

## DISCIPLINARY ACTIONS

**G**eneral 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](http://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 Jan. 8, 2015, the Board of Disciplinary Appeals dismissed for want of prosecution the appeal of Dallas attorney **Cary William Schulman** [#00797390], 49, from a judgment of active suspension signed on March 25, 2014, by the evidentiary panel of the District 6-1 Grievance Committee in Case No. D0071246131. Schulman did not file a brief and the board issued an order to show cause to Schulman on Dec. 4, 2014. 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. Schulman did not respond. BODA Cause No. 54174.

On Feb. 3, 2015, the Board of Disciplinary Appeals signed a default judgment of fully probated suspension against Alexandria, Louisiana, attorney **Darrell Keith Hickman** [#09572980], 54. On or about May 16, 2014, Hickman was suspended from the practice of law for one year, with the suspension deferred in its entirety, by the Louisiana Supreme Court in *In Re: Darrell K. Hickman*, Case No. 14-B-0817, for violating Louisiana Rules of Professional Conduct 1.4(a) [failed to properly communicate with a client regarding the true status of her case], 8.4(c) [engaged in conduct involving dishonesty, deceit, or misrepresenta-

tion], and 8.4(a) [violated or attempted to violate the Rules of Professional Conduct]. He is on a fully probated suspension from the practice of law in Texas for one year, beginning Feb. 3, 2015. Although cited to appear, Hickman did not answer or appear. BODA Cause No. 55412.

On Feb. 3, 2015, the Board of Disciplinary Appeals signed a judgment of fully probated suspension against Houston attorney **Ryan A. Beason** [#01991200], 53. On or about Feb. 28, 2014, Beason was suspended from the practice of law for one year and one day, with all but 90 days deferred, by the Louisiana Supreme Court in *In Re: Confidential Party (Bar Roll 30129)*, Case No. 14-B-205, for violating Louisiana Rules of Professional Conduct 1.1(b) [failed to comply with minimal continuing legal education], 1.1(c) [failed to comply with requirements regarding annual registration, including the payment of bar dues, payment of disciplinary assessment, timely notification of change of address, and proper disclosure of trust account information], and 5.5(a) [practiced law in violation of the regulation of the legal profession in that jurisdiction]. He is on a fully probated suspension from the practice of law in Texas for three years, beginning Feb. 3, 2015. BODA Cause No. 55410.

On Feb. 3, 2015, the Board of Disciplinary Appeals signed a judgment of disbarment of East Hampton, New York, attorney **Richard Bruce Livingston** [#12440000], 68. On or about June 3, 2014, Livingston was disbarred by the Supreme Court of New Jersey in *In the Matter of Richard*

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B. *Livingston* for violating New Jersey Rules of Professional Conduct 1.15(a) [failed to safeguard and knowing misappropriation of escrow funds], 1.15(d)(c) [record-keeping violations], and 8.1(b) [failed to cooperate with disciplinary authorities]. BODA Cause No. 54880.

On Feb. 3, 2015, the Board of Disciplinary Appeals signed a default judgment of suspension against Mesa, Arizona, attorney **Gary L. Lassen** [#11969500], 67. On or about March 13, 2014, Lassen was suspended from the practice of law for two years by the Arizona Supreme Court in *In the Matter of a Member of the State Bar of Arizona, Gary L. Lassen*, Bar No. 005259, Arizona Supreme Court No. SB-14-0048-AP, Office of the Presiding Disciplinary Judge No. PDJ-2013-9068, for violating his duties and obligations as a lawyer. He is suspended from the practice of law in Texas for 18 months, beginning Feb. 3, 2015. Although cited to appear, Lassen did not answer or appear. BODA Cause No. 55413.

#### SUSPENSIONS

On Jan. 8, 2015, **Jessica Ruth Alexander** [#00993600], 65, of Houston, agreed to a two-year fully probated suspension effective Jan. 31, 2015. An evidentiary panel of the District 4 Grievance Committee found that in representing her client, Alexander neglected the legal matter entrusted to her, failed to keep her client reasonably informed about the status of her legal matter, failed to promptly comply with reasonable requests for information, failed to surrender papers to which her client was entitled, and failed to refund advance payments of fees that had not been earned.

Alexander violated Rules 1.01(b)(1), 1.03(a), and 1.15(d). She was ordered to pay \$500 in attorneys' fees and

\$242 in direct expenses.

On Dec. 19, 2014, **Holly Gail Crampton** [#05004500], 66, of Wichita Falls, received a two-year partially probated suspension effective Jan. 1, 2015, with the first year actively served and the remainder probated. The 30th District Court of Wichita County found that Crampton committed professional misconduct by violating Rules 1.01(b)(1) [prohibiting a lawyer from neglecting a legal matter entrusted to the lawyer], 1.01(b)(2) [prohibiting a lawyer from frequently failing to carry out completely the obligations that the lawyer owes to a client], and 1.15(a)(1) [requiring a lawyer to decline representation of a client or, where representation has commenced, to withdraw from the representation of a client, if the representation will

result in violation of Rule 3.08, other applicable rules of professional conduct, or other law].

Crampton violated Rules 1.01(b)(1), 1.01(b)(2), and 1.15(a)(1). Crampton was ordered to pay \$7,500 in restitution and \$5,000 in attorneys' fees and direct expenses.

Crampton filed a notice of appeal on Jan. 20, 2015.

On Dec. 1, 2014, **Keith Brian Kozura** [#24015150], 43, of Flower Mound, received a six-month fully probated suspension effective Dec. 1, 2014. The District 14 Grievance Committee found that Kozura accepted employment as an advocate before a tribunal in a pending adjudicatory proceeding when Kozura knew that he would be a witness necessary to establish an essential fact on behalf of Kozura's client.

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Kozura violated Rule 3.08(a). He was ordered to pay \$2,811.83 in attorneys' fees.

On Oct. 24, 2014, **William Allen Schultz** [#00794609], 45, of Denton, received a six-month fully probated suspension effective Oct. 15, 2014. The District 14 Grievance Committee found that Schultz, as lead prosecutor in an aggravated assault matter, unlawfully obstructed another party's access to evidence and failed to timely disclose to the defense all evidence or information known to him that tended to negate the guilt of the accused or mitigated the offense.

Schultz violated Rules 3.04(a) and 3.09(d).

Schultz filed a notice of appeal on Jan. 21, 2015.

On Dec. 16, 2014, **Jon Phillip**

**Thomas** [#24037593], 36, of Houston, received a 12-month fully probated suspension effective Jan. 1, 2015. An evidentiary panel of the District 4 Grievance Committee found that Thomas 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.

Thomas violated Rule 8.04(a)(8). He was ordered to pay \$70 in direct expenses.

#### PUBLIC REPRIMANDS

On Jan. 13, 2015, **Humberto G. Guerrero Jr.** [#00784186], 48, of Austin, agreed to a judgment of public reprimand. The District 6 Grievance Committee found that in representing complainant in her personal injury matter, Guerrero neglected the legal matter entrusted to

him by failing to attempt to have the defendant served, and, as a result, complainant's lawsuit was dismissed for want of prosecution. Guerrero failed to keep complainant reasonably informed about the status of her case and failed to promptly comply with reasonable requests for information from complainant about her matter.

Guerrero violated Rules 1.01(b)(1) and 1.03(a). He was ordered to pay \$1,200 in attorneys' fees.

On Oct. 3, 2014, **Gary A. Hinchman** [#09684350], 59, of Houston, received a public reprimand. An evidentiary panel of the District 4 Grievance Committee found that Hinchman neglected the legal matter entrusted to him, failed to keep his client reasonably informed about the status of his divorce, and failed to promptly comply with his client's reasonable requests for information. Hinchman further failed to refund advance payments of fees that had not been earned.

Hinchman violated Rules 1.01(b)(1), 1.03(a), and 1.15(d). He was ordered to pay \$600 in restitution and \$1,730 in attorneys' fees and direct expenses.

On Jan. 5, 2015, **Douglas C. McNabb** [#13815400], 68, of Houston, accepted a public reprimand. An evidentiary panel of the District 4 Grievance Committee found that upon termination of representation, McNabb failed to refund any advance payments of fees that had not been earned.

McNabb violated Rule 1.15(d). He was ordered to pay \$15,000 in restitution and \$650 in attorneys' fees and direct expenses.

On Jan. 23, 2015, **Joseph Tan Tung** [#24033408], 40, of Houston received an agreed judgment of public reprimand. An evidentiary panel of the District 4 Grievance Commit-

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tee found that upon termination of representation, Tung failed to refund advance payments of fees that had not been earned. Tung further 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.

Tung violated Rules 1.15(d) and 8.04(a)(8). He agreed to pay \$960 in attorneys' fees and direct expenses.

#### PRIVATE REPRIMANDS

Listed below is a breakdown of Texas Disciplinary Rules of Professional Conduct violations for 13 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 (3).

1.01(b)(2)—for failing to carry out completely the obligations owed to a client (1).

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 (6).

1.03(b)—for failing to explain a matter to the extent reasonably nec-

essary to permit the client to make informed decisions regarding representation (2).

1.14(a)—for 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 (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 that belong to the client (3).

8.04(a)(3)—for engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation (1).

8.04(a)(8)—for failing to timely furnish to a district grievance committee a response or other information as required unless he or she timely asserts a privilege or other legal ground for failure to do so (1). **TBJ**



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