

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

JUDICIAL ACTIONS

To read the entire public sanctions, go to scjc.texas.gov.

On October 3, 2018, the State Commission on Judicial Conduct issued a public admonition to **James Oren Metts Sr.**, justice of the peace, Precinct 4, Place 1, New Caney, Montgomery County.

BODA

On October 2, 2018, the Board of Disciplinary Appeals signed an agreed order of partially probated suspension against Centennial, Colorado, attorney **Arron Burt Nesbitt** [#24049737], 47. On October 14, 2016, the Colorado Supreme Court signed an order of

approving conditional admission of misconduct and imposing sanctions in a matter styled *Complainant: The People of Colorado, Respondent: Arron Burt Nesbitt, #40610*, Case Number 17PDJ068, for billing for work not performed in violation of Colorado Rules of Professional Conduct Rules 1.5(a) and 8.4(c). In accordance with Part IX of the Texas Rules of Disciplinary Procedure, Nesbitt is suspended from the practice of law in Texas for nine months, beginning October 2, 2018, and ending July 1, 2019, followed by two-year probated suspension from July 2, 2019, until July 1, 2021. BODA Cause No. 60520.

On October 8, 2018, the Board of Disciplinary Appeals signed an agreed order of partially probated suspension against Russellville, Kentucky, attorney **Richard E. Smith** [#18669550], 60. On October 16, 2017, the Supreme Court of the State of Louisiana signed an order/per curiam in a matter styled *In Re: Richard E. Smith*, No. 2017-B-1537, for practicing law while ineligible and failing to safeguard money belonging to a client in violation of Louisiana Rules of Professional Conduct Rules 1.5(a) and 5.5. In accordance with Part IX of the Texas Rules of Disciplinary Procedure, Smith is suspended from the practice of law in Texas for 60 days, beginning October 8, 2018, and ending December 6, 2018, followed by two-year probated suspension from December 7, 2018, to December 6, 2020. BODA Cause No. 60519.

On October 10, 2018, the Board of Disciplinary Appeals signed a default judgment of disbarment against Lake-way attorney **Phoebe Leslie Deak** [#24051808], 52. Although duly cited, Deak failed to answer or appear. On December 14, 2017, the District of Columbia Court of Appeals Board on Professional Responsibility signed an

order in a matter styled No. 17-BG-369, *In the Matter of Phoebe Leslie Deak, Respondent*, a member of the bar of the District of Columbia Court of Appeals, for violation of Virginia Rules of Professional Conduct Rules 1.15(a)(1) and 1.15(b)(5) (failure to keep safe client funds). In accordance with Part IX of the Texas Rules of Disciplinary Procedure, Deak is disbarred. BODA Cause No. 60163.

On October 11, 2018, the Board of Disciplinary Appeals signed a judgment conforming suspension to criminal probation against Toronto, Canada, attorney **Rahul Malhotra** [#00797781], 48. On March 28, 2017, Malhotra pleaded guilty to false statement in violation of 18 USC § 1001(a)(2), an intentional crime as defined in the Texas Rules of Disciplinary Procedure, in the case styled *United States of America v. Rahul Malhotra* in the U.S. District Court Western District of Texas, San Antonio Division, Cause No. 5:16-CR-00460-OLG(1), and was placed on community supervision for five years and ordered to pay an assessment of \$100 and a fine of \$7,500. On January 29, 2018, his sentence was amended and he was placed on probation for a term of two years beginning March 23, 2017. Finding that Malhotra received a new sentence, the board conformed its previous judgment dated January 26, 2018. Malhotra is suspended from the practice of law in Texas during the term of his criminal probation—until March 22, 2019. BODA Cause No. 59097.

On October 10, 2018, the Board of Disciplinary Appeals signed a default judgment of disbarment against Houston attorney **Christopher A. Jiongo** [#10667800], 58. On November 21, 2017, Jiongo pleaded guilty to wire fraud and aiding and abetting, intentional crimes as defined in the Texas

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 35 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

Rules of Disciplinary Procedure, in *United States of America v. Christopher Arnold Jiongo*, Cause No. 3:16-CR-00406-D(3), and was sentenced to 46 months in prison followed by two years of supervised release and was ordered to pay restitution in the amount of \$3,786,565.26. Although duly cited and noticed, Jiongo did not answer or appear. BODA Cause No. 60830.

On October 9, 2018, the Board of Disciplinary Appeals signed a default judgment of disbarment against Coppell attorney **Rayan D Ganesh** [#24068728], 35. On April 5, 2018, Ganesh was found guilty of indecency with a child in two cases, intentional crimes as defined in the Texas Rules of Disciplinary Procedure, in *The State of Texas v. Rayan Ganesh*, Cause Nos. F-16-76111-S and F-16-76113-S, in the 282nd District Court of Dallas County, and was sentenced to eight years in prison. Although duly cited and noticed, Ganesh did not answer or appear. BODA Cause No. 60489.

On October 10, 2018, the Board of Disciplinary Appeals signed an interlocutory order of suspension against Mansfield attorney **Tshombe Ali Anderson** [#24012218], 50. Anderson answered the petition for compulsory discipline but did not appear at the hearing. On May 9, 2018, Anderson pleaded guilty to conspiracy to commit health care fraud in violation of 18 USC §§ 1349, 1347, an intentional crime as defined in the Texas Rules of Disciplinary Procedure, in the case styled *United States of America v. Tshombe Anderson, Defendant*, Cause No. 3:15-CR-409-M (1), in the U.S. District Court Northern District of Texas, Dallas Division, and was sentenced to prison for 10 years followed by supervised release for three years and ordered to pay restitution in the amount of \$26,572,458.93. Anderson has appealed his criminal conviction. The board retains jurisdiction to enter a final judgment when the criminal appeal is final. BODA Cause No. 60492.


On October 10, 2018, the Board of Disciplinary Appeals signed a final judgment of disbarment against Katy attorney **Abraham M. Fisch** [#07039900], 59. On or about November 25, 2015, by amended judgment, Fisch was convicted of one count of conspiracy to commit obstruction of justice, four counts of obstruction of justice, aiding and abetting, one count of conspiracy to commit money laundering, seven counts of money laundering, aiding and abetting, and five counts of failure to file tax return, intentional crimes as defined in the Texas Rules of Disciplinary Procedure, in *United States of America v. Abraham Moses Fisch, aka Anthony Fisch*, Case No. 4:11CR722-001, in U.S. District Court Southern District of Texas holding session in Houston, and was sentenced to 180 months of incarceration. Upon release from imprisonment, he will be on supervised release for five years. Fisch appealed his criminal conviction and on January 12, 2016, the Board of Disciplinary Appeals signed an agreed interlocutory order of suspension pending his appeal. On April 5, 2017, the 5th Circuit Court of Appeals affirmed his conviction and issued its mandate. BODA Cause No. 57005.

On October 10, 2018, the Board of Disciplinary Appeals signed an interlocutory order of suspension against Dallas attorney **Bilal Ahmed Khaleeq** [#24091271], 49. Although duly cited, Khaleeq did not answer or appear. On July 20, 2018, Khaleeq pleaded guilty to conspiracy to commit marriage fraud in violation of 18 USC § 371 (8 USC § 1325(c)), an intentional crime as defined in the Texas Rules of Disciplinary Procedure, in the case styled *United States of America v. Bilal Ahmed Khaleeq*, Cause No. 3:17-CR-00359-N(1), in the U.S. District Court Northern District of Texas, Dallas Division, and was sentenced to prison for six months followed by supervised release for one year and ordered to pay a fine in the amount of \$10,000. Khaleeq has appealed his criminal conviction. The board retains jurisdiction

to enter a final judgment when the criminal appeal is final. BODA Cause No. 60812.

On August 21, 2018, the Board of Disciplinary Appeals signed an order granting an agreed motion to vacate judgment of public reprimand against Pasadena attorney **Paul E. Nunu** [#15141850], 64, and dismissed the case. BODA Cause No. 60453.

On October 10, 2018, the Board of Disciplinary Appeals affirmed the judgment of disbarment of McGregor attorney **Hamilton Philip Lindley** [#24044838], 41, signed on November 16, 2017, by the evidentiary panel of the State Bar of Texas District 8 Grievance Committee in Case No. 201602337. The evidentiary panel found that Lindley violated Texas Disciplinary Rules of Professional Conduct Rules 8.04(a)(2) and 8.04(a)(3).



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

Lindley appealed the board's decision to the Supreme Court of Texas, Cause No. 18-0985. BODA Cause No. 60095.

On October 10, 2018, the Board of Disciplinary Appeals affirmed the judgment of disbarment of Seabrook attorney **Mark Llewellyn Honsaker** [#00795425], 52, signed on September 19, 2016, by the evidentiary panel of the State Bar of Texas District 4 Grievance Committee in Case No. 201406873. The evidentiary panel found that Honsaker violated Texas Disciplinary Rules of Professional Conduct Rules 1.14(a) and 1.14(b). BODA Cause No. 58471.

DISBARMENTS

On August 20, 2018, **Rayan D Ganesh** [#24068728], 35, of Coppell, was disbarred. An evidentiary panel of the State Bar of Texas District 6 Griev-

ance Committee found that on more than one occasion, Ganesh engaged in conduct that constitutes barratry and prohibited solicitation when he approached individuals who did not seek his advice regarding employment or with whom Ganesh had no family or past or present attorney-client relationship with the individuals when a significant motive for him was for his pecuniary gain.

Ganesh violated Rules 7.03(a) and 8.04(a)(9). He was ordered to pay \$4,658.50 in attorneys' fees and direct expenses.

On August 29, 2018, **Robert James Hayes** [#24057610], 46, of Saint Charles, Missouri, was disbarred. An evidentiary panel of the District 10 Grievance Committee found that Hayes neglected clients' matters, failed to communicate with a client, engaged in the practice of law while his license was administratively suspended, engaged in conduct involving fraud, deceit, or misrepresentation, and failed to respond to a grievance.

Hayes violated Rules 1.01(b)(2), 1.03(a), 8.04(a)(3), 8.04(a)(8), and 8.04(a)(11). He was ordered to pay \$1,935 in attorneys' fees and direct expenses.

RESIGNATIONS

On October 16, 2018, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Gary Wayne Tucker** [#24047002], 56, of Dallas. At the time of Tucker's resignation, there were two pending matters against him. Tucker was actively suspended as a result of a disciplinary action from March 8, 2018, until June 7, 2018. On or about March 26, 2018, while Tucker was actively suspended, Tucker filed a small claims lawsuit. Further, on May 30, 2018, while Tucker was actively suspended, Tucker filed a post judgment motion. Tucker violated the disciplinary judgment against him by engaging in the practice of law while he was actively suspended.

Tucker violated Rules 1.15(a)(1), 8.04(a)(7), and 8.04(a)(11).

SUSPENSIONS

On September 13, 2018, **Wilford A. Anderson** [#01232300], 70, of Houston, agreed to a one-year partially probated suspension effective January 1, 2019, with the first 90 days actively served and the remainder probated. An evidentiary panel of the District 4 Grievance Committee found that Anderson neglected a legal matter entrusted to him and failed to keep his client reasonably informed about the status of the case.

Anderson violated Rules 1.01(b)(1) and 1.03(a). He was ordered to pay \$500 in attorneys' fees and expenses.

On November 6, 2015, **Hugo Xavier De Los Santos** [#05653300], 59, of San Antonio, received an 18-month partially probated suspension effective November 3, 2018, with the first six months actively served and the remainder probated. The 37th Judicial District Court of Bexar County found that De Los Santos committed professional misconduct by 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.

De Los Santos violated Rule 1.14(a). He was ordered to pay \$21,176 in attorneys' fees and direct expenses.

On October 8, 2018, **Donald E. Ervin** [#06650500], 72, of Brenham, accepted a one-year fully probated suspension effective November 1, 2018. An evidentiary panel of the District 8 Grievance Committee found that in one matter Ervin was paid \$30,000 by the complainant, the client's son, to represent the client to attempt to secure compassionate release from prison due to the client's declining health. After more than two years with no progress in the case, the client passed away while incarcerated. The complainant requested a refund of the fees paid and Ervin agreed; however, Ervin was unable to reimburse the fees in a lump sum since they were not retained in his trust account and he no longer had possession of said funds. In a second matter, Ervin was hired to file

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

a writ of habeas corpus for a conviction related to a DWI. At the time of hiring, Ervin told the complainant that he would require \$30,000 to complete the requested work. The complainant paid Ervin \$15,000 and later turned over property worth \$1,500, with the promise to pay the rest in full as soon as possible. Over the next year, the complainant tried to communicate with Ervin to obtain updates on his case. Over a year after Ervin was hired, the complainant learned that his appeal had not yet been filed. Ervin failed to file any pleading in the 20 months he represented the complainant. The complainant terminated Ervin and demanded his fees back because no work had been done. Ervin failed to comply with the request to return the complainant's file and failed to return any of the unearned fees.

Ervin violated Rules 1.01(b)(1), 1.03(a), 1.14(a), and 1.15(d). Ervin was ordered to pay \$35,000 in restitution, return personal property given to him as payment, and \$10,037.96 in attorneys' fees and direct expenses.

On October 4, 2018, **Beauregard Driller Fiegel** [#24086782], 33, of San Antonio, agreed to a three-year and six-month partially probated suspension effective April 1, 2019. An evidentiary panel of the District 10 Grievance Committee found that Fiegel neglected clients' matters, failed to communicate with a client, failed to return unearned fees, and failed to respond to the grievance.

Fiegel violated Rules 1.01(b)(1), 1.03(a), 1.03(b), 1.15(d), and 8.04(a)(8). He was ordered to pay \$350 in restitution and \$400 in attorneys' fees and direct expenses.

On August 3, 2018, **Shanna Michelle Hennigan** [#24036756], 47, of Houston, received a three-year active suspension effective September 1, 2018. An evidentiary panel of the District 4 Grievance Committee found that Hennigan neglected her client's case, failed to keep her client reasonably informed about the status of her case, and failed to promptly comply with reasonable requests

for information from her client. Upon termination of the representation, Hennigan failed to refund advance payments of fees that had not been earned. Furthermore, Hennigan failed to respond to the grievance.

Hennigan violated Rules 1.01(b)(1), 1.03(a), 1.15(d), and 8.04(a)(8). She was ordered to pay \$1,850 in restitution and \$3,275 in attorneys' fees and direct expenses.

On September 24, 2018, **Paul Steven Jacobs** [#10520600], 59, of Houston, received a three-year partially probated suspension effective September 20, 2018, with the first two years actively served and the remainder probated. An evidentiary panel of the District 4 Grievance Committee found that Jacobs failed to promptly comply with reasonable requests for information from his client, and upon termination of the representation, Jacobs failed to surrender papers and property to which his client was entitled. In the course of litigation, Jacobs took a position that unreasonably increased the costs or other burdens of the case or that unreasonably delayed resolution of the matter and knowingly disobeyed an obligation under the standing rules of or a ruling by a tribunal. Jacobs also failed to file a response to the grievance.

Jacobs violated Rules 1.03(a), 1.15(d), 3.02, 3.04(d), and 8.04(a)(8). He was ordered to pay \$1,617.50 in attorneys' fees and direct expenses.

On August 22, 2018, **Pascual Madrigal** [#12802150], 64, of San Antonio, received a 24-month active suspension effective October 15, 2018. An evidentiary panel of the District 10 Grievance Committee found that Madrigal neglected clients' matters, failed to keep clients informed, represented a client he had a conflict of interest with, failed to return unearned fees, and failed to respond to a grievance in a timely manner.

Madrigal violated Rules 1.01(b)(1), 1.03(a), 1.06(b)(2), 1.15(d), and 8.04(a)(8). He was ordered to pay \$4,800 in restitution and \$7,769.95 in

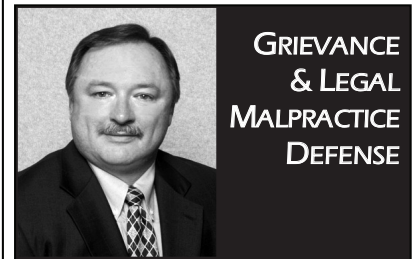
attorneys' fees and direct expenses.

On October 29, 2018, **Robert Chris Pittard** [#00794465], 61, of San Antonio, agreed to a 26-month partially probated suspension effective November 1, 2018, with the first two months actively served and the remainder probated. An evidentiary panel of the District 10 Grievance Committee found that Pittard failed to safeguard clients' funds, failed to provide an accounting of clients' funds, and failed to comply with a prior disciplinary judgment.

Pittard violated Rules 1.14(a), 1.14(b), 1.14(c), 8.01(b), and 8.04(a)(7). He was ordered to pay \$3,000 in restitution and \$1,000 in attorneys' fees and direct expenses.

On October 25, 2018, **Crystal Lee Randolph** [#24051705], 48, of Manor, accepted a two-month fully probated suspension effective November 1, 2018.

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



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

An evidentiary panel of the District 9 Grievance Committee found that Randolph sent a demand letter on behalf of a friend to the complainant offering to settle her friend's potential claim against the complainant's client. The letterhead of the demand letter read "Law Office of Tali Randolph." Randolph is an attorney licensed in the state of Texas; however, she was ineligible to practice law in the state of Texas at the time she sent the demand letter.

Randolph violated Rule 8.04(a)(11). She was ordered to pay \$392.50 in attorneys' fees and direct expenses and to complete an additional 7.5 hours of CLE in the area of ethics and law practice management.

On October 9, 2018, **Roberto Lazaro Sanchez** [#24053061], 40, of El Paso, accepted a two-year fully probated suspension effective October 15, 2018. An evidentiary panel of the District 17 Grievance Committee found that

Sanchez failed to supervise the conduct of his non-lawyer employee.

Sanchez violated Rule 5.03(a). He was ordered to pay \$8,638.84 in attorneys' fees and direct expenses.

On October 9, 2018, **Jose Tellez II** [#24038076], 42, of Laredo, accepted a six-month fully probated suspension effective November 1, 2018. An evidentiary panel of the District 12 Grievance Committee found that Tellez's website wrongfully compared his services with other lawyers' services that could not be substantiated by reference to verifiable, objective data.

Tellez violated Rule 7.02(a)(4). He was ordered to pay \$5,396.22 in attorneys' fees and direct expenses.

On July 18, 2018, **John Rex Thompson** [#19956150], 53, of Tyler, received a 39-month partially probated suspension effective July 1, 2018, with nine months active (September 1, 2018, through May 31, 2019) and 30 months probated (July 1, 2018, through August 31, 2018, and resuming June 1, 2019, through September 30, 2021). An evidentiary panel of the District 2 Grievance Committee found that upon termination of his client's representation, Thompson failed to surrender papers and property to which his client was entitled, failed to refund any advance payments of fees that had not been earned, failed to timely furnish to the Office of Chief Disciplinary Counsel a response, and failed to timely assert a privilege or other legal ground for his failure to do so.

Thompson violated Rules 1.15(d) and 8.04(a)(8). He was ordered to pay \$3,500 in restitution and \$3,064 in attorneys' fees and direct expenses.

On September 25, 2018, **Jerry Joel Trevino** [#20211228], 57, of Corpus Christi, accepted a six-month fully probated suspension effective January 16, 2020. The 319th Judicial District Court of Nueces County found that Trevino committed professional misconduct by revealing confidential information of a client or a former client, failing to return a client's file, and violating a

disciplinary judgment.

Trevino violated Rules 1.05(b)(1), 1.15(d), and 8.04(a)(7). He was ordered to pay \$7,500 in attorneys' fees and direct expenses.

On October 16, 2018, **Thomas Austin Willbern III** [#21507700], 67, of Houston, accepted a 24-month partially probated suspension effective January 1, 2019, with the first month actively served and the remainder probated. An evidentiary panel of the District 4 Grievance Committee found that Willbern frequently failed to carry out completely the obligations he owed to his client, failed to keep his client reasonably informed about the status of the case, failed to promptly comply with the client's reasonable requests for information, and failed to refund advance payments of fees that had not been earned. Willbern also failed to respond to the grievance.

Willbern violated Rules 1.01(b)(2), 1.03(a), 1.15(d), and 8.04(a)(8). He was ordered to pay \$1,250 in attorneys' fees and direct expenses.

On September 10, 2018, **Timothy Lee Williams** [#00791938], 64, of Houston, received a six-month fully probated suspension effective October 1, 2018. An evidentiary panel of the District 4 Grievance Committee found that Williams neglected the legal matter entrusted to him, failed to keep his client reasonably informed about the status of the case, failed to promptly comply with reasonable requests for information from his client, and upon termination of his representation, failed to refund advance payments of fees that had not been earned.

Williams violated Rules 1.01(b)(1), 1.03(a), and 1.15(d). He was ordered to pay \$1,000 in restitution and \$1,700 in attorneys' fees and direct expenses.

On October 3, 2018, **Joseph Lee Young** [#24084136], 32, of Taos, New Mexico, received a 12-month fully probated suspension effective July 15, 2018. An evidentiary panel of the District 6 Grievance Committee found that in or about May 2015, a com-

ATTORNEY GRIEVANCE & CRIMINAL DEFENSE FEDERAL AND STATE



JIM BURNHAM

Former Chairman of the State Bar
District 6 Grievance Committee

Former President of the Dallas Bar
Association

Former Dallas Assistant District
Attorney

Dallas Bar Association Trial Lawyer
of the Year

Fellow of the American College of
Trial Lawyers

Law Offices of Jim Burnham
6116 N. Central Expy. Ste. 515
Dallas, Texas 75206

www.jburnhamlaw.com
jim@jburnhamlaw.com
Office: (214) 750-6616

plainant retained Young for representation in a personal injury matter on a contingency fee basis. In representing the complainant, he frequently failed to carry out completely the obligations owed to the complainant. Young failed to keep the complainant reasonably informed about the status of his personal injury matter and failed to promptly comply with reasonable requests for information from the complainant about his case.

Young violated Rules 1.01(b)(2) and 1.03(a). He was ordered to pay \$1,600 in attorneys' fees and direct expenses.

PUBLIC REPRIMANDS

On October 1, 2018, **Douglas Allen Ahern** [#24069206], 51, of Pasadena, accepted a public reprimand. The 333rd District Court of Harris County found that Ahern committed professional misconduct by violating Rule 1.03(a) [A lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information].

Ahern was ordered to pay \$1,000 in attorneys' fees and direct expenses.

On October 10, 2018, **Charles Earl Blevins** [#24077261], 37, of Lubbock, accepted a public reprimand. An evidentiary panel of the District 16 Grievance Committee found that Blevins neglected a client's matters, failed to keep a client reasonably informed, and failed to return the unearned portions of fees.

Blevins violated Rules 1.01(b)(1), 1.03(a), and 1.15(d). He was ordered to pay \$4,100 in restitution and \$400 in attorneys' fees and direct expenses.

On September 18, 2018, **Stephen Paul Carrigan** [#03877000], 63, of Corpus Christi, accepted a public reprimand. The 28th District Court of Nueces County found that Carrigan violated Rule 1.14(b) [failing to promptly notify and deliver to the client or third person any funds or other property that the client or third person is entitled to receive].

He was ordered to pay \$639.40 in restitution and \$1,000 in attorneys' fees and direct expenses.

On October 1, 2018, **Theresa Ann Dean** [#05623795], 61, of Bay City, received an agreed judgment of public reprimand. An evidentiary panel of the District 5 Grievance Committee found that Dean failed to hold funds belonging to clients that were in Dean's possession in connection with the representation separate from Dean's own property and failed to disburse funds in a trust account only to those persons entitled to receive them by virtue of the representation or by law.

Dean violated Rules 1.14(a) and 1.14(c). She was ordered to pay \$400 in attorneys' fees and direct expenses.

On September 4, 2018, **Matthew Louis Pepper** [#24066817], 55, of The Woodlands, received a judgment of public reprimand. An evidentiary panel of the District 3 Grievance Committee found that Pepper represented opposing parties to the same litigation and he represented a person when the representation of that person reasonably appeared to be or become adversely limited by the representation of other family members of his client. Pepper failed to obtain prior consent from all parties.

Pepper violated Rules 1.07(a)(1) and 1.09(a)(3). He was ordered to pay \$6,199 in attorneys' fees and direct expenses. Pepper has filed a notice of appeal.

On September 27, 2018, **Michael M. Simpson** [#18413400], 58, of Fayetteville, Arkansas, accepted a public reprimand. The 207th Judicial District Court of Hays County found that Simpson committed professional misconduct by failing to communicate with a client, failing to decline or withdraw from representation, and engaging in the practice of law when the lawyer is on inactive status or when the lawyer's right to practice has been suspended.

Simpson violated Rules 1.03(a), 1.03(b), 1.15(a)(2), 1.15(a)(3), and 8.04(a)(11). 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 12 attorneys, with the number in parentheses indicating the frequency of the 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).

1.03(a)—for failing to keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information (6).

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

1.05(b)(1)(ii)—Except as permitted by paragraphs (c) and (d), or as required by paragraphs (c) and (f), a lawyer

Representing Attorneys

Gaines West

State-wide Practice

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
Austin Bar Association, Member

**WEST • WEBB
ALLBRITTON
& GENTRY**

Principal Office – 979.694.7000
1515 Emerald Plaza • College Station, TX 77845
Austin – By Appointment – 512.501.3617
1012 Rio Grande St. • Austin, TX 78701

westwebblaw.com

shall not knowingly: reveal confidential information of a client or a former client to: anyone else, other than the client, the client's representatives, or the members, associates, or employees of the lawyer's law firm (1).

1.07(a)—For entering into a business transaction with a client unless (1) the lawyer consults with each client concerning the implications of the common representation, including the advantages

and risks involved, and the effect on the attorney-client privileges, and obtains each client's written consent to the common representation; (2) the lawyer reasonably believes that the matter can be resolved without the necessity of contested litigation on terms compatible with the clients' best interests, that each client will be able to make adequately informed decisions in the matter and that there is little risk

of material prejudice to the interests of any of the clients if the contemplated resolution is unsuccessful; and (3) the lawyer reasonably believes that the common representation can be undertaken impartially and without improper effect on other responsibilities the lawyer has to any of the clients (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).

1.14(b)—for failing, upon receiving funds or other property in which a client or third person has an interest, to promptly notify the client or third person and render a full accounting upon request (1).

1.15(d)—upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled, and refunding any advance payments of fees that have not been earned (1).

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 (2).

7.03(c)—A lawyer, in order to solicit professional employment, shall not pay, give, advance, or offer to pay, give, or advance anything of value, other than actual litigation expenses and other financial assistance as permitted by Rule 1.08(d), to a prospective client or any other person; provided however, this provision does not prohibit the payment of legitimate referral fees as permitted by Rule 1.04(f) or by paragraph (b) of this Rule (1).

7.07(a)—A lawyer shall file with the Advertising Review Committee of the State Bar of Texas, no later than the mailing or sending by any means, including electronic, of a written, audio, audio-visual, digital or other electronic solicitation communication (1). **TBJ**

Cyber coverage now included with our malpractice policy.

OVER 38 YEARS SUPPORTING TEXAS LAWYERS



TLIE.org / info@tlie.org / (512) 480-9074