



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.

REINSTATEMENT

Jose Antonio Chavez [#04162500], 63, of Odessa, has petitioned the 161st District Court of Ector County for reinstatement as a member of the State Bar of Texas.

BODA ACTIONS

On Jan. 16, the Board of Disciplinary Appeals dismissed for want of prosecution the appeal of **Ronald Evans Harden** [#00792079], 58, of Terrell, of a

judgment of partially probated suspension signed by an evidentiary panel of the District 1-A Grievance Committee in Case No. D0030526146 on June 11, 2008. The Board found that Harden did not file a reporter's record or a brief. The Board issued an order to show cause to Harden on Dec. 2, 2008, giving him 30 days to respond and show cause as to why the appeal should not be dismissed for want of prosecution. Harden did not respond. BODA cause number 42844.

On Jan. 27, the Board of Disciplinary Appeals signed an interlocutory order of suspension against **Lee Alexander Magness** [#00795495], 45, of Houston. On Aug. 21, 2008, Magness was found guilty of misapplication of fiduciary property — \$100,000 to \$200,000, an intentional crime as defined in the Texas Rules of Disciplinary Procedure, in Cause No. 1145123 styled, *The State of Texas v. Magness, Lee Alexander*, in the 338th District Court of Harris County. Magness was sentenced to 10 years in the Institutional Division of the Texas Department of Criminal Justice and ordered to pay \$440 in court costs and \$199,999 in restitution. Magness has appealed the conviction. The Board retains jurisdiction to enter a final judgment when the criminal appeal is final. Magness failed to appear. BODA cause number 43039.

DISBARMENTS

On June 2, 2008, **Jasper C. Rowe** [#17333000], 63, of Irving, was disbarred. An evidentiary panel of the District 6A-B2 Grievance Committee found that Rowe's great uncle executed a will naming Rowe as independent executor. The will provided that the independent

executor would serve without compensation. On Oct. 9, 2002, Rowe's great uncle died. Although he was administratively suspended, Rowe, as independent executor, hired himself as attorney to represent the estate. The employment agreement provided Rowe would be paid a legal fee of one-third the estate value for legal services rendered. As attorney for the independent executor, Rowe neglected probate of the estate by failing to file an inventory and appraisal until a show cause order was issued. On Rowe's advice, the estate invested funds with another client of Rowe's that owed Rowe attorney's fees. On Aug. 1, 2006, Rowe was removed as independent executor. The court found the fee charged by Rowe as attorney was unconscionable and grossly excessive.

Rowe violated Rule 1.01(b)(1), 1.06(b)(2), and 8.04(a)(3) and (a)(11). He was ordered to pay \$2,808 in attorney's fees.

Rowe had until July 2, 2008 to file an appeal. Rowe's motion for a new trial was denied on Aug. 13, 2008. Rowe filed an appeal with the Board of Disciplinary Appeals on Sept. 2, 2008.

On Oct. 6, 2008, **Madelyn P. Bowman** [#00794449], 39, of Burleson, was disbarred. An evidentiary panel of the District 7-A Grievance Committee found that in November 2005, the complainant gave Bowman a check for \$12,500 to be placed in Bowman's trust account as earnest money for a real estate purchase. The funds were to be held in escrow pending completion of the transaction. Bowman's trust account balance subsequently fell below the amount of the deposit, and Bowman failed to maintain her trust account balance at or above

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that amount.

On Aug. 12, 2006, the land purchase agreement was terminated and Bowman was directed to return the earnest money to the complainant in the amount of \$12,500. Bowman subsequently failed to deliver the funds to the complainant.

Bowman violated Rules 1.14(a), (b), and (c). She was ordered to pay \$2,434.50 in attorney's fees and \$12,500 in restitution.

Bowman did not file an appeal.

On Nov. 26, 2008, **Reo Harris, Jr.** [#09107000], 60, of Spring, was disbarred. An evidentiary panel of the District 4-A Grievance Committee found that, in four matters, Harris neglected a matter entrusted to him, failed to keep his client reasonably informed about the status of his case, and, upon termination of representation, failed to take steps to the extent reasonably practicable to protect his client's interests. In one of those matters, Harris also engaged in the practice of law when his right to practice was suspended. In a fifth matter, Harris unreasonably delayed the resolution of the matter. In all matters, Harris failed to furnish to the Chief Disciplinary Counsel's office a response or other information as required by the Texas Rules of Disciplinary Procedure.

Harris violated rules 1.01(b)(1), 1.03(a), 1.15(d), 3.02, and 8.04(a)(8) and (a)(11). He was ordered to pay \$1,700 in attorney's fees and \$3,329 in restitution.

On Oct. 20, 2008, **Don L. Jarvis, Jr.** [#90002001], 41, of Sherman, was disbarred. An evidentiary panel of the District 1-A Grievance Committee found that in January 2006, while in jail, the complainant tendered a check in the amount of \$13,808 that she had received from the U.S. Treasury for disability to Jarvis for safekeeping while she was in prison. Jarvis accepted the funds and deposited them into his IOLTA account.

Jarvis immediately withdrew \$5,000 of the complainant's funds for his own benefit without her knowledge or consent. In March 2006, Jarvis received an additional \$597 from the U.S. Treasury on behalf of the complainant and deposited the check into his IOLTA account. Other than three payments totaling \$1,100 made to authorized representatives of the complainant, Jarvis continued his withdrawal of the complainant's funds for his own benefit and by early May 2006, Jarvis had misappropriated the remaining balance of her funds. On June 12, 2006, the complainant wrote to Jarvis requesting payment of the balance of her funds but he failed to respond to her request. Jarvis has failed to provide an accounting or to remit any funds to the complainant. Further, Jarvis failed to respond to the complaint or to timely assert any grounds for his failure to respond.

Jarvis violated Rules 1.14(a), (b), and (c); 1.15(d); and 8.04(a)(2), (a)(3), and (a)(8). He was ordered to pay \$5,709.61 in attorney's fees and costs and \$13,305 in restitution.

Jarvis' motion for new trial was denied on Dec. 19, 2008. Jarvis filed an appeal with the Board of Disciplinary Appeals on Jan. 6.

RESIGNATIONS

On Oct. 6, 2008, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Patrick J. Waters** [#50511852], 57, of Beeville. At the time of Waters' resignation, there were 17 disciplinary matters pending against him. In connection with Waters' representation of nine clients seeking parole from prison, Waters neglected the legal matters, failed to keep the clients informed about the status of their parole matters, failed to respond to the clients' reasonable requests for information, charged unconscionable fees, failed to return the clients' files, failed to refund unearned fees, and failed to respond to

the grievances filed against him.

In connection with Waters' representation of personal injury clients in eight complaints, Waters settled client cases without authorization; failed to have his contingent fee agreement in writing; failed to maintain funds withheld from the clients' settlements to pay health care providers in his trust account; comingled funds owed to third persons with his own funds; failed to promptly notify and deliver settlement funds to the persons entitled to receive the funds and disbursed funds to persons not entitled to receive the funds; failed to properly supervise his employees and ensure that the conduct of his employees was compatible with Waters' professional obligations; improperly solicited clients;

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accepted employment in matters that he knew or should have known were improperly solicited; engaged in conduct involving misrepresentation, deceit, or dishonesty; and failed to respond to the grievances filed against him.

Waters violated Rules 1.01(b)(1) and (b)(2); 1.02(a)(2); 1.03(a) and (b); 1.04(a) and (d); 1.14(a); (b), and (c); 1.15(d); 5.03(a) and (b); 7.03(a); 7.06(a) and (b); and 8.04(a)(2), (a)(3), and (a)(8).

On Dec. 4, 2008, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Allen B. Odum** [#15216800], 60, of Edinburg. At the time of his resignation, there were six disciplinary matters pending against him and a criminal drug conviction. In the

disciplinary matters, Odum failed to safeguard client funds, failed to return unearned fees, failed to supervise non-lawyer staff, neglected client cases, failed to communicate with clients, and failed to respond to grievances.

Odum violated Rules 1.01(b)(1), 1.03(a) and (b), 1.14(b), 1.15(d), 5.03(a) and (b)(1), 8.01(b), and 8.04(a)(8). He was ordered to pay \$9,410 in restitution.

SUSPENSIONS

On Nov. 11, 2008, **Brian G. Dicus** [#05846100], 47, of Rockwall, received a six-month, fully probated suspension effective Nov. 6, 2008. An evidentiary panel of the District 6-A Grievance Committee found that on Sept. 29, 2006 and Nov. 7, 2006, Dicus practiced law while his license was administratively suspended.

On June 6, 2006, the complainant hired Dicus to probate the estate of his son. During the course of the representation, Dicus failed to respond to the complainant's requests for information regarding the case.

Dicus violated Rules 1.03(a) and 8.04(a)(11). He was ordered to pay \$3,965.10 in attorney's fees.

Dicus did not file an appeal.

On Nov. 24, 2008, **Traci Lohmann Ahart** [#24000161], 35, of Houston, accepted a six-month, fully probated suspension effective Dec. 1, 2008. An evidentiary panel of the District 4-E Grievance Committee found that Ahart committed misconduct in three different family law matters. In the first and third matters, Ahart failed to maintain adequate communication with her clients and failed to provide the Chief Disciplinary Counsel's office with written responses to the grievances. In the second matter, Ahart failed to withdraw from the representation of her client after she was discharged.

Ahart violated Rules 1.03(a),

1.15(a)(3), and 8.04(a)(8). She agreed to pay \$1,069 in attorney's fees and costs and \$2,170.61 in restitution.

On Nov. 18, 2008, **Edward P. Black** [#24009903], 63, of Spring, received a three-year, partially probated suspension effective Jan. 1, with the first year actively served and the remainder probated. An evidentiary panel of the District 4-F Grievance Committee found that in one matter, Black neglected a legal matter entrusted to him and failed to carry out completely the obligations that he owed to his client. Black also failed to keep his client reasonably informed about the status of the case and failed to permit his client to make informed decisions regarding the representation.

In a second matter, Black neglected a legal matter entrusted to him and failed to keep his client reasonably informed about the status of the matter. Black also entered into a business transaction with his client in which the terms were not fully disclosed in a manner that could be reasonably understood by his client.

Black violated Rules 1.01(b)(1) and (b)(2), 1.03(a) and (b), and 1.08(a)(1). He was ordered to pay \$800 in attorney's fees and \$2,806.25 in restitution.

On June 11, 2008, **Ronald Evans Harden** [#00792079], 58, of Terrell, received a five-year, partially probated suspension effective May 16, 2008, with the first three years actively served and the remainder probated. During the time the complainant was represented by Harden, he induced the complainant to make personal loans to Harden that were not reduced to writing. The complainant also entered into business transactions with Harden, including a partnership agreement and loans pursuant to two promissory notes. Harden failed to give the complainant a reasonable opportunity to seek the advice of independent counsel prior to signing the partnership agreement and promissory notes. Fur-

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ther, Harden induced the complainant to loan him money by making financial promises to her. Harden failed to repay the loans made by the complainant.

Harden violated Rules 1.08(a)(2) and (a)(3) and 8.04(a)(3). He was ordered to pay \$4,099.50 in attorney's fees and costs.

Harden had until July 11, 2008, to file an appeal. Harden's motion for new trial was denied on Aug. 22, 2008. Harden filed an appeal with the Board of Disciplinary Appeals on Aug. 19, 2008.

On Dec. 12, 2008, **Weldon W. Brady** [#02853000], 70, of Fort Worth, received a one and a half-year, fully probated suspension effective Dec. 15, 2008. An evidentiary panel of the District 7-A Grievance Committee found that on May 9, 2007, the complainant borrowed money from Law Cash in advance of her personal injury settlement. The complainant's personal injury matter later settled. On Aug. 9, 2007, Brady remitted a check to Law Cash written on his IOLTA trust account in repayment of the funds loaned to the complainant. Thereafter, Brady's check was returned by the bank due to insufficient funds.

Brady violated Rules 1.14(a) and (b). He was ordered to pay \$1,300 in attorney's fees.

On Dec. 19, 2008, **Rusty Wayne Drake** [#00789262], 49, of Pasadena, accepted a three-year, fully probated suspension effective Sept. 8, 2008. The District 4-C Grievance Committee found Drake failed to maintain client funds in his IOLTA trust account and failed to provide a timely accounting.

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

On Jan. 6, **Diana Lynn Minella** [#50511745], 51, of San Antonio, received an interim suspension effective Jan. 6. The 150th District Court of

Bexar County found in accord with the provisions of Texas Rule of Disciplinary Procedure Rule 14.01 *et. seq.* that Minella should be indefinitely suspended from the practice of law pending the final disposition of pending disciplinary matters.

On Nov. 13, 2008, **Robert N. Ray** [#16606500], 64, of San Antonio, received a three-year, partially probated suspension effective Jan. 1, with the first 90 days actively served and the remainder probated. An evidentiary panel of the District 10-B Grievance Committee found that Ray transferred client money to opposing counsel without his client's permission.

Ray violated Rule 1.02(a) and was ordered to pay \$1,960 in attorney's fees and expenses and \$7,000 in restitution.

On Nov. 25, 2008, **Alton W. Payne** [#15649450], 60, of Houston, accepted a two-year, partially probated suspension effective Jan. 1, with the first two months actively served and the remainder probated. An evidentiary panel of the District 4-B Grievance Committee found that Payne failed to timely file patent applications for his client. Payne also failed to pay all required filing fees, which resulted in his client losing rights to his patents. In addition, Payne either failed to communicate with his client regarding the impaired status of the patents or provided misinformation regarding that status. After his representation was terminated, Payne failed to provide the complete client file to his client. Payne failed to file a response to his client's complaint.

Payne violated Rules 1.01(b)(1), 1.15(d), 1.03(a), and 8.04(a)(3) and 8.04(a)(8). He was ordered to pay \$3,000 in attorney's fees and expenses.

On Dec. 12, 2008, **James Garza** [#07732900], 59, of Houston, accepted a two-year, partially probated suspension effective Feb. 1, with the first year active-

ly served and the remainder probated. The 11th District Court in Harris County found that in representing his client, Garza failed to abide by his client's decisions when he accepted an offer of settlement on her behalf and failed to maintain adequate communication with her. The contingency agreement between Garza and his client was not put in writing, and Garza did not state the method by which his fee was to be determined. Garza further failed to hold funds in which both he and another person claimed an interest separate until an accounting and severance of interest occurred. Garza failed to provide the Chief Disciplinary Counsel's office with a written response to the grievance.

Garza violated Rules 1.02(a)(2),

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1.03(a), 1.04(d), 1.14(c), and 8.04(a)(8). He agreed to pay \$2,205 in attorney's fees and costs.

REPRIMANDS

On Dec. 12, 2008, **Samuel Brown Silverman** [#18357590], 46, of Amarillo, agreed to a public reprimand. In June 2006, the complainant hired Silverman to represent him in traffic tickets received in Runnels County. Thereafter, Silverman neglected the matters and, as a result, in August 2007, the complainant received a notice of denial of renewal of the complainant's driver's license. Silverman failed to respond to the complainant's phone calls or written requests regarding the status of the matter and failed to return unearned fees.

Silverman violated Rules 1.01(b)(1) and (b)(2), 1.03(a), and 1.15(d). He was ordered to pay \$1,090 in attorney's fees and costs.

On Dec. 16, 2008, **William S. McCants** [#13363000], 65, of Waco, received a public reprimand. On June 19, 2006, the complainants hired McCants on a contingency fee basis for representation in a personal injury case. McCants subsequently settled both the complainants' cases. McCants failed to deposit the funds in a separate account designated as a trust or escrow account, however. In addition, he failed to provide either complainant with a settlement disbursement sheet.

McCants violated Rules 1.04(d) and

1.14(a). He was ordered to pay \$1,250 in attorney's fees.

On Jan. 2, **Michael Robert Heitz** [#24012813], 42, of El Paso, accepted a public reprimand. The District 17-A Grievance Committee found that Heitz failed to respond to his client's requests for information, neglected the client's case, and failed to return the client's file upon termination.

Heitz violated Rules 1.01(b)(1), 1.03(a), and 1.15(d). He agreed to pay \$500 in attorney's fees and expenses.

On Jan. 14, **Arthur D. Courtade** [#04891000], 40, of Fort Worth, received an agreed judgment of public reprimand. The District 7-A Grievance Committee found that in December 2006, Courtade represented the ex-husband in a modification action. On Dec. 14, 2006, he spoke with the opposing party without her counsel's consent.

Courtade violated Rule 4.02(a). He was ordered to pay \$1,050 in attorney's fees.

On Jan. 6, **William John McCarthy** [#13372500], 64, of Edinburg, accepted a public reprimand. The District 12-B Grievance Committee found that McCarthy neglected his client's case, failed to communicate with his client, and failed to return unearned fees and the client's file.

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

On Dec. 23, 2008, **Joseph O. Onwuteaka** [#15291300], 50, of Sugar Land, accepted a public reprimand. The 281st Judicial District Court of Harris County found that Onwuteaka engaged in conduct involving misrepresentation.

Onwuteaka violated Rule 8.04(a)(3). He agreed to pay \$2,000 in attorney's fees and direct expenses. ★

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