

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.

DISMISSAL

On Oct. 20, 2006, a three-judge panel ordered the State Commission on Judicial Conduct to dismiss its public admonition of **Nathan Hecht** [#00000002], 57, Supreme Court of Texas, Austin, Travis County.

DISBARMENTS

On June 27, 2006, **Kenneth R.**

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Holzman [#24013920], 41, of El Paso, was disbarred. The District 17-A Grievance Committee found that in one matter, the client hired Holzman to file a lawsuit against a business establishment for negligently releasing his credit card and driver's license to another. Holzman failed to file the lawsuit. Thereafter, Holzman misrepresented the status of the case to the client, failed to perform any meaningful legal services, and failed to reply to the client's requests for information about the matter.

In a second matter, the client hired Holzman to represent her in two civil suits. Holzman allowed the cases to be dismissed for want of prosecution, failed to advise his client of the dismissal, and failed to respond to the client's requests for information.

In a third matter, Holzman failed to prosecute a legal matter entrusted to him and failed to respond to the reasonable requests from the client about the status of his case. Holzman relocated his office and failed to notify his client of his new phone number. In all three matters, Holzman failed to respond to the grievances.

Holzman violated Rules 1.01(b)(1) and (b)(2), 1.03(a) and (b), and 8.04(a)(8). He was ordered to pay \$3,100 in attorney's fees, \$1,706 in costs, and \$8,250 in restitution.

On Aug. 25, 2006, **Robert B. Malcolm** [#12854500], 55, of Horseshoe Bay, was disbarred. An evidentiary panel of the District 15-B Grievance Committee found that Mal-

colm failed to inform his client about court appearance dates resulting in the client's arrest, failed to appear for two court settings, failed to provide the client with working telephone numbers, and abandoned the representation. During the course of his representation, Malcolm was arrested and charged with a felony pending in the same court as his client's case. Malcolm failed to withdraw from the representation when his personal circumstances materially impaired his fitness to represent the client. Malcolm failed to respond to the grievance.

Malcolm violated Rules 1.01(b)(1) and (b)(2), 1.03(a) and (b), 1.15(a)(2), and 8.04(a)(8). He was ordered to pay \$2,500 in restitution and \$1,337.55 in attorney's fees and costs.

RESIGNATIONS

On Sept. 6, 2006, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Mary L.C. Sinderson** [#18432000], 70, of Houston. At the time of Sinderson's resignation, there were two pending grievance matters. In the first matter, Sinderson was retained to represent her client in a discrimination complaint. After final disposition of the case, Sinderson agreed to represent her client on appeal. Sinderson filed a notice of appeal on behalf of her client; however, she failed to file a brief in support within 30 days. Sinderson failed to advise her client that she had not filed the brief. Sinderson then withdrew from the representation of her client without proper notice to her

client or to the Equal Employment Opportunity Commission. Additionally, Sinderson was administratively suspended from the practice of law while representing her client.

In a second matter, Sinderson was retained to represent her client in a discrimination case. Again, Sinderson agreed to file an appeal should the client not prevail in her case. In September 2003, a final order dismissing the case was issued. Upon receipt of the order, Sinderson had 30 days to file an appeal, which she failed to do. Sinderson also failed to return her client's calls regarding the appeal deadline.

Sinderson violated Rules 1.01(b)(1) and (b)(2), 1.03(a) and (b), 1.15(d), and 8.04(a)(1), (a)(8), and (a)(11).

On Aug. 23, 2006, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Stephen Connell Ashley** [#01381500], 45, of Odessa. The court found that on Aug. 11, 2005, Ashley pled guilty to making and subscribing a false tax return in violation of 26 U.S.C. §7206(1) and conspiracy to defraud the United States by impeding and impairing the Internal Revenue Service in violation of 18 U.S.C. §371, in case number MO-05-CR-162 (01) RAJ, styled *United States of America v. Stephen C. Ashley*, in the U.S. District Court for the Western District of Texas.

As a result of such plea to an intentional and serious crime as defined in Rules 1.06(O) and 1.06(U), Texas Rules of Disciplinary Procedure, Ashley would be subject to compulsory discipline under Part VIII of the Rules.

On Sept. 22, 2006, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Joseph A. Cheffo** [#24012418], 39, of Corpus Christi. At the time of Cheffo's resignation, there was a district court dis-

iplinary action with four complainants and an evidentiary disciplinary proceeding pending.

In the first district court matter, it was alleged Cheffo neglected a criminal representation by failing to prepare and appear for hearings. Cheffo failed to communicate with his client and failed to return the client's telephone calls. Cheffo misrepresented facts to the Chief Disciplinary Counsel and violated advertising rules with a written solicitation to the client.

In a second district court matter, it was alleged Cheffo failed to communicate with his client and failed to return the client's telephone calls. Cheffo, after being terminated, failed to return unearned fees. Cheffo violated advertising rules with a written solicitation to the client.

In a third district court matter, it was alleged Cheffo neglected the criminal representation by failing to file an answer to a forfeiture petition which resulted in a default judgment against his client.

In a fourth district court matter, it was alleged Cheffo agreed to act as surety on the clients' bail bonds and accepted money for the bail bonds as well as for attorney's fees. Cheffo misrepresented his financial solvency and ability to meet the minimum requirements for writing surety bail bonds for his clients and later failed to advise his clients that a motion to determine the sufficiency of their bond had been filed by the state and set for hearing. The court found Cheffo did not have sufficient surety, and one client's bond was revoked and a warrant was issued for his arrest.

In the first evidentiary matter, it was alleged Cheffo failed to properly supervise his non-lawyer assistants by permitting the assistants to make misrepresentations to the client about the status of the case by falsely claiming the client's divorce petition had been

filed and falsely claiming to be waiting for service of citation on the client's spouse. Cheffo failed to return telephone calls, failed to pursue the representation, and failed to return the unearned fee upon termination.

In a second evidentiary matter, it was alleged Cheffo failed to notify his client of the final divorce and custody hearing resulting in a default judgment being granted against his client.

In a third evidentiary matter, it was alleged Cheffo was hired by 19 clients for Chapter 13 bankruptcies and by 77 clients for Chapter 7 bankruptcies. The clients paid Cheffo the filing fees in advance totaling \$18,239. Cheffo failed to deposit the filing fees into his trust account. Cheffo electronically

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filed the 96 bankruptcy petitions but failed to pay filing fees.

Cheffo was alleged to have violated Rules 1.01(b)(1), 1.03(a) and (b), 1.14(a), 1.15(d), 3.03(a)(1), 5.03(a) and (b)(1), 7.02(a), 7.07(a), and 8.04(a)(2) and (a)(3); Cheffo resigned before findings were made on the allegations.

On Aug. 16, 2006, Cheffo received a 12-month active suspension effective Sept. 1, 2006. An evidentiary panel of the District 11-A Grievance Committee found that Cheffo neglected a bankruptcy case, failed to file required documents resulting in the dismissal of the case, misrepresented to the bankruptcy court that the required documents would be filed by a date certain and failed to file the documents, and

failed to appear at the hearing on the trustee's motion to dismiss. After the dismissal, Cheffo again failed to file required documents and failed to appear at the reinstatement hearing. Cheffo failed to communicate with his clients, failed to properly supervise his non-lawyer staff members, permitted his non-lawyer staff members to make misrepresentations to the clients about the status of their bankruptcy case, and failed to refund unearned fees.

In a second matter, Cheffo neglected a divorce case by failing to prepare or file a petition, permitted his non-lawyer staff to neglect the divorce case and misstate to the client that the delay with the divorce was due to difficulty obtaining service when no petition had been filed, and failed to return the client's file and unearned fees upon termination.

Cheffo violated Rules 1.01(b)(1) and (b)(2), 1.03(a) and (b), 1.15(d), 5.03(a) and (b)(1), and 8.04(a)(3). He was ordered to pay \$1,994 in restitution in the first case, \$200 in restitution in the second case, and \$3,319.70 in attorney's fees and expenses.

PUBLIC REPRIMANDS

On Sept. 19, 2006, **James A. Skrobarcek** [#18475550], 56, of Corpus Christi, accepted a public reprimand. The 117th District Court of Nueces County found that Skrobarcek violated the terms of a prior disciplinary judgment.

Skrobarcek violated Rule 8.04(a)(7). He was ordered to pay \$750 in attorney's fees and costs.

On Sept. 5, 2006, **Major Ginsberg** [#07968000], 68, of Dallas, accepted a public reprimand from the 192nd District Court. In the four complaints that were filed against him, Ginsberg was hired to handle personal injury cases. In all four, he failed to supervise a non-lawyer employee. In one of the

cases, he did not respond to the client's requests for information.

Ginsberg violated Rules 1.03(a) and 5.03(a) and (b)(1). He was ordered to pay \$2,200 in attorney's fees.

On Sept. 21, 2006, **Alberto R. Huerta** [#10177500], 62, of Corpus Christi, accepted a public reprimand. The District 11-A Grievance Committee found that Huerta's non-lawyer employee, over whom he had direct supervisory authority, unlawfully solicited representation in a wrongful death case. During the representation, Huerta provided his clients with prohibited financial assistance.

Huerta violated Rules 1.08(d)(1) and 5.03(a) and (b)(1).

On Sept. 15, 2006, **Marcus D. Norman** [#24007759], 36, of McKinney, accepted a public reprimand from the 298th District Court. On Feb. 19, 2001, the complainant hired Norman to represent him in a personal injury matter on a contingency fee basis. According to their employment agreement, the complainant's medical expenses were to be paid from any future settlement of the complainant's personal injury claim. On May 16, 2002, the complainant's matter settled in the amount of \$3,750. Norman subsequently provided the complainant with a settlement disbursement sheet which included the amounts Norman anticipated paying to the complainant's medical providers on his behalf. The complainant thereafter began receiving telephone calls from various medical providers regarding the non-payment of his medical bills. The complainant later discovered that Norman had failed to pay the medical providers on the complainant's behalf.

Norman violated Rule 1.14(b). He was ordered to pay \$1,112.50 in costs and attorney's fees.

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SUSPENSIONS

On Sept. 22, 2006, **Terry L. Marsaw** [#00786085], 51, of Dallas, received an 18-month partially probated suspension effective Nov. 1, 2006, with the first 13 months actively served and the remainder probated. The District 6-A Grievance Committee found that in one matter, the complainant hired Marsaw on June 5, 2005, to represent him in a traffic ticket that had been issued in Denton County for speeding. The complainant paid Marsaw \$75 for the representation. Thereafter, Marsaw failed to appear at a hearing, resulting in a warrant being issued for the complainant's arrest.

In a second matter, on July 18, 2005, Marsaw asked a judge to change a defendant's cash bond to an attorney-surety bond relating to a motion to revoke probation. The judge informed Marsaw that he would make the change on the condition that Marsaw represent the defendant until the probation matter was completed. On Aug. 10, 2005, Marsaw filed an affidavit to be released from that bond. Despite receiving notice, Marsaw failed to appear for the defendant's hearing on Aug. 11, 2005. The case was reset for 9 a.m. on Sept. 13, 2005, but Marsaw failed to appear. Marsaw finally arrived that afternoon and was advised that the hearing was reset for Oct. 18, 2005. Respondent again failed to appear, and the judge appointed a public defender to represent the defendant.

Marsaw violated Rule 1.01(b)(1). He was ordered to pay \$1,200 in attorney's fees and costs.

On Sept. 6, 2006, **Jakobus R. Jordaan** [#11004500], 45, of Cedar Hill, accepted a two-year fully probated suspension effective Sept. 1, 2006. An evidentiary panel of the District 6-A Grievance Committee found that on

Oct. 29, 2002, the complainant hired Jordaan to represent him in an NASD arbitration against Merrill Lynch. Jordaan failed to inform the complainant of the final hearing and failed to appear. Jordaan failed to inform the complainant about the final award and failed to file a motion to vacate. Jordaan failed to respond to the complainant's numerous requests for information, failed to sufficiently explain the matter, and failed to comply with the complainant's request to reopen the arbitration proceedings.

Jordaan violated Rules 1.01(b)(1) and (b)(2), 1.02(a)(1), and 1.03(a) and (b). He was ordered to pay \$2,400 in restitution and \$2,300 in attorney's fees.

On Sept. 13, 2006, **Susan C. Norman** [#15083020], 59, of Houston, accepted a one-year fully probated suspension effective Sept. 15, 2006. The District 4-F Grievance Committee found that Norman was hired for representation related to a personal injury matter. During the course of the representation, Norman and her client entered into a business transaction; however, Norman failed to obtain her client's written consent to the business transaction as Norman was the only signatory on the agreement.

Norman violated Rule 1.08(a). She agreed to pay \$2,000 in attorney's fees.

On April 6, 2006, **Hylon L. Adams** [#00860400], 69, of San Antonio, accepted a four-year partially probated suspension effective March 27, 2006, with the first year actively served and the remained probated. The 285th District Court of Bexar County found that Adams failed to safeguard client property, misrepresented material facts, and violated the terms of a previous disciplinary judgment.

Adams violated Rules 1.14(a), (b), and (c), 8.01(a) and (b), and 8.04(a)(7). He was ordered to pay

\$2,000 in attorney's fees and costs and \$1,650 in restitution.

JUDICIAL ACTIONS

On Aug. 31, 2006, the State Commission on Judicial Conduct issued a public reprimand to **Tiffany L. Lewis** [#00795081], 38, former municipal court judge for the City of Dallas, Dallas County. The commission found that by failing to obtain her judicial education requirements in fiscal year 2005, Lewis failed to maintain professional competence in the law, in violation of Canon 3B(2) of the Texas Code of Judicial Conduct. Such failure on the part of Lewis constituted willful or persistent conduct that is clearly inconsistent with proper performance

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of her duties or casts public discredit upon the judiciary or administration of justice, in violation of Article V, §1-a(6)A of the Texas Constitution.

On Aug. 31, 2006, the State Commission on Judicial Conduct issued a public reprimand to **Don Windle** [#21759600], 58, judge of the County Probate Court in Denton, Denton County. The commission found that through his efforts to assist his wife's company, Guardianship Services, Inc., obtain an exclusive contract with Denton County to provide services to the Denton County Probate Court, which efforts included a letter of recommendation from the Denton County Probate Court, and through the numerous

court appointments given to a friend and business partner who owed him money, Windle lent the prestige of judicial office to advance his own private interests and the private interests of his wife and his friend, and conveyed the impression that his wife and his friend were in special positions to influence him, in violation of Canon 2B of the Texas Code of Judicial Conduct. Furthermore, Windle's business relationships with his wife and his friend reflected adversely on the judge's impartiality and involved the judge in frequent transactions with persons likely to come before the court, in violation of Canon 4D(1) of the Texas Code of Judicial Conduct. As a result of the judge's actions, the

Dallas Morning News published an article raising serious questions about the judge's impartiality, integrity, and independence and casting public discredit upon the judiciary and administration of justice in Denton County. In reaching this conclusion, the commission notes that Windle provided false and misleading information to the commission in his sworn written responses to the commission's initial inquiry. Windle's lack of candor to the commission proved to be an aggravating factor in reaching a final decision in this case.

On Sept. 13, 2006, the State Commission on Judicial Conduct accepted a voluntary agreement to resign from judicial office, in lieu of disciplinary action, from **Michael L. Glover** [#00787551], 44, municipal court judge, Brookshire, Waller County.

On Sept. 29, 2006, the State Commission on Judicial Conduct issued a public warning and order of additional education to **Leonardo Santoya**, justice of the peace, Precinct 1, Eagle Pass, Maverick County. The commission found that Santoya failed to comply with the law and demonstrated a lack of professional competence in the law by proceeding to trial in a criminal case in the absence of a prosecutor, by finding the defendant guilty when no *prima facie* proof was presented to the court by a prosecutor, by failing to advise the defendant of her basic constitutional rights, and by failing to reduce the judgment of conviction to writing. The commission further concluded that Santoya demonstrated a lack of understanding of the differences between civil and criminal proceedings. Santoya's actions in this matter constituted willful violations of Canons 2A and 3B(2) of the Texas Code of Judicial Conduct.



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