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REINSTATEMENTS

Barry Joseph Jewell [#24033546], of Prosper, has filed a petition in the Denton County District Court for reinstatement as a member of the State Bar of Texas.

RESIGNATIONS

On September 19, 2017, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Robert Allen Helms** [#00792136], 52, of Austin. At the time of Helms' resignation, one disciplinary matter was pending for conduct involving dishonesty, fraud, deceit, or misrepresentation; Helms was also the subject of criminal proceedings in Cause No. 1:16-CR-23-LY, styled *United States of America, Plaintiff, v. Robert Allen Helms (1), Defendant*, for securities fraud, wire fraud, and conspiracy. On April 10, 2017, Helms pleaded guilty to

conspiracy to commit wire fraud and securities fraud as charged in the indictment and securities fraud as charged in the felony information, serious crimes or criminal acts that reflect adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer. These convictions would subject Helms to compulsory discipline.

On September 19, 2017, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **W. James Jonas III** [#10857050], 55, of West Lake Hills. At the time of Jonas' resignation, one disciplinary matter was pending in which he engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation; Jonas was also the subject of criminal proceedings in Cause No. CR-16-CR-135-AM, *United States of America v. William James Jonas, III*, for

bribery, wire fraud, and conspiracy. On June 26, 2017, Jonas was convicted by jury of one count of conspiracy to commit federal programs bribery, two counts of federal programs bribery, one count of aiding and abetting federal programs bribery, one count of conspiracy to commit wire fraud, five counts of uses of the wires to commit fraud, that is deprivation of honest service, and four counts of wire fraud. The convictions involve serious crimes or criminal acts that reflect adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer and further involve conduct to improperly influence a government agency or official. These convictions would subject Jonas to compulsory discipline.

On September 19, 2017, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **James Michael O'Briant** [#00788875], 58, of Midland. O'Briant resigned in Texas after disbarment by the Michigan Attorney Disciplinary Board, which found that O'Briant violated Rule 1.1(b) [handled a matter without preparation adequate in the circumstances], Rule 1.1(c) [neglected six legal matters], Rule 1.2(a) [failed to seek the lawful objective of a client], Rule 1.3 [failed to act with reasonable diligence and promptness in representing a client], Rule 1.4(a) [failed to keep a client reasonably informed about the status of a matter and comply promptly with reasonable requests for information], Rule 1.4(b) [failed to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation], Rule 1.15(b)(3) [failed to promptly render a full accounting of client funds upon request], Rule 1.16(d) [failed to refund advance payments of fees which were not earned], Rule 3.3(a)(1) [made a false statement of material fact to a tribunal], Rule 9.119(A) [failed to notify an active client of his suspension from the practice of law], and Rule 9.119(8) [failed to file a notice of disqualification with a tribunal in which he represented a client in litigation]. The disbarment in Michigan would

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subject O'Briant to reciprocal discipline.

On August 25, 2017, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Brian Edward Storts** [#00785066], 50, of Houston. At the time of his resignation, there was one disciplinary action pending alleging Storts committed a criminal act that reflected adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects and engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation.

Storts violated Rules 8.04(a)(2) and 8.04(a)(3). He was ordered to pay \$1,000 in attorneys' fees.

SUSPENSIONS

On August 30, 2017, **Larry G. Byrd** [#03561000], 75, of Lufkin, agreed to a 12-month fully probated suspension effective September 1, 2017. An evidentiary panel of the District 2 Grievance Committee found that Byrd failed to keep the complainant reasonably informed about the status of her civil matter, failed to hold funds belonging to clients separate from Byrd's own property, employed non-lawyers to engage in conduct that would be a violation of the rules of professional conduct if engaged in by a lawyer, and engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation.

Byrd violated Rules 1.03(a), 1.14(a), 5.03(b)(1), and 8.04(a)(3). He was ordered to pay \$750 in attorneys' fees and direct expenses.

On September 20, 2017, **Gary L. Eudy** [#24074187], 64, of Friendswood, received a one-year fully probated suspension effective October 1, 2017. An evidentiary panel of the District 5 Grievance Committee found that in representing two clients, Eudy neglected the legal matters entrusted to him, failed to keep his clients reasonably informed about the status of their legal matters and to promptly comply with reasonable requests for information, upon termination of representation, failed to refund advance payments of fees that had not been earned, and failed to respond to a grievance.

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

1.15(d), and 8.04(a)(8). He was ordered to pay \$1,300 in restitution and \$1,200 in attorneys' fees and direct expenses.

On August 22, 2017, **Beauregard Driller Fiegel** [#24086782], 32, of San Antonio, accepted a six-month fully probated suspension effective October 1, 2017. An evidentiary panel of the District 10 Grievance Committee found that Fiegel neglected a client's matter, failed to keep a client reasonably informed, failed to refund the unearned portion of fees, and failed to respond to the grievance in a timely fashion.

Fiegel violated Rules 1.01(b)(1), 1.03(a), 1.15(d), and 8.04(a)(8). He was ordered to pay \$3,000 in restitution and \$1,100 in attorneys' fees and direct expenses.

On September 20, 2017, **Jacqueline M. Houlette** [#00787718], 53, of Houston, accepted a 14-month fully probated suspension effective September 1, 2017. An evidentiary panel of the District 4 Grievance Committee found

that Houlette neglected legal matters entrusted to her, failed to keep her clients reasonably informed about the status of their matters, and failed to respond to the grievances.

Houlette violated Rules 1.01(b)(1), 1.03(a), and 8.04(a)(8). She was ordered to pay \$1,500 in attorneys' fees and direct expenses.

On August 3, 2017, **Marcus Donnell Norman** [#24007759], 47, of McKinney, received a two-year partially probated suspension effective November 1, 2017, with the first six months actively suspended and the remainder probated. The 401st District Court of Collin County found that Norman neglected the legal matter entrusted to him and failed to keep the client reasonably informed about the status of a matter and promptly comply with the client's reasonable requests for information.

Norman violated Rules 1.01(b)(1) and 1.03(a). He was ordered to pay \$2,000 in attorneys' fees and direct expenses.

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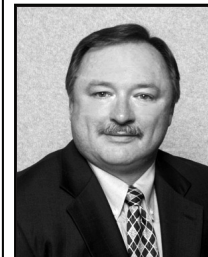
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On September 6, 2017, **Brett A. Pruitt** [#16367800], 60, of San Antonio, accepted a 30-month partially probated suspension effective November 1, 2017, with the first three months actively suspended and the remainder probated. An evidentiary panel of the District 9 Grievance Committee found that Pruitt represented a client in two related matters. As the parties neared a jury trial setting, Pruitt represented to opposing counsel that all matters in both cases had settled. Pruitt signed a Rule 11 settlement agreement, and the setting for jury trial was canceled. Weeks later, Pruitt acknowledged to opposing counsel that he did not have his client's consent to settle. Pruitt failed to abide by his client's decisions concerning whether to accept an offer of settlement and took a position that unreasonably increased the costs or other burdens of the case or that unreasonably delayed resolution of the matter. The Office of Chief Disciplinary Counsel gave Pruitt notice of

the disciplinary complaint, and Pruitt failed to timely furnish a response or other information required by the Texas Rules of Disciplinary Procedure.

Pruitt violated Rules 1.02(a)(2), 3.02, and 8.04(a)(8). He was ordered to pay \$3,833 in attorneys' fees and direct expenses.

On August 30, 2017, **Jay Mac Rust** [#24009061], 43, of Stephenville, agreed to a 36-month partially probated suspension effective August 15, 2017, with the first 12 months actively served and the remainder probated. An evidentiary panel of the District 14 Grievance Committee found that Rust, acting as an escrow attorney, continued representation of the client after Rust's representation became adversely limited by Rust's responsibilities to another client or to a third party or by Rust's own interest. Rust, acting as an escrow attorney, failed to hold escrow funds belonging to the client that were in

Rust's possession in connection with the representation separate from Rust's own property. Rust failed to promptly deliver to the client funds that the client was entitled to receive. Rust failed to disburse funds in his account only to those persons entitled to receive the funds by virtue of the representation or by law.

Rust violated Rules 1.06(b)(2), 1.14(a), and 1.14(c). He was ordered to pay \$3,750 in attorneys' fees and direct expenses.

On September 5, 2017, **Jay Mac Rust** [#24009061], 43, of Stephenville, agreed to a 36-month partially probated suspension effective August 15, 2017, with the first 12 months actively served and the remainder probated. An evidentiary panel of the District 14 Grievance Committee found that Rust, acting as an escrow attorney, continued representation of the client after Rust's representation became

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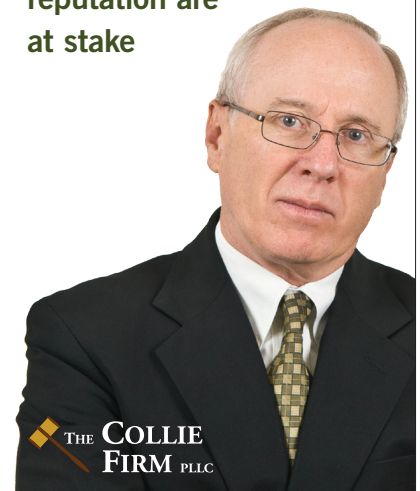
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adversely limited by Rust's responsibilities to another client or to a third party or by Rust's own interest. Rust, acting as an escrow attorney, failed to hold escrow funds belonging to the client that were in Rust's possession in connection with the representation separate from Rust's own property. Rust failed to disburse funds in his account only to those persons entitled to receive the funds by virtue of the representation or by law.

Rust violated Rules 1.06(b)(2), 1.14(a), and 1.14(c). He was ordered to pay \$3,750 in attorneys' fees and direct expenses.

On August 31, 2017, **Zenaida Sanchez** [#17573800], 57, of Alice, accepted a six-month fully probated suspension effective September 15, 2017. An evidentiary panel of the District 11 Grievance Committee found that Sanchez failed to hold the client's funds separate from her own property and failed

to promptly deliver the client's funds.

Sanchez violated Rules 1.14(a) and 1.14(b). She was ordered to pay \$800 in attorneys' fees and direct expenses.

On September 26, 2017, **Stanley Allen Simiskey** [#24058240], 50, of Lake Jackson, received an 18-month fully probated suspension effective October 1, 2017. An evidentiary panel of the District 5 Grievance Committee found that Simiskey continued representation of two clients after the representation of those persons became adversely limited by his own interests.

Simiskey violated Rule 1.06(b)(2). He was ordered to pay \$300 in attorneys' fees.

PUBLIC REPRIMANDS

On September 6, 2017, **Dale Weyand** [#21236900], 57, of San Antonio, accepted a public reprimand. An evidentiary panel of the District 10 Grievance

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Committee found that Weyand failed to keep a client reasonably informed.

Weyand violated Rule 1.03(a). He was ordered to pay \$800 in attorneys' fees and direct expenses.

PRIVATE REPRIMANDS

Listed here is a breakdown of Texas Disciplinary Rules of Professional Conduct violations for nine 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).

1.01(b)(2)—for failing to carry out completely the obligations that the lawyer owes to a client or clients (1).

1.02(a)(1)—for failing to abide by clients' decisions concerning the objectives and general methods of representation (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 (2).

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

1.07(a)—for, upon entering into a business transaction with a client, failing to consult with each client concerning the implications of the common representation, including the advantages and risks involved and the effect of the attorney-client privileges, and failing to obtain each client's written consent to the common representation (1).

1.07(c)—for failing to withdraw as intermediary if any of the clients so requests or if any of the conditions stated in paragraph (a) is no longer satisfied. Upon withdrawal, the lawyer shall not continue to represent any of the clients in the matter that was the subject of the intermediation (1).

1.14(a)—for failing to 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 (1).

3.03(a)(1)—for knowingly making a false statement of material fact or law to a tribunal (1).

4.02(a)—In representing a client, a lawyer shall not communicate or cause or encourage another to communicate about the subject of the representation with a person, organization, or entity of government the lawyer knows to be represented by another lawyer regarding that subject, unless the lawyer has the consent of the other lawyer or is authorized by law to do so (1).

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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