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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.

REINSTATEMENTS

Juan R. Ledesma [#12108700], 60, of McAllen, has filed a petition in the 275th District Court of Hidalgo County for reinstatement as a member of the State Bar of Texas.

James William "Bill" Reed [#16679500], 54, of Dallas, has filed a petition in the 250th District Court of Travis County for reinstatement as a member of the State Bar of Texas.

DISBARMENTS

On Jan. 19, **Billy John Merchant** [#24031597], 44, of Bryan, was disbarred. An evidentiary panel of the District 8 Grievance Committee found that in the first matter Merchant was suspended from the practice of law from July 31, 2009, to Oct. 13, 2009, for noncompliance with Minimum Continuing Legal Education (MCLE) requirements. During that period, on Aug. 20, 2009, Merchant made an appearance on behalf of his client. Merchant was again suspended from the practice of law from Oct. 14, 2009, to Feb. 19, 2010, for failure to pay State Bar dues and taxes. On Dec. 22, 2009, while suspended, Merchant sent a letter on behalf of his client to opposing counsel regarding a child custody dispute. The letter discussed the visitation rights of his client and urged opposing counsel to take specific action. Merchant failed to file a response to the complaint.

In a second matter, the Panel found that Merchant was suspended from the practice of law from Oct. 14, 2009, to Feb. 19, 2010, for failure to pay State Bar dues and taxes. On Jan. 11, 2010, Merchant appeared in district court in Robertson County, seeking criminal ap-

pointments. Merchant represented to the judge that he was in good standing and eligible to receive appointments. Merchant was appointed to represent two criminal defendants. In another matter, on Nov. 10, 2009, Merchant was convicted of theft of services in Brazos County by engaging the mediation services of Linda McLain with the intent to avoid payment for those services. Merchant failed to file a response to the complaint.

In a third matter, the Panel found that Merchant was suspended from the practice of law from Oct. 14, 2009, to Feb. 19, 2010, for failure to pay State Bar dues and taxes. On Oct. 19, 2009, and Feb. 4, 2010, Merchant appeared in juvenile court in McLennan County on behalf of his juvenile client while suspended from the practice of law. Merchant appeared at a judicial review on Jan. 28, 2010, on behalf of another juvenile client while suspended from the practice of law. Merchant failed to file a response to the complaint.

In a fourth matter, the Panel found that Merchant was suspended from the practice of law from Oct. 14, 2009, to Feb. 19, 2010, for failure to pay State Bar dues and taxes. In January 2010, the complainant hired Merchant to represent him in a criminal case and paid Merchant \$800 in legal fees. Although Merchant assured the complainant that he had completed the necessary work on the complainant's case, Merchant failed to take any action on the complainant's case. The complainant requested that Merchant refund any unearned fees and Merchant promised that he would comply. Subsequently, Merchant failed to do so. Merchant failed to file a response to the complaint.

Merchant violated Rules 1.01(b)(1); 1.15(d); and 8.04(a)(1), (a)(2), (a)(3),



(a)(8), and (a)(11). He was ordered to pay \$8,777.69 in attorney's fees and expenses and \$800 in restitution.

On March 25, **Jeffrey Mark Bragg** [#02859100], 48, of Dallas, was disbarred. An evidentiary panel of the District 1-2 Grievance Committee found that in the first matter, upon termination of the representation, Bragg failed to return the complainant's unearned fee.

In the second matter, in the course of representing the complainant, Bragg knowingly made a false statement of material fact to a tribunal; knowingly disobeyed a ruling by a tribunal; and engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation.

In the third matter, Bragg neglected the complainant's legal matter and engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation.

In the final matter, upon termination of the representation, Bragg failed to return the complainant's file upon request.

Bragg violated Rules 1.01(b)(1), 1.15(d), 3.03(a)(1) and (d), and 8.04(a)(3). He was ordered to pay \$10,182.76 in attorney's fees and \$15,500 in restitution.

Bragg had until April 24 to file an appeal.

On Feb. 12, **Beatrice E. Oliver** [#00789847], 56, of Montgomery, Ala., was disbarred. The District 4-D Grievance Committee found that Oliver was hired for representation against a title company that had failed to properly record the deed on the clients' property. Oliver's clients won an award, which was sent to Oliver for disbursement. Oliver failed to hold the clients' funds separate from her funds and failed to remit any portion of the proceeds to the clients.

Oliver violated Rules 1.14(a) and (b). She was ordered to pay \$3,541.65 in attorney's fees and costs and \$15,000 in restitution.

Oliver has filed a notice of appeal.

RESIGNATION

On March 8, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Raymond E. Bess** [#02262600], 63, of Houston. At the time of Bess' resignation, there were two district court cases pending against him alleging neglect; failure to communicate, to return clients' files and unearned fees at the end of representation, to promptly deliver to the client or third person any funds or other property that the client or third person is entitled to receive; committing a serious crime or any other criminal act; and engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation.

Bess violated Rules 1.01(b)(1), 1.03(a), 1.14(b), 1.15(d), and 8.04(a)(2) and (a)(3).

SUSPENSIONS

On Jan. 21, **Kristin D. Wilkinson** [#24037708], 47, of Houston, received a four-year, partially probated suspension effective May 1, with the first two years to be actively served and the remainder probated. An evidentiary panel of the District 4 Grievance Committee found that Wilkinson neglected her client's case, entered into an agreement for or charged her client an unconscionable fee, and failed to hold funds and other property belonging in whole or part to the client in Wilkinson's possession separate from Wilkinson's own property. Upon termination of representation, Wilkinson failed to refund to the client an advance payment of fees that had not been earned and engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation.

Wilkinson violated Rules 1.01(b)(1), 1.04(a), 1.14(a), 1.15(d), and 8.04(a)(3). She was ordered to pay \$15,458.59 in attorney's fees and costs and \$25,000 in restitution.

Wilkinson has appealed the judgment of a partially probated suspension.

On Feb. 16, **J. Esequiel Ramos, Jr.** [#16508030], 51, of Corpus Christi, accepted a two-year, fully probated suspension effective Feb. 1. An evidentiary panel

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of the District 11 Grievance Committee found that Ramos engaged in the practice of law while his law license was administratively suspended for noncompliance with State Bar MCLE rules.

Ramos violated Rule 8.04(a)(11).

On Feb. 16, **Sean F. O'Neill** [#15288150], 55, of San Antonio, agreed to a four-year, partially probated suspension effective May 1, with the first year actively served and the remainder probated. An evidentiary panel of the District 12 Grievance Committee found that O'Neill failed to hold client funds in trust, to protect client funds, to disburse funds to those persons entitled to receive the funds timely, and to respond to the grievance.

O'Neill violated Rules 1.14(a), (b), and (c) and 8.04(a)(8). He was ordered to

pay \$1,500 in attorney's fees and direct expenses and \$65,000 in restitution.

On Feb. 21, **David McQuade Leibowitz** [#12179800], 54, of San Antonio, accepted a two-year, fully probated suspension effective Feb. 15. An evidentiary panel of the District 10 Grievance Committee found that Leibowitz failed to keep client settlement funds in an IOLTA account.

Leibowitz violated Rule 1.14(a). He was ordered to pay \$1,600 in attorney's fees.

On March 3, **Reginald Carpenter** [#03848750], 45, of Desoto, agreed to a six-month, fully probated suspension effective April 1. An evidentiary panel of the District 6 Grievance Committee found that Carpenter failed to hold settlement funds belonging to the complainant's medical providers separate from Carpenter's own property and in a separate trust or escrow account. Carpenter failed to promptly deliver to medical providers settlement funds they were entitled to receive and to keep the settlement funds separate until there was an accounting and severance.

Carpenter violated Rules 1.14(a), (b), and (c). He was ordered to pay \$1,547.56 in attorney's fees and costs.

On Feb. 17, **Jeffrey Mark Bragg** [#02859100], 48, of Dallas, received a five-year, partially probated suspension effective Feb. 25, with the first two years actively served and the remainder probated. An evidentiary panel of the District 1-2 Grievance Committee found that on May 27, 2008, Bragg presented an agreed order to the Court for signature. Although opposing counsel had not agreed to the order, Bragg misrepresented to the Court that opposing counsel had agreed to the order. Based upon Bragg's misrepresentation, the judge signed the order. In addition, Bragg failed to timely respond to the grievance.

Bragg violated Rules 3.03(a)(1) and 8.04(a)(3) and (a)(8).

Bragg filed an appeal on Feb. 23.

Note: Please see page 431.


On Feb. 17, **Darren C. Bertin** [#24009897], 43, of Nacogdoches, received a 14-year, partially probated suspension effective March 1, with the first four years actively suspended and the remainder probated. An evidentiary panel of the District 2-2 Grievance Committee found that in representing the complainants, Bertin neglected the legal matter entrusted to him. Bertin failed to keep the complainants reasonably informed about the status of their matters and to promptly comply with the complainants' reasonable requests for information. Upon termination of representation, Bertin failed to refund advance payments of fee that had not been earned. Bertin failed to respond to the complaint.

Bertin violated Rules 1.01(b)(1), 1.03(a), 1.15(d), and 8.04(a)(8) and (a)(11). He was ordered to pay \$1,619.41 in attorney's fees and costs and \$1,500 in restitution.

On Feb. 22, **Brian G. Dicus** [#05846100], 49, of Rockwall, received a one-year, partially probated suspension effective Aug. 15, with the first six months actively suspended and the remainder probated. An evidentiary panel of the District 1-1 Grievance Committee found that in representing the complainant, Dicus neglected the legal matter entrusted to him. Dicus failed to keep the complainant reasonably informed about the status of his guardianship matter and failed to promptly comply with the complainant's reasonable requests for information. Upon termination of representation, Dicus failed to refund advance payments of fee that had not been earned. Dicus engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation.

Dicus violated Rules 1.01(b)(1), 1.03(a), 1.15(d), and 8.04(a)(3). He was ordered to pay \$3,200 in attorney's fees and costs and \$2,900 in restitution.

On Feb. 14, **Rene Segundo** [#17996999], 49, of Mission, received a three-year,



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partially probated suspension effective March 1, with the first 18 months actively served and the remainder probated. The District 12 Grievance Committee found that Segundo neglected his client's case and failed to keep his client reasonably informed and to respond to the grievance.

Segundo violated Rules 1.01(b)(1), 1.03(a), and 8.04(a)(8). He was ordered to pay \$2,455 in attorney's fees and expenses and \$848 in restitution.

On March 28, **Mary Lou Shipley** [#18267300], 64, of Waxahachie, agreed to a one-year, fully probated suspension effective April 1. An evidentiary panel of the District 7 Grievance Committee found that in representing the complainant, Shipley neglected the legal matter entrusted to her and failed to keep the complainant reasonably informed about the status of his criminal matter and to promptly comply with reasonable requests for information from the complainant about his criminal matter. Shipley engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation.

Shipley violated Rules 1.01(b)(1), 1.03(a), and 8.04(a)(3). She was ordered to pay \$2,700 in attorney's fees and costs.

On April 1, **Brian McClain** [#24027487], 38, of San Antonio, accepted a three-year, partially probated suspension effective May 16, with the first six months actively served and the remainder probated. An evidentiary panel found that on Aug. 9, 2001, McClain intentionally impersonated a peace officer, with intent to induce another to submit to his pretended official authority and to rely on his pretended official acts, by showing an official identification and by placing that person under arrest.

McClain violated Rules 8.04(a)(1), (a)(2), and (a)(3).

On Jan. 18, **Thomas V. Malorzo** [#12887500], 64, of Dallas, received a four-year, partially probated suspension effective Feb. 1, with the first two years

actively served and the remainder probated. An evidentiary panel of the District 6 Grievance Committee found that while acting as a settlement agent in a closing transaction, Malorzo failed to safeguard funds belonging to a third party. In addition, Malorzo failed to promptly deliver to the third party the funds that it was entitled to receive and engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation.

Malorzo violated Rules 1.14(a) and (b) and 8.04(a)(3). He was ordered to pay \$5,061.72 in attorney's fees and costs and \$2,126.24 in restitution.

Malorzo did not file an appeal.

On Feb. 25, **Laura Marie Sample Hilliard** [#24029614], 42, of Dallas, received a two-year, fully active suspension effective March 14. An evidentiary panel of the District 6-B1 Grievance Committee found that Hilliard neglected the legal matter entrusted to her and failed to keep the complainant reasonably informed about the status of the case. Hilliard failed to timely furnish to the Chief Disciplinary Counsel's office a response to the grievance.

Hilliard violated Rules 1.01(b)(1), 1.03(a), and 8.04(a)(8). She was ordered to pay \$1,754.66 in attorney's fees and costs and \$1,200 in restitution.

REPRIMAND

On Feb. 25, **Kelly L. Newman** [#14961000], 68, of The Woodlands, accepted a public reprimand. An evidentiary panel of the District 3 Grievance Committee found that Newman engaged in the practice of law when his right to practice had been administratively suspended for failure to timely pay required fees or assessments or for failure to comply with State Bar MCLE rules.

Newman violated Rule 8.04(a)(11). He agreed to pay \$200 in attorney's fees and costs. ❖

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