

DISCIPLINARY ACTIONS

JUDICIAL ACTIONS

On September 5, 2015, the State Commission on Judicial Conduct issued a public reprimand to **Eric Clifford**, judge of the 6th District Court in Paris, Lamar County. Clifford violated Canons 2A, 2B, 3B(1), 3B(2), 3B(4), 3B(5), 3B(8), 3B(10), and 4D(2) of the Texas Code of Judicial Conduct and Article V, § 1-a(6)A of the Texas Constitution.

On September 5, 2015, the State Commission on Judicial Conduct issued a public warning and order of additional education to **Jeanine L. Howard**, judge of the Criminal District Court No. 6 in Dallas, Dallas County. Howard violated Canon 3B(10) of the Texas Code of Judicial

Conduct and Article V, § 1-a(6)A of the Texas Constitution. She must obtain four hours of instruction with a mentor in addition to her required judicial education for fiscal year 2016.

REINSTATEMENTS

G. Allen Price [#16287400], 63, of Houston, has filed a petition in the 430th District Court of Hidalgo County for reinstatement as a member of the State Bar of Texas.

DISBARMENTS

On July 9, 2015, **George Michael Barnes** [#01767100], 61, of Fort Worth, was disbarred. The District 7 Grievance Committee found that Barnes violated a disciplinary judgment. Barnes 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. Barnes did not in good faith timely assert a privilege or other legal ground for his failure to do so. Barnes engaged in the practice of law when his right to practice had been suspended.

Barnes violated Rules 8.04(a)(7), 8.04(a)(8), and 8.04(a)(11). He was ordered to pay \$4,074.17 in attorneys' fees and direct expenses.

On August 21, 2015, **Cyril Okey Chukwurah** [#24048394], 59, of Houston, was disbarred. An evidentiary panel of the District 4 Grievance Committee found that Chukwurah failed to promptly deliver to the client and to a third party funds they were entitled to receive. He also violated two prior disciplinary judgments.

Chukwurah violated Rules 1.14(b) and 8.04(a)(7). He was ordered to pay \$4,442.75 in attorneys' fees and direct expenses.

Chukwurah filed a notice of appeal on September 1, 2015.

► Contact the Office of Chief Disciplinary Counsel at (512) 453-5535, the Board of Disciplinary Appeals at (512) 475-1578 or txboda.org, or the State Commission on Judicial Conduct at (512) 463-5533.

RESIGNATIONS

On August 28, 2015, the Supreme Court of Texas accepted the resignation in lieu of discipline of **Alberto Acevedo Jr.** [#00829720], 61, of San Antonio. Acevedo gave, offered, and agreed to give gifts, payments, and other things of value to then-Judge Angus McGinty in exchange for favorable judicial rulings.

Acevedo violated Rule 1.06(z).

On August 28, 2015, the Supreme Court of Texas accepted the resignation in lieu of discipline of **Vernon Orville Carden Jr.** [#03787500], 68, of East Bernard. The respondent acted as counsel in a lawsuit that included claims against the client related to the status of title to the minerals and the status of payments in the past and future related to the minerals. The claims against the client involved decisions made and actions taken based on the respondent's past work, including his title opinions. The respondent failed to disclose his involvement and his own interests in the case and failed to inform his client that he should not represent his client in the litigation because he would reasonably be anticipated to be a necessary witness. The respondent neglected legal matters entrusted to him, altered and falsified title-related documents that were of evidentiary value in the litigation, and engaged in deceitful conduct regarding suspended payments due to others related to the minerals that came to be in issue in the lawsuit against the client. He did not keep the funds in a trust account, did not inform the third persons who had claims to the funds that he had received the money, and did not promptly distribute the funds to the persons entitled to them.

Carden violated Rules 1.01(b)(2), 1.03(a), 1.03(b), 1.06(b)(2), 1.14(a),

ATTORNEY GRIEVANCES

DON'T REPRESENT YOURSELF!

How often do you advise clients to represent themselves when accused of wrongdoing?

Why give yourself different advice?

CONSULTATION OR REPRESENTATION

STEVEN L. LEE

OVER 30 YEARS EXPERIENCE

11 years experience with the State Bar of Texas as Assistant and Deputy General Counsel as well as Acting General Counsel

LAW OFFICE OF STEVEN L. LEE, P.C.

1411 WEST AVENUE, SUITE 100
AUSTIN, TEXAS 78701

(512) 215-2355

Representing Lawyers & Law Students Since 1991

STATEWIDE REPRESENTATION

1.14 (b), 1.14(c), 3.03(a)(1), 3.04(a), 3.04(b), 3.08(a), 3.08(b), 4.01(a), 8.04(a)(1), and 8.04(a)(3).

On August 28, 2015, the Supreme Court of Texas accepted the resignation in lieu of discipline of **Paul A. Esquivel** [#00797917], 47, of San Antonio. At the time of Esquivel's resignation, there were nine disciplinary matters pending alleging that Esquivel failed to carry out completely the obligations owed to clients, failed to communicate with clients, failed to ensure that his employees' conduct was compatible with the ethical obligations of a lawyer, charged or collected unconscionable fees, filed frivolous pleadings, failed to exercise proper professional judgment, made a false statement of material fact to a tribunal, failed to properly safeguard clients' funds, failed to properly deliver funds that belonged to clients, committed theft, failed to return clients' files, had misleading communications on his website, failed to have on file the required filing for his website with the Advertising Review Committee, and violated his prior disciplinary judgments.

Esquivel violated Rules 1.01(b)(2), 1.03(a), 1.03(b), 1.04(a), 1.14(a), 1.14(b), 1.15(d), 2.01, 3.01, 3.03(a)(1), 5.03(a), 5.03(b), 1.15(d), 7.02(a)(1), 7.02(a)(3), 7.02(a)(4), 7.05(a)(3), 7.07(c), 8.04(a)(2), 8.04(3), and 8.04(7).

On September 8, 2015, the Supreme Court of Texas accepted the resignation in lieu of discipline of **Gregory G. Jones** [#10889370], 59, of Southlake. At the time of Jones's resignation, there were two pending cases against him.

In the first case, in representing the complainant in an employment matter, Jones neglected the legal matter by failing to perform legal services after filing the lawsuit, failed to keep the complainant reasonably informed of the status of the matter, failed to respond to requests for information from the complainant

about the legal matter, failed to provide an accounting of the retainer after requested by the complainant, failed to return the unearned fee after his services were terminated, and failed to respond to the grievance.

In the second case, in representing the complainant in a breach of contract matter, Jones neglected the legal matter by failing to perform legal services after filing the lawsuit, failed to keep the complainant reasonably informed of the status of the matter, failed to respond to requests for information from the complainant about the legal matter, failed to return the unearned fee and legal documents after his services were terminated, failed to keep funds received by the complainant in a separate account, and failed to respond to the grievance.

It is alleged that Jones violated Rules 1.01(b)(1), 1.03(a), 1.14(a), 1.14(b), 1.15(d), and 8.04(a)(8).

On August 28, 2015, the Supreme Court of Texas accepted the resignation in lieu of discipline of **Ernest M. Powell III** [#16195010], 55, of Houston. At the time of Powell's resignation, there were four disciplinary proceedings pending alleging that Powell neglected legal matters entrusted to him, failed to keep clients reasonably informed about their legal matters, failed to timely return unearned fees, failed to respond to grievances filed against him, and engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation.

Powell violated Rules 1.01(b)(1), 1.03(a), 1.15(d), 8.04(a)(3), and 8.04(a)(8).

On September 8, 2015, the Supreme Court of Texas accepted the resignation in lieu of discipline of **Sherin Thawer** [#00798542], 45, of Irving.

At the time of Thawer's resignation, there were 21 matters pending alleging that she neglected legal matters; failed to keep clients reasonably informed about the status of their

legal matters; failed to promptly comply with reasonable requests for information from clients about their legal matters; failed to explain matters to the extent reasonably necessary to permit clients to make informed decisions regarding the representation; entered into an arrangement for, charging, or collecting an unconscionable or illegal fee from clients; failed to hold funds belonging to clients separate from her own property; failed to promptly deliver to clients funds that clients were entitled to receive; upon termination of representation, failed to surrender papers or property to which clients were entitled; made a false or misleading communication about her qualifications or services; failed to comply with the State Bar of Texas Advertising Review Committee's application requirements; made a false statement of material fact in a disciplinary matter; commit-



HASLEY SCARANO, L.L.P.
ATTORNEYS & COUNSELORS

**OUR TRIAL TEAM HAS THE
EXPERIENCE AND
UNPARALLELED SUCCESS TO GET
THE RIGHT RESULTS.**

JENNIFER A. HASLEY
BOARD CERTIFIED, CIVIL TRIAL LAW
TEXAS BOARD OF LEGAL SPECIALIZATION
20 YEARS TRIAL EXPERIENCE
INCLUDING AS
ASSISTANT DISCIPLINARY COUNSEL
STATE BAR OF TEXAS

GREGORY M. HASLEY
20 YEARS TRIAL EXPERIENCE
FORMER VICE-CHAIR OF THE
TEXAS DISCIPLINARY RULES OF
PROFESSIONAL CONDUCT COMMITTEE

VICTOR R. SCARANO
BOARD CERTIFIED, FORENSIC PSYCHIATRY
24 YEARS TRIAL EXPERIENCE
INCLUDING AS A MEMBER OF THE
DISABILITY ISSUES COMMITTEE AND
TEXAS LAWYERS ASSISTANCE PROGRAM

**STATEWIDE PRACTICE
ETHICS, GRIEVANCE DEFENSE,
DISCIPLINARY APPEALS, AND
LEGAL MALPRACTICE**

5252 WESTCHESTER, SUITE 125
HOUSTON, TEXAS 77005
713.667.6900 / 713.667.6904 FAX
info@hasleyscarano.com
www.hasleyscarano.com

ted a serious crime; engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation; violated a disciplinary judgment; failed to respond to grievances; engaged in the practice of law when her right to practice had been suspended; and violated laws relating to the professional conduct of lawyers and to the practice of law.

It is alleged that Thawer violated Rules 1.01(b)(1), 1.03(a), 1.03(b), 1.04(a), 1.14(a), 1.14(b), 1.15(d), 7.02(a)(2)(i), 7.07, 8.01(a), 8.04(a)(2), 8.04(a)(3), 8.04(a)(7), 8.04(a)(8), 8.04(a)(11), and 8.04(a)(12).

On September 8, 2015, the Supreme Court of Texas accepted the resignation in lieu of discipline of **Timothy Lane Wright** [#22060000], 70, of Georgetown. At the time of Wright's resignation, a judgment in a criminal case had been entered in Case No. A15-CR-0089-SS, styled *United States*

of America v. Timothy L. Wright, Alias Timothy L. Wright, III, The Judge, and Timothy Lane Wright, III, Defendant, in the U.S. District Court for the Western District of Texas, Austin Division, wherein the respondent pled guilty to count 1—engaging in the business of dealing firearms without a license—and count 2—false statement to government agents. He was committed to the custody of the Federal Bureau of Prisons to be imprisoned for 18 months on each count, to be served concurrently. The respondent was ordered upon release from imprisonment to be on supervised release for three years on each count to be served concurrently and to pay an assessment of \$200 and a fine of \$15,000. This conviction would subject Wright to compulsory discipline.

SUSPENSIONS

On August 19, 2015, **Carl Redford**

Barry [#24036192], 38, of Austin, received a 12-month probated suspension effective September 1, 2015. An evidentiary panel of the District 9 Grievance Committee found that Barry disseminated the websites barrylawaustin.com and austin-injury-law-answers.com but did not, on or prior to their first posting on the Internet, file the lawyer advertising and solicitation communication application and required filing fee with the Advertising Review Committee of the State Bar of Texas. Although notified in both instances of his failure to file and instructed to comply, Barry failed to submit the required filings. Barry was sent a second notice of his failure to file on the barrylawaustin.com site and the required remedial steps, but again failed to submit the required filing.

The austin-injury-law-answers.com site contains the description of a settlement in a DWI case but does not include information about the damages or injuries sustained by the client. Barry referenced results obtained for several clients. Although he listed the amount of the settlement and an approximate distribution to the client, he failed to provide information regarding the attorneys' fees and expenses withheld from the settlement.

Barry violated Rules 7.02(a)(2), 7.07(c), and 8.04(a)(1). He was ordered to pay \$2,681.70 in attorneys' fees and direct expenses.

On August 26, 2015, **Jose Angel Becerra** [#24026790], 41, of Laredo, received a two-year partially probated suspension effective August 24, 2015, with 15 days actively served and the remainder probated. The District 12 Grievance Committee found that Becerra neglected client representations, failed to abide by his client's decision on whether to accept a settlement, failed to keep clients reasonably informed, failed to return client files, and failed to respond to the grievance.

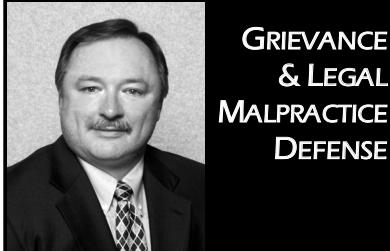
STATE BAR GRIEVANCE DEFENSE LEGAL MALPRACTICE

Over 30 Years
Experience

WAYNE H. PARIS
Two Riverway, Suite 1080
Houston, Texas 77056
(713) 951-9100

Statewide Representation

Will you **REPRESENT YOURSELF?**
Socrates did and how did that
turn out for him?



GRIEVANCE
& LEGAL
MALPRACTICE
DEFENSE

BRUCE A. CAMPBELL

OVER 25 YEARS EXPERIENCE IN
DISCIPLINARY MATTERS AND
LEGAL MALPRACTICE DEFENSE

STATEWIDE PRACTICE

CAMPBELL & ASSOCIATES LAW FIRM, PC
4201 SPRING VALLEY RD.
SUITE 1250
DALLAS, Tx 75244
972-277-8585(O)
972-277-8586(F)
INFO@CLLEGAL.COM
CLLEGAL.COM

Becerra violated Rules 1.01(b)(2), 1.02(a), 1.03(a), 1.03(b), 1.15(d), 8.01(b), and 8.04(a)(8). He was ordered to pay \$3,307.51 in attorneys' fees and direct expenses.

On September 23, 2015, **Scott K. Huber** [#24013905], 48, of Dallas, received a 12-month partially probated suspension effective October 15, 2015, with the first three months actively suspended and the remainder probated. An evidentiary panel of the District 6 Grievance Committee found that on or about June 26, 2009, the complainant hired Huber in connection with a civil matter. In representing the complainant, Huber neglected the legal matter entrusted to him by failing to perform any work on the matter, and he failed to promptly comply with reasonable requests from the complainant for information about her civil matter. Huber 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. Huber did not in good faith timely assert a privilege or other legal ground for his failure to do so.

Huber violated Rules 1.01(b)(1), 1.03(a), and 8.04(a)(8). He was ordered to pay \$1,000 in restitution, \$2,120 in attorneys' fees, \$250 in attorneys' fees as ordered in the petitioner's motion for discovery sanctions (entered on March 11, 2015), and \$972.88 in direct expenses.

On June 29, 2015, **Jennie R. Mathis** [#00793647], 57, of Arlington, was actively suspended from the practice of law for a period of five years beginning September 1, 2015, and ending August 31, 2020. An evidentiary panel of the District 7 Grievance Committee found that Mathis failed to both safeguard the complainant and supervise a non-lawyer employee. In addition, she engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation.

Mathis violated Rules 1.14(a), 5.03(a), 5.03(b)(1), 5.03(b)(2)(ii), and 8.04(a)(3). She was ordered to pay \$230,000 in restitution and \$1,500 in direct expenses and attorneys' fees.

On August 31, 2015, **Frederick L. McGuire** [#24001190], 67, of Houston, accepted an 18-month fully probated suspension effective September 1, 2015. The 164th Civil District Court of Harris County found that McGuire violated Rule 1.14(c) [failed to keep disputed funds separate and to distribute undisputed funds appropriately].

McGuire was ordered to pay \$2,125 in attorneys' fees and \$629.51 in direct expenses.

On August 5, 2015, **Roger Mathew Tafel** [#19607775], 53, of Euless, received a five-year partially probated suspension effective August 5, 2015,

with three years active and two years probated. An evidentiary panel of the District 7 Grievance Committee found that in June 2008, Tafel was hired to represent his client in a social security disability matter. Thereafter, Tafel neglected the case by failing to provide legal services, failed to communicate with his client, and failed to respond to the grievance.

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

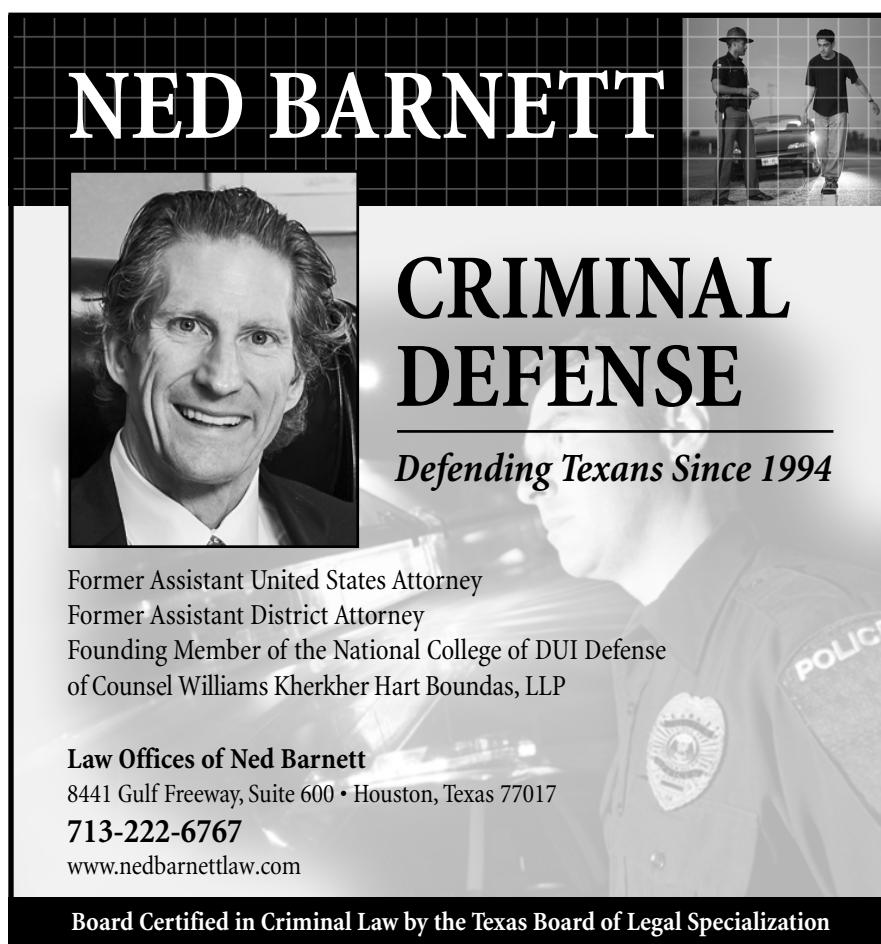
On September 17, 2015, **John Fisher Taylor II** [#19706050], 63, of San Antonio, agreed to a six-month fully probated suspension effective September 15, 2015. The District 10 Grievance Committee found that Taylor failed to keep his client reasonably informed, failed to hold his

NED BARNETT



CRIMINAL DEFENSE

Defending Texans Since 1994



Former Assistant United States Attorney

Former Assistant District Attorney

Founding Member of the National College of DUI Defense

of Counsel Williams Kherkher Hart Boundas, LLP

Law Offices of Ned Barnett

8441 Gulf Freeway, Suite 600 • Houston, Texas 77017

713-222-6767

www.nedbarnettlaw.com

Board Certified in Criminal Law by the Texas Board of Legal Specialization

TLIExperience



Mike Yarber,
President

Because of our 35 years in the business, Texas Lawyers' Insurance Exchange has been voted best professional liability insurance company in Texas four years in a row by Texas Lawyer magazine. That same experience and our exceptional employees are why TLIE is also a Preferred Provider of the State Bar of Texas. Not to mention, we have returned over \$36,550,000 to our policyholders. See why experience makes the difference.

512.480.9074 / 1.800.252.9332
INFO@TLIE.ORG / WWW.TLIE.ORG

 @TLIE_  facebook.com/TLIE01



client's funds in a trust account, failed to account for fees paid, and failed to return the client's file.

Taylor violated Rules 1.03(a), 1.14(a), 1.14(b), and 1.15(d). He was ordered to pay \$1,000 in attorneys' fees and direct expenses.

On September 14, 2015, **Alex Vasquez** [#20502050], 57, of Amarillo, received an 18-month probated suspension effective September 15, 2015. The District 13 Grievance Committee found that Vasquez engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation.

Vasquez violated Rule 8.04(a)(3). He was ordered to pay \$2,125 in attorneys' fees and direct expenses.

On September 8, 2015, **Paul Kobbe Williams** [#21566400], 59, of Midland, accepted a three-month fully probated suspension effective

September 1, 2015. The District 16-3 Grievance Committee found that Williams neglected a client matter.

Williams violated Rule 1.01(b)(1). He was ordered to pay \$500 in restitution and \$800 in attorneys' fees and direct expenses.

PUBLIC REPRIMANDS

On July 13, 2015, **Frank E. Mann III** [#12924250], 57, of Houston, accepted a public reprimand. The 333rd Civil District Court of Harris County found that Mann committed professional misconduct by violating Rule 5.03(a) [With respect to a non-lawyer employed or retained by or associated with a lawyer: a lawyer having direct supervisory authority over the non-lawyer shall make reasonable efforts to ensure that the person's conduct is compatible with the professional obligations of the lawyer].

Mann agreed to pay \$1,000 in restitution and \$1,339.10 in attorneys' fees and direct expenses.

On July 17, 2015, **James L. Mitchell** [#14214100], 63, of San Antonio, accepted a public reprimand. The District 10 Grievance Committee found that Mitchell failed to return a client file and unearned fees and failed to respond to the grievance.

Mitchell violated Rules 1.15(d) and 8.04(a)(8). He agreed to pay \$1,000 in restitution and \$800 in attorneys' fees and direct expenses.

On August 17, 2015, **Patrick J. Ruzzo** [#17469440], 52, of Houston, received an agreed judgment of public reprimand. An evidentiary panel of the District 4 Grievance Committee found that in representing a client, Ruzzo neglected the legal matter entrusted to him and failed to keep the client reasonably informed about the status of the legal matter. Upon termination of representation, Ruzzo failed to refund advanced

When your client becomes your adversary...

It's time to hire
Gaines West

State Bar of Texas
Grievance Oversight Committee
Appointed by the Texas Supreme Court

Chair, 2006-2010
Member, 2004-2010

Texas Board of
Disciplinary Appeals
Appointed by the Texas Supreme Court

Chairman, 2001-2003
Vice Chairman, 1994-1996, 1998-2000
Member, 1992-1996, 1997-2003

State Bar of Texas
Disciplinary Rules of Professional Conduct Committee
Member, 1993-1996

Disciplinary
Review Committee
Member, 1991-1992

Texas Bar Foundation, Fellow
State Bar of Texas, Member
Brazos County Bar Association, Member



EXPERIENCE,
DEPTH-OF-STAFF,
DIPLOMACY,
TENACITY

Representing Attorneys

Principal Office - 979.694.7000
1515 Emerald Plaza • College Station, TX 77845

Austin - 512.501.3617
1106 West Avenue • Austin, TX 78701
www.westweblaw.com

payments of fees that had not been used.

Ruzzo violated Rules 1.01(b)(1), 1.03(a), 1.03(b), and 1.15(d). He was ordered to pay \$500 in restitution and \$1,025 in attorneys' fees and direct expenses.

On July 23, 2015, **Daniel Armando Sandoval** [#24075521], 34, of San Antonio, accepted a judgment of public reprimand. The District 10 Grievance Committee found that Sandoval failed to carry out completely the obligations owed to a client, abide by the client's decisions concerning the objectives of representation, keep the client reasonably informed, and withdraw when clients were adverse.

Sandoval violated Rules 1.01(b)(2), 1.02(a)(1), 1.03(a), and 1.06(d). He was ordered to pay \$1,500 in attorneys' fees and direct expenses.

On September 24, 2015, **Travis Richard Alley** [#01078010], 59, of Fort Worth, received an agreed judgment of public reprimand. An evidentiary panel of the District 7 Grievance Committee found that in representing the complainant, Alley neglected the legal matter entrusted to him, failed to keep the complainant reasonably informed about the status of his legal matter, and failed to refund unearned legal fees.

Alley violated Rules 1.01(b)(1), 1.03(a), and 1.15(d). He was ordered to pay \$10,000 in restitution and \$1,350 in attorneys' fees and direct expenses.

On September 15, 2015, **Michelle Sorokwasz Lanfear** [#00784444], 47, of San Antonio, accepted a judgment of public reprimand. The 408th Civil District Court of Bexar County found that Lanfear committed pro-

fessional misconduct by violating Rule 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].

Lanfear violated Rule 1.14(a). She was ordered to pay \$750 in attorneys' fees and direct expenses.

On September 15, 2015, **Gary M. Riebschlager** [#16902200], 59, of Houston, accepted an agreed judgment of public reprimand. An evidentiary panel of the District 4 Grievance Committee found that in connection with a bar admission application for the state of Kansas, Riebschlager failed to correct a misapprehension known to have arisen in the matter.

Riebschlager violated Rule 8.01(b). He was ordered to pay \$500 in attorneys' fees. **TBJ**

Don't Play the Odds, Play It Safe.

Did you know that an attorney can now expect to be sued at least once during their career and that the average duration of a legal malpractice claim is two years?

With over 50 years of experience, GilsbarPRO is the exclusive administrator for the CNA Lawyers Professional Liability Program in the State of Texas. CNA is the largest underwriter of lawyers malpractice insurance coverage in the United States and is A-rated by A.M. Best. This combination is your best alternative for peace of mind in today's challenging environment.

Bet On Certainty. Call The PROs Today.

800.906.9654 • gilsbarpro.com

One or more of the CNA insurance companies provide the products and/or services described. The information is intended to present a general overview for illustrative purposes only. It is not intended to constitute a binding contract. Please remember that only the relevant insurance policy can provide the actual terms, coverages, amounts, conditions and exclusions for an insured. All products and services may be subject to change without notice. CNA is a registered trademark of CNA Financial Corporation. Copyright (c) 2013 CNA. All rights reserved.

texasbar.com/tbj

Vol. 78, No. 10 • Texas Bar Journal 825