



# 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 [txboda.org](http://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 May 11, the Board of Disciplinary Appeals dismissed for want of prosecution the appeal of **Robert G. Cochran** [#00796010], 47, of Houston, from a default judgment of disbarment signed on Sept. 17, 2010, by an evidentiary panel of the District 4-F Grievance Committee in Case No. H0090929546. Cochran did not file a brief and the Board issued an order to show cause to Cochran on March 22, giving him 30 days to respond and show cause as to why the appeal should not be dismissed for want of prosecution. Cochran did not respond. BODA Cause No. 47549.

On May 11, the Board of Disciplinary Appeals dismissed for want of prosecution the appeal of **James Okoro Okorafor** [#15241710], 53, of Houston, from a judgment of active suspension signed on Oct. 21, 2010, by an evidentiary panel of District 4-F Grievance Committee in Case Nos. H0060724640, H0030826302, and H0030826344. Okorafor did not file a brief and the Board issued an order to show cause to Okorafor on March 22, giving him 30 days to respond and show cause as to why the appeal should not be dismissed for want of prosecution. Okorafor did not respond. Okorafor remains suspended from the practice of law until Nov. 30, 2012. BODA Cause No. 44357.

the complainant in an appeal before the U.S. Court of Appeals for the Seventh Circuit. Derkunt devoted the majority of his brief to a frivolous argument regarding the constitutionality of the federal criminal code and, in so doing, neglected to include multiple potentially meritorious issues.

Derkunt accepted the referral of the case from a non-lawyer who does not qualify as a lawyer referral service under the requirements of the Texas Occupational Code. The complainant paid the non-lawyer \$25,625 in attorney's fees. Derkunt agreed to accept \$5,000 from the non-lawyer to represent the complainant.

Derkunt violated Rules 1.01(b)(1), 3.01, 5.04(a), 7.03(e), and 8.04(a)(1). He was ordered to pay \$11,792 in attorney's fees and expenses.

Derkunt has filed an appeal.

On March 24 and April 1, **Gil Gonzalez** [#08125670], 52, of Henderson, Nev., was disbarred. An evidentiary panel of the District 17-2 Grievance Committee found that Gonzalez neglected a client's case; settled the legal matter without the client's consent; and failed to communicate with a client, to keep client funds separate from his own, to promptly deliver settlement funds to a client, and to respond to the grievance.

Gonzalez violated Rules 1.01(b)(1); 1.02(a)(2); 1.03(a); 1.14(a) and (b); and 8.04(a)(2), (a)(3), and (a)(8). He was ordered to pay \$2,606.40 in attorney's fees and direct expenses and \$7,750 in restitution.

On May 12, **Marlon Frazier** [#07406380], 45, of Dallas, was disbarred. An evidentiary panel of the District 6 Grievance Committee found that in representing the complainant, Frazier neglected her probate matter. In addition, Frazier failed to keep the com-

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## DISBARMENTS

On Sept. 13, 2010, **Edgar E. Smith** [#90001598], 40, of San Antonio, was disbarred. An evidentiary panel of the District 10 Grievance Committee found that Smith settled his client's case without consent; failed to properly disburse settlement money and to hold settlement money separate from his own property; engaged in conduct involving a serious crime; and engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation.

Smith violated Rules 1.02(a)(2); 1.14(a), (b), and (c); and 8.04(a)(2) and (a)(3). He was ordered to pay \$2,516.82 in attorney's fees and costs and \$5,800 in restitution.

On March 22, **Mustafa E. Derkunt** [#00785818], 58, of Austin was disbarred. An evidentiary panel of the District 9 Grievance Committee found that in a matter on remand from the Board of Disciplinary Appeals for a new sanctions hearing, an original judgment having been entered on Nov. 16, 2009, the panel found that Derkunt represented



plainant reasonably informed about the status of her matter and comply with her reasonable requests for information. Upon termination of the representation, Frazier failed to refund any portion of the complainant's unearned fee upon request. Frazier failed to respond to the complainant's grievance.

Frazier violated Rules 1.01(b)(1), 1.03(a), 1.15(d), and 8.04(a)(8). He was ordered to pay \$1,875.78 in attorney's fees and \$1,600 in restitution.

Frazier filed a motion for reconsideration. He has until Aug. 10 to file an appeal.

On May 19, **Edward Wade Garrison** [#24010559], 46, of San Antonio, was disbarred. An evidentiary panel of the District 10-2 Grievance Committee found that in connection with four complaints, Garrison neglected legal matters entrusted to him and failed to keep his clients reasonably informed, to promptly respond to his clients' reasonable requests for information, to return unearned fees, and to respond to the grievances.

Garrison violated Rules 1.01(b)(1) and (b)(2), 1.03(a), 1.15(d), and 8.04(a)(8). He was ordered to pay \$2,643.25 in attorney's fees and direct expenses and \$3,847 in restitution.

## RESIGNATIONS

On March 29, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **David Lee Murff** [#24039081], 41, of Houston. At the time of Murff's resignation, there were three matters pending against him alleging neglect and failure to communicate, to place client funds into a trust account, to promptly deliver to the client or third person any funds or other property that the client or third person is entitled to receive, to return client files and unearned fees at the end of representation, and to timely furnish to the Chief Disciplinary Counsel's office a response.

Murff violated Rules 1.01(b)(1), 1.03(a), 1.14(a) and (b), 1.15(d), and 8.04(a)(8).

On May 9, the Supreme Court of Texas accepted the resignation, in lieu of disci-

pline, of **Olesya Oleynik** [#24062927], 25, of Sunnyvale, Calif. The Court found that during two representations, Oleynik neglected the legal matter entrusted to her; failed to keep the clients reasonably informed about the status of their matters; and engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation.

Oleynik violated Rules 1.01(b)(1), 1.03(a), and 8.04(a)(3).

On May 9, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Joseph Angel Silva, Jr.** [#18351450], 61, of El Paso. At the time of Silva's resignation, there was one disciplinary matter pending alleging Silva neglected a client matter and failed to return unearned fees.

Silva violated Rule 1.15(d).

On May 9, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Michael Fontaine Westbrook II** [#24037696], 39, of Colorado Springs, Colo. At the time Westbrook submitted his resignation, there were five grievances pending against him. The Court found that Westbrook neglected his clients' cases and failed to communicate with his clients, to return unearned fees, and to file responses to some of the grievances.

## SUSPENSIONS

On Jan. 31, **Todd R. Phillippi** [#00790178], 50, of Midlothian, received a three-year, partially probated suspension effective March 1, with the first five months actively served and the remainder probated. An evidentiary panel of the District 7 Grievance Committee found that Phillippi entered into a business transaction with a client without obtaining the client's consent in writing. Phillippi also engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation.

Phillippi violated Rules 1.08(a)(3) and 8.04(a)(3). He was ordered to pay \$7,077.13 in attorney's fees and costs.

Phillippi has filed an appeal.

On March 10, **Daniel A. Bass** [#01875695], 54, of San Antonio, received a 60-day, fully active suspension effective Feb. 16. An evidentiary panel of the District 10 Grievance Committee found that Bass engaged in the practice of law at a time when his right to practice had been administratively suspended.

Bass violated Rules 8.04(a)(11). He was ordered to pay \$1,318.75 in attorney's fees and direct expenses.

On March 30, **Danny Lee Simmons** [#24048801], 52, of Lubbock, received a twenty-six month, fully probated suspension effective March 22. An evidentiary panel of the District 16 Grievance Committee found that Simmons neglected client matters and failed to communicate with clients and to respond to grievances.

Simmons violated Rules 1.01(b)(1), 1.03(a), and 8.04(a)(8). He was ordered

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# DISCIPLINARY ACTIONS

to pay \$1,915.80 in attorney's fees and direct expenses.

On April 6, **Kirby J. Roberts** [#17012900], 54, of Brownwood, accepted a 30-month, fully probated suspension effective April 1. An evidentiary panel of the District 10-3 Grievance Committee found that Roberts neglected client matters and failed to communicate with clients and to return unearned fees.

Roberts violated Rules 1.01(b)(1), 1.03(a), 1.15(d), and 8.04(a)(8). He was ordered to pay \$2,500 in attorney's fees and direct expenses and \$13,150 in restitution.

On April 6, **Morris Joseph Kirschberg** [#11533300], 64, of San Antonio, accepted a three-year, partially probated suspension effective Dec. 5, 2010, with the first four months actively served and the remainder probated. An evidentiary

panel of the District 10-4 Grievance Committee found that in a personal injury matter, Kirschberg failed to communicate with a client; to provide the client with a written statement describing the outcome of the matter, the remittance to the client, and the method of its determination; to notify the client's health care provider of Kirschberg's receipt of the settlement funds; and to promptly deliver the settlement proceeds owed to the medical provider.

Kirschberg violated Rules 1.03(b), 1.04(d), and 1.14(b). He was ordered to pay \$3,920 in attorney's fees and expenses.

On April 7, **Houston C. Munson III** [#14672300], 52, of Gonzales, accepted a two-year, partially probated suspension effective May 1, with the first three months actively served and the remainder probated. An evidentiary panel of the District 11 Grievance Committee found that Munson co-mingled personal funds with client funds and failed to deposit client funds in a trust account, to provide his client an accounting of fees paid, and to return unearned fees timely.

Munson violated Rules 1.14(a) and (b) and 1.15(d). He was ordered to pay \$1,000 in attorney's fees and expenses.

On April 8, **Sidney Allen Lyle, Jr.** [#00795026], 41, of North Richland Hills, received a two-year, fully probated suspension effective May 1. An evidentiary panel of the District 15 Grievance Committee found that Lyle neglected a client matter; frequently failed to carry out completely obligations owed to a client; failed to communicate with a client and to return client property; and engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation.

Lyle violated Rules 1.01(b)(1) and (b)(2), 1.03(a), 1.15(d); and 8.04(a)(3). He was ordered to pay \$3,200 in attorney's fees and direct expenses.

On April 8, Lyle 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 15 Grievance

Committee found that in connection with three grievances, Lyle neglected client matters; failed to communicate with clients; made false statements of material fact or law to a third person; engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation; and failed to respond to a grievance timely.

Lyle violated Rules 1.01(b)(1), 1.03(a), 4.01(a), and 8.04(a)(3) and (a)(8). He was ordered to pay \$3,000 in attorney's fees and expenses and \$12,500 in restitution.

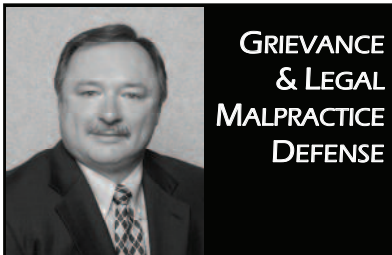
On April 20, **Richard G. Worthy** [#22010500], 64, of Dallas, received a six-month, fully active suspension effective April 15. An evidentiary panel of the District 6-A1 Grievance Committee found that, upon termination of representation, Worthy failed to surrender papers and property to which the complainant was entitled. Worthy 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. Worthy did not in good faith timely assert a privilege or other legal ground for failure to do so.

Worthy violated Rules 1.15(d) and 8.04(a)(8). He was ordered to pay \$1,291.25 in attorney's fees and \$746.14 in costs.

On May 6, **Kelly C. Gent** [#24038916], 34, of Dallas, received a two-year, partially probated suspension effective May 21, with the first year and five days actively served and the remainder probated. An evidentiary panel of the District 7 Grievance Committee found that Gent neglected the legal matter entrusted to him. Gent failed to keep the complainant reasonably informed about the status of her matter and to comply with reasonable requests for information. Upon termination of the representation, Gent also failed to refund advance payments of fees that had not been earned. Gent failed to timely furnish to the Chief Disciplinary Counsel's Office a response to the complaint filed against him.

Gent violated Rules 1.01(b)(1), 1.03(a), 1.15(d), and 8.04(a)(8). He was ordered

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to pay \$1,350 in attorney's fees and \$1,250 in restitution.

On May 10, Gent received a two-year, partially probated suspension effective May 25, with the first year actively served and the remainder probated. An evidentiary panel of the District 7 Grievance Committee found that, in the first matter, while representing the complainant in her family law matter, Gent neglected the legal matter entrusted to him. Gent failed to keep the complainant reasonably informed about the status of her matter and to comply with reasonable requests for information. Gent failed to timely furnish to the Chief Disciplinary Counsel's Office a response to the complaint filed against him.

In the second matter, Gent failed to keep the complainant reasonably informed about the status of her matter and to comply with reasonable requests for information. Upon termination of the representation, Gent also failed to refund advance payments of fees that had not been earned. Gent failed to timely furnish to the Chief Disciplinary Counsel's Office a response to the complaint filed against him.

In another matter, Gent neglected the legal matter entrusted to him. Gent failed to keep the complainant reasonably informed about the status of his matter and failed to comply with reasonable requests for information. Gent failed to timely furnish to the Chief Disciplinary Counsel's Office a response to the complaint filed against him.

Gent violated Rules 1.01(b)(1), 1.03(a), 1.15(d), and 8.04(a)(8). He was ordered to pay \$3,050 in attorney's fees and \$7,000 in restitution.

On May 12, **Bret Christopher Green** [#24027210], 43, of San Antonio, accepted a five-year, partially probated suspension effective Jan. 29, 2012, with the first two years actively served and the remainder probated. An evidentiary panel of the District 10-4 Grievance Committee found that Green failed to refund unearned fees, to return his client's file, to provide written notice to his client that he was suspended from the

practice of law, and to deposit and hold unearned fees in a trust account.

Green violated Rules 1.04(a), 1.14(a), 1.15(d), and 8.04(a)(3) and (a)(7). He was ordered to pay \$1,500 in attorney's fees and expenses and \$13,500 in restitution.

On May 16, **Marlon Frazier** [#07406380], 46, of Dallas, received a four-year, fully active suspension effective June 1. An evidentiary panel of the District 6 Grievance Committee found that Frazier failed to explain the complainant's family law matter to her to the extent reasonably necessary to permit her to make informed decisions regarding the representation. In addition, Frazier failed to respond to the complainant's grievance.

Frazier violated Rules 1.03(b) and 8.04(a)(8). He was ordered to pay \$1,683.69 in attorney's fees.

*Editor's Note: Please see Page 662.*

On May 16, **Jesus Miranda** [#14199599], 49, of Dallas, received a two-year, partially probated suspension effective June 1, with the first six months actively served and the remainder probated. An evidentiary panel of the District 6 Grievance Committee found that Miranda neglected the legal matter entrusted to him. Miranda failed to keep the complainant reasonably informed about the status of his personal injury matter. Miranda failed to timely furnish to the Chief Disciplinary Counsel's office a response as required by the Texas Rules of Disciplinary Procedure.

Miranda violated Rules 1.01(b)(1), 1.03(a), and 8.04(a)(8). He was ordered to pay \$3,022.95 in attorney's fees.

Miranda has until June 15 to file an appeal.

On May 19, **Clarice Attaway Pat Allen** [#01025680], 75, of Texarkana, received a two-and-a-half-year, partially probated suspension effective Aug. 1, with the first month actively served and the remainder probated. An evidentiary panel of the District 1-4 Grievance Committee found that Allen failed to keep the complainant reasonably informed about the status of her matter and to promptly com-

ply with her reasonable requests for information. Also, upon termination of the representation, Allen failed to return the complainant's file pursuant to her request.

Allen violated Rules 1.03(a) and 1.15(d). She was ordered to pay \$1,280 in attorney's fees.

On May 25, **Jack Lee McGinnis II** [#13630990], 45, of Helotes, received a four-year, partially probated suspension effective May 24, with the first two years actively served and the remainder probated. An evidentiary panel of the District 15-3 Grievance Committee found that McGinnis neglected a client matter and failed to communicate with a client, to return a client file, and to respond to a grievance timely.

McGinnis violated Rules 1.01(b)(1), 1.03(a), 1.15(d), and 8.04(a)(8). He was ordered to pay \$2,141 in attorney's fees and expenses and \$2,600 in restitution.

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On May 25, **Rodolfo Romero** [#17224600], 54, of El Paso, accepted a one-year, fully probated suspension effective May 13. An evidentiary panel of the District 17-1 Grievance Committee found that Romero neglected a client matter and failed to communicate with clients and to respond to a grievance.

Romero violated Rules 1.01(b)(1), 1.03(a), and 8.04(a)(8). He was ordered to pay \$1,000 in attorney's fees and direct expenses.

On May 27, **Shane Michael Brooks** [#24031765], 36, of Austin, received an 18-month, fully probated suspension effective May 6, 2015. An evidentiary panel of the District 9 Grievance Committee found that Brooks failed to take any meaningful action on his client's behalf in a criminal matter and to respond to telephone calls and requests

for information from his client. Brooks failed to return unearned fees.

In a second matter, while administratively suspended, Brooks signed personal recognizance bonds for jail release on behalf of a client.

In both matters, Brooks received notice of the complaints from the Office of the Chief Disciplinary Counsel with direction to furnish written responses to the complaints within 30 days and he failed to do so.

Brooks violated Rules 1.01(b)(1); 1.03(a); 1.15(d); and 8.04(a)(1), (a)(8), and (a)(11). He was ordered to pay \$860 in attorney's fees and \$600 in restitution.

On May 27, **Paul Lee Heath** [#24030780], 44, of San Antonio, accepted a six-month, fully probated suspension effective June 1. An evidentiary panel of the District 10-1 Grievance

Committee found that Heath neglected client matters, failed to render a proper accounting of funds received and to reasonably protect his clients' interests after termination, and practiced law while administratively suspended.

Heath violated Rules 1.01(b)(1) and (b)(2), 1.14(b), 1.15(d), and 8.04(a)(11). He was ordered to pay \$850 in attorney's fees and expenses.

On May 27, **Charles P. Jones** [#10866900], 63, of San Antonio, received a two-year, partially probated suspension effective June 15, with the first year actively served and the remainder probated. The 285th District Court of Bexar County in San Antonio found that Jones made a misrepresentation to his client and failed to keep his client reasonably informed, to respond to reasonable requests for information, to promptly return unearned fees, and to return the client's file.

Jones violated Rule 1.01(b), 1.03(a), 1.15(d), and 8.04(a)(3). He was ordered to pay \$1,000 in attorney's fees and expenses and \$600 in restitution.

On May 27, **Pamela R. Julian** [#11048800], 62, of San Antonio, accepted an 18-month, fully probated suspension effective May 31. An evidentiary panel of the District 10-1 Grievance Committee found that Julian increased the burdens and delays in a matter by failing to disclose key facts during the course of a default judgment and engaged in the unauthorized practice of law in Indiana.

Julian violated Rules 3.02, 3.03(a)(3), and 5.05(a).

On May 31, Julian received an 18-month, fully probated suspension effective May 31. The 131st District Court of Bexar County in San Antonio found that Julian asserted frivolous claims and failed to properly communicate with her client.

Julian violated Rules 1.03(a) and (b) and 3.01. She was ordered to pay \$2,500 in attorney's fees and expenses.

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## SUPPORT.



On May 31, **D. Lee Alford IV** [#01011450], 47, of Bryan, accepted a one-year, fully probated suspension effective Oct. 18. An evidentiary panel of the District 8 Grievance Committee found that the complainant hired Alford to represent her in a family law matter. In August 2008, the parties reached an out-of-court settlement. Alford failed to complete the settlement agreement. In September 2009, the complainant received notice that her case was being placed on the dismissal docket. The complainant contacted Alford, who again failed to complete the settlement agreement, which resulted in the case being dismissed for want of prosecution in October 2009. Alford did not file the settlement agreement until February 2010. Alford consistently failed to communicate with the complainant. Alford failed to furnish a written response to the complaint as directed.

Alford violated Rules 1.01(b)(1), 1.03(a), and 8.04(a)(1) and (a)(8). He was ordered to pay \$1,092.62 in attorney's fees and expenses.

### REPRIMANDS

On Jan. 10, **Steven L. Eason** [#06360990], 50, of Dallas, received a public reprimand. The 68th District Court in Dallas found that the complainant was injured in an auto accident. The complainant was contacted by an employee in Eason's office. The employee identified himself as an attorney with Eason's firm. The complainant never agreed to hire Eason and never signed an employment contract. The complainant's case was settled without the complainant's consent, and the complainant did not endorse the settlement check. Eason's employee cashed the check for the complainant's portion of the settlement.

Eason violated Rule 5.03(a). He was ordered to pay \$1,746 in attorney's fees and costs and \$2,833.50 in restitution.

On March 29, **Robert Joseph Heil** [#24032286], 35, of Corpus Christi, accepted a public reprimand. An evidentiary panel of the District 11-2 Griev-

ance Committee found that in connection with three matters, Heil failed to communicate with clients and in one matter, neglected a client representation.

Heil violated Rules 1.01(b)(1) and 1.03(a). He agreed to pay \$1,000 in attorney's fees and direct expenses and \$3,650 in restitution.

On April 4, **Eric R. Turton** [#20345400], 56, of San Antonio, accepted a public reprimand. An evidentiary panel of the District 10 Grievance Committee found that Turton neglected a client matter and failed to communicate with his client.

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

On April 22, **Jeanette Villarreal Schlenker** [#00795078], 44, of Houston, accepted a public reprimand. An evidentiary panel of the District 4 Grievance Committee found that Schlenker, in two matters, failed to refund an advance payment of fee that had not been earned. In a third matter, Schlenker failed to surrender papers to which her client was entitled and engaged in the practice of law when her right to practice had been administratively suspended.

Schlenker violated Rules 1.15(d) and 8.04(a)(11). She was ordered to pay \$3,698.10 in attorney's fees and expenses and \$1,855 in restitution.

On April 25, **Amado Robledo, Jr.** [#17118040], 74, of McAllen, received a public reprimand. An evidentiary panel of the District 12 Grievance Committee found that Robledo failed to hold client funds held for a third party separate from his own property and to promptly deliver funds to a third party.

Robledo violated Rules 1.14(a), (b), and (c). He was ordered to pay \$795.65 in attorney's fees and direct expenses.

On May 5, **Jose W. Vega** [#24034826], 46, of Houston, accepted a public reprimand. An evidentiary panel of the District 4 Grievance Committee found that Vega neglected the client's legal matter.

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Vega frequently failed to carry out the obligations owed to the client and to abide by the client's decisions concerning the objectives and general methods of representation. Upon termination by the client, Vega failed to withdraw from the representation of the client.

Vega violated Rules 1.01(b)(1) and (b)(2), 1.02(a)(1), and 1.15(a)(3). He agreed to pay \$500 in attorney's fees and costs and \$3,000 in restitution.

On May 11, **John K. George** [#07805600], 63, of Bellaire, accepted a public reprimand. An evidentiary panel of the District 4-C Grievance Committee found that George was hired in August 2007 for representation in a real estate matter and agreed to represent his client in negotiating a settlement with the buyer for missed payments and, if necessary, to initiate foreclosure proceed-

ings. The client periodically contacted George to ascertain the status of the case and was told by George that he had begun the foreclosure proceedings when in fact, he had not. In April 2010, George admitted to his client that he had not pursued the foreclosure action.

George violated Rules 1.01(b)(1) and 8.04(a)(3). He agreed to pay \$500 in attorney's fees.

## PRIVATE REPRIMANDS

Listed below is the breakdown of rule violations for 22 attorneys, with the number of attorneys violating each rule in parenthesis. Please note that an attorney may be reprimanded for more than one rule violation. Texas Disciplinary Rules of Professional Conduct (TDRPC): 1.01(b)(1) — neglecting a legal matter entrusted to the lawyer (seven); 1.01(b)(2) — failing to carry out completely the obligations owed to a client (two); 1.03(a) — failing to keep a client reasonably informed about the status of a matter and to promptly comply with reasonable requests for information (11); 1.03(b) — failing to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation (three); 1.04(d) — failing to reduce a contingency fee agreement with a client to writing (two); 1.04(f)(1) — failing to make a division or arrangement for division of a fee between lawyers who are not in the same firm based on the proportion to the professional services performed by each lawyer or made between lawyers who assume joint responsibility for the representation (one); 1.04(f)(2) — failing to obtain the client's consent in writing to the terms of the arrangement prior to the time of the association or referral proposed, (one); 1.04(f)(3) — failing to ensure that the aggregate fee is reasonable (one); 1.14(a) — failing to hold funds and other property belonging in whole or part to clients or third persons in a lawyer's possession separate from the lawyer's own property (one); 1.14(b) — failing, upon receiving funds or other

property in which a client or third person has an interest, to promptly notify the client or third person and render a full accounting upon request (one); 1.15(a)(3) — failing to withdraw from representation of a client after being discharged (one); 1.15(d) — failing, upon termination of representation, to reasonably protect a client's interests, give notice to the client to seek other counsel, or surrender papers and property that belongs to the client (two); 5.04(a) — sharing or promising to share legal fees with a non-lawyer (one); 8.04(a)(1) — violating the TDRPC, counseling or assisting another to violate the Rules, or violating the Rules through the acts of another (four); 8.04(a)(3) — for engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation (two); 8.04(a)(8) — failing to timely furnish a district grievance committee a response or other information as required unless he/she timely asserts a privilege or other legal ground for failure to do so (three); and 8.04(a)(11) — engaging in the practice of law when the lawyer is on inactive status or when the lawyer's right to practice has been suspended or terminated, including but not limited to situations where a lawyer's right to practice has been administratively suspended for failure to timely pay required fees or assessments or for failure to comply with Article XII of the State Bar Rules relating to Mandatory Continuing Legal Education (one). ★

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