



# DISCIPLINARY ACTIONS

**G**eneral 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.

## BODA ACTIONS

On Dec. 2, 2008, the Board of Disciplinary Appeals dismissed for want of prosecution the appeal of **Phillip Windom Offill, Jr.** [#75004273], 50, of Dallas, of a judgment of partially probated suspension signed by an evidentiary panel of the District 6A-B1 Grievance Committee in Case No. D0080527516 on March 13, 2008. The Board found that Offill did not file a reporter's record or a brief. The Board issued an order to show cause to Offill on Oct. 10, 2008,

giving him 30 days to respond and show cause as to why the appeal should not be dismissed for want of prosecution. Offill did not respond. BODA cause number 42375.

On Dec. 2, 2008, the Board of Disciplinary Appeals dismissed for want of prosecution the appeal of **Christopher John Cafiero** [#24031784], 44, of Dallas, of a judgment of disbarment signed by an evidentiary panel of the Statewide Grievance Committee in Case Nos. D0010525697, D0110425311, and D0030526191 on May 14, 2008. The Board found that Cafiero did not file a reporter's record or a brief. The Board issued an order to show cause to Cafiero on Oct. 10, 2008, giving him 30 days to respond and show cause as to why the appeal should not be dismissed for want of prosecution. Cafiero did not respond. BODA cause number 42504.

On Dec. 22, 2008, the Board of Disciplinary Appeals affirmed the judgment of probated suspension of **James E. Porter** [#16149100], 60, of Colleyville, signed by an evidentiary panel of the District 7-A Grievance Committee in Case No. D0060629804 on June 30, 2008. BODA cause number 42743.

James E. Porter [#16149200], 60, of San Antonio, is not the attorney whose disciplinary action is listed above.

On Dec. 23, 2008, the Board of Disciplinary Appeals signed a final judgment disbarring **Piper A. Rountree** [#17323050], 49, of Troy, Va. On July 13, 2007, the Board signed an interlocutory order suspending Rountree from the practice of law pending the appeal of her criminal conviction for first-degree

murder/F in violation of §18.2-32 of the Code of Virginia (Cause No. CR04-5364-00) and use of a firearm during the commission of a felony/F in violation of §18.2-53.1 of the Code of Virginia (Cause No. CR04-5365-00), intentional crimes as defined in the Texas Rules of Disciplinary Procedure, styled, *Commonwealth of Virginia v. Piper Ann Rountree*. Rountree was sentenced to life in prison in Cause No. CR04-5364-00 and sentenced to three years in prison in Cause No. CR04-5365-00. In addition, she was ordered to pay \$3,545 in costs. On July 24, 2007, the Court of Appeals of Virginia affirmed Rountree's conviction. On Oct. 6, 2008, the U.S. Supreme Court denied Rountree's petition for writ of certiorari to the Supreme Court of Virginia and the conviction is final. BODA cause number 39905.

On Dec. 22, 2008, the Board of Disciplinary Appeals signed an interlocutory order of suspension against **Steven Alexander Bearman** [#90000546], 45, of Houston. On Aug. 28, 2008, Bearman was found guilty of misapplication of fiduciary property over \$200,000, an intentional crime as defined in the Texas Rules of Disciplinary Procedure, in Cause No. 1095272 styled, *The State of Texas v. Bearman*, in the 183rd District Court of Harris County. Bearman was sentenced to 35 years in the institutional division of the Texas Department of Criminal Justice and ordered to pay \$230 in court costs. Bearman has appealed the conviction. The Board retains jurisdiction to enter a final judgment when the criminal appeal is final. Bearman entered an appearance but failed to attend the hearing. BODA cause number 43040.

On Dec. 22, 2008, the Board of Disciplinary Appeals signed a judgment disbarring **George Hill Watson** [#20938200], 56, of Austin. Watson pleaded guilty to conspiracy to violate federal law in violation of 18 U.S.C. §371 and §1014 (false statement related

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to a loan), §1343 (wire fraud), and §1349 (conspiracy to commit wire fraud), intentional crimes as defined in the Texas Rules of Disciplinary Procedure, in Cause No. A 08-CR-001(3)-SS styled, *United States of America v. George H. Watson*, in the U.S. District Court for the Western District of Texas, Austin Division. Watson was sentenced to a term of imprisonment of 57 months, followed by supervised release for five years. In addition, Watson was ordered to pay restitution in the amount of \$448,164.44 and an assessment in the amount of \$100. Watson failed to answer or appear at the hearing. BODA cause number 43195.

On Dec. 12, 2008, the Board of Disciplinary Appeals signed an agreed judgment suspending **Ronald Dewayne**

**Cross** [#00787305], 40, of Garland, from the practice of law during his term of deferred adjudication. Cross pleaded no contest to the offense of theft of property over \$20 and under \$500 by check, an intentional crime as defined in the Texas Rules of Disciplinary Procedure, in Cause No. CR05-1430 styled, *The State of Texas v. Ronald Dewayne Cross*, in the Rockwall County Court at Law. Cross was placed on deferred adjudication for six months, beginning July 7, 2008. In addition, the court ordered Cross to pay a fine in the amount of \$200 and \$265 in costs and \$247 in restitution. BODA cause number 43275.

## DISBARMENT

On Aug. 5, 2008, **Dell Edward James** [#24002342], 37, of Frisco, received a default judgment of disbarment after a finding of professional misconduct by the 416th Judicial District Court in Collin County. In the first case, the complainant hired James' law firm — where he is a partner — to handle a personal injury matter in February 2005. James negotiated a settlement offer without the complainant's knowledge or consent. The settlement check was deposited into the IOLTA bank account of James' law firm on Aug. 17, 2005. The complainant was not advised of the receipt of funds on his behalf, and no accounting or distribution of the funds was made to the complainant. In February 2007, the complainant called James to inquire about the status of his case. James told the complainant that the matter was still pending. In March 2007, the complainant contacted James to inquire about the status of the matter and was advised that settlement funds had been received. Thereafter, despite assurances that he would do so, James failed to deliver the funds to the complainant and failed to provide the complainant with an accounting of the funds. In April 2007, the complainant contacted the insurance company and learned that the case had settled in August 2005.

In a second matter, the complainant retained James' law firm to represent her in a personal injury matter in May 2005. Thereafter, James settled the complainant's claim without her knowledge or consent. When the complainant learned that her case had settled, she attempted to contact James. On numerous occasions, James promised to deliver the complainant's portion of the settlement funds to her, but failed to do so. James also did not provide the complainant with documents relating to the settlement and failed to deliver an accounting of the funds to the complainant. James also failed to respond to the complaint.

James violated Rules 1.02(a)(2), 1.03(a) and (b), 1.04(d), 1.14(b), 1.15(d), and 8.04(a)(3) and (a)(8). He was ordered to pay \$2,568.95 in attorney's fees and costs and \$25,537 in restitution.

James has filed an appeal.

## RESIGNATIONS

On Sept. 23, 2008, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Thomas Green Watkins III** [#20927900], 63, of Phoenix, Ariz. The Court found that on Sept. 25, 2007, the Supreme Court of Arizona entered an order disbarring Watkins in Arizona Supreme Court No. SB-07-0062-D and Disciplinary Commission No. 05-0357, styled *In the Matter of a Member of the State Bar of Arizona, Thomas Green Watkins, III, Attorney No. 4433*. As a result of the disbarment by the Supreme Court of Arizona, Watkins would be subject to Reciprocal Discipline under Part IX of the Texas Rules of Disciplinary Procedure.

On Nov. 13, 2008, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Neil G. O'Rourke**, [#00794403], 41, of Cary, N.C. The Court found that on March 26, 2008, the Superior Court of Wake County entered an order disbarring O'Rourke in Case No. 08CV005151, styled *The*

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*North Carolina State Bar v. Neil G. O'Rourke*. As a result of the disbarment by the Superior Court of Wake County, O'Rourke would be subject to Reciprocal Discipline under Part IX of the Texas Rules of Disciplinary Procedure.

On Nov. 13, 2008, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Charles Allen Youts** [#22228000], 64, of Waco. The Court found that in representing a client, Youts failed to respond to a client's reasonable request for information and failed to timely furnish to the Chief Disciplinary Counsel's Office a response as required by the Texas Rules of Disciplinary Procedure and found that Youts' conduct involved deceit or dishonesty. In view of the execution of Youts' resignation on Oct. 8, 2008, the Court concludes that acceptance of Youts' resignation is in the best interest of the public and the profession.

On Nov. 10, 2008, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Robbie Lesa Jewell Hames** [#00792075], 50, of Dallas. The Court found that Hames was convicted in the U.S. District Court for the Northern District of Texas, Dallas Division of 15 counts involving conspiracy to commit health care fraud, mail fraud, making false statements, obstructing a federal auditor, aiding and abetting, conspiracy to commit money laundering, and money laundering and was committed to the custody of the U.S. Bureau of Prisons to be imprisoned for seven years, with supervised release for a term of three years upon release from imprisonment, and payment of restitution in the amount of \$2,885,020, which would subject her to compulsory discipline.

## SUSPENSIONS

On June 12, 2008, **Jacqueline LeFevre** [#24027947], 33, of McAllen, received a 43-month, partially probated suspension effective Aug. 1, 2008, with

the first 30 days actively served and the remainder probated. The District 12-B Grievance Committee found that LeFevre failed to respond to two grievances.

LeFevre violated Rules 8.01(b) and 8.04(a)(8). She was ordered to pay \$4,140.25 in attorney's fees and expenses.

On Sept. 24, 2008, LeFevre received a two-year, partially probated suspension effective Aug. 1, 2008, with the first 30 days actively served and the remainder probated. The District 12-B Grievance Committee found LeFevre accepted a legal matter beyond her confidence, neglected the representation by failing to respond to a motion to dismiss and a motion for summary judgment, failed to communicate with her client, failed to render candid advice to her client, made misrepresentations to her client, and failed to timely respond to the grievance.

LeFevre violated Rules 1.01(a), (b)(1), and (b)(2), 1.03(b), 2.01, and 8.04(a)(3) and (a)(8). She was ordered to pay \$800 in attorney's fees and expenses.

On Nov. 7, 2008, **Ricardo Rodriguez Amador II** [#00790225], 43, of Corpus Christi, accepted a five-year, partially probated suspension effective Nov. 15, 2008, with the first 90 days actively served and the remainder probated. The District 11-C Grievance Committee found Amador neglected a client's divorce case and failed to communicate with his client. In an immigration representation, Amador accepted fees from a client who had been ordered to be removed and was not eligible for relief from the order, failed to communicate with his client, and failed to return unearned fees. Amador failed to timely respond to three grievances.

Amador violated Rules 1.01(b)(1) and (b)(2), 1.03(a) and (b), 1.15(d), 2.01, and 8.04(a)(8). He was ordered to pay \$1,210 in attorney's fees and expenses and \$2,537 in restitution.

On Dec. 2, 2008, **William T. Engle** [#06623300], 51, of Bedford, received a three and a half-year, fully probated sus-

pension effective Dec. 1, 2008. The District 7-A Grievance Committee found that in the first matter, the complainant hired Engle to represent the complainant's businesses. Engle subsequently failed to communicate with the complainant regarding the matter. Engle entered into a loan transaction with the complainant for \$25,000. Engle failed to advise the complainant to seek independent counsel with respect to the loan and failed to obtain the complainant's consent to the transaction in writing.

In the second matter, the complainant hired Engle to handle debt collections for his company. The complainant sent Engle funds to file a lawsuit against a client with a past due balance. Engle subsequently failed to file the lawsuit. Engle failed to keep the complainant reasonably informed regarding the status of the col-

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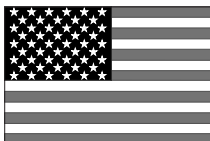
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# DISCIPLINARY ACTIONS

lection matter. Thereafter, Engle entered into a loan transaction with the complainant for \$30,000. Engle failed to advise the complainant to seek independent counsel with respect to the loan and failed to obtain the complainant's consent to the transaction in writing.

Engle violated Rules 1.01(b)(1), 1.02(a), 1.03(a) and (b), and 1.08(a)(1), (a)(2), and (a)(3). He was ordered to pay \$1,012 in attorney's fees and \$49,500 in restitution.

On Nov. 6, 2008, **Marlon W. Frazier** [#07406380], 43, of Richardson, received a three-year, partially probated suspension effective Dec. 1, 2008, with the first three months actively served and the remainder probated. A panel of the District 6-A Grievance Committee found that Frazier failed to respond to a complaint that was filed against him. At the time Frazier received notice of the complaint, he was serving a partially probated suspension in another case that was based, in part, on his failure to respond to a complaint.

Frazier violated Rule 8.04(a)(8). He was ordered to pay \$2,611.25 in attorney's fees and costs.

On Nov. 24, 2008, **Carol Ann Benningfield** [#02160600], 56, of Rockport, accepted a two-year, fully probated suspension effective Nov. 1, 2008. The District 11-A Grievance Committee found that in a sequestration representation, Benningfield neglected the representation. In a real estate representation, Benningfield neglected the representation, failed to withdraw from representation, and failed to return an unearned fee. In a probate representation, Benningfield neglected the representation, failed to communicate with her client, failed to timely withdraw from representation, and failed to timely return the client's file and property.

Benningfield violated Rules 1.01(b)(1) and (b)(2), 1.03(a) and (b), and 1.15(a)(2), (a)(3), and (d). She was ordered to pay \$3,375 in restitution.

On Nov. 6, 2008, **Michael Duwayne Clay** [#04331750], 48, of Houston, received an 18-month, fully probated suspension effective Oct. 17, 2008. An evidentiary panel of the District 4-F Grievance Committee found that Clay failed to completely carry out the obligations that he owed to his client in a sales tax collection lawsuit filed against the client by the State of Texas. Clay also failed to explain matters to the extent reasonably necessary for the client to make an informed decision about the case.

Clay violated Rules 1.01(b)(2) and 1.03(b). He was ordered to pay \$1,400 in attorney's fees and to complete 30 additional hours of continuing legal education, including 15 hours in the area of ethics/conflicts and 15 hours in the area of law practice management.

## REPRIMANDS

On Nov. 12, 2008, **Lawrence B. Mitchell** [#14217500], 61, of Dallas, received a public reprimand after a finding of professional misconduct by a panel of the District 6-A Grievance Committee. The complainant hired Mitchell in August 2002 to file a writ of habeas corpus on the complainant's behalf. Mitchell failed to complete and file the writ of habeas corpus while the complainant was incarcerated or on parole. Mitchell failed to respond to the complainant's reasonable requests for information on the status of the matter.

Mitchell violated Rules 1.01(b)(1) and 1.03(a). He was ordered to pay \$4,000 in attorney's fees. ❖