



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.

JUDICIAL ACTIONS

On May 5, the State Commission on Judicial Conduct issued a public admonition to **Gary Geick**, justice of the peace, Precinct 1, Rosenberg, Fort Bend County. The Commission found that Geick failed to comply with the law and demonstrated a lack of professional competence in the law by engaging in a 20-year-long practice of refusing to accept eviction filings from landlords for part of the month of December. Although Judge Geick may have had good intentions for

creating this policy, the Commission found no statutory or other legal authority that would allow a judge to simply refuse to accept cases for filing over which his court has jurisdiction and venue. Moreover, such a policy is unwarranted given that the law provides several options that Geick could utilize when he is absent from the court for extended periods of time, such as requesting that the county appoint a qualified temporary justice to hear the judge's cases in his absence or arranging to transfer cases to another justice court or to have another justice in his precinct or county preside over hearings in his court. Public confidence in the independence, impartiality, and integrity of the judiciary demands that every judge uphold the laws of the state. Allowing public clamor or a fear of criticism to influence, or appear to influence, a judge to adopt or enforce a policy or practice that is not otherwise sanctioned by law undermines the public's trust and confidence in the judiciary.

Geick violated Canons 2A and 3B(1) and (2).

the attorney's height, commenting to the effect that he had intended to slap her on her back, but her "ass" was at hand level. The Commission concluded that Judge Miner's undignified and offensive behavior at the party brought public discredit upon the judiciary. Judge Miner stated that he did not believe the attorney would be offended when he touched her buttocks in front of their colleagues and other guests attending the party. Despite the attorney's later protestations that she was not offended by the judge's conduct, those individuals who witnessed the intimate contact between a judicial officer and a female attorney who regularly practices before his court found the conduct to be embarrassing and improper, and discussed the unpleasant incident with other members of the legal community in the days and weeks following the party.

Judge Miner violated Article V, §1-a(6)A of the Texas Constitution. Judge Miner must complete an eight-hour course covering the topics of gender sensitivity and sexual harassment, which shall be approved in advance by the Commission. Such instruction shall be in addition to the judge's required judicial education for the fiscal year. Judge Miner is hereby directed to complete the additional education recited above within 120 days from the date of the order. It is Judge Miner's responsibility to schedule and complete the additional education, at his own expense, and to provide proof of completion, along with the Respondent Judge Survey, to the Commission within 10 days following the conclusion of the training. Failure to complete the required additional education in a timely manner may result in further Commission action.

On May 14, the State Commission on Judicial Conduct issued a public warning and order of additional education to Judge **Hal Miner** [#14176500], 62, of the 47th Judicial District Court, Amarillo, Potter County. The Commission found that on Dec. 14, 2006, Judge Miner attended a Christmas party hosted by a local law firm. According to at least two witnesses, soon after arriving at the party, Judge Miner approached a female attorney and slapped her buttocks. The judge approached the attorney a second time, where his hand made contact with her buttocks again. According to one of the witnesses, the judge also joked about

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can attorney from Dallas, appeared in Judge Keis' court with his clients, who were the plaintiffs in a personal injury action being defended by an insurance company. After Witherspoon approached the bench and introduced himself, Judge Keis inquired as to the correct pronunciation and origin of Witherspoon's first name. Witherspoon advised the judge that his first name was of African origin, but that he was from Georgia. This information caused Judge Keis to attempt to engage Witherspoon in a conversation about the transportation of enslaved Africans to the Americas in what is referred to as the "Middle Passage." Judge Keis also explained the theory held by some that the Middle Passage experience had the effect of causing the death of Africans unable to cope with the hardships of the voyage and leaving only the stronger, more capable Africans surviving, the resulting effect being the athletic superiority of many of today's African-Americans. Witherspoon did not engage in the Judge's discussion of the Middle Passage or any other subject.

Following his failed attempt to engage Witherspoon in a conversation about slavery, Judge Keis proceeded to review photographs of the automobile involved in the case, observing that there appeared to be very little physical damage to the plaintiffs' vehicle. Judge Keis inquired about the injuries suffered by one plaintiff and learned that there appeared to be no objective medical evidence of injury, meaning that the injury was what is commonly referred to as a "soft tissue" injury (such injuries are called motor vehicle incident soft tissue injuries, or MIST). Learning of the amount of money being offered to the plaintiff by the insurance company, Judge Keis told Witherspoon that he considered the offer to be very good in light of the lack of damage to the automobile and the type of injury suffered by one plaintiff. Thereafter, the parties entered into settlement negotiations. When the negotiations appeared to be at an impasse, Judge Keis delivered what he

refers to as his standard "MIST" talk. According to Judge Keis, the MIST talk is an explanation to litigants of the risks associated with submitting MIST cases to a jury in Tarrant County. As part of the MIST talk, Judge Keis explained to Witherspoon and his clients the relative effectiveness of verbal, visual, and documentary evidence in jury trials and the history of awards by Tarrant County juries in cases similar to theirs. Judge Keis went on to explain that he was a Republican, and that juries in Tarrant County are predominantly made up of Republicans. Using a gambling analogy relating to the spin of a roulette wheel, Judge Keis concluded his MIST talk by telling the plaintiffs that if they wanted to "bet on black," they could proceed to trial. Neither the attorney for the insurance company nor Witherspoon requested that Judge Keis give the MIST talk. After Judge Keis' failed attempt to engage Witherspoon in a discussion about slavery and the Middle Passage and his MIST talk, the plaintiffs opted to settle with the insurance company rather than go to trial.

The Commission concluded that Judge Keis made an inartful and insensitive attempt to engage Witherspoon in a discussion about slavery, the Middle Passage, and the possible effect of that event on today's African-Americans. Because the incident did receive widespread media attention, some members of the public reached the conclusion, perhaps mistaken, that the judge harbored a bias or prejudice against Witherspoon on the basis of the attorney's race. Although Judge Keis insists that he did not intend his comments to be racially insensitive or offensive, his remarks were inappropriate in the setting in which they occurred and could easily be misinterpreted by anyone unfamiliar with the judge.

The Commission notes that many members of the Tarrant County legal community have come out in support of Judge Keis and his use of the MIST talk as an admirable way to encourage both parties to engage in meaningful settle-

ment discussions. While the MIST talk may be an effective case management tool, the Commission finds that the judge's unsolicited discussion of the facts, evidence, and apparent value of the plaintiffs' case in an effort to "encourage settlement" created, in the minds of the plaintiffs, an atmosphere that was coercive and intimidating. Moreover, by injecting both race and politics into the case, Judge Keis created a legitimate concern in the minds of the plaintiffs and their attorney about the impartiality of the court regarding the merits of their case. When taken together, the MIST talk and the judge's earlier remarks to Witherspoon had a chilling effect on the efforts of Witherspoon and his clients to have their case determined on its own merits. In the end, regardless of the perceived strengths or weaknesses of the

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plaintiffs' case, Witherspoon and his clients were entitled to an impartial judge and Judge Keis had a duty to afford them "the right to be heard according to law."

Judge Keis violated Canons 3B(5), (B)(6), and 3B(8) as well as Article V, §1-a(6)A of the Texas Constitution. Judge Keis must complete an eight-hour course covering the topics of racial sensitivity and diversity, including the perceptions of litigants and their counsel regarding comments made by, and with, the apparent authority of a trial judge. Such course shall be approved in advance by the Commission and shall be in addition to the judge's required judicial education for the fiscal year. Judge Keis is hereby directed to complete the additional education recited above within 120 days from the date of the order. It is Judge

Keis' responsibility to schedule and complete the additional education, at his own expense, and to provide proof of completion, along with the Respondent Judge Survey, to the Commission within 10 days following the conclusion of the training. Failure to complete the required additional education in a timely manner may result in further Commission action.

DISBARMENTS

On April 9, **Michael W. Sandel** [#17576300], 56, of Houston, was disbarred. An evidentiary panel of the District 4-F Grievance Committee found that in one matter, although hired to represent his client in a divorce action, Sandel failed to file for the divorce or perform any work on the case and failed to respond to his client's repeated efforts to contact him.

In a second matter, Sandel was hired to represent his client in a personal injury case. After initiating the suit, Sandel failed to perform any work on the case and failed to respond to the client's requests for information. Sandel failed to return the client's file when requested. The case was ultimately dismissed for want of prosecution.

Sandel's law license was administratively suspended during both matters. Sandel failed to furnish responses to the Chief Disciplinary Counsel's office on both counts.

Sandel violated Rules 1.01(b)(1), 1.03(a), 1.15(d), and 8.04(a)(8) and (a)(11). He was ordered to pay \$1,893.15 in attorney's fees and costs and \$1,000 in restitution to his client in the first matter.

On April 22, **Booker T. Morris** [#14507500], 54, of Pearland, was disbarred. An evidentiary panel of the District 5-C Grievance Committee found that in the first of three matters, Morris was retained to modify his client's child custody agreement. Morris failed to perform any work on his client's case and failed to maintain any communication with his client.

In the second matter, Morris was retained to represent his client in an employment matter. Morris failed to perform any work on his client's case and failed to maintain any communication with his client.

In the third matter, Morris was retained to represent his client regarding a real estate matter. After initiating the suit, Morris failed to advise his client of a court order and his client's pleadings were subsequently struck and the case was dismissed. Morris failed to respond to the client's requests for information. Morris' law license was administratively suspended during a portion of his representation of his client in this matter. Morris failed to furnish responses to the Chief Disciplinary Counsel's office on all three counts.

Morris violated Rules 1.01(b)(1), 1.03(a), and 8.04(a)(8) and (a)(11). He was ordered to pay \$1,915.65 in attorney's fees and costs and \$3,000 in restitution.

RESIGNATIONS

On April 1, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Joseph C. Rodriguez** [#17146700], 56, of Hondo. At the time of Rodriguez's resignation, there were four disciplinary matters pending against him. In the first matter, it was alleged Rodriguez misappropriated settlement funds, failed to have a written contingent fee agreement, and failed to communicate with his client.

In the second matter, it was alleged Rodriguez closed his office without providing his client with a forwarding address or telephone number, failed to communicate with his client, and failed to respond to the grievance.

In the third matter, it was alleged Rodriguez misappropriated settlement funds, failed to communicate with his client, and failed to respond to the grievance.

In the fourth matter, it was alleged Rodriguez neglected the representation, failed to communicate with his client, practiced law while his law license was

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suspended, failed to return unearned fees, and made a false statement of material fact in connection with the disciplinary matter.

Rodriguez violated Rules 1.01(b)(1) and (b)(2); 1.03(a) and (b); 1.04(d); 1.14(a), (b), and (c); 1.15(d); and 8.04(a)(3), (a)(8), and (a)(11).

On May 13, **David M. McCoy** [#13469400], 64, of Childress, resigned, in lieu of discipline, after he was indicted for abuse of official capacity. McCoy was ordered to pay \$20,000 in restitution.

SUSPENSIONS

On April 7, **Arthur C. Washington** [#20897157], 45, of Houston, accepted a nine-month, fully probated suspension effective May 1. An evidentiary panel of the District 4-B Grievance Committee found that Washington failed to file a bankruptcy petition for his client before the effective date of new bankruptcy provisions, as instructed by his client, and failed to communicate with his client regarding the case.

Washington violated Rules 1.01(b)(1) and 1.03(a). He agreed to pay \$1,800 in attorney's fees and costs and \$1,250 in restitution.

On April 1, **James W. Myart, Jr.** [#14755950], 53, of San Antonio, accepted a three-year, partially probated suspension effective May 1, with the first six months actively served and the remainder probated. The District 10-C Grievance Committee found that Myart unreasonably increased the costs and burdens of litigation by filing a fraudulent notice of removal in state court, failed to notify the clients of the trial setting, failed to attend the trial, failed to timely notify the clients of a pending foreclosure on their home, failed to explain to his clients the applicable laws to the extent reasonably necessary for the clients to make informed decisions, failed to keep separate and account to the clients for the attorney's fees paid, and failed to refund unearned fees.

In a separate representation, Myart attended a coroner's inquest in Nevada. Myart was not licensed to practice law in Nevada and had not been admitted to practice *pro hac vice*. Myart engaged in conduct that constitutes the practice of law during the inquest and engaged in disruptive conduct during the proceedings.

Myart violated Rules 1.01(b)(1) and (b)(2), 1.03(a) and (b), 1.14(b), 1.15(d), 3.02, 3.03(a)(1), 3.04(c)(5), 5.05(a), and 8.04(a)(3) and (a)(8). He was ordered to pay \$1,500 in attorney's fees and expenses and \$2,000 in restitution.

On April 9, **Jeremy Clyde Nutt** [#00793010], 45, of Fort Worth, received a four-year, active suspension effective April 3. An evidentiary panel of the District 7-A Grievance Committee found that on Feb. 24, 2006, the complainant hired Nutt to file a petition for guardianship in Tyler County on behalf of his 76-year-old friend. Thereafter, Nutt neglected the matter and failed to keep the complainant reasonably informed regarding the status of the case.

On Aug. 8, 2006, Nutt was administratively suspended from the practice of law due to nonpayment of Texas Guaranteed Student Loans. He represented the complainant while he was administratively suspended. The complainant subsequently terminated Nutt's representation and requested a refund of his retainer. Thereafter, Nutt failed to refund any unearned portion of the fee.

On April 9, 2007, Nutt received notice and a copy of the complaint. Nutt was requested to respond in writing to the complaint within 30 days of receipt, but failed to do so and asserted no grounds for such failure.

Nutt violated Rules 1.01(b)(1), 1.03(a), 1.15(d), and 8.04(a)(8) and (a)(11). He was ordered to pay \$1,834.01 in attorney's fees and \$1,500 in restitution.

On Nov. 7, 2007, **Gene R. Rosas** [#17244250], 44, of San Antonio, received a five-year, partially probated

suspension effective Nov. 1, 2007, with the first six months actively served and the remainder probated. The District 10-B Grievance Committee found Rosas violated a bankruptcy court order and failed to make reasonable efforts to ensure that his employee's conduct was compatible with the professional obligations of a lawyer.

Rosas violated Rules 1.01(b)(1) and (b)(2), 3.04(d), and 5.03(a) and (b)(1). He was ordered to pay \$2,925 in attorney's fees and expenses and \$1,550 in restitution.

On Oct. 30, 2006, **Ernesto Flores, Jr.** [#07168500], 59, of Mercedes, accepted a five-year, active suspension effective Nov. 1, 2006. The 275th District Court of Hidalgo County found Flores committed a serious crime or

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committed another criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects.

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

On April 22, **Christopher J. Tome** [#20117000], 57, of Austin, accepted a two-year, fully probated suspension effective April 1. An evidentiary panel of the District 9-A Grievance Committee found that in representing a client in a matter involving the sale of a business, Tome failed to properly supervise a non-lawyer and ensure that the non-lawyer's conduct was compatible with his professional obligations and failed to take reasonable remedial action to avoid or mitigate the consequences of the non-lawyer's misconduct.

He violated Rules 5.03(a) and (b)(2). He was ordered to pay \$3,400 in attorney's fees, submit to an attorney monitor, and to provide quarterly trust account reports to the Statewide Compliance Monitor.

On April 25, **Terri L. Dornburg** [#90001553], 39, of Montgomery, accepted a two-year, partially probated suspension effective Aug. 1, with the first six months actively served and the remainder probated. The 359th District Court of Montgomery County found that Dornburg engaged in an impermissible conflict of interest when, acting as an assistant district attorney, she dismissed a DWI case in which her husband represented the defendant. The dismissal was based upon factors not related to the merits of the case.

Dornburg violated Rule 1.06(b).

On May 8, **Sharon D. Evans** [#06728040], 42, of Houston, accepted a three-year, partially probated suspension effective May 2, with the first three months to be actively served and the remainder probated. An evidentiary panel of the District 4-B Grievance

Committee found that Evans was retained in a probate matter. The client made several attempts to communicate with Evans regarding the status of her case, but Evans failed to respond to requests for information. Evans closed her office and relocated to another city, but failed to inform her client. The client terminated Evans' services and requested a refund of the unused fees. Evans failed to return the fees.

Evans violated Rules 1.01(b)(1) and (b)(2), 1.03(a) and (b), and 1.15(d). She agreed to pay \$812 in attorney's fees and costs and \$1,126 in restitution.

On April 3, **Ray L. Shackelford** [#18071500], 55, of Houston, received a two-year, fully probated suspension effective Feb. 1, 2010. An evidentiary panel of the District 4-B Grievance Committee found that Shackelford, while on active suspension, accepted a check for the payment of legal fees. Shackelford endorsed and cashed the check and then gave the cash to another attorney who entered the case as counsel of record.

Shackelford violated Rule 8.04(a)(7). He was ordered to pay \$1,230 in attorney's fees and costs.

On May 6, **George A. Young** [#22184600], 56, of Galveston, accepted a two-year, fully probated suspension effective May 1. The 122nd District Court of Galveston County found that Young was hired in a personal injury matter. Young's client made numerous attempts to contact him to inquire about the status of his case. Young failed to respond and neglected the matter. Young associated with another attorney on the case without prior written consent from his client. Despite being terminated by his client, Young failed to withdraw as counsel and failed to return the client's file.

Young violated Rules 1.01(b), 1.03(a), 1.04(f) and (g), and 1.15(a)(3) and (d). He agreed to pay \$7,500 in attorney's fees and costs.

On May 8, **Stephen R. Goetzmann** [#08059850], 46, of Dallas, received a one-year, partially probated suspension effective July 1, with the first three months actively served and the remainder probated. An evidentiary panel of the District 6-A Grievance Committee found that in May 2004, the complainant employed Goetzmann to represent her in a personal injury claim. In February 2006, the matter was set for trial but neither the complainant nor Goetzmann appeared and the lawsuit was dismissed for want of prosecution. Goetzmann filed a motion to reinstate, which was granted in April 2006. Thereafter, the court notified Goetzmann that the lawsuit was placed on a dismissal docket for Nov. 7, 2006. Goetzmann did not respond to this notice nor appear before the court and the lawsuit was dismissed for want of prosecution. Goetzmann failed to advise the complainant of the dismissal. Further, Goetzmann failed to promptly comply with the complainant's reasonable requests for information about the matter.

Goetzmann violated Rules 1.01(b)(1) and (b)(2) and 1.03(a). He was ordered to pay \$965 in attorney's fees and costs.

On April 10, **Ronald D. Cross** [#00787305], 40, of Garland, received a five-year, partially probated suspension effective April 15, with the first two years actively served and the remainder probated. An evidentiary panel of the District 6-A Grievance Committee found that in the first matter, Cross was hired to file a divorce. In an effort to deceive the complainant into believing the petition had been filed and his wife served with process, Cross altered a divorce petition and a sheriff's return, committing the criminal offense of forgery.

In the second matter, Cross was hired in a divorce action. After the complainant terminated Cross' services, Cross failed to provide either the unused portion of the retainer or an accounting of the retainer. Cross failed to file a motion to withdraw.



In the third matter, Cross was hired to probate an estate. Cross neglected the matter and failed to file an inventory and appraisement and list of claims with the probate court.

In the fourth matter, Cross was hired to incorporate a business. Twice, Cross' credit card was rejected for payment of the filing fee and the corporate charter was revoked. Cross failed to notify the complainant of the revocation and failed to take any corrective action. The complainant paid the Secretary of State filing fee, although he had previously paid it to Cross.

In the fifth matter, Cross was hired to establish paternity and to obtain child support. Thereafter, Cross failed to perform any legal services and misrepresented that he filed a petition to establish paternity.

In all five matters, Cross failed to adequately communicate with the complainants and failed to respond to the grievances.

Cross violated Rules 1.01(b)(1); 1.03(a); 1.14(b); 1.15(a)(3) and (d); and 8.04(a)(1), (a)(2), (a)(3), and (a)(8). He was ordered to pay \$4,320.80 in attorney's fees and costs and \$1,150 in restitution.

On April 25, **Charles Shavers, Jr.** [#18138000], 68, of Dallas, accepted a 30-month, fully probated suspension effective May 1. The 193rd Judicial District Court found that the complainant hired Shavers to file a motion to set aside a default judgment that had been issued against her in a divorce proceeding. The complainant met with Shavers' legal assistant, who held himself out to be an attorney employed with Shavers' firm. Shavers subsequently filed an untimely motion to set aside judgment and order for new trial on the complainant's behalf. Shavers made little to no effort to get the motion set for a hearing. The opposition subsequently filed a response to Shavers' motion, however, and the response was scheduled for hearing. Shavers failed to appear at the hearing.

ing on the complainant's behalf, and the motion was consequently overruled. In addition, the Court sanctioned Shavers for his conduct, and for failing to confer with and serve opposing counsel with the motion.

Shavers violated Rules 1.01(b)(1), 1.03(a), 3.03(a), and 5.03(a) and (b)(1). He was ordered to pay \$1,200 in attorney's fees.

On April 16, **Matthew D. Hill** [#24032296], 31, of Dallas, received a 30-month, partially probated suspension effective May 15, with the first six months actively served and the remainder probated. In August 2006, the complainant employed Hill to prosecute a lawsuit against the complainant's former employer for unlawful termination. Hill neglected the matter by failing to file the

complainant's lawsuit and by failing to perform any legal work on behalf of the complainant. Hill failed to promptly comply with the complainant's requests for information and failed to keep the complainant updated on the status of her case. In addition, 180 days has passed since the complainant was terminated, thus depriving the complainant of her ability to pursue any claims for unlawful termination. Further, Hill failed to reply to the complaint and asserted no grounds for such failure.

Hill violated Rules 1.01(b)(1) and (b)(2), 1.03(a), and 8.04(a)(8). He was ordered to pay \$2,409.67 in attorney's fees and costs and \$2,000 in restitution.

On May 15, **Thomas Warren Kendrick** [#11275000], 69, of Amarillo, accepted a one-year, fully probated

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DISCIPLINARY ACTIONS

suspension effective May 15. An evidentiary panel of the District 13-A Grievance Committee found that in three matters, Kendrick was hired to represent clients in immigration matters and was paid \$11,700 toward the representations. In each matter, the client met exclusively with Kendrick's legal assistant, who provided erroneous legal advice and made assurances that certain applications would be filed on behalf of the client. The legal assistant's conduct constituted the unauthorized practice of law. Kendrick failed to make reasonable efforts to ensure that his legal assistant's conduct was compatible with Kendrick's professional obligations.

Kendrick violated Rules 5.03(a) and (b)(1). He was ordered to pay \$1,450 in attorney's fees and costs and \$11,700 in restitution.

On May 19, **Jeremy Hunter Baker** [#24040459], 33, of Arlington, received a four-year, fully probated suspension effective May 20. An evidentiary panel of the District 7-A Grievance Committee found that in July 2006, the complainant hired Baker to represent the complainant in connection with a termination/adoption matter. Baker subsequently failed to provide any meaningful legal services on the complainant's behalf and failed to adequately communicate with her.

Baker violated Rules 1.01(b)(1) and 1.03(a). He was ordered to pay \$1,940.42 in attorney's fees and \$1,000 in restitution.

On Feb. 22, **Christopher John Cafiero** [#24031784], 44, of Dallas, received a three-year, partially probated suspension effective May 1, with the first four months actively served and the remainder probated. The 380th Judicial District Court found that Cafiero, hired to represent the complainant in a personal injury claim, settled the complainant's claim without the complainant's knowledge or approval. Cafiero received the settlement funds but did not promptly notify the complainant. Cafiero did not deliver any portion of the settlement funds to the complainant or the medical providers. Cafiero did not maintain the settlement funds in a trust account. Cafiero failed to keep the complainant reasonably informed about her case and failed to promptly comply with the complainant's reasonable requests for information. Cafiero failed to respond to the grievance.

Cafiero violated Rules 1.02(a)(2), 1.03(a), 1.14(a) and (b), and 8.04(a)(8). He was ordered to pay \$10,000 in attorney's fees and costs and \$3,334.17 in restitution.

REPRIMANDS

On April 1, **Kelly K. McKinnis** [#13725200], 49, of McAllen, accepted a public reprimand. The District 12-B Grievance Committee found that in a

bankruptcy representation, McKinnis failed to respond to the client's requests for information, failed to keep the client reasonably informed, and neglected the representation.

McKinnis violated Rules 1.01(b)(1) and (b)(2) and 1.03(a) and (b). He agreed to pay \$800 in attorney's fees and expenses and \$1,700 in restitution.

On May 16, **Heather Schaefer** [#24027840], 38, of Plano, received a public reprimand. The District 1-A Grievance Committee found that the complainant employed Schaefer in February 2006 in a collection matter. The complainant paid Schaefer a retainer of \$2,500. Schaefer was to file three motions but failed to do so. Schaefer's legal assistant, who had access to Schaefer's email account, misrepresented in an email to the complainant that the motions had been filed with the Clerk's Office, but that the clerk had set them aside and had not properly filed them. Despite assurances that she would immediately rectify the situation, Schaefer failed to do so. On March 8, 2006, the complainant and his wife fired Schaefer and requested a return of the retainer and file documents but Schaefer failed to respond to the requests until August 2007, when Schaefer refunded the retainer. In addition, Schaefer failed to submit a response to the complaint and failed to assert a privilege or other legal grounds for her failure to respond.

Schaefer violated Rules 1.01(b)(1) and (b)(2), 1.15(d), 5.03(a) and (b), and 8.04(a)(8). She was ordered to pay \$975 in attorney's fees and costs.

On May 8, **Wayne Pickering** [#15974700], 72, of McAllen, accepted a public reprimand. The District 12-B Grievance Committee found that, in a personal injury representation, Pickering failed to file suit timely and failed to communicate with his client.

Pickering violated Rules 1.01(b)(1) and 1.03(a). *

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