

DISCIPLINARY ACTIONS

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BODA

On September 28, 2017, the Board of Disciplinary Appeals signed an order dismissing reciprocal discipline of Midland attorney **James Michael O'Briant** [#00788875], 58. On January 9, 2017, the Attorney Discipline Board of the State of Michigan disbarred O'Briant effective February 9, 2017, finding that he handled a matter without adequate preparation, neglected six legal matters, failed to seek the lawful objective of the client, failed to act with reasonable diligence and promptness, failed to keep the client reasonably informed, failed to comply promptly to requests for information from a client, failed to explain a matter adequately to the client, failed to promptly render a full accounting of client funds

upon request, failed to refund an unearned fee, made a false statement of a material fact to a tribunal, failed to notify a client of his active suspension from the practice of law, and failed to file a notice of disqualification with the tribunal, all in violation of Michigan Rules of Professional Conduct. On September 19, 2017, the Supreme Court of Texas accepted O'Briant's resignation in lieu of discipline by Misc. Docket No. 17-9119 and canceled his license to practice law. BODA Cause No. 59134.

On October 5, 2017, the Board of Disciplinary Appeals granted the parties' joint motion to remand this matter for a rendition of an agreed judgment in this appeal by Plano attorney **David A. Schiller** [#00794601], 54, from a judgment of disbarment signed on June 20, 2016, by the evidentiary panel of the State Bar of Texas District 1 Grievance Committee in Case No. 201500843. Schiller violated Texas Disciplinary Rules of Professional Conduct Rules 1.01(b)(1) and 1.03(a). He is suspended from the practice of law for four years, beginning June 20, 2016, with the last two years of the suspension probated. BODA Cause No. 58186.

On October 18, 2017, the Board of Disciplinary Appeals signed a default judgment of suspension against Ivins, Utah, attorney **Bryan Todd Adamson** [#24004522], 48. On March 29, 2016, Adamson was suspended from the practice of law by the 5th District Court of Washington County, State of Utah, in a matter styled *In the Matter of the Discipline of: Bryan T. Adamson*, #11982, Respondent for violating Utah Rules of Professional Conduct Rule 1.1 [failing to provide competent representation to a client], Rule 1.15(d) [failing to promptly notify the client or third person upon receipt of funds

or other property in which a client or third person has an interest], Rule 1.16(d) [failing to protect a client's interests upon termination of representation], Rule 1.2(a) [failing to abide by a client's decisions concerning the objectives of representation], Rule 1.4(b) [failing to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation], and Rule 1.5(a) [making an agreement for, charging, or collecting an unreasonable fee or an unreasonable amount for expenses]. Although properly served and noticed, Adamson did not answer or appear. He is suspended from the practice of law for one year, beginning October 18, 2017, and ending October 17, 2018. BODA Cause No. 58354.

On October 18, 2017, the Board of Disciplinary Appeals signed a default judgment of disbarment against Prairie Village, Kansas, attorney **Richard Reed Fritz** [#00793760], 50. On March 25, 2014, Fritz was disbarred from the practice of law by the Supreme Court of Missouri in a matter styled *In Re: Richard R. Fritz, Respondent, Supreme Court No. SC94083, MBE #53606* for violating Missouri Rules of Professional Conduct Rule 4-1.3 [failing to act with reasonable diligence and promptness], Rule 4-1.4 [failing to keep a client reasonably informed about the status of the matter and failing to promptly comply with reasonable requests for information], Rule 4-1.15(e) [failing to maintain the client's property in a separate account, failing to return the property to the client promptly, and failing to properly safeguard the client's property], Rule 4-1.16 [failing to surrender property to the client upon termination of the representation], and Rule 4-8.1(c) [failing to respond to a lawful demand for information from the Office of Chief Disciplinary Counsel]. Although properly served and

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noticed, Fritz did not answer or appear. BODA Cause No. 57322.

On October 9, 2017, the Board of Disciplinary Appeals signed an agreed judgment of suspension of Phoenix, Arizona, attorney **Cynthia L. Best** [#24014755], 63. Best was suspended from the practice of law by the Arizona Supreme Court in a matter styled *In the Matter of a Member of the State Bar of Arizona, Cynthia L. Best, Bar No. 014731, Respondent* PDJ 2016-9122 for violating Arizona Rules of Professional Conduct Rules 42, ERs 3.1 [meritorious claims and contentions], 3.4(c) [fairness to opposing party and counsel], 4.4(a) [respect for the rights of others], and 8.4(d) [conduct prejudicial to the administration of justice]. By agreement and in accordance with the Texas Rules of Disciplinary Procedure, Best will be suspended from the practice of law for 60 days beginning October 10, 2017, and ending December 9, 2017. BODA Cause No. 59479.

On October 18, 2017, after considering the briefs of the parties and the record, the Board of Disciplinary Appeals affirmed the fully probated suspension of Dallas attorney **Christopher L. Graham** [#24047549], 36, signed October 19, 2016, by the evidentiary panel of the State Bar of Texas District 6 Grievance Committee in Case No. 201502093. The panel found that Graham violated Texas Disciplinary Rules of Professional Conduct Rule 1.01(b)(1) [neglected a client's matter], Rule 1.01(b)(2) [failed to carry out completely the obligation he owed to the client], Rule 1.03(a) [failed to keep his client reasonably informed about the matter and failed to promptly respond to a request for information], and Rule 1.15(d) [failed to return property and/or an unearned fee to the client upon the termination of the representation]. Graham is suspended from the practice of law until October 9, 2018, with the suspension probated subject to certain terms and conditions, including the payment of restitution to the client in the amount of \$2,250. BODA Cause No. 58402.

On October 18, 2017, after considering the briefs of the parties and the record, the Board of Disciplinary Appeals affirmed the public reprimand of Dallas attorney **Christopher L. Graham** [#24047549], 36, signed November 9, 2016, by the evidentiary panel of the State Bar of Texas District 6 Grievance Committee in Case No. 201306674. The panel found that Graham violated Texas Disciplinary Rules of Professional Conduct Rule 1.15(d) [failing to promptly return an unearned fee to the client upon the termination of the representation]. BODA Cause No. 58401.

On October 18, 2017, the Board of Disciplinary Appeals revoked the probation of Corpus Christi attorney **Refugio Rafael Perez** [#24051893], 39, and suspended him from the practice of law for 18 months, beginning October 17, 2017, and ending April 17, 2019. On or about August 18,

2016, the State Bar of Texas District 11 Grievance Committee signed an agreed judgment of probated suspension against Perez. The judgment found that Perez violated Texas Disciplinary Rules of Professional Conduct Rule 1.03(a) [failing to keep a client reasonably informed on the status of a matter] and Rule 8.04(a)(8) [failing to respond to a request for a response from the State Bar of Texas]. He was suspended from the practice of law for 18 months, fully probated on certain terms beginning September 1, 2016, and ending February 28, 2018. The Board of Disciplinary Appeals found that Perez materially violated the terms and conditions of the agreed judgment of fully probated suspension. BODA Cause No. 59610.

On October 18, 2017, the Board of Disciplinary Appeals signed a final judgment of disbarment against Austin



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attorney **James N. Walker** [#20708600], 64. On or about May 16, 2017, an order of deferred adjudication was entered in *The State of Texas v. James Walker*, Case No. D-1-DC-16300764 in the 299th Criminal District Court of Travis County, wherein Walker pleaded guilty to possession with the intent to deliver a controlled substance, a felony and an intentional crime as defined in the Texas Rules of Disciplinary Procedure, and was placed on community supervision for five years and ordered to perform 120 hours of community service and ordered not to practice law during the term of his deferred adjudication. BODA Cause No. 59122.

ORDER OF CONTEMPT

On October 2, 2017, **H. Wayne Meachum** [#13877800], 72, of Dallas, agreed to a judgment of contempt from the 160th Civil District Court.

The court found that Meachum violated the terms of the judgment of disbarment rendered on November 1, 1999, in 42 enumerated violations.

Meachum is committed to the county jail of Dallas County for a total period of 30 days. The period of confinement shall begin on October 27, 2017, at 6:00 p.m. He must also pay a \$5,000 fine to the State Bar of Texas.

DISBARMENTS

On August 23, 2017, **Gregory L. Phifer** [#15908580], 53, of Amarillo, was disbarred. An evidentiary panel of the District 13 Grievance Committee found that Phifer neglected the legal matter entrusted to him, failed to keep the complainant reasonably informed about the status of the criminal matter, failed to promptly comply with the complainant's reasonable requests for information, failed to refund advance payments of unearned fees,

and failed to respond to the grievance.

Phifer violated Rules 1.01(b)(1), 1.03(a), 1.15(d), and 8.04(a)(8). He was ordered to pay \$12,000 in restitution and \$3,232.25 in attorneys' fees and direct expenses.

On August 10, 2017, **Gregory L. Phifer** [#15908580], 53, of Amarillo, was disbarred. An evidentiary panel of the District 13 Grievance Committee found that Phifer neglected the legal matter entrusted to him; failed to keep the complainant reasonably informed about the status of the criminal matter; failed to promptly comply with the complainant's reasonable requests for information; engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation; failed to refund advance payments of unearned fees; and failed to respond to the grievance.

Phifer violated Rules 1.01(b)(1), 1.03(a), 1.15(d), 8.04(a)(3), and 8.04(a)(8). He was ordered to pay \$20,700 in restitution and \$2,900 in attorneys' fees and direct expenses.

SUSPENSIONS

On May 18, 2017, **Scottie Allen** [#01058020], 58, of Dallas, received an 18-month fully probated suspension effective May 4, 2017. An evidentiary panel of the District 6 Grievance Committee found that Allen neglected a legal matter entrusted to him and 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.

Allen violated Rules 1.01(b)(1) and 8.04(a)(8). He was ordered to pay \$1,465 in attorneys' fees and \$434.50 in direct expenses.

On June 1, 2017, **Robert S. Bennett** [#02150500], 70, of Houston, received a partially probated suspension consisting of two years and three days active suspension (with credit given for the two years and three days Bennett was not allowed to practice while appealing the prior judgment against him in the case)

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and six months probated (probation effective July 1, 2017). The 334th Civil District Court in Harris County found that Bennett committed professional misconduct by violating Rule 3.02 [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].

Bennett has filed a notice of appeal.

On October 24, 2017, **Jose Gonzales** [#24010061], 48, of Edinburg, accepted a six-month fully probated suspension effective September 1, 2017. The District 12 Grievance Committee found that Gonzales failed to communicate with a client and failed to respond to the grievance.

Gonzales violated Rules 1.03(a) and 8.04(a)(8). He was ordered to pay \$1,000 in restitution and \$900 in attorneys' fees and direct expenses.

On October 5, 2017, **Francisco Javier Guzman** [#00787610], 51, of El Paso, accepted a one-year fully probated suspension effective June 1, 2017. An evidentiary panel of the District 17 Grievance Committee found that Guzman failed to keep clients reasonably informed.

Guzman violated Rule 1.03(a). He was ordered to pay \$1,500 in restitution and \$800 in attorneys' fees and direct expenses.

On August 21, 2017, **Rosalind A. Kelly** [#11237580], 54, of Highland Village, received a 48-month partially probated suspension effective August 7, 2017, with the first six months actively served and the remainder probated. An evidentiary panel of the District 6 Grievance Committee found that Kelly neglected the legal matters entrusted to her, failed to keep the complainant reasonably informed about the status of her legal matters, failed to promptly comply with reasonable requests for information, failed to surrender papers and property to which the complainant was entitled, and failed to refund advance payments of fees that had not been earned.

Kelly violated Rules 1.01(b)(1), 1.03(a), and 1.15(d). She was ordered

to pay \$2,250 in restitution and \$1,980 in attorneys' fees and direct expenses.

Kelly filed an appeal on October 27, 2017.

On August 23, 2017, **Gregory L. Phifer** [#15908580], 53, of Amarillo, received a three-year active suspension effective December 9, 2017. An evidentiary panel of the District 13 Grievance Committee found that Phifer neglected the legal matter entrusted to him and failed to respond to the grievance.

Phifer violated Rules 1.01(b)(1) and 8.04(a)(8). He was ordered to pay \$2,500 in restitution and \$2,102.75 in attorneys' fees and direct expenses.

On August 23, 2017, **Gregory L. Phifer** [#15908580], 53, of Amarillo, received a three-year active suspension effective December 9, 2017. An evidentiary panel of the District 13 Grievance Committee found that Phifer neglected

the legal matter entrusted to him, failed to keep the client reasonably informed about the status of the criminal matter, failed to promptly comply with the client's reasonable requests for information, and failed to respond to the grievance.

Phifer violated Rules 1.01(b)(1), 1.03(a), and 8.04(a)(8). He was ordered to pay \$2,686 in attorneys' fees and direct expenses.

On October 11, 2017, **Daniel Armando Sandoval** [#24075521], 37, of San Antonio, accepted a nine-month active suspension effective May 1, 2018. An evidentiary panel of the District 10 Grievance Committee found that Sandoval failed to abide a client's decisions concerning the general method of representation, failed to communicate with clients, violated terms of a prior disciplinary judgment, and practiced law while his law license was suspended.

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Sandoval violated Rules 1.02(a)(1), 1.03(a), 1.03(b), 8.04(a)(7), 8.04(a)(10), and 8.04(a)(11). He was ordered to pay \$1,176.90 in attorneys' fees and direct expenses.

On October 5, 2017, **David A. Schiller** [#00794601], 54, of Plano, received a 48-month partially probated suspension effective June 20, 2016, with the first 24 months actively served and the remainder probated. An evidentiary panel of the District 1 Grievance Committee found that Schiller failed to keep the complainant reasonably informed about the status of her legal matter, failed to promptly comply with reasonable requests for information from the complainant, and neglected the legal matter entrusted to him.

Schiller violated Rules 1.03(a) and 1.01(b)(1). He was ordered to pay \$4,149.10 in attorneys' fees and direct expenses.

On August 25, 2017, **Eraka Watson** [#24001879], 45, of Houston, received a 24-month fully probated suspension effective September 1, 2017. An evidentiary panel of the District 5 Grievance Committee found that Watson accepted representation of two clients when Watson's physical condition materially impaired her fitness to represent them and that Watson failed to explain a matter to the extent reasonable necessary to permit the clients to make informed decisions regarding the representation.

Watson violated Rules 1.03(b) and 1.15(a)(2). She was ordered to pay \$1,750 in attorneys' fees and direct expenses.

On May 16, 2017, **Jack Zeev Yetiv** [#24029918], 61, of Houston, received a four-month fully probated suspension effective July 10, 2017. The 152nd Civil District Court found that Yetiv threatened to present disciplinary charges solely to gain an advantage in a civil matter.

Yetiv violated Rule 4.04(b)(1). He was ordered to pay \$4,500 in attorneys' fees.

Yetiv has filed a notice of appeal.

PUBLIC REPRIMANDS

On August 17, 2017, **Lloyd Eugene Ward** [#20845100], 56, of Dallas, received a judgment of public reprimand. An evidentiary panel of the District 6 Grievance Committee found that Ward engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation in the course of handling various debt settlement matters for clients.

Ward violated Rule 8.04(a)(3). He was ordered to pay \$2,325 in attorneys' fees and \$1,306.78 in direct expenses.

On October 25, 2017, **Peter Michael Zavaletta** [#22251600], 57, of Corpus Christi, accepted a public reprimand. An evidentiary panel of the District 11 Grievance Committee found that Zavaletta neglected a client's matter and failed to keep a client informed.

Zavaletta violated Rules 1.01(b)(1) and 1.03(a). He was ordered to pay \$1,387 in attorneys' fees and direct expenses.

PRIVATE REPRIMANDS

Listed here 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 (1).

1.08(a)—A lawyer shall not enter into a business transaction with a client unless: 1) the transaction and terms on which the lawyer acquires the interest are fair and reasonable to the client and are fully disclosed in a manner which can be reasonably understood by the client; 2) the client is given a reasonable opportunity to seek the advice of independent counsel in the transaction; and 3) the client consents in writing thereto (1).

5.05(a)—for practicing law in a jurisdiction where doing so violates the regulation of the legal profession in that jurisdiction (1). **TBJ**