

DISCIPLINARY ACTIONS

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REINSTATEMENTS

Richard Leonadis "Pete" McKinney [#13723400], 67, of Houston, filed a petition in the 127th District Court of Harris County for reinstatement as a member of the State Bar of Texas.

BODA

On June 7, 2017, the Board of Disciplinary Appeals signed an order terminating the judgment of suspension signed by the board on October 24, 2012, against McKinney attorney **Suzanne H. Wooten** [#00794881], 49. On or about December 6, 2011, Wooten was found guilty by a jury of engaging in organized criminal activity, six counts of bribery, money laundering, and tampering with a governmental record to defraud or harm, intentional crimes as defined in the Texas Rules of Disciplinary

Procedure, in cause number 366-81639-2011, styled *The State of Texas v. Suzanne H. Wooten*, in the 366th District Court of Collin County. On May 24, 2017, the court vacated all counts as void ab initio and Wooten was acquitted of all allegations in an order granting her writ of habeas corpus declaring actual innocence as a matter of law pursuant to Texas Code of Criminal Procedure Art. 11.07. The order is final. BODA Cause number 50489.

DISBARMENTS

On November 17, 2017, **Alexander Dale Metcalf** [#24058000], 34, of Bastrop, was disbarred. An evidentiary panel of the District 8 Grievance Committee found that Metcalf committed misconduct in nine cases. The complainants paid Metcalf advanced fees ranging from

\$1,500 to \$7,500. In one case, Metcalf failed to respond to the complaint. In four cases he did not complete sufficient work to earn the entire fee. In the remaining four cases, Metcalf failed to provide any legal services. Although the complainants attempted to obtain information regarding the status of their legal matters via telephone, text, email, letter, and in person, Metcalf failed to respond to their requests for information. Metcalf ultimately abandoned his law practice without notifying the complainants, failed to return unearned fees, and failed to return clients' files. Metcalf also failed to file a response to the complaints as directed.

Metcalf violated Rules 1.01(b)(1), 1.03(a), 1.15(d), 1.14(b), and 8.04(a)(8). He was ordered to pay \$22,200 in restitution and \$6,478.48 in attorneys' fees and expenses.

RESIGNATIONS

On December 12, 2017, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Chad Hassan Akil Jordan** [#24073262], 35, of Houston. At the time of Jordan's resignation, he had eight grievances pending against him alleging that he neglected legal matters entrusted to him, frequently failed to carry out completely the obligations that he owed to his clients, failed to abide by a client's decision as to whether to accept an offer of settlement of a matter, failed to keep clients reasonably informed about the status of their legal matters and promptly comply with reasonable requests for information, and failed to explain matters to the extent reasonably necessary to permit the client to make informed decisions regarding the representation. Jordan also failed to hold funds belonging in whole or in part to his client that were in his possession in connection with a representation separate from his own property and upon receiving funds in which his client had an interest, Jordan failed to promptly notify the client. Upon termination of representation,

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Jordan failed to refund advance payments of fees that had not been earned. Jordan committed a criminal act that reflected adversely on his honesty, trustworthiness, and fitness as a lawyer in other respects, and he engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation. Jordan also failed to furnish a response to the grievances.

Jordan violated Rules 1.01(b)(1), 1.01(b)(2), 1.02(a)(2), 1.03(a), 1.03(b), 1.14(a), 1.14(b), 1.15(d), 8.04(a)(2), 8.04(a)(3), and 8.04(a)(8).

SUSPENSIONS

On November 2, 2017, **Monique Jurae Bracey** [#24058788], 35, of Plano, received an 18-month partially probated suspension effective October 13, 2017. An evidentiary panel of the District 1 Grievance Committee found that Bracey neglected the legal matters entrusted to her by failing to provide legal services, failed to keep complainants reasonably informed about the status of their legal matters, and upon termination of the representation, failed to refund advance payments of fees that had not been earned. Bracey failed to respond to the grievances.

Bracey violated Rules 1.01(b)(1), 1.03(a), 1.15(d), and 8.04(a)(8). She was ordered to pay \$2,113 in restitution and \$1,568 in attorneys' fees.

On November 10, 2017, **Helene Thaissa W. Bergman** [#02196500], 63, of Houston, received a one-year partially probated suspension effective November 9, 2017, with the first three months actively served and the remainder probated. An evidentiary panel of the District 4 Grievance Committee found that Bergman failed to return unearned fees and failed to protect her client's interests.

Bergman violated Rule 1.15(d). She was ordered to pay \$1,685 in restitution and \$250 in attorneys' fees and direct expenses.

On December 13, 2017, **Steven B. Holmes** [#09908485], 61, of Dallas, agreed to a 36-month fully probated suspension effective December 15, 2017. An evidentiary panel of the District 6 Grievance Committee found that in October

2015, Holmes pleaded guilty to making a material false statement to the U.S. Department of Housing and Urban Development. Holmes committed a criminal act that reflected adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer. Holmes engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation.

Holmes violated Rules 8.04(a)(2) and 8.04(a)(3). He was ordered to pay \$1,200 in attorneys' fees and direct expenses.

On December 28, 2017, **Richard Kent Livesay** [#00790057], 49, of Edinburg, accepted a 12-month partially probated suspension effective January 1, 2018, with the first five months actively served and the remainder probated. An evidentiary panel of the District 12 Grievance Committee found that Livesay's employee improperly communicated with one represented by counsel and initiated in-person contact with prospective clients to seek professional employment. Livesay

failed to properly supervise his non-lawyer employees and assisted another in violating the disciplinary rules.

Livesay violated Rules 4.02(a), 5.03(b)(1), 7.03(a), and 8.04(a)(1). He was ordered to pay \$2,000 in attorneys' fees and direct expenses.

On December 5, 2017, **Darwin McKee** [#13695700], 66, of Austin, accepted a one-year fully probated suspension effective January 1, 2018. An evidentiary panel of the District 9 Grievance Committee found that McKee was hired in a personal injury matter and filed suit on his client's behalf. Thereafter, McKee failed to obtain citation or achieve service of process on the defendant. The matter was placed on the court's dismissal docket and McKee's client prepared and filed a motion to retain, which was granted. McKee failed to properly withdraw after being terminated by his client.

McKee violated Rules 1.01(b)(1) and

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1.15(a)(3). He was ordered to pay \$4,500 in attorneys' fees and direct expenses and to complete three additional hours of CLE in the area of law practice management.

On December 21, 2017, **Kathryn L. Shilling** [#00784961], 56, of Dallas, agreed to a 24-month fully probated suspension effective December 15, 2017. An evidentiary panel of the District 6 Grievance Committee found that Shilling failed to keep the complainant reasonably informed about the status of his matter, failed to promptly comply with reasonable requests for information, failed to reduce the contingent fee agreement entered into with the complainant to writing, and upon conclusion of the complainant's appellate matter, failed to provide the complainant with a written statement showing the remittance to the complainant and the method of its determination. Shilling failed to hold funds belonging to the complainant that

were in Shilling's possession in connection with the representation separate from Shilling's own property. Upon receiving funds in which the complainant had an interest, Shilling failed to promptly notify the complainant. Shilling failed to promptly deliver to the complainant funds that the complainant was entitled to receive. Upon request by the complainant, Shilling failed to promptly render a full accounting regarding such funds. Upon termination of representation, Shilling failed to surrender papers and property to which the complainant was entitled.

Shilling violated Rules 1.03(a), 1.04(d), 1.14(a), 1.14(b), 1.14(c), and 1.15(d). She was ordered to pay \$106,678.52 in restitution and \$1,150 in attorneys' fees and direct expenses.

On December 19, 2017, **Byron Keith Watson** [#20933600], 62, of Houston, received a six-month fully probated suspension effective January 1, 2018. An

evidentiary panel of the District 4 Grievance Committee found that in representing a client, Watson neglected the legal matter entrusted to him, failed to keep another client reasonably informed about the status of his legal matter, and failed to promptly comply with reasonable requests for information.

Watson violated Rules 1.01(b)(1) and 1.03(a). He was ordered to pay \$300 in attorneys' fees.

On November 6, 2017, **Pierre Terrell Williams** [#00798587], 47, of Denton, received a 24-month partially probated suspension effective November 1, 2017, with the first 12 months actively served and the remainder probated. An evidentiary panel of the District 14 Grievance Committee found that on March 28, 2016, Williams pleaded guilty to four drug-related crimes that reflected adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects. Williams failed to timely furnish to the Office of the Chief Disciplinary Counsel a response to the grievance or other information as required by the Texas Rules of Disciplinary Procedure. Williams did not in good faith timely assert a privilege or other legal ground for failure to do so.

Williams violated Rules 8.04(a)(2) and 8.04(a)(8). He was ordered to pay \$1,156 in attorneys' fees and direct expenses.

PUBLIC REPRIMANDS

On December 18, 2017, **Fulgencio Tupas Duremdes** [#06276850], 81, of Houston, received a public reprimand. The 113th District Court of Harris County found that Duremdes committed professional misconduct by violating Rule 1.04(g) [failure to obtain a client's written permission to refer the client to another lawyer].

Duremdes was ordered to pay \$774.20 in attorneys' fees and direct expenses.

On December 4, 2017, **Jermaine Savoy Thomas** [#24033386], 42, of Houston, accepted a public reprimand. An evidentiary panel of the District 4 Grievance Committee found that Thomas knowingly failed to disclose a fact to a tri-

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bunal when disclosure was necessary to avoid assisting a criminal or fraudulent act and engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation.

Thomas violated Rules 3.03(a)(2) and 8.04(a)(3). He was ordered to pay \$500 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 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 (4).

1.01(b)(2)—for failing to carry out completely the obligation owed to a client (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 (4).

1.03(b)—for failing to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding representation (3).

1.09(a)(3)—for representing a person in a matter adverse to a former client if it is the same or a substantially related matter (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 which belongs to the client (1).

4.04(a)—In representing a client, a lawyer shall not use means that have no substantial purpose other than to embarrass, delay, or burden a third person, or use methods of obtaining evidence that violate the legal rights of such a person (1).

5.03(a)—for failing to make reasonable efforts to ensure that the non-lawyer's conduct is compatible with the professional obligations of the lawyer (1).

5.03(b)—A lawyer shall be subject to discipline for the conduct of such a person that would be a violation of these rules if engaged in by a lawyer if: (1) the lawyer orders, encourages, or

permits the conduct involved; or (2) the lawyer: (i) is a partner in the law firm in which the person is employed, retained by, or associated with; or is the general counsel of a government agency's legal department in which the person is employed, retained by or associated with; or has direct supervisory authority over such person; and (ii) with knowledge of such misconduct by the non-lawyer knowingly fails to take reasonable remedial action to avoid or mitigate the consequences of

that person's misconduct (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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