

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, or the State Commission on Judicial Conduct at (512) 463-5533.

DISBARMENTS

On February 22, 2018, **Traci Lohmann Ahart** [#24000161], 45, of Cedar Park, was disbarred. An evidentiary panel of the District 9 Grievance Committee found that Ahart committed misconduct in three cases. In the first matter, Ahart failed to file a written response to the complaint as required. In a second matter, a complainant hired Ahart to file a motion to vacate an arbitration award. The complainant paid Ahart an advanced fee of \$2,500 for the representation. Ahart failed to file the motion. The complainant sent Ahart an email terminating the representation and requesting the return of the advanced fees and her file. In a reply email, Ahart agreed to refund the advanced fees and return the complainant's file. Ahart never refunded any advanced fees and never returned the complainant's file. Ahart failed to furnish a written response to the complaint as directed. In a third matter,

a complainant hired Ahart to represent her in divorce proceedings. Ahart attended two court hearings on the complainant's behalf regarding restraining orders. After the first hearing, Ahart failed to respond to multiple requests for information from the complainant. Additionally, after the final agreed decree was prepared by opposing counsel, Ahart redrafted the decree to change some of the provisions but did not provide a copy to the complainant. Eventually, the ad litem obtained a copy of the revised decree and sent it to the complainant. The opposing party appeared in court to prove up the revised decree. Ahart failed to furnish a written response to the complaint as directed.

Ahart violated Rules 1.01(b)(1), 1.03(a), 1.15(d), 8.04(a)(1), and 8.04(a)(8) and Article X, Section 9 of the State Bar Rules. Ahart was ordered to pay \$2,500 in restitution and \$6,320.38 in attorneys' fees and expenses.

On February 5, 2018, **Shanita Danielle Gaines** [#24045906], 41, of Oklahoma City, Oklahoma, received a judgment of disbarment. An evidentiary panel of the District 14 Grievance Committee found that Gaines failed to keep her client reasonably informed and promptly comply with reasonable requests for information, failed to deposit settlement funds in a separate trust account, failed to provide her client with a written statement describing the outcome of the matter and showing the method of its determination, and failed to notify her client's medical provider about a receipt of settlement funds. In addition, Gaines failed to surrender to her client the property and papers the client was entitled to receive, failed to supervise a non-lawyer employee over whom she had direct supervisory authority, and engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation.

Gaines violated Rules 1.03(a), 1.04(d), 1.14(a), 1.14(b), 1.15(d), 5.03(a), and 8.04(a)(3).

RESIGNATIONS

On March 27, 2018, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Lawrence R. Mehl** [#13904500], 71, of Waltham, Massachusetts. Mehl previously resigned from the practice of law in Massachusetts, in a matter styled, *In Re: Lawrence R. Mehl*, Supreme Judicial Court for Suffolk County, No. BD-207 053. That resignation would subject Mehl to reciprocal discipline.

SUSPENSIONS

On March 15, 2018, **Jimmy Wayne Ballew Jr.** [#24050251], 38, of Houston, agreed to a 36-month active suspension effective March 15, 2018. An evidentiary panel of the District 4 Grievance Committee found that Ballew settled a matter without a client's consent, failed to keep a client reasonably informed, failed to explain a matter to the extent reasonably necessary to permit a client to make informed decisions, and engaged in conduct involving dishonesty, deceit, or misrepresentation.

Ballew violated Rules 1.02(a)(2), 1.03(a), 1.03(b), and 8.04(a)(3). He was ordered to pay \$2,500 in attorneys' fees and direct expenses.

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On March 27, 2018, **Jeremiah David Canady** [#24055254], 38, of Pearland, accepted a nine-month fully probated suspension effective April 1, 2018. An evidentiary panel of the District 4 Grievance Committee found that in representing a client, Canady neglected a legal matter entrusted to him, failed to promptly comply with reasonable requests for information, and failed to refund advance payments of fees that had not been earned.

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

On March 8, 2018, **William P. Davis** [#05564000], 79, of Dallas, agreed to a 24-month partially probated suspension effective March 15, 2018, with the first four months actively served and the remainder probated. An evidentiary panel of the District 6 Grievance Committee found that on or about September 9, 2015, Davis created a trust for a complainant and the complainant transferred funds for the trust to Davis. Davis failed to hold funds

belonging to the complainant, which were in Davis' possession in connection with the representation, separate from Davis' own property. Upon request by the complainant, Davis failed to promptly render a full accounting regarding such funds.

Davis violated Rules 1.14(a) and 1.14(b). He was ordered to pay \$1,200 in attorneys' fees and direct expenses.

On March 15, 2018, **Michael W. Eaton** [#06383800], 59, of Grapevine, agreed to a 24-month active suspension effective April 15, 2018. An evidentiary panel of the District 6 Grievance Committee found that on January 1, 2017, Eaton was actively suspended from the practice of law. Prior to Eaton's active suspension, a complainant hired Eaton to represent him in a tax matter. Eaton continued to represent the complainant in the matter after Eaton was actively suspended from the practice of law. Eaton, in violation of a disciplinary judgment and while actively suspended from the practice of law, held himself out as an attorney, continued to use his legal email address, continued to represent the complainant, and

failed to inform the complainant that he was actively suspended from the practice of law.

Eaton violated Rules 8.04(a)(7) and 8.04(a)(11). He was ordered to pay \$1,500 in attorneys' fees and direct expenses.

On January 19, 2018, **Beauregard Driller Fiegele** [#24086782], 33, of San Antonio, received a five-year partially probated suspension effective January 17, 2018, with the first three months actively served and the remainder probated. An evidentiary panel of the District 10 Grievance Committee found that Fiegele neglected a client's matter, failed to keep a client reasonably informed, and failed to respond to the grievance.

Fiegele violated Rules 1.01(b)(1), 1.03(a), and 8.04(a)(8). He was ordered to pay \$3,000 in restitution and \$1,632.50 in attorneys' fees and direct expenses.

On February 14, 2018, **Pattie Jo Nolan** [#24046615], 48, of Conroe, received a 24-month fully probated suspension effective March 1, 2018. An evidentiary panel of the District 3 Grievance Com-

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mittee found that Nolan engaged in the practice of law when her right to practice had been administratively suspended for nonpayment of dues and taxes and 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.

Nolan violated Rules 8.04(a)(8) and 8.04(a)(11). She was ordered to pay \$1,500 in attorneys' fees and direct expenses.

On February 14, 2018, **Stuart R. Oliphint** [#00789526], 58, of Fort Worth, received a nine-month probated suspension effective February 15, 2018. An evidentiary panel of the District 7 Grievance Committee found that Oliphint neglected the legal matter entrusted to him, failed to return any of the unearned fees, failed to return the client's file, and failed to respond to the grievance.

Oliphint violated Rules 1.01(b)(1), 1.15(d), and 8.04(a)(8). He was ordered to pay \$350 in restitution and \$1,000 in attorneys' fees and direct expenses.

On February 9, 2018, **Robert Robertson** [#17071500], 60, of Monterrey, Mexico, received a 10-year partially probated suspension effective January 18, 2018, with the first five years actively served and the remainder probated. An evidentiary panel of the District 12 Grievance Committee found that Robertson neglected a client's matter, failed to keep a client reasonably informed, failed to return the unearned portion of a fee, and failed to respond to the grievance.

Robertson violated Rules 1.01(b)(1), 1.03(a), 1.15(d), and 8.04(a)(8). He was ordered to pay \$5,000 in restitution and \$1,791.32 in attorneys' fees and direct expenses.

On March 2, 2018, **Ross A. Rodriguez** [#24025756], 53, of San Antonio, accepted a four-year fully probated suspension effective April 1, 2019. An evidentiary panel of the District 10 Grievance Committee found that Rodriguez failed to keep clients reasonably informed, failed to maintain a client's funds in a trust or escrow account, and, upon termination, failed to refund unearned fees.

Rodriguez violated Rules 1.03(a), 1.03(b),

1.14(a), and 1.15(d). He was ordered to pay \$3,500 in restitution and \$2,043.55 in attorneys' fees and direct expenses.

On March 8, 2018, **Robert J. Truhill** [#20254500], 72, of El Paso, accepted an 18-month fully probated suspension effective April 1, 2018. An evidentiary panel of the District 17 Grievance Committee found that Truhill neglected a client's matter.

Truhill violated Rule 1.01(b)(1). He was ordered to pay \$950 in attorneys' fees and direct expenses.

On March 8, 2018, **Jaime A. Villalobos** [#00785151], 51, of El Paso, accepted a two-year fully probated suspension effective April 1, 2018. An evidentiary panel of the District 17 Grievance Committee found that Villalobos failed to safeguard client's funds, and, upon termination, failed to refund the unearned portion of the fees.

Villalobos violated Rules 1.14(a), 1.14(b), and 1.15(d). He was ordered to pay \$800 in attorneys' fees and direct expenses.

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PUBLIC REPRIMANDS

On March 13, 2018, **Scottie Allen** [#01058020], 58, of Dallas, received an agreed judgment of public reprimand. An evidentiary panel of the District 6 Grievance Committee found that Allen failed to timely furnish to the Office of Chief Disciplinary Counsel a response and did not in good faith timely assert a privilege or other legal ground for failure to do so.

Allen violated Rule 8.04(a)(8). He was ordered to pay \$1,061 in attorneys' fees and direct expenses.

On February 9, 2018, **Tami Elizabeth Ratliff** [#24013376], 44, of Abilene, received a public reprimand. An evidentiary panel of the District 6 Grievance Committee found that Ratliff neglected the legal matter entrusted to her by failing to complete legal work on behalf of complainants. Ratliff failed to keep complainants reasonably informed about the status of their divorce cases and failed to promptly comply with reasonable requests for information from complainants about the matters. Ratliff failed to hold funds belonging to complainants that were in Ratliff's possession in connection with the representations separate from Ratliff's own property. Ratliff failed to respond to the grievance in one matter. Further, Ratliff was retained for representation in a personal injury matter. Ratliff failed to promptly deliver funds to a third party and engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation.

Ratliff violated Rules 1.01(b)(1), 1.03(a), 1.14(a), 1.14(b), 8.04(a)(3), and 8.04(a)(8). She was ordered to pay \$2,901.33 in restitution.

PRIVATE REPRIMANDS

Listed here is a breakdown of Texas Disciplinary Rules of Professional Conduct violations for six 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)(2)—for failing to carry out completely the obligations 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 the representation (1).

1.14(b)—Upon receiving funds or other property in which a client or third person has an interest, a lawyer shall promptly notify the client or third person. Except as stated in this rule or otherwise permitted by law or by agreement with the client, a lawyer shall promptly deliver to the client or third person any funds or other property that the client or third

person is entitled to receive and, upon request by the client or third person, shall promptly render a full accounting regarding such property (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).

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

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