that Burns represented three different clients in a mass tort action related to the release of noxious gas. Burns failed to properly communicate with these three clients regarding discovery and settlement proposals in the matter.

Burns violated Rule 1.03(a). Burns agreed to pay \$2,460 in attorney's fees.

On Feb. 15, 2006, **Raymond S. Rutherford** [#17452500], 62, of Houston, accepted a public reprimand. The 164th District Court of Harris County found, pursuant to an agreed judgment, that Rutherford, knowing that the municipal court was under a mistaken impression regarding the identity of his client, failed to disclose the true identity of his client in a timely manner.

Rutherford violated Rule 3.03(b). He agreed to pay \$1,000 in attorney's fees.

On Feb. 14, 2006, **Robert N. Ray** [#16606500], 61, of San Antonio, received a public reprimand. The District 10-B Grievance Committee found that Ray was hired to recover a rental security deposit. After obtaining a default judgment, Ray neglected the matter by failing to pursue collection efforts. Ray failed to advise his client that he would not proceed with additional collection efforts and had failed to file a

claim in the probate matter following the death of the defendant. Ray entered into a contingent fee arrangement but failed to obtain a written fee contract.

Ray violated Rules 1.01(a)(1), 1.03(a) and (b), and 1.04(d). He was ordered to pay \$2,397.50 in attorney's fees and costs.

On Feb. 15, 2006, **Muakum J. Sherman** [#00795055], 51, of Houston, received a public reprimand. The District 4-B Grievance Committee found that Sherman was hired for representation in a divorce case, but failed to verify independently all crucial dates related to the case. As a result, Sherman failed to appear at mediation and failed to appear at trial. After a default judgment was entered against his client, Sherman failed to file a motion for new trial or any other motion to protect his client's interests.

Sherman violated Rules 1.01(b)(1) and (b)(2). He was ordered to pay \$150 in restitution, \$2,850 in attorney's fees, and \$250 in costs.

On March 15, 2006, **Stephen Geis** [#07793300], 54, of Fort Worth, received an agreed judgment of public reprimand. The District 7-A Grievance Committee found that the complainant and his wife hired Geis to represent them in real estate matters involving their home and the status of their mortgage. Geis failed to promptly comply with a reasonable request for information by failing to provide an itemization of fees earned as requested by the complainant and his wife.

Geis violated Rule 1.03(a). He was ordered to pay \$750 in attorney's fees.