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BODA

On April 11, 2016, **Ernesto Maldonado** [#12855100], 81, of Dallas, agreed to a judgment of indefinite disability suspension, effective immediately. The Board of Disciplinary Appeals signed an agreed judgment of indefinite disability suspension based on Maldonado's agreement that he suffers from a disability that results in his inability to practice law.

DISBARMENTS

On February 29, 2016, **James Andrew Nolen** [#00784687], 51, of Missouri City, was disbarred. An evidentiary panel of the District 5 Grievance Committee found that in two separate representations, Nolen neglected the

legal matters entrusted to him, failed to promptly comply with reasonable requests for information from his clients, failed to refund unearned fees, and failed to respond to the grievances filed against him.

Nolen violated Rules 1.01(b)(1), 1.03(a), 1.15(d), and 8.04(a)(8). He was ordered to pay \$4,100 in restitution and \$1,885 in attorneys' fees and direct expenses.

As of May 18, 2016, Nolen had not filed an appeal.

On February 12, 2016, **Brian Wade Rogers** [#24041811], 41, of Victoria, was disbarred. The District 11 Grievance Committee found that Rogers neglected a client matter, failed to carry out the obligations owed to his client, failed to promptly respond to reasonable requests for information, failed to keep a client reasonably informed, and failed to return a client file.

Rogers violated Rules 1.01(b)(1), 1.01(b)(2), 1.03(a), 1.03(b), and 1.15(d). He was ordered to pay \$3,675 in restitution and \$2,862 in attorneys' fees and direct expenses.

RESIGNATIONS

On April 5, 2016, the Supreme Court of Texas accepted the resignation in lieu of discipline of **Gwendolyn F. Climmons** [#04390000], 56, of Houston. At the time of Climmons's resignation, she had two matters pending. In the first matter, Climmons failed to promptly deliver settlement funds to her client and to a third party that they were entitled to receive. Climmons also engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation.

Climmons violated Rules 1.14(b), 1.14(c), and 8.04(a)(3). She was ordered to pay \$7,506.48 in restitution.

In the second matter, Climmons

was subject to compulsory discipline. On or about June 13, 2014, Climmons was convicted of one count of conspiracy to commit health care fraud and four counts of health care fraud aiding and abetting, intentional crimes as defined in the Texas Rules of Disciplinary Procedure. Climmons was sentenced to incarceration for 97 months, followed by supervised release for three years, in *United States of America v. Gwendolyn Climmons-Johnson* in the U.S. District Court for the Southern District of Texas in Houston. She was ordered to pay \$972,132.22 in restitution and \$500 in attorneys' fees.

On March 22, 2016, the Supreme Court of Texas accepted the resignation in lieu of discipline of **Ronald D. Coleman** [#04571000], 74, of Oxford, Mississippi. At the time of Coleman's resignation, one disciplinary matter was pending in which he failed to hold funds belonging to his clients separate from his own property, failed to promptly deliver to a client funds that the client was entitled to receive, and failed to return unearned fees.

Coleman violated Rules 1.14(a), 1.14(b), and 8.04(a)(1).

On April 5, 2016, the Supreme Court of Texas accepted the resignation in lieu of discipline of **Humberto G. Guerrero Jr.** [#00784186], 49, of Dallas. At the time of Guerrero's resignation, one disciplinary matter was pending in which Guerrero was hired in November 2012 to represent the complainant in connection with a personal injury matter resulting from an auto accident. Attorneys' fees were based on a contingency fee arrangement. After October 2013, Guerrero failed to promptly comply with rea-

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sonable requests for information from the complainant and failed to keep the complainant reasonably informed about the status of her case. In September 2014, Guerrero filed suit on behalf of the complainant. Thereafter, he failed to attend a scheduling conference, and, as a result, the case was dismissed for want of prosecution. Guerrero failed to furnish a written response to the complaint as directed.

In a second matter, in May 2011, the complainant hired Guerrero to represent her in a personal injury matter. The complainant signed a contingency fee agreement. Guerrero settled the complainant's case with the third-party insurance carrier and received a settlement check in May 2013 for \$8,000. During the course of the representation, Guerrero failed to adequately communicate with the complainant, failed to promptly notify the complainant upon receiving settlement checks, failed to disburse any portion of the settlement checks to the complainant, and failed to furnish a written response to the complaint as directed.

In four additional matters, Guerrero failed to complete the work for which he was hired and failed to communicate the status of the complainants' cases to them.

Guerrero violated Rules 1.01(b)(1), 1.03(a), 1.14(b), 8.04(a)(1), 8.04(a)(3), and 8.04(a)(8).

On March 22, 2016, the Supreme Court of Texas accepted the resignation in lieu of discipline of **Raul H. Loya** [#00791142], 52, of Dallas. At the time of Loya's resignation, there were four pending matters against him that alleged: neglecting of legal matters; failing to communicate; failing to have contingency fee agreements with clients in writing; disobeying a ruling by a tribunal; engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation; violating a disciplinary judgment; and engaging in the practice of law when his right to

practice had been suspended.

Loya allegedly violated Rules 1.01(b)(1), 1.03(a), 1.04(d), 1.14(a), 1.14(b), 1.14(c), 3.04(d), 5.05(a), 8.04(a)(3), 8.04(a)(7), and 8.04(a)(11).

On March 22, 2016, the Supreme Court of Texas accepted the resignation in lieu of discipline of **John Charles Paschall** [#15554200], 62, of Franklin. At the time of Paschall's resignation, a disciplinary matter was pending against him. In 1992, Paschall was named independent executor of an estate and given power of attorney. The person who named Paschall her executor died in 2004, and litigation regarding her estate began in 2011. During the litigation, it was discovered that Paschall misapplied \$86,518.07 belonging to the estate. Paschall lied in discovery responses and made misrepresentations to the court in a sworn inventory filed with the court. Further, Paschall misrepresented to the court that the estate still contained the \$86,518.07 at issue. The court ordered Paschall to turn the money into the court registry, at which point Paschall withdrew \$86,518.07 of his own funds and submitted this money to the court, representing that it was from the estate. Paschall violated Rules 3.03(a)(1), 3.04(a), 8.04(a)(1), 8.04(a)(2), and 8.04(a)(3).


In early 2015, Paschall was indicted on charges of misapplication of fiduciary property. He pled guilty on January 21, 2016, and was sentenced to 10 years' probation and ordered to pay \$86,518.07 in restitution, a \$1,000 fine, and \$303 in court costs.

SUSPENSIONS

On December 18, 2015, **D. Lee Alford IV** [#01011450], 52, of Bryan, received a five-year partially probated suspension effective January 1, 2016, with the first 18 months actively suspended and the remainder probated. An evidentiary panel of the District 8 Grievance Committee found that in one case involving a divorce, Alford neglected the legal matter, failed to keep the client rea-

sonably informed about the status of a matter, failed to promptly comply with reasonable requests for information, failed to refund advance payments of fees that had not been earned, and failed to file a response to the complaint. In a second case, Alford neglected the legal matter, failed to keep the client reasonably informed about the status of the matter, failed to promptly comply with reasonable requests for information, failed to refund advance payments of fees that had not been earned, violated a disciplinary judgment, failed to file a response to the complaint, and engaged in the practice of law while suspended. In a third case, Alford failed to file a response to the complaint and engaged in the practice of law while suspended.

Alford violated Rules 1.01(b)(1), 1.03(a), 1.15(d), 8.04(a)(1), 8.04(a)(7), 8.04(a)(8), and 8.04(a)(11). He was



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ordered to pay \$3,500 in restitution and \$3,670 in attorneys' fees and direct expenses.

On April 13, 2016, **Josephine Nyaboke Anassi** [#24001651], 47, of Houston agreed to a three-year partially probated suspension effective January 1, 2017, with the first two years actively suspended (which will run consecutive to her current active suspension) and the remainder probated. An evidentiary panel of the District 4 Grievance Committee found that Anassi neglected the legal matters entrusted to her; failed to keep her clients reasonably informed about the status of their cases; failed to promptly comply with reasonable requests for information; failed to return unearned fees; failed to return clients' files upon termination of representation; engaged in conduct involving dishonesty, fraud, and deceit;

failed to comply with section 13.01 of the Texas Rules of Disciplinary Procedure relating to notification of an attorney's cessation of practice; and engaged in the practice of law while on inactive status.

Anassi violated Rules 1.01(b)(1), 1.03(a), 1.15(d), 8.04(a)(3), 8.04(a)(10), and 8.04(a)(11). She was ordered to pay \$3,000 in restitution and \$1,500 in attorneys' fees and direct expenses.

On January 8, 2016, **Jose Angel Becerra** [#24026790], 41, of Laredo, received a six-month active suspension effective January 6, 2016. The District 12 Grievance Committee found that Becerra neglected a client matter, failed to obtain prior consent of a former client before commencing the representation of another person in a matter adverse to the former client in a substantially related matter, failed to hold client funds separate from his own property, failed to promptly deliver client funds that they were entitled to receive, failed to withdraw when the representation would result in a violation of the Texas Disciplinary Rules of Professional Conduct upon termination of representation, failed to return unearned fees, and failed to timely respond to three grievances.

Becerra violated Rules 1.01(b)(1), 1.09(a)(2), 1.14(a), 1.14(b), 1.15(a)(1), 1.15(d), and 8.04(a)(8). He was ordered to pay \$19,291.82 in attorneys' fees and direct expenses.

On March 21, 2016, **Roland M. Ferguson Jr.** [#00786425], 60, of Sulphur Springs, received a 12-month probated suspension (from April 1, 2016 to March 31, 2017). An evidentiary panel of the District 1 Grievance Committee found that Ferguson neglected a legal matter entrusted to him and failed to keep his client informed about the status of his case and promptly respond to his requests for information.

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

\$1,250 in restitution and \$1,000 in attorneys' fees and direct expenses.

On March 2, 2016, **Robert E. Fitzgerald** [#07088700], 66, of Dallas, received a five-year partially probated suspension effective February 1, 2016, with the first two years actively suspended and the remainder probated. An evidentiary panel of the District 6 Grievance Committee found that in representing the complainant, Fitzgerald neglected the legal matter entrusted to him, failed to keep the complainant reasonably informed about the status of her case and promptly comply with her reasonable requests for information, and misrepresented information to the complainant about her case.

Fitzgerald violated Rules 1.01(b)(1), 1.03(a), and 8.04(a)(3). He was ordered to pay \$1,722.50 in attorneys' fees and direct expenses.

Fitzgerald has filed a notice of appeal and a petition to stay the judgment pending the appeal.

On March 21, 2016, **Shanita Danielle Gaines** [#24045906], 39, of Oklahoma City, received a two-year fully probated suspension effective April 1, 2016. In each of three personal injury matters, a contract paralegal assisted Gaines with maintaining a practice in Dallas. In representing the first complainant, Gaines neglected the two legal matters and failed to communicate with the complainant. Gaines had direct supervisory authority over the paralegal and failed to make reasonable efforts to ensure that his conduct was compatible with Gaines's professional obligations. In the second matter, upon receiving settlement funds, Gaines failed to promptly notify the complainant and the medical providers and failed to promptly deliver the funds. Gaines shared legal fees with the paralegal. In the third matter, Gaines neglected the legal matters and failed to communicate with the complainant. Gaines had direct supervisory authority over the paralegal and failed to make reasonable efforts

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to ensure that his conduct was compatible with Gaines's professional obligations.

Gaines violated Rules 1.01(b)(1), 1.03(a), 1.14(b), 5.03(a), and 5.04(a). She was ordered to pay \$1,566.66 in restitution and \$1,962.50 in attorneys' fees.

On March 28, 2016, **Juan Angel Guerra** [#08581320], 60, of Harlingen, accepted a two-month fully probated suspension effective March 31, 2016. The District 12 Grievance Committee found that Guerra failed to return a client file.

Guerra violated Rule 1.15(d). He was ordered to pay \$1,000 in attorneys' fees and direct expenses.

On April 11, 2016, **Charles K. Harrell** [#09036800], 63, of San Antonio, accepted a five-year fully probated suspension effective March 1, 2016. The District 10 Grievance Committee found that Harrell neglected client matters, failed to promptly comply with reasonable requests for information, failed to hold funds in a trust and promptly notify and deliver trust funds to his clients' health care providers, and failed to properly supervise the conduct of his non-lawyer employees.

Harrell violated Rules 1.01(b)(1), 1.03(a), 1.03(b), 1.14(a), 1.14(b), 5.03(a), and 5.03(b). He was ordered to pay \$5,067.70 in attorneys' fees and direct expenses.

On April 13, 2016, **William Eric Hulett** [#00796797], 50, of Dallas, agreed to a nine-month probated suspension effective April 15, 2016. The District 6 Grievance Committee found that in representing the complainant in a divorce proceeding, Hulett failed to keep the complainant reasonably informed about the status of his matter and failed to promptly comply with reasonable requests for information. Upon termination of representation, Hulett failed to refund advanced payments of fees that had not been earned. Hulett failed to

timely furnish to the Office of the Chief Disciplinary Counsel a response or other information as required by the Texas Rules of Disciplinary Procedure. Hulett did not in good faith timely assert a privilege or other legal ground for his failure to do so.

Hulett violated Rules 1.03(a), 1.15(d), and 8.04(a)(8). He was ordered to pay \$2,500 in restitution and \$1,400 in attorneys' fees and direct expenses.

On April 15, 2016, **Afton Jane Izen** [#10443400], 67, of Bellaire, accepted a three-year fully probated suspension effective May 1, 2016. An evidentiary panel of the District 4 Grievance Committee found that in one matter, Izen failed to keep her client reasonably informed about his divorce and further failed to respond to the grievance. In a second matter, Izen failed to respond to the grievance. In a third matter, Izen failed to refund unearned fees and failed to respond to the grievance. In a fourth matter, Izen failed to promptly comply with her client's reasonable requests for information about her divorce. In the final matter, Izen failed to keep her client reasonably informed about her discrimination case.

Izen violated Rules 1.03(a), 1.15(d), and 8.04(a)(8). She was ordered to pay \$2,500 in restitution and \$1,000 in attorneys' fees and direct expenses.

On March 28, 2016, **George Gregory Lake** [#24081565], 30, of Marshall, received a 36-month partially probated suspension effective March 23, 2016, with the first 18 months actively suspended and the remainder probated. An evidentiary panel of the District 1 Grievance Committee found that in representing the complainant in connection with a criminal law matter, Lake neglected the legal matter entrusted to him by failing to provide legal services. Lake failed to keep the complainant reasonably informed about the status of his criminal matter and failed to promptly comply with reasonable requests for information. Upon termi-

nation of the representation, Lake failed to refund advance payments of fees that had not been earned.

Lake violated Rules 1.01(b)(1), 1.03(a), 1.15(d), and 8.04(a)(8). He was ordered to pay \$2,000 in restitution, and \$1,137.25 in attorneys' fees.

Lake did not file an appeal.

On March 29, 2016, **Elias V. Lorenzana Jr.** [#00794191], 49, of Round Rock, accepted a three-year partially probated suspension effective May 1, 2016, with the first six months actively suspended and the remainder probated. An evidentiary panel of the District 9 Grievance Committee found that Lorenzana committed professional misconduct with respect to four cases. The panel found that in two of the cases, Lorenzana neglected the legal matters. In all four of the cases, he failed to keep the clients reasonably informed about the status of a matter

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and failed to promptly comply with reasonable requests for information. In one of the cases, Lorenzana failed to return an unearned fee and failed to timely furnish a written response to the Office of the Chief Disciplinary Counsel.

Lorenzana 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 \$1,500 in restitution and \$1,000 in attorneys' fees and direct expenses.

On April 1, 2016, **Clyde Miller** [#14061950], 60, of Houston, accepted a three-year partially probated suspension effective April 1, 2016, with the first year actively served and the remainder probated. The 127th Civil District Court of Harris County found that Miller violated Rules 1.03(a) [failure to keep a client reasonably informed about the status of a matter and promptly comply with reasonable

requests for information]; 1.03(b) [failure to explain a legal matter to the extent reasonably necessary to permit a client to make informed decisions regarding the representation]; 1.14(a) [failure to hold funds belonging to a client that are in a lawyer's possession in connection with a representation in a trust account]; 1.14(b) [failure to promptly notify a client upon receiving funds in which a client has an interest and failure to promptly deliver funds to a client]; and 8.04(a)(3) [engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation].

Miller was ordered to pay \$1,528.49 in attorneys' fees and direct expenses.

On April 18, 2016, **Felix O'Neill Rippy** [#16937400], 54, of Indianapolis, Indiana, accepted an 18-month probated suspension effective May 1, 2016. An evidentiary panel of the District 8 Grievance Committee found that the complainant hired Rippy in August 2014 to represent him in a family law case. Rippy provided to Yelp email accounts and passwords purporting to be those of former clients, without receiving prior authorization from the clients. Rippy posted fabricated reviews of his law firm on Yelp and Avvo, purporting to be from former clients, without prior consent from these former clients.

Rippy violated Rules 7.02(a)(1), 8.04(a)(1), and 8.04(a)(3). Rippy was ordered to pay \$3,500 in attorneys' fees and expenses.

On March 16, 2016, **Lee Salas** [#17525960], 65, of McKinney, received a six-month probated suspension effective April 1, 2016. The District 1 Grievance Committee found that in February 2010, the complainant hired Salas for representation in a personal injury claim resulting from an auto accident. In representing the complainant, Salas neglected the matter entrusted to him. Salas accepted the personal injury matter that he knew or should have known was beyond his competence. Salas failed to keep the

complainant reasonably informed about the status of his legal matter and failed to promptly comply with the complainant's reasonable requests for information.

Salas violated Rules 1.01(a), 1.01(b)(1), and 1.03(a). He was ordered to pay \$3,000 in attorneys' fees and direct expenses.

On April 25, 2016, **Mark L. L. Welker** [#12551490], 58, of Quitman, agreed to a nine-month fully probated suspension effective May 1, 2016. An evidentiary panel of the District 1 Grievance Committee found that Welker neglected a legal matter entrusted to him, failed to keep his client reasonably informed about the status of her legal matter, failed to promptly comply with requests for information from the client, and failed to refund advance payments of fees that had not been earned.

Welker violated Rules 1.01(b)(1), 1.03(a), and 1.15(d). He was ordered to pay \$900 in restitution and \$2,400 in attorneys' fees and direct expenses.

On March 15, 2016, **Oscar John Zevallos** [#24013798], 47, of Dallas, received an amended three-year partially probated suspension effective January 7, 2016, with the first year actively served and the remainder probated. The District 6 Grievance Committee found that in representing the complainants in their personal injury matters, Zevallos failed to keep the complainants reasonably informed about the status of their matters and failed to promptly comply with reasonable requests for information. Upon termination of representation, Zevallos failed to surrender papers and property to which the complainants were entitled. Zevallos failed to timely furnish to the Office of the Chief Disciplinary Counsel a response or other information as required by the Texas Rules of Disciplinary Procedure and did not in good faith timely assert a privilege or other legal ground for his failure to do so.

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Zevallos violated Rules 1.03(a), 1.15(d), and 8.04(a)(8). He was ordered to pay \$2,315 in attorneys' fees and direct expenses.

PUBLIC REPRIMANDS

On March 29, 2016, **Samuel Walter Veenstra** [#24048857], 39, of Houston, accepted an agreed judgment of public reprimand. Hon. Scott J. Becker, presiding by special assignment in the 295th Civil District Court of Harris County, found that Veenstra failed to adequately communicate and keep the complainant reasonably informed about the status of a matter.

Veenstra violated Rule 1.03(a). He was ordered to pay \$750 in attorneys' fees and direct expenses.

On April 4, 2016, **William R. Wynn** [#00797708], 45, of Fort Worth, received an agreed judgment of public reprimand. An evidentiary panel of the District 7 Grievance Committee found that on March 29, 2014, the complainant hired Wynn to represent him in a post-conviction habeas corpus matter. The fee paid was \$20,000. In representing the complainant, Wynn neglected the legal matter entrusted to him, failed to keep the complainant reasonably informed about the status of his matter, failed to timely furnish to the Office of the Chief Disciplinary Counsel a response or other information as required by the Texas Rules of Disciplinary Procedure, and did not in good faith timely assert a privilege or other legal ground for his failure to do so.

Wynn violated Rules 1.01(b)(1), 1.03(a), and 8.04(a)(8). He was ordered to pay \$618.75 in attorneys' fees and direct expenses.

PRIVATE REPRIMANDS

Listed here is a breakdown of Texas Disciplinary Rules of Professional Conduct violations for seven 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 (4).

1.06(b)(2)—for representing a person where the representation of that person reasonably appears to be or becomes adversely limited by the lawyer's or law firm's responsibilities to another client or to a third person or by the lawyer's or law firm's own interests (1).

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).

4.04(b)(1)—for presenting, participating in presenting, or threatening to present criminal or disciplinary charges solely to gain an advantage in a civil matter (1).

8.04(a)(11)—for engaging in the practice of law when the lawyer is on inactive status or when the lawyer's right to practice has been suspended or terminated, including but not limited to situations where a lawyer's right to practice has been administratively suspended for failure to timely pay required fees or assessments or for failure to comply with Article XII of the State Bar Rules relating to mandatory continuing legal education (1). **TBJ**

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