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BODA

On November 18, 2016, the Board of Disciplinary Appeals signed an agreed judgment of indefinite disability suspension against Georgetown attorney **Paul Womack** [#21877500], 69, in accordance with Part XII of the Texas Rules of Disciplinary Procedure and section 8 of the internal procedural rules of the Board of Disciplinary Appeals. BODA Cause No. 58368.

On January 12, 2017, the Board of Disciplinary Appeals signed an agreed interlocutory order of suspension against Greenville attorney **Royal Mullins** [#14657750], 64. On May 4, 2016, Mullins was found guilty of murder, an intentional crime as defined in the Texas Rules of Disciplinary Procedure, in the case styled, *The State of Texas v. Royal Lynn Mullins*, Cause No. 30544 in the 196th Judicial District Court of Hunt County. Mullins

was sentenced to 60 years in prison and ordered to pay a fine in the amount of \$10,000 and court costs of \$266.25. Mullins has appealed his criminal conviction. The board retains jurisdiction to enter a final judgment when the criminal appeal is final. BODA Cause No. 58339.

On January 19, 2017, the Board of Disciplinary Appeals signed an order terminating the interlocutory order of suspension issued on July 30, 2014, against Houston attorney **Jessica Lynn Siegel** [#240135090], 51. On or about October 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 Judicial District Court of Montgomery County. Siegel appealed her criminal conviction and on June 24, 2015, the 9th Court of Appeals in Beaumont reversed her conviction and rendered a judgment of acquittal in Case No. 09-13-00536-CR. On January 4, 2016, the 9th Court of Appeals issued its mandate. BODA Cause No. 53875.

On January 23, 2017, the Board of Disciplinary Appeals signed an order dismissing the compulsory discipline petition filed against Weston, Florida, attorney **Mark Alan Greenberg** [#24076921], 64. Greenberg pled guilty to nine counts of promoting sexual performance of a child and one count of computer pornography, third-degree felonies and intentional crimes as defined in the Texas Rules of Disciplinary Procedure, and on September 13, 2016, was placed on probation for five years in the case styled, *The State of Florida v. Mark Greenberg*, Case No. 15-3610CF10A, in the Circuit Court of the 17th Judicial Circuit in and for Broward County, Florida. By Misc. Order 17-9001, signed January 17, 2017, the Supreme Court of Texas accepted Greenberg's resignation in lieu of discipline. BODA Cause No. 58353.

On January 27, 2017, after considering the briefs of the parties and the records, the Board of Disciplinary Appeals affirmed

the judgments of disbarment against Hurst attorney **Daniel Charles Little** [#24047534], 58, signed on February 9, 2015, by the evidentiary panel of the District 7-1 Grievance Committee of the State Bar of Texas. Cause Nos. D0021142416 and D0121144539. BODA Cause Nos. 55902 and 55903.

On January 27, 2017, the Board of Disciplinary Appeals signed a default judgment of public reprimand against Houston attorney **Heather Ree Slay** [#24027863], 43. Although properly cited and noticed, Slay did not answer or appear. Slay was publicly reprimanded by the Supreme Court of Louisiana in a matter styled, *In re: Heather Ree Slay*, Case No. 2016-B-0437 for practicing law in Louisiana without a license. In accordance with the Texas Rules of Disciplinary Procedure, Slay will receive a public reprimand in Texas for practicing law in Louisiana without a license. BODA Cause No. 58336.

On January 27, 2017, the Board of Disciplinary Appeals signed a default judgment of disbarment against Sherman attorney **Michael Garnet McGraw** [#00792686], 54. Although properly cited and noticed, McGraw did not answer or appear. On July 22, 2016, McGraw pled guilty to injury to a child with serious bodily injury and mental injury in violation of the Texas Penal Code sec. 22.04(e), an intentional crime as defined in the Texas Rules of Disciplinary Procedure, in the case styled, *The State of Texas v. Michael Garnet McGraw*, Cause No. 067190 in the 59th Judicial District Court of Grayson County. McGraw was sentenced to 20 years in prison. The criminal conviction is final. BODA Cause No. 57993.

DISBARMENTS

On December 7, 2016, **Janice Payte Oviatt** [#24007789], 66, of Cypress, was disbarred. An evidentiary panel of the District 4 Grievance Committee found that in four separate immigration representations Oviatt failed to refund unearned fees and failed to respond to the grievances filed against her. In three of the matters, Oviatt neglected the cases entrusted to her, and in two of the matters she also

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failed to respond to the clients' requests for information and failed to explain the immigration matters to the extent reasonably necessary to permit the clients to make informed decisions regarding their representations.

Oviatt violated Rules 1.01(b)(1), 1.03(a), 1.03(b), 1.15(d), and 8.04(a)(8). She was ordered to pay \$19,704.02 in restitution and \$2,439.80 in attorneys' fees and direct expenses.

On December 12, 2016, **Carl Redford Barry** [#24036192], 39, of Tampa, Florida, was disbarred. An evidentiary panel of the District 9 Grievance Committee found that Barry committed misconduct in two cases. In the first matter, Barry represented two individuals in a personal injury matter. One client executed assignments of interests with medical providers that provided for the client's medical fees to be paid from the proceeds of any recovery received from his claim. The complainant owns a medical funding company and purchased the client's assignments of interests from the medical providers. On November 8, 2013, the complainant sent Barry a notice of assignment showing that total medical fees in the amount of \$73,703.37 were due. On August 22, 2014, Barry advised the funding company that the case had settled and that Barry would issue a check on August 25. Thereafter, Barry failed to disburse any settlement proceeds to the company. Barry failed to furnish a written response to the complaint as directed. In a second matter, a complainant hired Barry in 2013 to represent her in a personal injury claim after an automobile accident. The complainant attempted on numerous occasions over several months to contact Barry to ascertain the status of her legal matter but was unable to obtain any information about her case. In December 2013, Barry settled the complainant's case without her knowledge or consent for \$24,000. The complainant confronted Barry in April 2015, with the fact that she knew a settlement check had been issued and she had not received any portion of it. In 2016, after the grievance was filed, Barry paid the complainant a portion of the funds to which she was entitled but failed to provide the complainant with a settlement statement or pay medical providers. Barry failed to furnish a written response

to the complaint as directed.

Barry violated Rules 1.02(a)(2), 1.03(a), 1.04(d), 1.14(b), 8.04(a)(1), and 8.04(a)(8). He was ordered to pay \$234,893.37 in restitution and \$5,972.39 in attorneys' fees and expenses.

RESIGNATIONS

On December 13, 2016, the Supreme Court of Texas accepted the resignation in lieu of discipline of **Richard Wayne Aust** [#24067495], 51, of League City. At the time of Aust's resignation, there was one pending grievance alleging that while representing a client, he neglected the legal matter entrusted to him; failed to keep his client reasonably informed about the status of the client's legal matter; upon termination of representation, failed to refund advance payments of fees that had not been earned; and engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation.

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

On January 17, 2017, the Supreme Court of Texas accepted the resignation in lieu of discipline of **Mark Alan Greenberg** [#24076921], 64, of Weston, Florida. At the time of Greenberg's resignation, a judgment had been entered in the Circuit Court of the 17th Judicial Circuit in and for Broward County, Florida, wherein Greenberg was found guilty of counts two through 10, promoting sexual performance by a child (third-degree felonies), and count 11, computer pornography (a third-degree felony), and was placed on probation for a period of five years. This conviction would subject Greenberg to compulsory discipline.

SUSPENSIONS

On November 30, 2016, **Shanita Danielle Gaines** [#24045906], 40, of Oklahoma City, Oklahoma, received a two-year partially probated suspension effective November 10, 2016, with the first two weeks actively suspended and the remainder probated. An evidentiary panel of the District 6 Grievance Committee found that in October 2011, Gaines failed to notify the complainant about the receipt of settlement funds in the complainant's personal injury case. In addition, Gaines failed to deliver any portion of the funds to the complainant. Gaines also failed to exercise direct supervisory authority over her non-lawyer

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

Gaines violated Rules 1.14(b) and 5.03(a). She was ordered to pay \$2,209.98 and \$950 in attorneys' fees and direct expenses.

On December 19, 2016, **David Lee Hutchins** [#24065470], 36, of Austin, received a two-year partially probated suspension, with the first two months actively suspended and the remainder probated. An evidentiary panel of the District 9 Grievance Committee found that Hutchins represented a complainant in a dental malpractice case for injuries she sustained during a dental procedure. During the course of the representation, the complainant made numerous attempts to contact Hutchins to ascertain the status of her case, to no avail. The Discovery Control Plan Order required him to designate experts by April 3, 2014. Hutchins failed to designate any medical expert. Trial was reset to March 24, 2015. Hutchins failed to notify the complainant of the trial date



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and failed to appear at the trial on the complainant's behalf. As a result, the complainant's case was dismissed. Hutchins did not timely notify the complainant of the dismissal.

Hutchins violated Rules 1.01(b)(1) and 1.03(a). He was ordered to pay \$3,013.64 in attorneys' fees and direct expenses.

On January 12, 2017, the Board of Disciplinary Appeals signed an agreed interlocutory order of suspension against Greenville attorney **Royal Mullins** [#14657750], 63. On May 4, 2016, Mullins was found guilty of murder, an intentional crime as defined in the Texas Rules of Disciplinary Procedure, in the case styled, *The State of Texas v. Royal Lynn Mullins*, Cause No. 30544 in the 196th Judicial District Court of Hunt County. Mullins was sentenced to prison for 60 years and ordered to pay a fine in the amount of \$10,000 and court costs of \$266.25. Mullins has appealed his criminal conviction. The board retains jurisdiction to enter a final judgment when the criminal appeal is final.

On December 22, 2016, **Gregory L. Phifer** [#15908580], 53, of Amarillo, received a three-year partially probated suspension, with the first 12 months actively suspended and the remainder probated. An evidentiary panel of the District 13 Grievance Committee found that Phifer engaged in the practice of law in Texas when his right to practice had been suspended. The panel also found that Phifer 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 and that Phifer did not in good faith timely assert a privilege or other legal ground for his failure to do so.

Phifer violated Rules 8.04(a)(8) and 8.04(a)(11). He was ordered to pay \$1,613.25 in attorneys' fees and \$386.75 in direct expenses.

On December 22, 2016, **Gregory L. Phifer** [#15908580], 53, of Amarillo, received a three-year partially probated suspension, with the first 12 months actively suspended and the remainder probated. An evidentiary panel of the

District 13 Grievance Committee found that Phifer failed to keep his client reasonably informed about the status of her case and failed to promptly comply with the client's reasonable requests for information. The panel found that Phifer engaged in the practice of law in Texas when his right to practice had been suspended. The panel further found that Phifer 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 and that Phifer did not in good faith timely assert a privilege or other legal ground for failure to do so.

Phifer violated Rules 1.03(a), 8.04(a)(8), and 8.04(a)(11). He was ordered to pay \$6,500 in restitution, \$2,018.25 in attorneys' fees, and \$371.75 in direct expenses.

PUBLIC REPRIMANDS

On December 19, 2016, **Tony Edward Ivie** [#10438800], 55, of Amarillo, received a public reprimand. An evidentiary panel of the District 13 Grievance Committee found that in or about March 2014, a complainant hired Ivie to represent him in a divorce. Upon termination of Ivie's representation of the complainant, Ivie failed to refund advance payments of fees that had not been earned. Ivie 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. Ivie did not in good faith timely assert a privilege or other legal ground for failure to do so.

Ivie violated Rules 1.15(d) and 8.04(a)(8). He was ordered to pay \$1,500 in restitution and \$875 in attorneys' fees and direct expenses.

On December 19, 2016, **Shola Anthony Sutton** [#24000437], 61, of Houston, received an agreed judgment of public reprimand. An evidentiary panel of the District 4 Grievance Committee found that in representing his client, Sutton neglected the legal matter entrusted to him, failed to keep the complainant reasonably informed about the status of the matter and to comply with reasonable requests for information, and failed to explain a legal matter to the extent reasonably necessary to permit his client to make informed decisions regarding the representation.

Sutton violated Rules 1.01(b)(1), 1.03(a),

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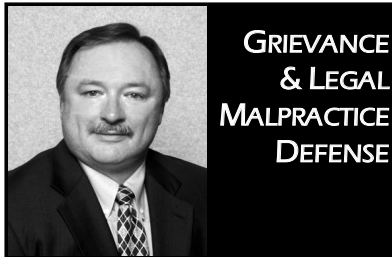
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and 1.03(b). He was ordered to pay \$875 in attorneys' fees.

On January 12, 2017, **Robert Chris Pittard** [#00794465], 60, of San Antonio, agreed to a two-year partially probated suspension, effective December 24, 2016, with the first 15 days actively suspended and the remainder probated. An evidentiary panel of the District 10 Grievance Committee found that Pittard neglected a client's matter, failed to keep the client reasonably informed, and failed to explain a potential conflict of interest.

Pittard violated Rules 1.01(b)(1), 1.03(a), 1.03(b), 1.04(a), and 1.06(b)(2). He was ordered to pay \$5,000 in restitution and \$800 in attorneys' fees and direct expenses.

On December 15, 2016, **George B. Tennant Jr.** [#24042016], 48, of Houston, accepted a 15-month fully probated suspension effective January 1, 2017. An evidentiary panel of the District 4 Grievance Committee found that in one matter, Tennant neglected the legal matter entrusted to him, failed to promptly

comply with reasonable requests for information from the client, and failed to refund advance payments of fees that had not been earned. Tennant also 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. In a second matter, Tennant failed to timely refund advance payments of fees that had not been earned.

Tennant violated Rules 1.01(b)(1), 1.03(a), 1.15(d), and 8.04(a)(8). He was ordered to pay \$1,500 in restitution and \$1,000 in attorneys' fees and direct expenses.

On December 6, 2016, **Tiffany Gayle Warner** [#24075245], 33, of Fort Worth, received a six-month fully probated suspension effective December 1, 2016. An evidentiary panel of the District 7 Grievance Committee found that from February 17, 2015, to the present, Warner had been administratively suspended from the practice of law for failure to comply with Supreme Court rules concerning repayment of Texas Guaranteed Student

Loans. After February 17, 2015, Warner continued to represent the complainant in connection with a family law matter, Warner discussed the case with her client and opposing counsel. Thus, Warner engaged in the practice of law while her right to do so had been administratively suspended. In addition, Warner failed to furnish to the Office of Chief Disciplinary Counsel a response or other information as required by the Texas Rules of Disciplinary Procedure or assert any grounds for her failure to do so.

Warner violated Rules 8.04(a)(8) and 8.04(a)(11).

PRIVATE REPRIMANDS

Listed here is a breakdown of Texas Disciplinary Rules of Professional Conduct violations for eight 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

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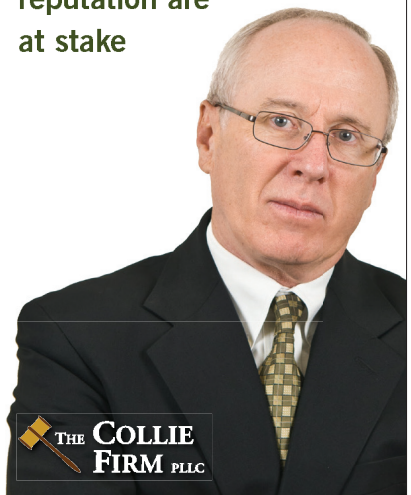
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matter and promptly comply with reasonable requests for information (2).

1.03(b)—for failing to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding representation (1).

1.14(a)—A lawyer shall hold funds and other property belonging in whole or in part to clients or third persons that are in a lawyer's possession in connection with a representation separate from the lawyer's own property. Such funds shall be kept in a separate account, designated as a "trust" or "escrow" account, maintained in the state where the lawyer's office is situated, or elsewhere with the consent of the client or third person. Other client property shall be identified as such and appropriately safeguarded. Complete records of such account funds and other property shall be kept by the lawyer and shall be preserved for a period of five years after termination of the representation (1).

1.15(a)(1)—A lawyer shall decline to represent a client or, where representation has commenced, shall withdraw, except as stated in paragraph (c), from the rep-

resentation of a client, if the representation will result in violation of Rule 3.08, other applicable rules of professional conduct, or other law (1).

3.01—a lawyer shall not bring or defend a proceeding, or assert or controvert an issue therein, unless the lawyer reasonably believes that there is a basis for doing so that is not frivolous (1).

8.01(a)—for knowingly making a false statement or material fact (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).

8.04(a)(11)—A lawyer shall not engage 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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