



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.

DISBARMENTS

On Nov. 9, 2009, **Gene R. Rosas**, [#17244250], 45, of San Antonio, was disbarred. The 45th District Court of Bexar County found that Rosas improperly entered into a business transaction with a client and engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation.

Rosas violated Rule 1.08(a)(1), (a)(2), and (a)(3) and 8.04(a)(3). He was ordered to pay \$9,250 in attorney's fees and expenses.

Rosas filed a motion for a new trial.

On Oct. 9, 2009, **David Scott Ross** [#17285575], 56, of Houston, was disbarred. An evidentiary panel of the District 4-E Grievance Committee found that in one matter, Ross failed to promptly comply with reasonable requests for information from the complainant about a legal matter and failed to promptly deliver to the complainant funds that the complainant was entitled to receive. Ross also engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation.

In another matter, Ross frequently failed to carry out completely the obligations that he owed to the complainant. Ross also failed to keep the complainant reasonably informed about the status of his legal matter, failed to reduce his contingent fee agreement with the complainant to writing, and, upon termination of his representation of the complainant, failed to refund an advance fee payment that had not been earned. In both matters, Ross 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.

Ross violated Rules 1.01(b)(2), 1.03(a), 1.04(d), 1.14(b), 1.15(d), and 8.04(a)(3) and (a)(8). He was ordered to pay \$2,120 in attorney's fees and expenses and \$17,000 in restitution.

informed about the status of their immigration matters and to promptly comply with reasonable requests for information from her clients about their immigration matters. In two of the matters, Givaudan failed to deliver to third parties funds that they were entitled to receive.

Givaudan violated Rules 1.01(b)(1), 1.03(a), and 1.14(b). She was ordered to pay \$8,740 in restitution.

SUSPENSIONS

On Oct. 14, 2009, **John O. Mukoro** [#24041539], 52, of Houston, received a three-year, partially probated suspension effective Dec. 1, 2009, with the first year actively served and the remainder probated. An evidentiary panel of the District 4-B Grievance Committee found that in the course of a personal injury representation, Mukoro failed to promptly deliver to his client settlement funds that she was entitled to receive. Upon request by the client, Mukoro failed to promptly render a full accounting regarding the settlement funds. Additionally, a check written to one of the client's medical providers, drawn on Mukoro's IOLTA account, was returned for insufficient funds, as Mukoro had withdrawn more monies than he was entitled to receive. Upon learning that his legal assistant had failed to disburse settlement funds due to the client or her medical providers, Mukoro knowingly failed to take remedial action to avoid or mitigate the consequences of the legal assistant's misconduct.

Mukoro violated Rules 1.14(b) and (c) and 5.03(a) and (b). He was ordered to pay \$3,360 in attorney's fees and costs.

On Oct. 20, 2009, **Michael L. Davis** [#05528760], 48, of Coldspring received a two-year, fully probated suspension

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RESIGNATIONS

On Nov. 19, 2009, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Christina Hoffmann Givaudan** [#09791320], 45, of Carrollton. At the time of her resignation, Givaudan had three disciplinary matters pending. In all three, Givaudan neglected the legal matters entrusted to her and failed to keep her clients



effective Nov. 1, 2009. An evidentiary panel of the District 3-B Grievance Committee found that in representing a client, Davis neglected the legal matter entrusted to him. Davis also failed to promptly comply with reasonable requests for information from the client about the legal matter.

Davis violated Rules 1.01(b)(1) and 1.03(a). He was ordered to pay \$1,096 in attorney's fees and costs.

Editor's Note: Michael L. Davis [#05528750], 55, of San Antonio, is not the attorney referred to in this disciplinary sanction.

On Nov. 9, 2009, **Timothy S. Corwin** [#04846800], 44, of Waco, received a five-year, active suspension effective Nov. 9, 2009. An evidentiary panel of the District 8 Grievance Committee found that in March 2007, the complainant hired Corwin to represent her and her husband in an adoption. The complainant paid Corwin \$1,050. Corwin neglected the complainant's case for approximately one year and did not file the suit for adoption. Corwin failed to respond to emails from the complainant and to return telephone calls and/or was unable to provide the complainant with information concerning the status of her case. Corwin failed to promptly return property belonging to the complainant.

In a second matter, the complainant paid Corwin \$500 to file an appeal from a default judgment taken against the complainant. The complainant gave Corwin \$4,000 for the appeal bond and \$197 for the filing fee. Corwin filed the notice of appeal but never paid the filing fee to the Court. When the filing fee was not paid, the Court returned the bond to Corwin. Corwin did not promptly return these funds to the complainant. During the investigation of the case, Corwin informed the Office of Chief Disciplinary Counsel that he had sent a check to the complainant returning the complainant's funds. The complainant never received such a check.

In a third matter, on Sept. 18, 2007, the complainant hired Corwin to represent her in a legal matter and gave him papers relating to her claim. The complainant later requested a return of these documents. Corwin failed to promptly return the documents to the complainant. On July 17, 2008, the Office of Chief Disciplinary Counsel sent Corwin a notice of the complaint directing Corwin to furnish a written response to the complaint within 30 days of his receipt of the notice pursuant to the Texas Rules of Disciplinary Procedure. Corwin failed to furnish a response to the complaint.

Corwin violated Rules 1.01(b)(1) and (b)(2), 1.03(a), 1.14(b), and 8.04(a)(1), (a)(3), and (a)(8). He was ordered to pay \$11,778.63 in attorney's fees and expenses.

On Nov. 12, 2009, **John R. Perry** [#15803100], 57, of Corpus Christi, accepted a one-year, fully probated suspension effective Dec. 1, 2009. The 28th District Court of Nueces County found that Perry was hired to pursue a mold and structural defect case, received money in advance for fees and expenses, and failed to place the funds in a trust account and to account for the allocation of the funds.

Perry violated Rule 1.14(a). He was ordered to pay \$1,100 in attorney's fees and expenses.

On Sept. 30, 2009, **Edward Wade Garrison** [#24010559], 44, of San Antonio, received a five-year, fully probated suspension effective Oct. 1, 2009. An evidentiary panel of the District 10 Grievance Committee found that in a custody matter, Garrison neglected the legal matter and failed to keep the client reasonably informed and to timely withdraw from representation when he was terminated.

In a divorce matter, Garrison neglected the legal matter entrusted to him and failed to respond to his client's reasonable requests for information, to account to the client for the fee paid, and to return unearned fees.

In another divorce matter, Garrison neglected the legal matter and failed to keep the client reasonably informed and to respond to the client's reasonable requests for information.

In another custody case, Garrison neglected the legal matter and failed to keep the client reasonably informed and to respond to the client's reasonable requests for information. Garrison also failed to timely file a written response to three of the four grievances.

Garrison violated Rules 1.01(b)(1), 1.03(a) and (b), 1.15(a)(3) and (d), and 8.04(a)(8). He was ordered to pay \$2,693 in attorney's fees and expenses and \$12,000 in restitution.

On Oct. 22, 2009, **Seth Cortigene** [#04846200], 51, of Baytown, received a three-year, fully probated suspension

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effective Oct. 22, 2009. The 157th District Court of Harris County found that Cortigene was hired for representation in a lawsuit filed in federal court in Louisiana. Thereafter, Cortigene filed an answer and counterclaim, but failed to keep his client apprised as to the status of the case. Cortigene also settled the case without his client's knowledge and/or consent.

Cortigene violated Rules 1.02(a)(2), 1.03(a), and 8.04(a)(3). He was ordered to pay \$1,905 in attorney's fees and costs.

On Nov. 18, 2009, **Gary Ray Warren** [#00785181], 45, of Garland, received a two-year, fully probated suspension effective Dec. 1, 2009. The 14th Judicial District Court found that in representing

his client in a federal criminal case, Warren neglected the legal matter and frequently failed to carry out completely the obligations owed to the client. Warren failed to keep his client reasonably informed about the status of his matter and failed to promptly comply with reasonable requests for information from his client. Warren knowingly made a false statement of material fact to a tribunal.

Warren violated Rules 1.01(b)(1) and (b)(2), 1.03(a) and (b), and 3.03(a)(1). He was ordered to pay \$3,000 in attorney's fees and costs.

On Nov. 2, 2009, **Robert J. Smith** [#00789634], 44, of Beaumont, received a five-year, active suspension effective Oct. 22, 2009. An evidentiary panel of the District 3-A Grievance Committee found that in the first matter, upon settlement of a personal injury case, Smith failed to provide the client with a written statement showing the remittance of settlement funds to the client and the method of its determination. Smith failed to promptly render a full accounting regarding the settlement funds and failed to promptly deliver to his client settlement funds that his client was entitled to receive. Smith failed to promptly comply with reasonable requests for information from his client.

In a second matter, upon settlement of a personal injury case, Smith failed to promptly render a full accounting regarding the settlement funds despite the client's repeated requests for an accounting. Smith failed to promptly deliver to the client or to the client's medical providers funds that they were entitled to receive. Smith failed to promptly comply with reasonable requests for information from his client and failed to surrender the client file.

In a third matter, Smith neglected two personal injury matters entrusted to him. Smith failed to keep the client reasonably informed about the status of the matters. Smith failed to promptly comply with reasonable requests for informa-

tion from the client. Smith also failed to respond to the pending grievance against him and asserted no legal grounds for the failure to do so.

Smith violated Rules 1.01(b)(1); 1.03(a); 1.04(d); 1.14(a), (b), and (c); 1.15(d); and 8.04(a)(8). He was ordered to pay \$4,344.03 in attorney's fees and costs.

Smith had until Dec. 2, 2009 to file an appeal.

On Oct. 8, 2009, **Frank David Stone** [#00785062], 51, of Dallas, received a three and a half-year, partially probated suspension effective Sept. 10, 2009, with the first six months actively served and the remainder probated. An evidentiary panel of the District 6 Grievance Committee found that Stone failed to hold funds belonging to the complainant separate from Stone's own property and failed to promptly deliver funds to the complainant. Stone knowingly disobeyed a ruling by a tribunal ordering him to pay the funds to the complainant. Stone failed to timely furnish to the Chief Disciplinary Counsel's office a response as required by the Texas Rules of Disciplinary Procedure.

Stone violated Rules 1.14(a), 1.14(b), 3.04(d) and 8.04(a)(8). He was ordered to pay \$3,838.75 in attorney's fees, \$2,000 in restitution, and \$769.91 in costs.

On Dec. 7, 2009, **Joseph William Bailey** [#01529200], 65, of Shreveport, La., received a six-year, fully probated suspension effective Dec. 12, 2010. An evidentiary panel of the District 2 Grievance Committee found that on July 27, 1993, Bailey was appointed guardian ad litem for a minor child for purposes of a pending lawsuit. The lawsuit ultimately settled for \$40,000. The Court subsequently executed an order to allocate funds that required Bailey to purchase an annuity for the minor child with the \$13,000 issued to her from the settlement. Bailey failed to safeguard the \$13,000 by maintaining it in either a

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trust or IOLTA account. In addition, he failed to provide an accounting of the funds to the minor child.

Bailey violated Rules 1.14(a) and (b). He was ordered to pay \$3,500 in attorney's fees and \$36,000 in restitution.

Bailey had until Jan. 6, 2010, to file an appeal.

REPRIMANDS

On Nov. 5, 2009, **Pamela Julian** [#11048800], 61, of San Antonio, received a public reprimand. Julian was appointed as attorney ad litem for children in a proceeding to terminate the parental rights of their father. Julian erroneously believed she had been appointed to represent the father, communicated with him and answered on his behalf contesting the termination. After learning of the mistake, she undertook to represent the children and advocated for a position adverse to her former client.

Julian violated Rule 1.09(a)(2) and (a)(3), 1.05(b)(2), and 1.06(a). She was ordered to pay \$500 in attorney's fees and expenses.

On Nov. 12, 2009, **Victor James Smith** [#00788440], 49, of San Antonio, accepted a public reprimand. The District 10 Grievance Committee found Smith neglected the representation of his client and failed to keep his client reasonably informed.

Smith violated Rules 1.01(b)(1) and 1.03(a).

On Nov. 10, 2009, **Richard C. Jaramillo** [#10573200], 63, of Dallas, received a public reprimand from the 298th Judicial District Court. After settling personal injury matters for his clients, Jaramillo failed to maintain the settlement funds in a designated trust account until there was an accounting and severance of his and his clients' interests. The clients agreed to settlement distribution amounts, and Jaramillo issued checks from his operating

account. Jaramillo failed to promptly deliver funds owing to the clients and the medical providers on the clients' behalf.

Jaramillo violated Rules 1.14(a), (b), and (c). He was ordered to pay \$6,411.55 in attorney's fees and costs.

On Nov. 10, 2009, **John L. Mendoza** [#13937000], 69, of Houston, accepted a public reprimand. An evidentiary panel of the District 4-E Grievance Committee found that Mendoza failed to keep his client reasonably informed about the status of the legal matter and failed to promptly comply with reasonable requests for information from the client. Mendoza failed to explain the legal matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation. Mendoza entered into an agreement prospectively limiting Mendoza's liability to the client. Upon termination of representation, Mendoza failed to surrender papers and property to which the client was entitled.

Mendoza violated Rules 1.03(a) and (b), 1.08(g), and 1.15(d). He agreed to pay \$500 in attorney's fees and costs.

On Nov. 30, 2009, **Ray W. Hill** [#09667000], 69, of Crowley, accepted a public reprimand. An evidentiary panel of the District 7 Grievance Committee found that Hill engaged in the practice of law when his right to practice had been administratively suspended for failure to timely pay required fees.

Hill violated rules 8.04(a)(11). He was ordered to pay \$775 in attorney's fees.

On Dec. 3, 2009, **Dane W. Bennett** [#24039271], 47, of Houston, accepted a public reprimand. The District 4-B Grievance Committee found that Bennett was retained for representation in a divorce case. Bennett failed to prepare temporary orders or take action to effectuate the orders of the court or the agreement of the parties. Additionally, Bennett

was administratively suspended from the practice of law for a period of time during his representation of the client, but continued to represent his client.

Bennett violated Rules 1.01(b)(1), 5.05(a), and 8.04(a)(11). He was ordered to pay \$198.20 in attorney's fees and costs.

On Dec. 9, 2009, **Jeffrey Scott Barry** [#24036193], 36, of Houston, accepted a public reprimand. The District 4-F Grievance Committee found that, in representing a client, Barry neglected the legal matter entrusted to him and failed to keep his client reasonably informed about the status of their legal matter.

Barry violated Rules 1.01(b)(1) and 1.03(a). He was ordered to pay \$1,482.30 in attorney's fees and expenses. ☛

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