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# 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.

## REINSTATEMENT

**Alexander R.D. Wallenwein** [#20782200], 49, of Houston, has petitioned the 190th District Court of Harris County for reinstatement as a member of the State Bar of Texas.

## BODA ACTIONS

On July 6, the Board of Disciplinary Appeals dismissed for want of prosecution the appeal of **Gilbert Medina, Jr.** [#13894975], 58, of Dallas, from a judgment of probated suspension signed by an evidentiary panel of the District 6-A

Grievance Committee in Case Nos. 0080732672, D0080732674, and D0080732676 on Jan. 16. The Board found that Medina did not file a reporter's record or a brief. The Board issued an order to show cause to Medina on June 2, giving him 30 days to respond and show cause as to why the appeal should not be dismissed for want of prosecution. Medina did not respond. Medina remains on a probated suspension from the practice of law until Jan. 30, 2011. BODA cause number 44050.

On Aug. 18, the Board of Disciplinary Appeals signed an interlocutory order of suspension against **James Joseph Everett** [#06742100], 54, of Scottsdale, Ariz. On Jan. 23, Everett was found guilty of violating Title 18 U.S.C. §152(3), false declaration in bankruptcy proceedings; Title 18 U.S.C. §157, bankruptcy fraud; and Title 18 U.S.C. §1956(a)(1)(B)(i), money laundering/concealment, intentional crimes as defined in the Texas Rules of Disciplinary Procedure, in Cause No. CR 06-00795-001-PHX-JAT, styled *United States of America v. James Joseph Everett*, in the U.S. District Court for the District of Arizona. Everett was sentenced to 13 months in the custody of the U.S. Bureau of Prisons followed by supervised release for three years and ordered to pay an assessment of \$3,300 and a fine of \$7,500. Everett has appealed the conviction. The Board retains jurisdiction to enter a final judgment when the criminal appeal is final. Everett answered but failed to appear at the hearing. BODA cause number 44745.

On Aug. 18, the Board of Disciplinary Appeals signed a final judgment disbarring **Galen Ray Sumrow** [#19511375],

59, of Rockwall. On June 25, 2008, the Board signed an interlocutory order suspending Sumrow from the practice of law pending the appeal of his criminal conviction for theft by a public servant, aggregated, of more than \$1,500 but less than \$20,000, a third-degree felony in violation of Texas Penal Code Sections 31, 31.03(e)(4), and 31.03(f)(1), intentional crimes as defined in the Texas Rules of Disciplinary Procedure, in cause No. 2-07-629, styled, *The State of Texas v. Galen Ray Sumrow*, in the 382nd Judicial District Court of Rockwall County. Sumrow was sentenced to four years in the custody of the Institutional Division of the Texas Department of Criminal Justice. In addition, he was ordered to pay restitution in the amount of \$9,652.76 and ordered to be removed immediately as the criminal district attorney of Rockwall County. On April 17, the Court of Appeals for the 5th Circuit of Texas dismissed Sumrow's appeal after it was withdrawn and issued its mandate indicating that his conviction is final. BODA cause number 42036.

On Aug. 18, the Board of Disciplinary Appeals signed a final judgment disbarring **Barry Wayne Brown** [#24045566], 39, of Searcy, Ark. On June 25, 2008, the Board signed an interlocutory order suspending Brown from the practice of law pending the appeal of his criminal conviction of three charges in general court martial order in Cause No. 431-43-9656FR U.S. Air Force, 37th Training Wing, Lackland Air Force Base: attempt to commit premeditated murder, conspiracy to commit premeditated murder, and wrongful fraternization with an enlisted person, offenses under the Uniform Code of Military Justice. The crimes of attempt

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to commit premeditated murder and conspiracy to commit premeditated murder are intentional crimes as defined in the Texas Rules of Disciplinary Procedure. Brown was sentenced to confinement for 18 years in the U.S. Air Force Corrections System. The court martial was subject to an automatic appeal. The U.S. Air Force Court of Criminal Appeals affirmed his criminal conviction on April 23, 2008. On Nov. 13, 2008, the U.S. Court of Appeals for the Armed Forces denied his petition for grant of review. Brown answered but failed to appear at the hearing. BODA cause number 37539.

On Aug. 18, the Board of Disciplinary Appeals revoked the probation of **James L. Guinan** [#08597800], 45, of Dallas, and suspended him from the practice of law for one and a half years, beginning March 16 and ending Sept. 16, 2010. On Feb. 12, the District 6-A Grievance Committee signed a judgment of partially probated suspension. The Committee found that Guinan committed professional misconduct by violating Texas Disciplinary Rules of Professional Conduct 8.04(a)(8) and (a)(11) and suspended him from the practice of law for one and a half years, with the last nine months of the suspension, beginning Dec. 16, probated on certain terms and conditions. The Board of Disciplinary Appeals found that Guinan materially violated the terms and conditions of his active suspension and his probated suspension. BODA cause number 44900.

## SUSPENSIONS

On June 2, **Don C. Cooksey** [#04762500], 62, of Texarkana, received a one-year, fully probated suspension effective June 1. In November 2006, the complainant hired Cooksey for representation in a child support matter for a \$1,500 fee. Thereafter, Cooksey failed to keep the complainant informed regarding his matter and failed to respond to the complainant's requests for informa-

tion. In addition, Cooksey failed to supervise his employees during the course of the case. Furthermore, Cooksey failed to promptly return the complainant's fee. And finally, Cooksey failed to respond to the complainant's grievance.

Cooksey violated Rules 1.03(a), 1.15(d), 5.03, and 8.04(a)(8). He was ordered to pay \$5,932.97 in attorney's fees and costs.

Cooksey did not file an appeal.

On June 11, **Traci Lohmann Ahart** [#24000161], 36, of Houston, accepted a two-year, fully probated suspension effective June 15. An evidentiary panel of the District 4-E Grievance Committee found that Ahart neglected a client's legal matter, frequently failed to carry out completely the obligations owed to the client, failed to keep the client reasonably informed about the status of her legal matter, and failed to promptly comply with reasonable requests for information from the client about her legal matter.

Ahart violated Rules 1.01(b)(1) and (b)(2) and 1.03(a). She agreed to pay \$3,075 in attorney's fees and costs.

On May 7, **Bret Christopher Green** [#24027210], 42, of San Antonio, received a 10-year, partially probated suspension effective Jan. 29, with the first three years actively served and the remainder probated. The District 10-A Grievance Committee found that Green agreed to represent a client on multiple criminal matters and a bankruptcy case and was paid \$31,310 to pay restitution for the client in the criminal cases and for his attorney's fees. Green failed to pay restitution on behalf of the client, failed to maintain the restitution funds in a trust account, and failed to refund unearned fees and unpaid restitution.

Green violated Rules 1.14(a), (b), and (c); 1.15(d); and 8.04(a)(3). He was ordered to pay \$1,600 in attorney's fees and expenses and \$21,810 in restitution.

On June 29, **Arlene Gay McKinney** [#24011660], 49, of San Antonio,

accepted a one-year, fully probated suspension effective Aug. 3. The District 10B-1 Grievance Committee found McKinney neglected a client's case, failed to communicate with a client, and failed to respond to the grievance.

McKinney violated Rules 1.01(b)(1), 1.03(a), and 8.04(a)(8). He was ordered to pay \$2,490.90 in attorney's fees and expenses.

On July 7, an order of immediate interim suspension was entered in the 414th District Court of McLennan County against **Tammy T. Polk** [#24027624], 34, of Waco. The Court found that on Oct. 9, 2008, in Cause No. 2007-1912-C2, in the 54th District Court of McLennan County, Polk, or someone acting under the direction of Polk, forged Assistant District Attorney

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## DISCIPLINARY ACTIONS

Melanie Walker's signature on a motion to dismiss. Polk subsequently presented it as valid to the Court.

On March 12, **Thomas A. Zakes** [#22243420], 47, of Houston, received a three-year, partially probated suspension effective May 1, with the first six months actively served. An evidentiary panel of the District 4-B Grievance Committee found that in the first matter, Zakes was retained by a client for representation in a criminal matter. Zakes failed to identify property belonging to the client and failed to appropriately safeguard the property. Upon termination of the representation, Zakes failed to timely surrender the property, to which the client was entitled. The retention of the property prejudiced the client in his criminal case.

In a second matter, Zakes failed to timely respond to the pending grievance against him and asserted no legal grounds for the failure to do so. In a third matter, Zakes engaged in the practice of law while administratively suspended for failure to pay bar dues.

Zakes violated Rules 1.14(a), 1.15(d), and 8.04(a)(8) and (a)(11). He was ordered to pay \$1,565 in attorney's fees and costs.

Zakes filed a notice of appeal on April 30.

On June 18, **Alan M. Howard** [#10060000], 67, of Dallas, received a three-year, partially probated suspension effective Aug. 1, with the first three months actively served and the remainder probated. An evidentiary panel of the District 6-A Grievance Committee found that Howard failed to promptly deliver funds that a third person was entitled to receive. Howard also engaged in the practice of law when his right to practice had been administratively suspended for failure to timely pay required fees or assessments.

Howard violated Rules 1.14(b) and 8.04(a)(11). He was ordered to pay \$2,308.14 in attorney's fees and costs.

Howard did not file an appeal.

On July 22, **Kristin D. Wilkinson** [#24037708], 46, of Houston, received a six-month, active suspension effective Sept. 1. An evidentiary panel of the District 4-E Grievance Committee found that Wilkinson failed to communicate with the complainant during the course of the representation. In addition, Wilkinson failed to safeguard the complainant's funds and property, and she failed to promptly render a full accounting regarding the complainant's funds and property upon request. Finally, while representing the complainant, Wilkinson engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation.

Wilkinson violated Rules 1.03(a) and (b), 1.14(a) and (b), and 8.04(a)(3). She was ordered to pay \$23,153.03 in attorney's fees and costs.

Wilkinson had until Aug. 21 to file an appeal.

On July 9, **Paul K. Williams** [#21566400], 53, of Midland, accepted a two-year, fully probated suspension effective June 1. An evidentiary panel of the District 16-B Grievance Committee found that Williams neglected two representations and failed to respond to a client's requests for information.

Williams violated Rules 1.01(b)(1) and 1.03(a). He was ordered to pay \$750 in attorney's fees and expenses.

On March 3, 2008, **William B. Chenault III** [#04175000], 68, of San Antonio, received a six-month, active suspension effective March 15, 2008. The District 10-A Grievance Committee found that Chenault practiced law while his license was suspended. Chenault's administrative suspension was lifted March 14, 2008, ending his disciplinary suspension.

Chenault violated Rules 8.04(a)(11). He was ordered to pay \$3,763 in attorney's fees and expenses.

On July 27, **Robert Teir** [#00797940], 48, of Houston, accepted



an 18-month, fully probated suspension, effective August 1.

An evidentiary panel of the District 4-D Grievance Committee found that Teir failed to abide by a client's decisions concerning the objectives and general methods of representation. Teir also represented a client when the representation of that client became adversely limited by the interests of the law firm for which he was working. Teir also knowingly disobeyed a ruling by a tribunal.

Teir violated Rules 1.02(a)(1), 1.06(b)(2), and 3.04(d). He was ordered to pay \$825 in attorney's fees and to complete three additional hours of continuing legal education in the area of ethics each year for his next three MCLE reporting years.

## REPRIMANDS

On June 24, **Danny Lee Simmons** [#24048801], 50, of Lubbock, accepted a public reprimand. An evidentiary panel of the District 16A-4 Grievance Committee found Simmons neglected legal matters entrusted to him and failed to communicate with his clients.

Simmons violated Rules 1.01(b)(1) and 1.03(a). He agreed to pay \$750 in attorney's fees and expenses and \$1,900 in restitution.

On July 16, **Charles Russell Bomba** [#02580499], 59, of San Antonio, accepted a public reprimand. An evidentiary panel of the District 10 Grievance Committee found that Bomba failed to return his client's file upon request, neglected a bankruptcy representation, failed to keep his client reasonably informed, failed to respond to reasonable requests for information, and failed to return unearned fees.

Bomba violated Rules 1.01(b)(1), 1.03(a), and 1.15(d). He was ordered to pay \$1,000 in attorney's fees and expenses and \$2,000 in restitution. ★

## STATE BAR of TEXAS MINORITY DIRECTOR SOUGHT

Nominations are now being accepted for minority director for the State Bar of Texas Board of Directors. Self-nominations will not be accepted. Four appointed positions were created on the Board in order to increase minority participation as well as to provide representation from varying professional, geographic, and social environments. Two positions will become vacant in 2010.

Nominees will be screened by an *ad hoc* committee composed of members from the State Bar Board's Nominations & Elections Subcommittee, the State Bar's Women in the Profession Committee, and the State Bar's Racial Diversity in the Profession Committee. Nominees will be responsible for their own expenses related to the interview process. The *ad hoc* committee will submit to the President of the State Bar **four nominations for the two vacant positions**. Ratification of the presidential appointment of the minority directors will take place at the April 16, 2010, State Bar Board of Directors meeting. Board members serve three-year, staggered terms.

### Criteria for selection:

Any minority lawyer in good standing with the State Bar is eligible to be nominated as a minority member director, provided such lawyer has never served, or is not currently serving as a minority member director or as an elected director. To the fullest extent possible, the nominating committee shall only nominate persons who demonstrate the sensitivity and knowledge, gained from experiences in the profession and the community, necessary to represent the interests of minority lawyers.

A minority member of the State Bar is any lawyer who is female, African American, Hispanic American, Native American, or Asian American.

The nominating committee shall be guided, but not limited, by the following criteria in selecting its nominees for minority member director:

- The minority population of the area in which the candidate resides and practices.
- The degree of minority representation already on the State Bar Board of Directors from a particular geographic area.
- Demonstration of leadership ability.
- Involvement in civic or political activities within the minority community.
- Participation in minority bar associations.
- Participation in local bar, State Bar, and American Bar Association committees and activities.
- Year of licensure.
- Number and content of recommendation letters.
- Ethnicity and gender.

**Deadline for nominations is 5 p.m., Dec. 15, 2009.** Persons interested in being nominated for the position should submit the following: **a nomination letter; resume including information on bar participation, civic and political activities, ethnicity, gender, place of residence; and letters of recommendation (typically three to five).**

### Submit the information requested to:

**Lisa Tatum, Chair**  
**Ad Hoc Committee to Select Minority Directors**  
**c/o State Bar of Texas**  
**1414 Colorado Street, Ste. 300**  
**Austin, TX 78701-1627**

**Self-nominations will not be accepted.** (Please note that applying to be a minority director does not preclude an applicant from running from a geographic area. Petitions for the elected positions must be received at the State Bar headquarters by 5 p.m. on March 1, 2010, in order to be considered.)