

# DISCIPLINARY ACTIONS

General questions regarding attorney discipline should be directed to the Office of Chief Disciplinary Counsel, toll free at (877) 953-5535 or (512) 453-5535. The Board of Disciplinary Appeals may be reached at (512) 475-1578. Information and copies of orders are available at txboda.org. The State Commission on Judicial Conduct may be contacted toll free at (877) 228-5750 or (512) 463-5533. Please note that persons disciplined by the commission are not necessarily licensed attorneys.

## BODA

On July 30, 2014, the Board of Disciplinary Appeals signed an interlocutory order of suspension of Houston attorney **Jessica Lynn Siegel** [#24013509], 49. On or about Oct. 31, 2013, Siegel was convicted of tampering with a governmental record, an intentional crime as defined in the Texas Rules of Disciplinary Procedure, and sentenced to incarceration for two years, probated for four years in *The State of Texas v. Jessica Sekerka Siegel*, Case No. 12-03-02754-CR, in the 221st District Court of Montgomery County. Siegel has appealed her criminal conviction. The board retains jurisdiction to enter a final

judgment when the criminal appeal is final. BODA Cause No. 53875.

On July 30, 2014, the Board of Disciplinary Appeals signed an interlocutory order of suspension of Brownsville attorney **Armando Roberto Villalobos** [#00788584], 46. On or about Feb. 13, 2014, Villalobos was convicted of participating in the conduct and affairs of a criminal enterprise (the activities which affected interstate and foreign commerce) through a pattern of racketeering activity—Racketeer Influenced and Corrupt Organizations Act—and conspiracy, extortion (under color of official right), and aiding and abetting, intentional crimes as defined in the Texas Rules of Disciplinary Procedure. He was committed to the custody of the U.S. Bureau of Prisons to be imprisoned for a total term of 156 months on each count, to be served concurrently. He was ordered upon discharge from imprisonment to be on supervised release for three years on each count, to be served concurrently; ordered to perform 150 hours of community service; and ordered to pay an assessment of \$600, a fine of \$30,000, and restitution of \$339,000 in *United States of America v. Armando Villalobos*, Case No. 1:12CR00374-S1-001, in the U.S. District Court for the Southern District of Texas, Brownsville Division. Villalobos has appealed his criminal conviction. The board retains jurisdiction to enter a final judgment when the criminal appeal is final. BODA Cause No. 53871.

On July 30, 2014, the Board of Disciplinary Appeals signed an interlocutory order of suspension of El Paso attorney **Marco A. Delgado** [#00796001], 48. On or about Jan. 24, 2014, Delgado was convicted of

conspiracy to commit money laundering, an intentional crime as defined in the Texas Rules of Disciplinary Procedure, and sentenced to incarceration for 240 months in *United States of America v. Marco Antonio Delgado*, Case No. EP-12-CR-2106-DB, in the U.S. District Court for the Western District of Texas, El Paso Division. Delgado has appealed his criminal conviction. The board retains jurisdiction to enter a final judgment when the criminal appeal is final. BODA Cause No. 54396.

On July 30, 2014, the Board of Disciplinary Appeals affirmed the judgment of partially probated suspension of Galveston attorney **Anthony Paul Griffin** [#08455300], 60, signed by an evidentiary panel of the District 5-2 Grievance Committee of the State Bar of Texas on Oct. 22, 2013, in Case No. H00312234738. The board affirmed the findings that Griffin violated the Texas Disciplinary Rules of Professional Conduct 1.01(b)(1), 1.03(a), and 1.15 (d). Griffin filed an appeal and his judgement is stayed pending the appeal. BODA Cause No. 52611.

## RESIGNATIONS

On Aug. 20, 2014, the Supreme Court of Texas accepted the resignation in lieu of discipline of **W. Scott Berry** [#02244300], 58, of Dallas. At the time of respondent's resignation, there was a case pending against Berry, who was a partner at DeHay & Elliston. In early 2011, without the knowledge or authorization of any partner of the firm, Berry transferred in excess of \$30,000 from the firm's client trust account to himself and/or non-firm-related entities. Berry failed to hold funds belonging in whole or in part to clients that were in Berry's posses-

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sion separate from Berry's own property. He engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation by misappropriating client funds, misusing a firm credit card for personal expenses, and enrolling non-firm employees in the health insurance benefits program paid for by the firm for its employees.

On April 30, 2013, notice and a copy of the complaint were sent to Berry by certified mail, return receipt requested, and were delivered on May 5, 2013. Respondent was directed to provide a written response to the allegations of the State Bar of Texas within 30 days of receipt of the letter. Respondent failed to timely furnish to the Office of Chief Disciplinary Counsel 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.

Berry violated Rules 1.14(a), 8.04(a)(3), and 8.04(a)(8).

#### SUSPENSIONS

On Sept. 15, 2014, **D. Lee Alford IV** [#01011450], 50, of Bryan, received a three-year partially probated suspension effective June 1, 2014, with the first five months actively suspended and the remainder probated. An evidentiary panel of the District 8 Grievance Committee found that Alford was hired to perform estate planning work and was paid a \$2,500 advanced fee. Complainant never received a proposal from respondent, and the unearned fee was never returned to the complainant. Respondent was given notice of the complaint by the Office of Chief Disciplinary Counsel and directed to furnish a written response to the complaint within 30 days. Respondent failed to furnish a written response to the complaint as directed.

Alford violated Rules 1.01(b)(1), 1.03(a), 1.15(d), 8.04(a)(1), and

8.04(a)(8). He was ordered to pay \$2,500 in restitution and \$3,761.31 in attorneys' fees and direct expenses.

On Aug. 29, 2014, **Veryl Brown** [#03177050], 58, of Seguin, accepted a 12-month partially probated suspension with the first three months actively served and the remainder probated. The District 11 Grievance Committee found that respondent failed to deliver funds timely to a third party entitled to receive funds and failed to hold client's funds in a trust account.

Brown violated Rules 1.14(a) and 1.14(c) and was ordered to pay \$1,200 in restitution and \$850 in attorneys' fees and direct expenses.

On Aug. 11, 2014, **Brian Anthony Hamner** [#24041050], 38, of San Antonio, received a one-year fully

probated suspension effective Aug. 11, 2014. The District 10 Grievance Committee found that Hamner neglected a client matter and failed to keep a client reasonably informed.

Hamner violated Rules 1.01(b)(1), 1.03(a), and 1.03(b) and was ordered to pay \$1,916.79 in attorneys' fees and direct expenses.

On Sept. 18, 2014, **Brian Anthony Hamner** [#24041050], 38, of San Antonio, agreed to a 27-month partially probated suspension with the first month actively served and the remainder probated. The District 10 Grievance Committee found that Hamner neglected a client matter and failed to communicate with a client.

Hamner violated Rules 1.01(b)(1) and 1.03(a) and was ordered to pay \$800 in attorneys' fees and direct expenses.



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On March 26, 2014, **Dawn M. Korman** [#11682400], 56, of Georgetown, received a three-year partially probated suspension effective April 15, 2014, with the first six months actively suspended and the remainder probated. An evidentiary panel of the District 8 Grievance Committee found that Korman agreed to represent complainant in a divorce case and was paid a \$2,500 advanced fee. Respondent did not file a notice of appearance or any pleadings on complainant's behalf. Complainant repeatedly asked for status updates and was unable to obtain a substantive response. Complainant asked for a return of the advanced fee and her file but respondent provided neither. Complainant also requested an accounting of the advanced fee, but respondent failed to provide one. Respondent was directed to furnish a written response

to the complainant but failed to do so as directed.

Korman violated Rules 1.01(b)(1), 1.03(a), 1.14(b), 1.15(d), 8.04(a)(1), and 8.04(a)(8). She was ordered to pay \$2,500 in restitution and \$1,350 in attorneys' fees and direct expenses. She was further ordered to complete six additional hours of CLE in the area of ethics in 2014, 2015, and 2016, three additional hours of CLE in the area of law practice management in 2014, and to engage the services of a law practice management consultant.

On July 25, 2014, **Dawn M. Korman** [#11682400], 56, of Georgetown, received a 45-month partially probated suspension effective July 15, 2014, with the first three months actively suspended and the remainder probated. An evidentiary panel

of the District 8 Grievance Committee found that in one matter, Korman was hired for representation in a custody case. During the course of the representation, Korman missed discovery deadlines, which caused complainant to be sanctioned, and failed to timely appear in court on complainant's behalf. Korman relocated her practice and thereafter failed to maintain communication with complainant, ultimately abandoning the representation. Complainant was forced to retain other counsel. Korman further failed to respond to the grievance.

In a second matter, Korman was hired to file for a termination and stepparent adoption. Complainant paid Korman \$1,000 of the agreed upon fee of \$1,500. Thereafter, Korman failed to take any action on behalf of complainant. Complainant made numerous attempts to contact Korman to ascertain the status of her case, but to no avail. Thereafter, Korman failed to return unearned fees to complainant. Korman further failed to respond to the grievance.

Korman violated Rules 1.01(b)(1), 1.03(a), 1.15(d), 8.04(a)(1), and 8.04(a)(8). She was ordered to pay \$1,000 in restitution.

On Aug. 1, 2014, **Jacqueline LeFevre** [#24027947], 38, of McAllen, accepted a two-year fully probated suspension effective Sept. 1, 2014. The District 12 Grievance Committee found that LeFevre failed to safeguard settlement funds, failed to promptly notify third parties of the receipt of funds, failed to promptly distribute funds to parties entitled to receive them, and failed to supervise non-lawyer staff.

LeFevre violated Rules 1.14(a), 1.14(b), and 5.03(a) and was ordered to pay \$4,187.55 in attorneys' fees and direct expenses.

On Aug. 11, 2014, **Dominick**

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**Joseph Marsala** [#24054063], 36, of Denton, received a one-year fully probated suspension effective March 1, 2015. An evidentiary panel of the District 14 Grievance Committee found that Marsala neglected the breach-of-contract matter entrusted to him by failing to respond to discovery requests and failing to keep complainant reasonably informed about the status of the matter. Marsala failed to explain the breach-of-contract matter to the extent reasonably necessary to permit complainant to make informed decisions regarding the representation. In addition, Marsala failed to timely furnish a response to the grievance to the Office of Chief Disciplinary Counsel or assert any grounds for his failure to do so.

Marsala violated Rules 1.01(b)(1), 1.03(a), 1.03(b), and 8.04(a)(8) and was ordered to pay \$1,138.90 in attorneys' fees and direct expenses.

On Sept. 17, 2014, **Jeanette Villa-real Schlenker** [#00795078], 47, of Houston, received a two-year fully probated suspension effective Oct. 1, 2014. An evidentiary panel of the District 4 Grievance Committee found that in representing four clients, Schlenker neglected the legal matters entrusted to her, failed to keep her clients reasonably informed about the status of their legal matters, failed to comply with reasonable requests for information, and, upon termination of representation, failed to refund advance payments of fee that had not been earned.

Schlenker violated Rules 1.01(b)(1), 1.03(a), and 1.15(d). She was ordered to pay \$6,839.50 in restitution, \$1,625 in attorneys' fees, and \$210 in direct expenses.

On July 11, 2014, **David Sibley** [#18337600], 53, of Gregory, accepted a seven-and-a-half-month active suspension effective May 15, 2015. The District 11 Grievance Committee found that Sibley neglected client

matters, failed to communicate with his client, and failed to return the client file.

Sibley violated Rules 1.01(b)(1), 1.03(a), 1.03(b), and 1.15(d).

On Sept. 23, 2014, **Dale Weyand** [#21236900], 54, of San Antonio, accepted a six-month fully probated suspension effective Sept. 1, 2014. The District 10 Grievance Committee found that Weyand failed to keep money belonging to a third party in a trust account and separate from his personal property.

Weyand violated Rule 1.14(a) and was ordered to pay \$800 in attorneys' fees and direct expenses.

On Aug. 26, 2014, **Thomas Austin Willbern III** [#21507700], 63, of Houston, accepted a three-year fully probated suspension effective Sept. 1,

2014. An evidentiary panel of the District 4 Grievance Committee found that Willbern violated two counts of Rule 1.01(b)(1) [in representing a client, a lawyer shall not neglect a legal matter], one count of Rule 1.03(a) [a lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information], one count of Rule 1.03(b) [a lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation], two counts of Rule 1.15(d) [upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers

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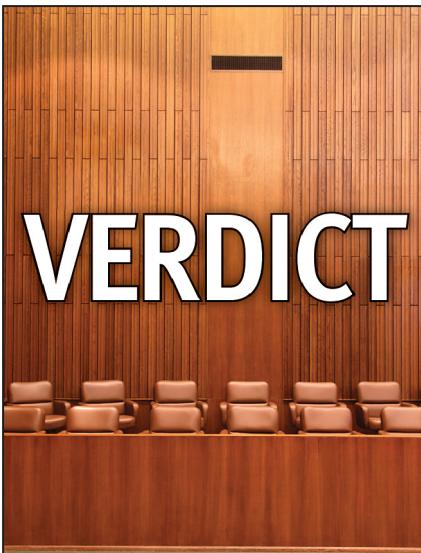


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and property to which the client is entitled, and refunding any advance payments of fee that were not earned], and three counts of Rule 8.04(a)(8) [a lawyer shall not fail to timely furnish to the Office of Chief Disciplinary Counsel a response or other information as required by the Texas Rules of Disciplinary Procedure].

Willbern was ordered to pay \$1,000 in restitution and \$2,225 in attorneys' fees and direct expenses.

## PUBLIC REPRIMANDS

On Sept. 24, 2014, **Dennis G. Brewer Sr.** [#02963000], 84, of Irving, agreed to a public reprimand. The 298th District Court of Dallas County found that Brewer committed professional misconduct by violating Rule 1.15(d) [Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled, and refunding any advance payments of fee that have not been earned. The lawyer may retain papers relating to the client to the extent permitted by other law only if such retention will not prejudice the client in the subject matter of the representation].

Brewer was ordered to pay \$728.46 in attorneys' fees and direct expenses.

On Aug. 21, 2014, **David A. Chaumette** [#00787235], 46, of Houston, received a judgment of public reprimand. An evidentiary panel of the District 5 Grievance Committee found that in two matters, Chaumette failed to hold funds belonging to his clients in a trust account and failed to promptly deliver to his clients funds that they were entitled to receive. Upon the conclusion of one of those matters, Chaumette also failed to provide his client with a written statement showing the remit-

tance to the client and the method of its determination.

Chaumette violated Rules 1.04(d), 1.14(a), and 1.14(b). He was ordered to pay \$5,125 in attorneys' fees and \$1,412.30 in direct expenses.

Chaumette did not file an appeal.

On Aug. 18, 2014, **Ty Odell Clevenger** [#24034380], 45, of Lavon, agreed to a public reprimand. The 380th District Court of Collin County found that Clevenger committed professional misconduct by violating Rule 3.02 [In the course of litigation, a lawyer shall not take a position that unreasonably increases the costs or other burdens of the case or that unreasonably delays resolution of the matter].

Clevenger was ordered to pay \$1,100 in attorneys' fees and direct expenses.

On Aug. 28, 2014, **Lee Van Richardson Jr.** [#16867680], 50, of Hempstead, received an agreed judgment of public reprimand. An evidentiary panel of the District 5 Grievance Committee found that in representing his client, Richardson frequently failed to carry out completely the obligations he owed to the client and, upon termination of representation, failed to refund an advance payment of fee that had not been earned.

Richardson violated Rules 1.01(b)(2) and 1.15(d). He was ordered to pay \$1,000 in restitution and \$500 in attorneys' fees and direct expenses.

On Oct. 9, 2014, **Stella M. Morrison** [#14524600], 67, of Port Arthur, accepted a public reprimand. An evidentiary panel of the District 3 Grievance Committee found that Morrison failed to hold funds belonging to her client in a separate trust account and then failed to return said funds upon request.

Morrison violated Rules 1.14(a) and 1.15(d). She was ordered to pay \$3,000 in restitution and \$650 in attorneys' fees and direct expenses. **TBJ**