

## DISCIPLINARY ACTIONS

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

### BODA

On November 17, 2017, the Board of Disciplinary Appeals signed an agreed judgment of fully probated suspension of Mandeville, Louisiana, attorney **Richard Collins Dalton** [#24033539], 48. On June 16, 2017, the Supreme Court of Louisiana entered by agreement an order per curium suspending Dalton from the practice of law for six months and deferring the suspension for two years, contingent upon the successful completion of a two-year probation. Dalton violated Louisiana Rules of Professional Conduct by failing to safeguard client funds held in trust. Dalton is on a probated suspension from the practice of law in Texas beginning November 17, 2017, and

ending November 16, 2019. BODA Cause number 59480.

### DISBARMENT

On November 29, 2017, **Christopher L. Graham** [#24047549], 37, of Dallas, was disbarred. The 193rd District Court of Dallas County found that Graham committed professional misconduct by violating Rules 3.03(a)(1) [A lawyer shall not knowingly make a false statement of material fact or law to a tribunal], 8.02(a) [A lawyer shall not make a statement that the lawyer knows to be false or with reckless disregard as to its truth or falsity concerning the qualifications or integrity of a judge, adjudicatory official or public legal officer, or of a candidate for election or appointment to judi-

cial or legal office], and 8.04(a)(3) [A lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation].

Graham was ordered to pay \$9,916.93 in attorneys' fees and direct expenses.

On September 11, 2017, **Randall Dale Parker** [#24025583], 46, of Dallas, was disbarred. An evidentiary panel of the District 6 Grievance Committee found that in October 2010, Parker neglected the legal matter entrusted to him, failed to keep the client reasonably informed about the status of the matter, and failed to promptly comply with reasonable requests for information, and upon termination of representation, failed to refund advance payments of unearned fees. On June 29, 2015, and October 7, 2015, Parker was actively suspended from the practice of law in Texas and failed to inform the client of the active suspensions. Parker also failed to respond to the grievance.

Parker violated Rules 1.01(b)(1), 1.03(a), 1.15(d), 8.04(a)(7), and 8.04(a)(8). He was ordered to pay \$10,000 in restitution and \$2,750 in attorneys' fees and direct expenses.

On August 14, 2017, **Kristin Diane Wilkinson** [#24037708], 54, of Houston, was disbarred. The 284th District Court of Montgomery County found that Wilkinson committed a serious crime or committed any other criminal act that reflected adversely on her honesty, trustworthiness, or fitness as a lawyer in other respects; engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation; and violated a disciplinary judgment.

Wilkinson violated Rules 8.04(a)(2), 8.04(a)(3), and 8.04(a)(7). She was ordered to pay \$25,170.08 in attorneys' fees.

Wilkinson has filed a notice of appeal.

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**RESIGNATIONS**

On November 30, 2017, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Evin G. Dugas** [#06172950], 57, of Lakeway. At the time of his resignation, Dugas had 11 grievances pending alleging Dugas neglected clients' matters, failed to keep clients reasonably informed, failed to obtain his clients' consent to share fees with another attorney, made an agreement prospectively limiting his liability, failed to hold clients' funds separate from his own property, failed to refund unearned fees, failed to return clients' files, engaged in communication with someone represented by counsel, engaged in conduct involving misrepresentation, asserted a frivolous claim, and failed to respond to a grievance in a timely fashion.

Dugas violated Rules 1.01(b)(1), 1.01(b)(2), 1.03(a), 1.03(b), 1.04(f), 1.08(g), 1.14(a), 1.14(b), 1.15(d), 3.01, 4.02(a), 8.04(a)(1), 8.04(a)(3), and 8.04(a)(8).

On November 30, 2017, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **David W. Knight** [#11597325], 63, of Wichita Falls. At the time of Knight's resignation, there were five pending matters against him alleging Knight neglected cases, failed to communicate, and failed to return unearned fees. On June 1, 2016, Knight was actively suspended from the practice of law for one year. Knight violated the disciplinary judgment that imposed the one-year active suspension by, among other things, failing to notify complainants in writing about his suspension and engaging in the practice of law while he was actively suspended. Knight eventually closed his practice. However, he failed to notify complainants about the closure. Knight failed to respond to grievances in a timely fashion.

Knight violated Rules 1.01(b)(1), 1.03(a), 1.15(d), 8.04(a)(7), 8.04(a)(8),

8.04(a)(10), and 8.04(a)(11).

On November 30, 2017, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Denver G. McCarty** [#13376570], 71, of Corinth. In or about April 2015, the complainant retained McCarty to represent him and a fee of \$2,500 was paid. Thereafter, McCarty failed to promptly comply with reasonable requests for information and failed to keep the complainant reasonably informed about the status of his legal matter. The complainant terminated McCarty and McCarty failed to return any unearned fees. On September 1, 2016, McCarty began a period of active suspension from practicing law. McCarty engaged in the practice of law during this period of suspension. McCarty did not notify the complainant of his suspension

from the practice of law as required.

On November 30, 2017, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **David A. Schiller** [#00794601], 54, of Plano. At the time of Schiller's resignation, there were three pending matters against him alleging Schiller neglected cases, failed to communicate, failed to return unearned fees, and engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation. Schiller also failed to respond to grievances in a timely fashion.

Schiller violated Rules 1.01(b)(1), 1.03(a), 1.03(b), 1.14(a), 1.14(b), 8.04(a)(3), and 8.04(a)(8).

On November 30, 2017, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Francisco Steven Tipton** [#24088756], 42, of

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McAllen. At the time of the resignation, there were grievances pending alleging Tipton neglected clients' matters; failed to communicate with clients; failed to hold clients' funds in a trust account; failed to return unearned fees; failed to supervise his non-lawyer staff; engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation; and failed to respond to grievances.

Tipton violated Rules 1.01(b)(1), 1.03(a)(b), 1.14(a)(b), 1.15(d), 5.03(a)(b), and 8.04(a)(3).

### SUSPENSIONS

On December 4, 2017, **Lauren Janelle Brown** [#24064019], 32, of Pearland, accepted a one-year partially probated suspension effective December 1, 2017, with the first three months actively suspended and the remainder probated. An evidentiary panel of the District 4 Grievance Committee found

that Brown neglected the legal matter entrusted to her, failed to carry out completely the obligations she owed to her client, failed to keep her client reasonably informed about the status of her legal matter and to promptly comply with reasonable requests for information, and failed to explain a legal matter to the extent reasonably necessary to permit her client to make informed decisions regarding the representation.

Brown violated Rules 1.01(b)(1), 1.01(b)(2), 1.03(a), and 1.03(b). She was ordered to pay \$775 in attorneys' fees.

On November 9, 2017, **Beauregard Driller Fiegel** [#24086782], 32, of San Antonio, accepted a three-year fully probated suspension effective November 15, 2017. An evidentiary panel of the District 10 Grievance Committee found that Fiegel failed to keep clients reasonably

informed, failed to carry out completely the obligations owed to a client, failed to refund unearned fees, and failed to respond to grievances in a timely fashion.

Fiegel violated Rules 1.01(b)(2), 1.03(a), 1.15(d), and 8.04(a)(8). He was ordered to pay \$2,100 in restitution and \$800 in attorneys' fees and direct expenses.

On November 29, 2017, **Donald G. Henslee** [#09488500], 70, of Austin, received a three-month fully probated suspension effective December 1, 2017. An evidentiary panel of the District 9 Grievance Committee found that in one matter in March 2015, Henslee failed to respond to any of the complainant's communication attempts, provided no advice to the complainant, did not attend a meeting, and failed to return any money or respond to the complainant's attempts to contact him. Thereafter, on three separate dates, Henslee represented to the complainant that he would return her file and at least a portion of the advanced fee. In April 2016, after the grievance was filed, Henslee refunded the advanced fee but did not return the complainant's file.

In another matter, on or about July 9, 2015, the complainant hired Henslee to prepare a complaint to the Texas Education Agency and to represent her during the complaint process. The complainant paid Henslee an advanced fee. When Henslee failed to prepare the complaint, the complainant hired new counsel and requested a refund of unearned fees. Receiving no response from Henslee, the complainant sent a certified letter on November 3, 2015, and an email on December 12, 2015, again requesting the return of unearned fees. The complainant received no response from Henslee. On or about April 20, 2016, after the grievance was filed, Henslee refunded the complainant's advanced fee.

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

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to pay \$4,945.65 in attorneys' fees and direct expenses.

On October 18, 2017, **Deanna Marie Jefferson Smith** [#24046152], 50, of Grand Prairie, received a 12-month fully probated suspension effective November 1, 2017. An evidentiary panel of the District 7 Grievance Committee found that beginning in 2013, the complainant and her husband retained Jefferson Smith to represent them on various matters. Jefferson Smith received funds from the complainant and other clients for legal fees paid in advance of the completion of legal services. Jefferson Smith did not hold the client's funds in an account separate from her property. Jefferson Smith commingled client's funds by depositing advance legal fees into her personal bank account. In or around June 2014, Jefferson Smith borrowed \$3,800 from the complainant. Jefferson Smith failed to advise and provide reasonable opportunity for the complainant to seek the advice of independent counsel before loaning the money to Jefferson Smith. Further, Jefferson Smith did not obtain written consent from the complainant before entering into the business transaction with Jefferson Smith.

Jefferson Smith violated Rules 1.08(a) and 1.14(a). She was ordered to pay \$6,581.25 in attorneys' fees and \$2,757.90 in direct expenses.

On October 17, 2017, **Brigida Rodriguez** [#24046743], 62, of Dallas, received a 12-month fully probated suspension effective November 1, 2017. An evidentiary panel of the District 6 Grievance Committee found that Rodriguez failed to keep two clients reasonably informed about the status of their cases and failed to promptly comply with their reasonable requests for information. Upon termination of representation, Rodriguez failed to refund to one client advance payments of fees that had not been earned. Rodriguez also failed to respond to two

of the grievances in a timely fashion.

Rodriguez violated Rules 1.03(a), 1.15(d), and 8.04(a)(8). She was ordered to pay \$5,000 in restitution and \$3,719.50 in attorneys' fees and direct expenses.

On November 27, 2017, **Michael Saegert** [#24000555], 50, of Houston, accepted a one-year fully probated suspension effective January 1, 2018. An evidentiary panel of the District 4 Grievance Committee found that Saegert neglected the legal matters entrusted to him, frequently failed to carry out completely the obligations he owed to his client, failed to keep his client reasonably informed about the status of his legal matters and to promptly comply with reasonable requests for information, and failed to timely furnish to the Office of Chief Disciplinary Counsel a response or other informa-

tion as required by the Rules.

Saegert violated Rules 1.01(b)(1), 1.01 (b)(2), 1.03(a), and 8.04(a)(8). He was ordered to pay \$925 in attorneys' fees and \$150 in direct expenses.

#### PUBLIC REPRIMANDS

On November 14, 2017, **Michael Ronald Hooper** [#24037849], 47, of Frisco, agreed to a public reprimand. An evidentiary panel of the District 1 Grievance Committee found that Hooper failed to keep his client's property separate from his own property until there could be an accounting and severance of their interest and failed to disburse funds only to those persons entitled to receive them by virtue of the representation or by law.

Hooper violated Rule 1.14(c). He was ordered to pay \$1,500 in attorneys' fees and direct expenses.

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On November 16, 2017, **Deborah Suzanne Dick Perry** [#24046617], 63, of San Antonio, accepted a public reprimand. The 285th District Court of Bexar County found that Perry committed professional misconduct by failing to reasonably protect a client's interests.

Perry violated Rule 1.15(d). She was ordered to pay \$3,883.87 in attorneys' fees and direct expenses.

### PRIVATE REPRIMANDS

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

1.03(a)—for failing to keep a client reasonably informed about the status

of a matter and promptly comply with reasonable requests for information (1).

1.14(a)—for 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 (1).

1.15(a)(3)—A lawyer shall decline to represent a client or, where representation has commenced, shall withdraw, except as stated in paragraph (c), from the representation of a client, if the lawyer is discharged, with or without good cause (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 fee that have not been earned. The lawyer may retain papers relating to the client to the extent permitted by other law only if such retention will not prejudice the client in the subject matter of the representation (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)(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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