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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.

BODA ACTIONS

On Oct. 21, the Board of Disciplinary Appeals dismissed for want of prosecution the appeal of **Elene B. Glassman** [#08016000], 67, of Houston, from a judgment of partially probated suspension signed by an evidentiary panel of the District 4C-6 Grievance Committee in Case No. H0100623222 on Jan. 29. The Board found that Glassman did not file a brief. The Board issued an order to show cause to Glassman on Aug. 25, giving her 30 days to respond and show cause as to why the appeal should not be dismissed

for want of prosecution. Glassman did not respond. Glassman remains actively suspended from the practice of law until Feb. 28, 2011, and then on a probated suspension from the practice of law until Feb. 28, 2019. BODA cause number 44074.

On Oct. 19, the Board of Disciplinary Appeals signed an agreed judgment of indefinite disability suspension against **Sharon Darlene Evans** [#06728040], 43, of Houston, in accordance with Part XII of the Texas Rules of Disciplinary Procedure and Section 8 of the Internal Procedural Rules of the Board of Disciplinary Appeals. BODA cause number 45442.

On Oct. 19, the Board of Disciplinary Appeals signed an agreed interlocutory order of suspension against **Barry Joseph Jewell** [#24033546], 50, of Little Rock, Ark. On April 14, Jewell was found guilty of tax evasion in violation of Title 26 U.S.C. §7201 and Title 18 U.S.C. §2, an intentional crime as defined in the Texas Rules of Disciplinary Procedure, in Case No. 4:07CR00103 JLH styled, *United States of America v. Barry J. Jewell*, in the U.S. District Court for the Eastern District of Arkansas. Jewell was sentenced to 30 months in the U.S. Bureau of Prisons, followed by three years of supervised release and ordered to pay a fine of \$25,000 and an assessment of \$100. Jewell has appealed the conviction. The Board retains jurisdiction to enter a final judgment when the criminal appeal is final. BODA cause number 44743.

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, 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.

On Aug. 17, **Derek K. Harmon** [#00790824], 50, of Houston, was disbarred. An evidentiary panel of the District 4-F Grievance Committee found that in each of two counts brought against Harmon, he engaged in the practice of law when his right to practice law had been suspended, he violated a previous disciplinary judgment, and failed to timely furnish a response to the Chief Disciplinary Counsel's office. Additionally, on count two, Harmon neglected his client's legal matter, failed to keep the client reasonably informed about the status of his matter, and failed to promptly comply with reasonable requests for information from the client. Upon termination of his representation, Harmon failed to refund any advance payments of fees that he had not earned.

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DISBARMENTS

On May 22, **Shawn R. Roberts** [#00794540], 39, of Manvel, was disbarred. An evidentiary panel of the Dis-



Harmon violated Rules 1.01(b)(1), 1.03(a), 1.15(d), and 8.04(a)(7), (a)(8), and (a)(11). He was ordered to pay \$2,558.86 in attorney's fees and costs and \$1,000 in restitution.

On Sept. 8, **Francisco Jimenez** [#24004162], 38, of Grand Junction, Colo., was disbarred. An evidentiary panel of the District 4-B Grievance Committee considered three separate complaints. In all three of the matters, Jimenez neglected his responsibilities to his clients and failed to communicate with his clients. In two of the matters, Jimenez failed to refund unearned fees to the clients and failed to furnish a response to the complaints to the Chief Disciplinary Counsel.

Jimenez violated Rules 1.01(b)(1), 1.03(a), 1.15(d), and 8.04(a)(8). He was ordered to pay \$2,875 in attorney's fees and costs and \$3,250 in restitution.

On Sept. 18, **Brandie R. Payne** [#24010290], 39, of Lubbock, was disbarred. An evidentiary panel of the District 4 Grievance Committee found that in one matter, Payne failed to keep her client reasonably informed about the status of the representation. In addition, Payne failed to keep her own funds separate from those of the client's and failed to notify the client that she had received funds in which the client had an interest. She also failed to account for funds paid to her on behalf of her client and converted those funds to her own use.

In a second matter, Payne failed to keep her client reasonably informed about the status of the representation, failed to keep her own funds separate from those of the client's, and failed to notify the client that she had received funds in which the client had an interest. She also misrepresented the status of her collection efforts on behalf of the client.

Payne violated Rules 1.03(a), 1.14(a) and (b), and 8.04(a)(3). She was ordered to pay \$4,665.52 in attorney's fees and costs and \$166,416.45 in restitution.

RESIGNATION

On Oct. 8, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Sheridan C. Ernstmeyer** [#00790649], 43, of Austin. The Court found that the complainant retained Ernstmeyer in October 2007, to handle all legal matters pertaining to the complainant's business. Ernstmeyer misappropriated funds belonging to the complainant from the complainant's bank account.

Ernstmeyer violated Rules 1.14(a) and 8.04(a)(3).

SUSPENSIONS

On Sept. 3, **Rogelio Ibanez, Jr.** [#10382930], 44, of McAllen, accepted a one-year, fully probated suspension effective July 1. The District 12 Grievance Committee found that Ibanez wrote trust account checks payable to his client's customers that were not honored due to insufficient funds and that his IOLTA account repeatedly had a negative balance.

Ibanez violated Rules 1.14(a) and (b). He was ordered to pay \$1,500 in attorney's fees and expenses.

On June 6, 2008, **Thomas P. Hayes IV** [#09280160], 52 of Lake Hills, accepted a 42-month, partially probated suspension effective Sept. 10, 2007, with first nine months actively served and the remainder probated. Hayes agreed that in four separate matters, he failed to keep the clients reasonably informed about the status of their legal matters and failed to promptly comply with reasonable requests for information from the clients. Hayes failed to hold funds belonging in whole or in part to the clients separate from his own funds, and upon receiving the funds in which the clients had an interest, failed to promptly deliver to the clients funds that the clients were entitled to receive.

Hayes violated Rules 1.03(a) and 1.14(a) and (b). He was ordered to pay \$5,500 in attorney's fees and costs.

This judgment of suspension replaces a judgment of disbarment previously reported in the December 2007 *Texas Bar Journal*.

On Sept. 2, **Ricardo Gonzalez** [#24000460], 47, of Harlingen, received a three-year, fully probated suspension, effective Sept. 2. The 319th District Court of Nueces County found that Gonzalez failed to promptly notify a third party with an interest of receipt of funds and failed to promptly deliver funds the third party was entitled to receive.

Gonzalez violated Rule 1.14(b). He was ordered to pay \$13,292 in attorney's fees and expenses.

On Aug. 24, **Paul Alan Lockman** [#12475000], 62, of Dallas, received a

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four-year, partially probated suspension effective Oct. 1, with the first six months actively served and the remainder probated. The 14th Judicial District Court in 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 Oct. 12, **Donald T. Smith** [#18568600], 50, of Fort Worth, accepted a one-year, fully probated suspension effective Nov. 1. An evidentiary panel of the District 7 Grievance Committee found that Smith neglected a legal matter entrusted to him, failed to keep his client reasonably informed about the status of her case, and failed to promptly comply with reasonable requests for information from his client.

In a second matter, Smith failed to timely furnish to the Chief Disciplinary Counsel's office a response to the complaint as required by the Texas Rules of Disciplinary Procedure.

Smith violated Rules 1.01(b)(1), 1.03(a), and 8.04(a)(8). He was ordered to pay \$1,400 in attorney's fees and costs.

REPRIMANDS

On Aug. 31, **Bryan K. Buchanan** [#03285800], 56, of Denton, received a public reprimand. The 17th Judicial District Court in Tarrant County found that 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. 13, **Steven W. Brooks** [#00793397], 42, of Dallas, received a public reprimand.

An evidentiary panel of the District 6 Grievance Committee found that Brooks failed to keep his client reasonably informed about the status of a probate matter and failed to promptly comply with reasonable requests for information from his client about the matter.

Brooks violated Rule 1.03(a). He was ordered to pay \$1,400 in attorney's fees and costs.

On Sept. 17, **Joshua T. Turman** [#24013661], 37, of Arlington, received a public reprimand. In August 2005, the complainant hired Turman to represent him in a divorce. On Sept. 28, 2007, Turman was suspended for non-compliance with the Minimum Continuing Legal Education requirements. Turman subsequently attended a hearing on the complainant's behalf and represented the complainant while he was administratively suspended from the practice of law.

Turman violated Rules 1.01(b)(1) and 8.04(a)(11). He was ordered to pay \$1,250 in attorney's fees.

On Oct. 7, **Arnulfo Guerra, Jr.** [#08574100], 58, of Roma, accepted a public reprimand. The 430th District Court of Hidalgo County found that Guerra failed to comply with a court order and neglected a client representation by failing to timely file an appellant brief.

Guerra violated Rules 1.01(b)(1) and 3.04(d). He was ordered to pay \$2,500 in attorney's fees and expenses. ☺