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.

JUDICIAL ACTIONS

On April 27, the State Commission on Judicial Conduct issued a public warning to Mary D. Valadez, justice of the peace for Precinct 2 in San Diego, Duval County. On Sept. 19, 2007, Maria Garcia went to Judge Valadez's court, seeking to evict an individual in possession of certain real property located in Precinct 2, which Garcia and her father claimed to own. Garcia was prepared to present and file a plaintiff's complaint for forcible detainer, along with a notice to vacate. Judge Valadez was aware of the history of the dispute between the Garcia families over ownership and possession of the property in question. According to Garcia, Judge Valadez refused to look at or accept the complaint for forcible detainer and told Garcia to hire an attorney and file her action in district court. Thereafter, Garcia approached the Duval County attorney and the Duval County judge for assistance. According to his sworn statement, the county attorney contacted Judge Valadez and advised her that she was obligated to allow Garcia's case to be filed. According to his sworn statement, the county judge also contacted Judge Valadez and advised her to allow Garcia to file the eviction case. Judge Valadez indicated in her written response and testimony before the Commission that her memory of Garcia's appearance in her court was "vague." Judge Valadez also stated that she did not recall speaking to the county judge or county attorney regarding Garcia's case. Judge Valadez recalled, however, that she informed Garcia that her case was "never filed," after Garcia requested the judge's recusal. Judge Valadez did recall advising Garcia to seek the assistance of an attorney to file the case in district court because, according to the judge, the case involved a dispute over title to the property.

Judge Valadez violated Canons 2A and 3B(2) and (B)(8) of the Texas Code of Judicial Conduct. Judge Valadez was ordered to obtain four hours of instruction with a mentor in addition to her required judicial education. In particular, the Commission directs that Judge Valadez receive instruction in the following areas: case filing and docketing; landlord/tenant law, including suits for forcible detainer and eviction; and the applicable provisions found in the Texas Property Code.

Judge Valadez shall complete the additional four hours of instruction within 90 days from the date of written notification of the assignment of a mentor. It is Judge Valadez's responsibility to contact the assigned mentor and schedule the additional education. Upon the completion of the four hours, Judge Valadez shall sign and return the respondent judge survey indicating compliance with the order. Failure to complete, or report the completion of, the required additional education in a timely manner may result in further Commission action.

DISBARMENTS

On Feb. 18, **Steven Bruce Leavitt** [#24032658], 41, of Rockwall, was disbarred. An evidentiary panel of the District 6-A Grievance Committee found that Leavitt was employed by the complainant in October 2006 to file her provisional, utility, and patent cooperation treaty applications. Leavitt neglected the legal matter and failed to promptly comply with reasonable requests for information about the complainant's applications. Upon termination of representation, Leavitt failed to refund advance payments of fees that had not been earned. Leavitt failed to timely furnish to the Chief Disciplinary Counsel's office a response or other information as required by the Texas Rules of Disciplinary Procedure.

Leavitt violated Rules 1.01(b)(1), 1.03(a), 1.15(d), and 8.04(a)(8). He was ordered to pay $3,166.48 in attorney's fees and costs and $10,700 in restitution.

Leavitt had until March 20 to file an appeal.

On Feb. 19, **Fred V. Sutherland** [#19523800], 51, of Houston, was disbarred. The 152nd District Court of Harris County found that Sutherland failed to hold funds belonging in whole or in part to the client separate from his own funds, and he failed to keep funds or other property in which both he and the client claimed an interest separate until there was an accounting and severance of their interests.

Sutherland violated Rules 1.14(a) and (c). He was ordered to pay $16,806.27 in attorney's fees and costs and $39,000 in restitution.

On March 3, **Heather Schaefer** [#24027840], 39, of Plano, was disbarred. An evidentiary panel of the District 1-A Grievance Committee found that in three separate matters, Schaefer neglected the legal matters entrusted to her and frequently failed to carry out completely the obligations Schaefer owed to the complainants. Schaefer failed to promptly comply with the complainants' reasonable requests for information about the matters and failed to explain the matters to permit the complainants to make informed decisions regarding the representations. Upon termination of each of the representations, Schaefer failed to surrender papers to which the complainants were entitled and failed to refund advance payments of fees that had not been earned. Further, in one of the matters, Schaefer made an agreement with a complainant's wife prospectively limiting her liability for malpractice without the complainant's wife having independent representation of counsel and without Schaefer first advising the complainant and his wife in writing that independent representation was appropriate. In each matter, Schaefer failed to file a response to the Chief Disciplinary Counsel's office and did not assert a privilege or other legal ground for failure to do so.

Schaefer violated Rules 1.01(b)(1) and (b)(2), 1.03(a) and (b), 1.08(g), 1.15(d), and 8.04(a)(8). She was ordered to pay $6,848.89 in attorney's fees and costs and $2,800 in restitution.

Schaefer filed an appeal with the Board of Disciplinary Appeals on April 7.

RESIGNATIONS

On Feb. 24, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Ralph William Rodriguez** [#17148300], 54, of Del Rio. The Court found that Rodriguez pleaded guilty to two counts of aggravated sexual assault in Case Nos. 10775 and 10776, styled *The State of Texas v. Ralph William Rodriguez*, in the 63rd District Court of Val Verde County, which would subject him to compulsory discipline. Ralph M. Rodriguez [#17148350] of Corpus Christi is not the attorney whose disciplinary action is listed above.

On Feb. 24, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Daniel Joseph Sattizahn** [#24044136], 32, of Plano. The Court found that Sattizahn pleaded guilty to conspiracy to commit wire fraud and bank fraud in Case No. 3:07-CR-077-L(04), styled *United States of America v. Daniel J. Sattizahn*, in the U.S. District Court for the Northern District of Texas, Dallas Division, which would subject him to compulsory discipline. Sattizahn was committed to the custody of the U.S. Bureau of Prisons to be imprisoned for a term of two years and, upon release from imprisonment, to be on supervised release for a term of three years.

He was ordered to pay $100 in an assessment and $2,095,136.41 in restitution.

On Feb. 24, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Martin E. Turner** [#20327000], 65, of Austin. The Court found that Turner pleaded guilty to indecency with a child by contact in Case No. D1-DC-06-500506, styled *The State of Texas v. Martin Turner*, in the 427th District Court of Travis County, and was sentenced to five years in the institutional division of the Texas Department of Criminal Justice (TDCJ). The Court also found that Turner pleaded guilty to attempted indecency with a child in Case No. D1-DC-08-900251, styled *The State of Texas v. Martin Turner*, in the 427th District Court of Travis County, and was sentenced to five years in the institutional division of the TDCJ. The Court further found that Turner pleaded guilty to indecency with a child by contact in Case No. D1-DC-06-500507, styled *The State of Texas v. Martin Everette Turner*, in the 427th District Court of Travis County, and was sentenced to 10 years deferred adjudication probation. The charges would subject him to compulsory discipline.

On Feb. 24, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Bruce P. Garrison** [#24003914], 38, of Austin. The Court found that in a criminal matter, Garrison filed a notice of appeal, informed the defendant of his fee to pursue the appeal, and instructed the defendant to pay the court reporter for the preparation of the trial record. Garrison failed to file an appellate brief. The Court abated the appeal to permit time to hold a hearing to determine whether the appeal had been abandoned. Because Garrison failed to appear at the hearing, a mandate affirming the conviction was issued by the Court of Appeals.

In a second matter, the Court found that Garrison failed to file a copy of an advertisement with the State Bar's Advertising Review Committee. He further failed to file information concerning his law firm's website with the Advertising Review Committee. Garrison also failed to keep for a period of four years a copy of an advertisement and a record of when and

where the advertisement was used. In addition, Garrison failed to respond to a lawful demand for information from a disciplinary authority and failed to timely furnish to the Chief Disciplinary Counsel's (CDC) office a response to the complaint.

In a third matter, Garrison failed to keep his client reasonably informed about his case and to comply with reasonable requests for information. He further failed to refund unearned fees; engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation; and failed to furnish a written response to the CDC as directed.

In a fourth matter, Garrison was court-appointed to represent a defendant on an appeal and failed to communicate with his client in any manner and failed to furnish a written response to the CDC as directed.

In a fifth matter, Garrison was representing two different incarcerated clients in criminal matters. Garrison failed to appear in court and failed to contact the court on his clients' behalf. Garrison failed to reply to requests for information from the Court. Garrison also failed to furnish a written response to the CDC as directed.

In addition, Garrison pleaded guilty to tampering with a governmental record in Case Nos. D-1-DC-07-100071, D-1-DC-07-100072, and D-1-DC-07-100073 and possession of a controlled substance of more than four grams but less than 200 grams in Case No. D-1-DC-07-204964 in the 299th District Court of Travis County, styled, *The State of Texas v. Bruce Phillip Garrison*.

Garrison violated Rules 1.01(b)(1) and (b)(2), 1.03(a), 1.14(b), 3.03(a)(1), 3.04(d), 7.04(f), 7.07(b) and (c), 8.01(b), and 8.04(a)(3) and (a)(8) and would also be subject to compulsory discipline.

SUSPENSIONS

On Feb. 10, **Rahlita D. Thornton** [#19979500], 43, of Houston, received a two-year, partially probated suspension effective April 1, with the first three months actively served and the remainder probated. An evidentiary panel of the District 5-A Grievance Committee found that in two matters, Thornton neglected the legal matter entrusted to her. In one of the matters, Thornton failed to comply with reasonable requests for information from the client.

Thornton violated Rules 1.01(b)(1) and 1.03(a). She was ordered to pay $1,740 in attorney's fees and $9,160 in restitution. Thornton must also complete 20 additional hours of continuing legal education in the areas of Small Office Management and/or Law Practice Management.

On March 10, **David Norman Getz** [#00784123], 51, of Lubbock, accepted a four-year, fully probated suspension effective April 5. An evidentiary panel of the District 16-A Grievance Committee found Getz neglected his client's case, failed to keep his client informed, and failed to inform his client that his license to practice law had been suspended.

Getz violated Rules 1.01(b)(1), 1.03(a), and 8.04(a)(10). He was ordered to pay $750 in attorney's fees and expenses and $400 in restitution.

On Feb. 19, **Manuel A. Velasco** [#20540000], 81, of Pasadena, received a five-year, partially probated suspension effective Feb. 13, with the first three years actively served and the remainder probated. An evidentiary panel of the District 4-E Grievance Committee found that Velasco received settlement monies on behalf of his clients and was authorized to disburse payment from the settlement proceeds to their respective medical providers. Velasco tendered two post-dated checks to the medical provider written on his operating account and not his trust account. When the checks were presented for payment, they were returned for insufficient funds. Velasco thereafter failed to pay the medical provider the monies owed. Velasco further failed to file a written response to the grievance.

Velasco violated Rules 1.14(a) and (b) and 8.04(a)(8). He was ordered to pay $750 in attorney's fees and costs and $4,000 in restitution.

Velasco has filed a notice of appeal.

On Feb. 12, **Douglas Joe Brooks** [#03064000], 64, of Rockwall, received a six-month, fully probated suspension effective Feb. 16. An evidentiary panel of the District 6-A Grievance Committee found that Brooks neglected a legal matter entrusted to him by the complainant and failed to carry out completely the obligations he owed to the complainant. Brooks failed to keep the complainant reasonably informed about the status of the matter and failed to explain the matter to the extent reasonably necessary to permit the complainant to make informed decisions regarding the representation. Upon termination of representation, Brooks failed to refund advance payments of fees that had not been earned.

Brooks violated Rules 1.01(b)(1) and (b)(2), 1.03(a) and (b), and 1.15(d). He was ordered to pay $1,200 in attorney's fees and costs and $3,800 in restitution.

Brooks had until March 14 to file an appeal.

On March 11, **Michelle L. Valicek** [#12579850], 51, of San Antonio, accepted a two-year, fully probated suspension effective March 3. An evidentiary panel of the District 10-C Grievance Committee found Valicek neglected client representations, failed to communicate with clients, failed to return a client file upon termination, and failed to respond to a grievance.

Valicek violated Rules 1.01(b)(1), 1.03(a), 1.15(d), and 8.04(a)(8). He was ordered to pay $400 in attorney's fees and expenses.

On Feb. 13, **Cris William Craft** [#04971250], 50, of Houston, received a two-year, partially probated suspension effective April 1, with the first three months actively served and the remainder probated. An evidentiary panel of the District 4-B Grievance Committee found that Craft neglected the legal matter entrusted to him and failed to keep his clients reasonably informed about the status of the matter. Upon termination of the representation, Craft failed to surrender his clients' documents to them and also failed to refund an advance fee payment that had not been earned. Craft also failed to respond to the complaint in this disciplinary proceeding.

Craft violated Rules 1.01(b)(1), 1.03(a), 1.15(d), and 8.04(a)(8). He was ordered to pay $760 in attorney's fees and expenses and $1,000 in restitution.

On Feb. 12, **James L. Guinan** [#08597800], 45, of Dallas, received a one and a half-year, partially probated suspension effective March 16, with the first nine months actively served and the remainder probated. An evidentiary panel of the District 6A-B1 Grievance Committee found that in both matters, Guinan engaged in the practice of law when his right to practice had been administratively suspended and he failed to respond to the complaints that were filed against him.

Guinan violated Rules 8.04(a)(8) and (a)(11). He was ordered to pay $1,500 in attorney's fees and costs.

On Feb. 20, **William Conrad Hanlon** [#24011949], 46, of Sugar Land, received a three-year, partially probated suspension effective April 1, with the first year actively served and the remainder probated. An evidentiary panel of the District 5-A Grievance Committee found that in five matters, Hanlon neglected the legal matters entrusted to him and failed to refund advance payments of fees that had not been earned. In four matters, Hanlon failed to promptly comply with reasonable requests for information from his clients about their legal matter. In one matter, Hanlon failed to withdraw from representing his client when he was discharged, and, in another matter, Hanlon engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation. In all six matters, Hanlon failed to timely furnish to the Chief Disciplinary Counsel's office a response or other information as required by the Texas Rules of Disciplinary Procedure.

Hanlon violated rules 1.01(b)(1), 1.03(a), 1.15(a)(3) and (d), and 8.04(a)(3) and (a)(8). He was ordered to pay $2,330 in attorney's fees and expenses and $8,100 in restitution.

On Feb. 9, **Joseph O. Onwuteaka** [#15291300], 50, of Sugar Land, received a three-year, partially probated suspension effective March 1, with the first year and a half actively served and the remainder probated. An evidentiary panel of the District 4-D Grievance Committee found that Onwuteaka signed his client's name to an affidavit filed in support of a response to a motion for summary judgment. Onwuteaka signed his client's name attesting that the signature was his client's and was allegedly sworn to and subscribed before a notary public. Onwuteaka further filed an amended affidavit, which was signed by the client in California, outside the presence of a notary as the amended affidavit bore a notary stamp from Texas. This suspension was imposed by the grievance committee following the appeal and remand of a judgment of suspension previously imposed in this case. Onwuteaka has filed a motion for rehearing.

Onwuteaka violated Rules 3.03(a)(5) and 8.04(a)(3). He was ordered to pay $3,400 in attorney's fees and costs.

Onwuteaka has filed a notice of appeal.

On Feb. 23, **Donald Lee Harvey** [#00787658], 43, of Houston, received a two-year, partially probated suspension effective April 1, with the first three months actively served and the remainder probated. An evidentiary panel of the District 4-A Grievance Committee found that Harvey neglected the legal matter entrusted to him, failed to keep his client reasonably informed about the status of her legal matter, and failed to furnish to the Chief Disciplinary Counsel's office a response or other information as required by the Texas Rules of Disciplinary Procedure.

Harvey violated Rules 1.01(b)(1), 1.03(a), and 8.04(a)(8). He was ordered to pay $1,140 in attorney's fees and costs.

On March 10, **Darrell D. Gest** [#07830500], 50, of Austin, received a four-year, partially probated suspension effective April 1, with the first three

months actively served and the remainder probated. An evidentiary panel of the District 9-A Grievance Committee found that in a civil matter involving representation of a developer in a property dispute with a homeowner's association, Gest failed to hold funds and other property belonging in whole or in part to clients or third persons that are in a lawyer's possession in connection with a representation separate from the lawyer's own property and engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation.

Gest violated Rules 1.14(a) and 8.03(a)(3). He was ordered to pay $750 in attorney's fees.

On Feb. 27, **Mark Aronowitz** [#00793281], 43, of Texas City, received a one and a half-year, fully probated suspension effective March 1. An evidentiary panel of the District 5-B Grievance Committee found that upon termination of representation, Aronowitz failed to surrender papers and property to which the client was entitled.

Aronowitz violated Rule 1.15(d). He was ordered to pay $6,100 in attorney's fees.

On April 8, **Clyde Miller** [#14061950], 53, of Houston, accepted a one-month, active suspension effective July 15. An evidentiary panel of the District 4-D Grievance Committee found that Miller failed to keep a client reasonably informed about the status of the client's legal matter.

Miller violated Rule 1.03(a). He agreed to pay $1,500 in attorney's fees and costs.

On March 13, **Ronald D. Cross** [#00787305], 41, of Garland, received a nine-year, partially probated suspension effective March 6, with the first four 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 in a custody case and accepted service on behalf of the complainant of pleadings filed against the complainant. Cross failed to file a response and failed to appear in court. Cross failed to adequately communicate with the complainant and, after his representation was terminated, failed to return the unearned fee.

In the second matter, Cross was hired to prosecute a divorce action. Cross failed to file the divorce and failed to respond to the complainant's reasonable requests for information.

In the third matter, Cross was hired in a wrongful employment termination claim. Cross allowed the statute of limitations to expire without filing a lawsuit. Cross failed to adequately communicate with the complainant and misrepresented to the complainant that a defendant had offered to settle.

In the last matter, Cross was hired to collect debts owed to clients of the complainant. Cross failed to actively pursue many of the collection accounts; failed to notify the complainant of accounts that settled and failed to remit payments and settlement statements; issued insufficient funds checks to the complainant; collected court costs from the complainant and failed to file lawsuits; failed to maintain funds belonging to the complainant in a trust account; failed to adequately communicate with the complainant; and failed to surrender papers and property that the complainant was entitled to after his representation was terminated.

Cross failed to provide the Chief Disciplinary Counsel's office with written responses to all four grievances.

Cross violated Rules 1.01(b)(1) and (b)(2), 1.03(a), 1.04(d), 1.14(a) and (b), 1.15(d), and 8.04(a)(1), (a)(2), (a)(3), and (a)(8). He was ordered to pay $8,369.15 in attorney's fees and costs and $36,781.36 in restitution.

REPRIMANDS

On Jan. 16, **Gary Armand Ortega** [#15322750], 52, of Brownsville, accepted a public reprimand. The District 12-B Grievance Committee found that Ortega failed to make reasonable efforts to ensure that his employee's conduct was compatible with the professional obligations of a lawyer.

Ortega violated Rules 5.03(a) and (b). He was ordered to pay $750 in attorney's fees and expenses.

On Nov. 26, 2008, **Peggy S. Bittick** [#00793346], 44, of Pearland, received a public reprimand. An evidentiary panel of the District 5-C Grievance Committee found that Bittick was hired for representation in a child custody matter. The complainant paid an initial retainer of $3,500 to Bittick and periodically replenished the account with a total of $24,000. Once the case was concluded, $7,776 of the pre-paid attorney's fees remained. The client requested a refund of the unused balance, but Bittick refused to pay.

Bittick violated Rule 1.15(d). She was ordered to pay $1,300 in attorney's fees and direct expenses and $7,776.25 in restitution.

On March 26, **Rayshun Jackson** [#00797754], 40, of Dallas, accepted a public reprimand. An evidentiary panel of the District 6-A Grievance Committee found that in the course of representing a client in a criminal matter, Jackson took a position that unreasonably increased the costs or other burdens of the case or that unreasonably delayed resolution of the matter. Further, in the course of representing said client before a tribunal, Jackson habitually violated an established rule of procedure.

Jackson violated Rules 3.02 and 3.04(c)(1). He was ordered to pay $1,075 in attorney's fees and costs.

On Feb. 26, **Kenny Ray Kirby** [#11498400], 48, of Coppell, received a public reprimand. An evidentiary panel of the District 6-A Grievance Committee found that Kirby failed to keep his client reasonably informed about the status of her wrongful termination matter. Kirby failed to timely furnish to the Chief Disciplinary Counsel's office a response as required by the Texas Rules of Disciplinary Procedure and did not in good faith timely assert a privilege or other legal ground for failure to do so.

Kirby violated Rules 1.03(a) and 8.04(a)(8). He was ordered to pay $3,013.83 in attorney's fees and costs.

Kirby had until March 30 to file an appeal.