

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 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

Patrick Joseph Rundle [#17394300], 55, of Missouri City, has filed a petition in the 240th District Court of Fort Bend County (Cause No. 2013-DCV-208323) for reinstatement as a member of the State Bar of Texas.

Steven Layne Woolard [#21983900], 57, of San Angelo, has filed a petition in the 51st District Court of Tom Green County (Cause No. A130333C) for reinstatement as a member of the State Bar of Texas.

BODA

On May 24, 2013, the Board of

Disciplinary Appeals dismissed for want of prosecution the petition for reinstatement of **Paige Horelica** [#24010112], 41, of Richmond. Horelica signed an agreed judgment of indefinite disability suspension on March 9, 2010. Horelica failed to pursue her reinstatement. The board issued an Order to Show Cause to Horelica on March 25, 2013. The Show Cause Order gave her 30 days to respond and show cause as to why the reinstatement should not be dismissed for want of prosecution. Horelica did not respond. BODA Cause No. 46280-R.

On June 26, 2013, the Board of Disciplinary Appeals dismissed for want of prosecution the appeal of **Mark Everts** [#00793709], 56, of the Woodlands, from a judgment of disbarment signed on Nov. 15, 2012, by the evidentiary panel for the State Bar of Texas District 3B Grievance Committee in Case No. H0081133520. Everts did not file a brief, and the board issued an Order to Show Cause to Everts on April 25, 2013. The Show Cause Order gave him 30 days to respond and show cause as to why the appeal should not be dismissed for want of prosecution. Everts did not respond. BODA Cause No. 51628.

On Feb. 11, 2013, the Board of Disciplinary Appeals dismissed for want of prosecution the appeal of **Matthew Taylor Morones** [#24039074], 41, of Silsbee, from a judgment of disbarment signed on May 27, 2011, by the evidentiary panel for the State Bar of Texas District 3B Grievance Committee in Case No. D00210394801. Morones did not file a brief and the board issued an Order to Show Cause to Morones on April 2, 2012. The Show

Cause Order gave him 30 days to respond and show cause as to why the appeal should not be dismissed for want of prosecution. Morones asked for and was granted an additional 90 days to file his brief. No brief was filed. A second Order to Show Cause was issued on Aug. 21, 2012, giving him 30 days to respond. Morones did not respond. BODA Cause No. 48741.

On July 29, 2013, the Board of Disciplinary Appeals affirmed the judgment of disbarment of **Brian G. Dicus** [#05846100], 51, of Hallsville, signed April 25, 2012, by the evidentiary panel of the State Bar of Texas District 1-1 Grievance Committee in Case No. D00111421542. The board affirmed the findings that Dicus violated TDRPC 1.15(d), 8.04(a)(3), 8.04(a)(7), and 8.04(a)(11). BODA Cause No. 50519.

On July 29, 2013, the Board of Disciplinary Appeals affirmed the judgment of public reprimand of **Christopher Dupuy** [#24003931], 41, of Galveston, signed July 25, 2012, by the evidentiary panel of the State Bar of Texas District 5A Grievance Committee in Case No. H0121032074. The board affirmed the findings that Dupuy violated TDRPC 1.01(b)(1) and 1.03(b). BODA Cause No. 50659.

On July 10, 2013, the Board of Disciplinary Appeals dismissed for want of prosecution the appeal of **Armando Treviño** [#202111009], 65, of Laredo, from a judgment of fully probated suspension signed on Oct. 2, 2012, by the evidentiary panel for the State Bar of Texas District 12-1 Grievance Committee in Case No. S0011124798.

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Treviño did not file a brief, and the board issued an Order to Show Cause to Treviño on May 28, 2013. The Show Cause Order gave him 30 days to respond and show cause as to why the appeal should not be dismissed for want of prosecution. Treviño did not respond timely. He filed a motion to reinstate his appeal on July 24, 2013, and the motion was denied. Treviño appealed the decision of the Board of Disciplinary Appeals to the Supreme Court of Texas. Case No. 13-0588. BODA Cause No. 51629.

On July 26, 2013, the Board of Disciplinary Appeals revoked the probation of **Kristin Diane Wilkinson** [#24037708], 49, of Houston, and suspended her from the practice of law for two years, beginning July 26, 2013, and ending July 25, 2015. On or about Jan. 21, 2011, the State Bar of Texas District 4E Grievance Committee signed a 48-month partially probated suspension against Wilkinson. The judgment found that Wilkinson committed professional misconduct by violating the Texas Disciplinary Rules of Professional Conduct and suspended her from the practice of law for two years with the last 24 months of the suspension, beginning May 1, 2013, and ending on May 1, 2015, probated on certain terms and conditions. The Board of Disciplinary Appeals found that Wilkinson materially violated the terms and conditions of the default judgment of probated suspension, including, among other violations, by failing to pay attorneys' fees and by failing to pay restitution. BODA Cause No. 52540.

DISBARMENTS

On both June 17 and June 25, 2013, **Melissa Ann Ray** [#24031618], 37, of Plano, was disbarred. In one matter, an evidentiary panel of the District 7 Grievance Committee found that in representing complainant in

a child custody matter, Ray neglected the legal matter entrusted to her by failing to appear at a scheduled hearing regarding temporary orders. Ray failed to keep complainant reasonably informed about the status of the legal matter by failing to inform complainant of the hearing and failing to keep complainant advised of the status of the legal matter. Ray failed to promptly comply with a reasonable request for information from complainant about the legal matter. Upon termination of representation, Ray failed to surrender papers and property to which complainant was entitled. Ray 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. Respondent did not in good faith timely assert a privilege or other legal ground for failure to do so.

Ray violated Rules 1.01(b)(1), 1.03(a), 1.15(d), and 8.04(a)(8). She was ordered to pay \$3,900 in restitution, \$1,812.50 in attorneys' fees, and \$499.41 in direct expenses.

In the second matter, an evidentiary panel of the District 1 Grievance Committee found that Ray, in connection with a bankruptcy case filed on behalf of a debtor, knowingly made a false statement of material fact or law to a tribunal, and knowingly disobeyed an obligation under the standing rules of or a ruling by a tribunal. Further, that Ray engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation. Ray also failed to respond to the complaint as required.

Ray violated Rules 3.03(a)(1), 3.04(d), 8.04(a)(3), and 8.04(a)(8). She was ordered to pay \$1,312.50 in attorneys' fees and \$529.31 in direct expenses.

RESIGNATIONS

On June 17, 2013, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Gordon**

Wesley Hardin [#08963700], 63, of Austin. In two separate matters, complainants paid \$3,000 and \$3,250 in legal fees for a loan modification. The contract for representation lists "The Home Relief Foundation, Gordon Hardin Law Office" at the top of the document indicating that the Home Relief Foundation and respondent's law firm were one entity, when in fact Home Relief Foundation was a wholly separate entity over which respondent had no independent control, ownership, or authority.

In a third matter, complainants paid \$2,500 in legal fees for a loan modification. The contract for representation, entitled "Gordon Hardin Law Office Attorney/Client Engagement Agreement" stated that complainants were retaining respondent as their attorney. The contract stated that the Law Firm of Gordon Hardin was located



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at 8240 No. Mo-Pac Expressway, Suite 125, Austin, Texas. However, that was the address of Home Relief Foundation.

In each of the three matters, the contracts stated that complainants were paying for legal services on their respective matters. Hardin's firm provided no legal services on any of the matters. Instead, all of the work in attempting the loan modification was performed by employees of Home Relief Foundation, who were not lawyers. Hardin received 10 percent of the Home Relief Foundation's net profit as payment for his association with Home Relief Foundation.

Attempts by all complainants to reach respondent were unsuccessful; instead, a representative from Home Relief Foundation corresponded with complainants by telephone and email before ultimately refusing to answer complainants' calls.

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On Feb. 22, 2012, Hardin was suspended from the practice of law pursuant to a disciplinary judgment for the period of Feb. 23, 2012, through Aug. 22, 2013. The judgment required Hardin to notify his clients of his disciplinary suspension before March 24, 2012. In an affidavit signed by Hardin on March 26, 2012, Hardin affirmed that he had complied with the notification requirement in the judgment. Hardin failed to notify any of the complainants in the above matters of his disciplinary suspension as required.

Hardin violated Rules 1.03(a), 5.04(a), 8.04(a)(1), 8.04(a)(3), and 8.04(a)(7).

On Aug. 16, 2013, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Richard Harold Martin** [#24037034], 38, of McKinney. Martin was hired by numerous complainants for representation in traffic ticket matters but Martin neglected the legal matters and failed to keep the complainants advised of the status of their legal matters. In three of the cases, Martin's neglect resulted in the issuance of arrest warrants for the complainants with one former client getting arrested. Martin failed to return unearned legal fees to complainants and did not respond to two of the grievances filed against him. Further, Martin was administratively suspended from the practice of law on July 31, 2012, for non-compliance with Minimum Continuing Legal Education requirements and on Aug. 10, 2012, for non-compliance with the Supreme Court rules concerning repayment of Texas Guaranteed Student Loans. While administratively suspended, Martin practiced law by representing one of the complainants in a hearing.

Martin violated Rules 1.01(b)(1), 1.03(a), 1.03(b), 1.15(d), 8.04(a)(8), and 8.04(a)(11).

On Aug. 16, 2013, the Supreme

Court of Texas accepted the resignation, in lieu of discipline, of **Charles James Kvinta Jr.** [#11761700], 57, of Yoakum. At the time of Kvinta's resignation, he had been charged by information and had pled guilty to misapplication of fiduciary property of an elderly person, in the amount of \$100,000 or more but less than \$200,000, in Case No. 13-06-11849-CR, styled *The State of Texas v. Charles James Kvinta, Jr.*, in the 24th District Court of DeWitt County, Texas.

This conviction would have subject Kvinta to compulsory discipline.

On Aug. 16, 2013, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **William R. Zweifel** [#22294500], 59, of the Woodlands. At the time of Zweifel's resignation, he had been charged by information with willfully aiding and assisting in the preparation and presentation of false tax returns, in Case No. 13CR40, styled *United States of America v. William R. Zweifel*, in the United States District Court for the Southern District of Texas, Houston Division.

A conviction would have subject Zweifel to compulsory discipline.

On Aug. 16, 2013, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Nicolette Loisel** [#12507350], 57, of Houston. At the time of Loisel's resignation, an amended judgment in a criminal case had been entered in Case No. 8:11-cr-366-T-30TBM, styled *United States of America v. Nicolette Loisel*, in the United States District Court, Middle District of Florida, Tampa Division, wherein Loisel was found guilty of conspiracy to commit wire fraud, placed on probation for a term of four years, and ordered to participate in the home detention program for a period of 12 months. Loisel was further ordered to pay an assessment of \$100.

This conviction would have subject Loisel to compulsory discipline.

SUSPENSIONS

On June 4, 2013, **Delma Rios-Salazar** [#05202325], 63, of Kingsville, accepted a one-year fully probated suspension effective July 1, 2013. An evidentiary panel of the District 11 Grievance Committee found Rios-Salazar was representing opposing parties in the same litigation.

Rios-Salazar violated Rules 1.06(a) and was ordered to pay \$850 in attorneys' fees and direct expenses.

On July 9, 2013, **Raul Hector Loya** [#00791142], 49, of Dallas, received a 12-month fully probated suspension effective July 1, 2013. The 160th District Court of Dallas County found that Loya violated Rule 1.03(a) [requiring a lawyer to keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information], Rule 1.15(a)(3) [requiring a lawyer to withdraw from representation when the lawyer is discharged, with or without good cause], and Rule 8.04(a)(8) [requiring a lawyer to timely furnish to the Chief Disciplinary Counsel's Office or a district grievance committee a response or other information].

Loya was ordered to pay \$4,000 in attorneys' fees and direct expenses.

On June 27, 2013, **Juan P. Gonzalez** [#08129500], 63, of Corpus Christi, accepted a two-year fully probated suspension effective July 1, 2013. The District 11 Grievance Committee found Gonzalez failed to communicate with his client, failed to respond to the grievance, and practiced law while his license was suspended.

Gonzalez violated Rules 1.03(a), 1.03 (b), 8.01(b), 8.04(a)(8), and 8.04(a)(11) and was ordered to pay \$850 in attorneys' fees and expenses.

On April 22, 2013, **Hugh M.**

Hodges Jr. [#09767000], 68, of Dallas, received a three-year active suspension effective April 11, 2013. An evidentiary panel of the District 6 Grievance Committee found that Hodges failed to explain the criminal matter to the extent reasonably necessary to permit complainant and her son to make informed decisions regarding the representation of complainant's son. Hodges failed to keep the fees paid by complainant in a separate trust account, and upon termination of representation, failed to refund advance payments of fee that had not been earned. Hodges engaged in the practice of law when his right to practice had been administratively suspended for failure to timely pay required fees.

Hodges violated Rules 1.03(b), 1.14(a), 1.15(d), and 8.04(a)(11). He was ordered to pay \$2,750 in restitution, \$3,328.75 in attorneys' fees, and \$297.35 in direct expenses.

Hodges filed an appeal with the Board of Disciplinary Appeals on July 18, 2013.

On Aug. 2, 2013, **Kenneth L. Parker Jr.** [#00792739], 43, of Beaumont, accepted a three-month fully probated suspension effective Aug. 1, 2013. An evidentiary panel of the District 3 Grievance Committee found that Parker failed to report the misconduct of another attorney to the appropriate disciplinary authority after the other attorney misappropriated settlement funds.

Parker violated Rule 8.03(a). He was ordered to pay \$1,436.30 in attorneys' fees and direct expenses.

On Aug. 5, 2013, **V. Antonio Aninao** [#01264500], 60, of Houston, agreed to a two-year fully probated suspension effective Aug. 1, 2013. An evidentiary panel of the District 4 Grievance Committee found that Aninao failed to keep his client reasonably informed about the status of

his legal matter, failed to promptly comply with reasonable requests for information, and, upon termination of representation, failed to surrender papers to which his client was entitled. Aninao also violated a disciplinary judgment.

Aninao violated Rules 1.03(a), 1.15(d), and 8.04(a)(7). He was ordered to pay \$500 in attorneys' fees.

On July 29, 2013, **Lloyd Eugene Ward** [#20845100], 52, of Dallas, received an 11-month partially probated suspension effective July 29, 2013, with the first two months actively suspended and the remainder probated. The 101st District Court of Dallas County found that Ward committed professional misconduct by violating Rule 1.08(a)(2) [entering into a business transaction with a client without giving the client a rea-

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DISCIPLINARY ACTIONS

sonable opportunity to seek the advice of independent counsel in the transaction].

Ward was ordered to pay \$3,000 in attorneys' fees and \$293.76 in costs.

On July 31, 2013, **Gail Norman Batten** [#00790278], 75, of Dallas, agreed to a one-year partially probated suspension effective Aug. 1, 2013, with the first six months actively served and the remainder probated. The District 6 Grievance Committee found Batten neglected the legal matter entrusted to him in an immigration case. Batten also 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.

Batten violated Rules 1.01(b)(1) and 8.04(a)(8). He was ordered to

pay \$800 in attorneys' fees.

On July 25, 2013, **Richard C. Robins** [#17084300], 65, of El Paso, accepted a one-year fully probated suspension effective May 16, 2013. An evidentiary panel of the District 17 Grievance Committee found Robins neglected clients' matters, failed to keep clients reasonably informed, and failed to timely respond to four grievances.

Robins violated Rules 1.01(b)(1), 1.03(a), and 8.04(a)(8) and was ordered to pay \$277 in restitution and \$300 in attorneys' fees and direct expenses.

On July 19, 2013, **David Patrick Smitherman** [#24027992], 39, of Houston, received a three-year partially probated suspension effective Sept. 1, 2013, with the first two years actively suspended and the remainder probated. The 129th District Court of Harris County found that Smitherman committed professional misconduct by violating Rule 1.14(c) [When in the course of representation a lawyer is in possession of funds or other property in which both the lawyer and another person claim interests, the property shall be kept separate by the lawyer until there is an accounting and severance of their interest. All funds in a trust or escrow account shall be disbursed only to those persons entitled to receive them by virtue of the representation or by law. If a dispute arises concerning their respective interests, the portion in dispute shall be kept separate by the lawyer until the dispute is resolved, and the undisputed portion shall be distributed appropriately].

Smitherman violated Rule 1.14(c). He has filed a notice of appeal.

On July 15, 2013, **David Sibley** [#18337600], 52, of Gregory, accepted a one-year active suspension effective May 15, 2014, by an evidentiary panel of the District 11 Grievance

Committee. The panel found Sibley neglected client matters, failed to communicate with a client, and failed to return client files.

Sibley violated Rules 1.01(b)(1), 1.03(a), 1.03(b), and 1.15(d) and was ordered to pay \$400 in attorneys' fees and direct expenses.

On July 29, 2013, **Jennifer Lynne Clouser** [#24069522], 31, of Houston, received a three-year partially probated suspension effective Aug. 1, 2013, with the first 12 months actively suspended and the remainder probated. An evidentiary panel of the District 4 Grievance Committee found that Clouser neglected a legal matter entrusted to her, failed to promptly comply with reasonable requests for information from the client about his legal matter, failed to refund advanced payment of fees that had not been earned, and engaged in the practice of law when her 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. Clouser 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.

Clouser violated Rules 1.01(b)(1), 1.03(a), 1.15(d), 8.04(a)(8), and 8.04(a)(11). She was ordered to pay \$500 in attorneys' fees and direct expenses and \$1,000 in restitution.

On Aug. 15, 2013, **Rodric Alan Brock** [#00795264], 45, of Bedford, received an agreed judgment of a one-year fully probated suspension. An evidentiary panel of the District 7 Grievance Committee found that Brock failed to keep a client reasonably informed about the status of a forfeiture matter. Further, Brock failed to maintain his client's funds in a separate trust account and failed to

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promptly deliver to the client funds that the client was entitled to receive.

Brock violated Rules 1.03(a), 1.14(a), and 1.14(b). He agreed to pay \$1,175 in attorneys' fees and direct expenses.

PUBLIC REPRIMANDS

On June 5, 2013, **Marianne Merritt** [13967440], 50, of Liberty Hill, accepted a public reprimand. An evidentiary panel of the District 8 Grievance Committee found that Merritt was suspended from the practice of law on Sept. 1, 2010, for failure to pay State Bar dues and taxes. Between Aug. 2, 2011, and Dec. 6, 2011, while suspended, Merritt performed legal services for TransStar Nation Title Company.

Merritt violated Rules 8.04(a)(1) and 8.04(a)(11). Merritt was ordered to pay \$1,064.18 in attorneys' fees and expenses.

On June 26, 2013, **Bassey Otu Akpaffiong** [#24006745], 47, of Sugar Land, received an agreed judgment of public reprimand. An evidentiary panel of the District 5 Grievance Committee found that Akpaffiong failed to keep his client reasonably informed about the status of her legal matter and failed to promptly comply with reasonable requests for information.

Akpaffiong violated Rule 1.03(a) and was ordered to pay \$400 in attorneys' fees.

On July 9, 2013, **David Charles Rankin** [#00797284], 47, of Nacogdoches, received an agreed judgment of public reprimand. An evidentiary panel of the District 2 Grievance Committee found that in representing complainants in a civil matter, Rankin neglected the legal matter entrusted in him. Rankin failed to keep the complainants reasonably informed about the status of their civil matter.

Rankin violated Rules 1.01(b)(1) and 1.03(a). He was ordered to pay

\$2,000 in attorneys' fees and direct expenses.

On July 29, 2013, **William B. Gammon** [#07611280], 63, of Austin, received a public reprimand. The 200th District Court of Travis County found that Gammon violated Rule 1.04(d), which requires that contingent fee agreements be in writing, and Rule 8.04(a)(1), which prohibits lawyers from violating the disciplinary rules.

On March 6, 2013, **Olivero E. Canales** [#03737200], 61, of Laredo, accepted a public reprimand. The District 12 Grievance Committee found Canales neglected a client matter and failed to communicate with a client.

Canales violated Rules 1.01(b)(1), 1.03(a), and 1.03(b) and agreed to pay \$750 in restitution and \$850 in attorneys' fees and direct expenses.

PRIVATE REPRIMANDS

Listed below is a breakdown of Texas Disciplinary Rules of Professional Conduct violations for three attorneys, with the number in parentheses indicating the frequency of violation. Please note that an attorney may be reprimanded for more than one rule violation.

1.01(b)(1)—for neglecting a legal matter entrusted to the lawyer (2).

1.03(a)—for failing to keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information (1).

1.03(b)—for failing to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation (2).

1.15(d)—for 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 which belongs to the client (1). **TBJ**



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