

# HEINONLINE

Citation:

Tex. B.J. 884

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Mon Feb 5 10:44:02 2018

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**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 ACTION

On July 31, the Board of Disciplinary Appeals signed an agreed judgment suspending **Linda Jane Hevrin McCue** [#24034563], 35, of Mansfield, from the practice of law during her term of deferred adjudication. McCue pleaded no contest to the offense of tampering with a governmental record — defraud/harm, a state jail felony and an intentional crime as defined in the Texas Rules of Disciplinary Procedure, in

Cause No. 1143245W styled, *The State of Texas v. Linda McCue*, in the 396th District Court of Tarrant County. McCue was placed on deferred adjudication for two years beginning Jan. 30. In addition, the court ordered McCue to pay a fine in the amount of \$1,000. BODA cause number 44270.

## DISBARMENTS

On May 8, **Edwin Carl Olsen IV** [#00789527], 45, of Dallas, was disbarred. The 162nd Judicial District Court found that during a probate court hearing, Olsen knowingly made a false statement of material fact to a tribunal concerning the residence of his client and, once it became clear the judge misunderstood Olsen's statement, Olsen did not correct the false statement. Olsen subsequently filed a document with the probate court containing a false statement of what he told the judge at the hearing. Olsen knew or should have known that he might be a witness necessary to establish essential facts on behalf of his client relating to a will contest. Despite this knowledge, Olsen failed to withdraw from representing the client. Olsen engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation. Olsen's appeal deadline was June 8.

Olsen violated Rules 3.03(a) and (b), 3.08(a), and 8.04(a)(1) and (a)(3). He was ordered to pay \$10,732.70 in attorney's fees and costs.

Olsen has filed an appeal.

On May 22, **Shawn R. Roberts** [#00794540], 39, of Manvel, was disbarred. An evidentiary panel of the District 4-C Grievance Committee found that Roberts neglected his client's legal

matter, frequently failed to carry out completely the obligations owed to his client, failed to keep his client reasonably informed about the status of the legal matter, and failed to withdraw from representing his client when Roberts' physical, mental, and/or psychological condition materially impaired his fitness to represent the client. Roberts habitually violated an established rule of the Courts' procedures, failed to timely furnish a response to the Chief Disciplinary Counsel's office, and engaged in the practice of law when his right to practice had been administratively suspended.

Roberts violated Rules 1.01(b)(1) and (b)(2), 1.03(a), 1.15(a)(2), 3.04(c)(1), and 8.04(a)(8) and (a)(11). He was ordered to pay \$9,486.41 in attorney's fees and costs and \$20,000 in restitution.

Roberts has appealed the disbarment.

## RESIGNATIONS

On Aug. 20, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Jon R. Waggoner** [#20653400], 58, of Amarillo. The Court found that in nine pending matters, Waggoner neglected the legal matters entrusted to him by his clients and frequently failed to carry out completely the obligations he owed to his clients. Waggoner failed to keep the clients reasonably informed about the status of their legal matters and failed to explain the matters to the extent reasonably necessary to permit the clients to make informed decisions regarding the representation. Upon termination of representation, Waggoner failed to return his clients' files and failed to refund unearned fees or advance payments of fees that had not been earned. Waggoner engaged in the practice of law while his license was administratively suspended for failure to pay bar dues and the Texas Occupation Tax. Waggoner failed to reply in writing to any of the complaints and asserted no grounds for his failure.

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Waggoner violated Rules 1.01(b)(1) and (b)(2), 1.03(a) and (b), 1.15(d), and 8.04(a)(8) and (a)(11). Waggoner was ordered to pay \$21,900 in restitution.

On Aug. 20, the Supreme Court of Texas accepted the resignation, in lieu of compulsory discipline, of **Steven M. Woghin** [#21842150], 62, of Cold Spring Harbor, N.Y. On Sept. 22, 2004, Woghin pleaded guilty to conspiracy to commit securities fraud and obstruction of justice.

Between April 1, 1998 and April 6, 2004, Woghin, along with others, knowingly and willfully directly and indirectly conspired to commit fraud in connection with the purchase and sale of securities issued by a corporation in violation of the U.S. securities laws. Woghin also conspired to make and cause to be made false and misleading statements of material fact in applications, reports, and documents required to be filed under the Securities Exchange Act of 1934 and the rules and regulations thereunder, and conspired to falsify books, records, and accounts, and to circumvent the corporation's internal accounting controls as required by federal law.

## SUSPENSIONS

On May 22, **Ricky Lemay Simmons** [#24011691], 59, of Blanco, received a two-year, partially probated suspension effective May 1, with the first two months actively served and the remainder probated. An evidentiary panel of the District 15B-2 Grievance Committee found that Simmons, without consent of his former client, represented a client in a matter adverse to a former client, failed to respond to discovery, failed to appear at hearings, failed to advise his client a default judgment had been entered against the client, and failed to timely withdraw from representation when terminated.

Simmons violated Rules 1.01(b)(1), 1.03(a), 1.06(d), and 1.15(a). He was

ordered to pay \$3,185.16 in attorney's fees and expenses.

On July 27, **Kamran Mashayekh** [#13147620], 45, of Houston, accepted a one-year, fully probated suspension effective Aug. 1. The 9th District Court of Montgomery County found that Mashayekh sought to charge a client a contingent fee without a signed written fee agreement at the time he commenced representation of his client and failed to provide the client with a written statement showing the method by which he determined the amount of remittance to the client.

Mashayekh violated Rule 1.04(d). He was ordered to pay \$1,700 in attorney's fees and costs and \$10,000 in restitution.

On Aug. 6, **Arthur C. Washington** [#20897157], 46, of Houston, accepted a six-month, fully probated suspension effective July 15. An evidentiary panel of the District 4-B Grievance Committee found that Washington brought a proceeding before the court that was frivolous and for which there was no basis and engaged in the practice of law when his right to practice had been administratively suspended for failure to comply with Article XII of the State Bar Rules relating to Mandatory Continuing Legal Education.

Washington violated Rules 3.01 and 8.04(a)(11). He agreed to pay \$565 in attorney's fees and costs.

On June 24, **Robert P. Hoffman** [#09788300], 61, of Austin, accepted a three-year, fully probated suspension effective July 1. An evidentiary panel of the District 9 Grievance Committee found that Hoffman neglected a legal matter; failed to keep the client reasonably informed about the status of the case and promptly comply with reasonable requests for information; failed to fully return an unearned fee; and engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation.

Hoffman violated Rules 1.01(b)(1), 1.03(a), 1.15(d), and 8.04(a)(3). He was ordered to pay \$705.13 in attorney's fees.

On July 31, **Walter M. Reaves** [#16644200], 54, of Waco, accepted a nine-month, fully probated suspension effective Aug. 1. An evidentiary panel of the District 8 Grievance Committee found that in two cases involving post-conviction matters, Reaves neglected the legal matters, failed to explain the matters to the extent reasonably necessary to permit the clients to make informed decisions regarding the representation. In one of the matters, Reaves practiced law in a jurisdiction where doing so violated the regulation of the legal profession in that jurisdiction.

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Reaves violated Rules 1.01(b)(1), 1.03(b), 5.05(a), and 8.04(a)(1). He was ordered to pay \$2,368.48 in attorney's fees and \$1,500 in restitution.

On Aug. 10, **James O. Okorafor** [#15241710], 51, of Houston, accepted a one-year, fully probated suspension effective Aug. 10. The 113th District Court of Harris County found that Okorafor neglected a legal matter entrusted to him.

Okorafor violated Rule 1.01(b)(1). He agreed to pay \$1,030 in attorney's fees and costs.

On May 27, **Gilbert Medina** [#13894975], 58, of Dallas, received a two-year, partially probated suspension

effective Aug. 1, with the first year actively served and the remainder probated. The 68th District Court of Dallas County found that Medina was appointed to represent the complainant. He failed to keep the complainant informed about the status of her case and failed to respond to the complainant's reasonable requests for information. Medina misrepresented the legal services he performed on the payment request form that he submitted to the court.

Medina violated Rules 1.03(a), 3.03(a), and 8.04(a)(3). He was ordered to pay \$12,686.63 in attorney's fees.

Medina has filed an appeal.

On Aug. 13, **Brian G. Dicus** [#05846100], 47, of Rockwall, received a three-year, partially probated suspension, effective Aug. 15, with the first two years actively served and the remainder probated. An evidentiary panel of the District 6-B Grievance Committee found that Dicus neglected the legal matters entrusted to him; frequently failed to carry out completely the obligations owed to the complainants; failed to abide by the complainants' decision whether to accept an offer of settlement of their matters; failed to keep the complainants reasonably informed about the status of their matters; and engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation.

Dicus violated Rules 1.01(b)(1) and (b)(2), 1.02(a)(2), 1.03(a), and 8.04(a)(3). He was ordered to pay \$4,800 in attorney's fees and expenses.

On June 8, **Travis R. Phillips** [#15944500], 61, of Austin, received a five-year, partially probated suspension effective July 1, with the first three years actively served and the remainder probated. An evidentiary panel of the District 9-A Grievance Committee found that the complainant retained Phillips to initiate litigation. The complainant paid Phillips \$2,500. Phillips failed to initiate

the suit and made misrepresentations about the status of the suit, telling the complainant that the case was in the discovery process and that he was having difficulty finding a judge to hear the case. The opposing party subsequently sued the complainant. Phillips assured the complainant that he would get the small claims suit dismissed. Without the complainant's knowledge, approval, or consent, Phillips entered into a Rule 11 agreement and did not notify the complainant about the agreement. As a result of Phillips' failure to notify the complainant of the Rule 11 agreement, the opposing party was awarded property belonging to the complainant via a writ of possession. During the course of the representation, Phillips failed to respond to the complainant's requests for information about the status of the case. Despite repeated requests by the complainant, Phillips failed to surrender the complainant's papers to him. On Sept. 21, 2005, Phillips received notice of the complaint and failed to file a written response to the complaint as instructed by the Chief Disciplinary Counsel.

Phillips violated Rules 1.01(b)(1) and (b)(2), 1.03(a) and (b), 1.15(d), and 8.04(a)(3) and (a)(8). He was ordered to pay \$8,056.24 in attorney's fees and expenses and \$2,500 in restitution.

*Editor's Note:* **Travis Robert Phillips** [#24056137], 35, of Austin, is not the attorney referred to in this disciplinary sanction.

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 4E-9 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 failed to promptly render a full accounting regarding the complainant's funds and

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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 filed an appeal on Aug. 21.

On Aug. 21, **Armando Trevino** [#20211100], 61, of Laredo, received a three-year, partially probated suspension effective June 30, with the first month actively served and the remainder probated. The District 12 Grievance Committee found Trevino failed to respond to reasonable requests for information from his client and failed to respond to the grievance.

Trevino violated Rules 1.03(a) and 8.04(a)(8). He was ordered to pay \$1,000 in attorney's fees and expenses and \$1,000 in restitution.

On Aug. 3, **Paul W. Seabaugh** [#24010386], 41, of Saint Robert, Mo., accepted a two-year, fully probated suspension effective Aug. 1. An evidentiary panel of the District 4-B Grievance Committee found that in the first matter, Seabaugh neglected the client's legal matter, failed to keep the client reasonably informed about the status of the legal matter, failed to promptly comply with reasonable requests for information about the legal matter, and failed to timely furnish a response to the Chief Disciplinary Counsel's office.

In the second matter, Seabaugh neglected the client's legal matter, failed to keep the client reasonably informed about the status of the legal matter, failed to promptly comply with reasonable requests for information about the legal matter, and failed to notify the client that he closed his office and moved to a different location. Seabaugh failed to timely furnish a response to the Chief Disciplinary Counsel's office.

Seabaugh violated rules 1.01(b)(1), 1.03(a), and 8.04(a)(8) and (a)(10). He agreed to pay \$2,257 in attorney's fees and costs and \$1,400 in restitution.

On May 28, **Scott Matthew Dolin** [#24029523], 34, of Austin, received a three-year, partially probated suspension effective June 1, with the first year actively served and the remainder probated. An evidentiary panel of the District 9 Grievance Committee found that Dolin was hired in a criminal matter to appear at trial and failed to do so. Dolin also failed to refund the fees as agreed and failed to communicate with the complainant, although the complainant tried many times to contact him. Dolin further failed to file a written response to the complaint.

Dolin violated Rules 1.01(b)(1), 1.15(d), and 8.04(a)(3) and (a)(8). He was ordered to pay \$3,157 in attorney's fees and expenses and \$2,000 in restitution.

On Aug. 24, **Paul Alan Lockman** [#12475000], 62, of Dallas, received a four-year, partially probated suspension effective Oct. 1, with the first six months actively served and the remainder probated. The 14th Judicial District Court of Dallas County found that in the first matter, Lockman failed to respond to requests for information from a client and failed to keep the client informed of the status of his personal injury case.

In the second matter, Lockman failed to make reasonable efforts to ensure that his legal assistant's conduct was compatible with his professional obligations as a lawyer.

Lockman violated Rules 1.03(a) and 5.03(a) and (b). He was ordered to pay \$2,989.20 in attorney's fees.

On Aug. 31, **David M. Dillon** [#05875800], 56, of Buda, accepted a two-year, fully probated suspension effective Aug. 21. An evidentiary panel of the District 15-3 Grievance Commit-

tee found that Dillon neglected the representation of a client and failed to promptly reply to his client's reasonable requests for information and to timely respond to the grievance.

Dillon violated Rules 1.01(b)(1), 1.03(a), and 8.04(a)(8). He was ordered to pay \$750 in attorney's fees and expenses and \$727 in restitution.

## REPRIMANDS

On July 28, **Terry Levoy Marsaw** [#00786085], 54, of Dallas, received a public reprimand. The 193rd District Court of Dallas County found that Marsaw was hired to represent the complainant on a traffic violation. In anticipation of beginning an active suspension, Marsaw filed a motion to with-

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## DISCIPLINARY ACTIONS

draw and for substitution of attorney. Marsaw did not properly obtain the complainant's approval for the substitution of counsel and did not notify the complainant of his suspension.

Marsaw violated Rules 3.03(a)(1), 5.03(a), and 8.04(a)(7). He was ordered to pay \$2,200 in attorney's fees.

On Aug. 13, **W. David Holliday** [#09877300], 60, of Dallas, received a public reprimand. An evidentiary panel of the District 6B-2 Grievance Committee found that Holliday failed to reduce a contingent fee agreement to writing. Holliday also failed to hold funds belonging to the client that were in Holliday's possession separate from Holliday's own property. Both Holliday and the client reported this conduct.

Holliday violated Rules 1.04(d) and 1.14(a). He was ordered to pay \$2,262 in attorney's fees.

On Aug. 31, **Bryan K. Buchanan** [#03285800], 56, of Denton, received a public reprimand after a finding of professional misconduct by the 17th Judicial District Court of Tarrant County. Buchanan failed to explain a criminal matter to the extent reasonably necessary to allow the client to make informed decisions regarding the representation. Buchanan also accepted compensation for representing the client from one other than the client and failed to obtain the client's consent.

Buchanan violated Rules 1.03(b) and 1.08(e). He was ordered to pay \$3,398.75 in attorney's fees.

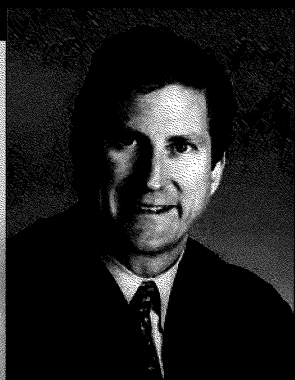
On Aug. 18, **Jeff Forrest Smith** [#18623800], 59, of Dallas, accepted a public reprimand. An evidentiary panel of the District 6 Grievance Committee found that following an entry of a decree of divorce, Smith failed to keep the client reasonably informed about the status of the matter. Following the termination of representation, Smith failed to surrender to the client within a reasonable time frame property to which the client was entitled.

Smith violated Rules 1.03(a) and 1.15(d). He was ordered to pay \$1,846.50 in attorney's fees and expenses.

On Aug. 14, **Charles Ray Johnson** [#24025742], 40, of Freeport, agreed to a public reprimand regarding three separate grievances consolidated for trial. An evidentiary panel of the District 4 Grievance Committee found that Johnson failed to communicate with his clients in all three matters. In two of the matters, Johnson neglected the legal matters entrusted to him.

Johnson violated Rules 1.01(b)(1) and 1.03(a). He was ordered to pay \$2,500 in attorney's fees and costs and \$39,500 in restitution. ☼

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