

DISCIPLINARY ACTIONS

JUDICIAL ACTIONS

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

On September 21, 2018, the State Commission on Judicial Conduct issued an order of suspension, without pay, to **Jacquelyn Gail Wright**, justice of the peace, Precinct 4, Lake Worth, Tarrant County.

REINSTATEMENTS

John L. Fritz [#00796584], 52, of Dallas, filed a petition in the 68th Judicial District Court of Dallas County for reinstatement as a member of the State Bar of Texas.

SUSPENSIONS

On August 16, 2018, **Angel Ottomiel Cruz** [#24048412], 42, of Irving,

received a 36-month partially probated suspension effective August 17, 2018, with the first 12 months actively served and the remainder probated. An evidentiary panel of the District 6 Grievance Committee found that on December 21, 2015, Cruz was actively suspended from the practice of law beginning January 1, 2016, and ending March 31, 2016. By appearing in court on behalf of his client on January 26, 2016, and on February 26, 2016, Cruz engaged in the practice of law when his right to practice had been suspended. Cruz 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. Cruz did not in good faith timely assert a privilege or other legal ground

► 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.

for failure to do so.

Cruz violated Rules 8.04(a)(8) and 8.04(a)(11). He was ordered to pay \$850 in attorneys' fees and \$438 in direct expenses.

On September 26, 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 clients, failed to return unearned fees, failed to respond to grievances, failed to notify clients of his disciplinary suspension, and engaged in the practice of law while his license was administratively suspended.

Fiegel violated Rules 1.01(b)(1), 1.03(a), 1.03(b), 1.15(d), 8.04(a)(7), 8.04(a)(8), and 8.04(a)(10). He was ordered to pay \$2,220 in restitution and \$400 in attorneys' fees and direct expenses.

On August 29, 2018, **Amy Dalaine Long** [#24036984], 51, of Tyler, received a one-year fully probated suspension effective July 15, 2018. An evidentiary panel of the District 2 Grievance Committee found that in or around November 2015, a complainant retained Long in a guardianship matter. Thereafter, Long neglected the legal matter by failing to have citation issued; failing to obtain service; and failing to set the matter for hearing. Long also failed to keep the complainant reasonably informed about the status of his guardianship matter and failed to promptly comply with reasonable requests for information from the complainant about the case. Upon termination, Long failed to refund any unearned fees.

Long violated Rules 1.01(b)(1), 1.03(a), and 1.15(d). She was ordered to pay \$1,500 in restitution and

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\$1,000 in attorneys' fees and direct expenses.

On September 6, 2018, **Patrick Barry Montgomery** [#14295350], 56, of San Antonio, agreed to a three-month fully probated suspension effective October 1, 2018. An evidentiary panel of the District 10 Grievance Committee found that Montgomery failed to communicate with a client and failed to return the unearned portion of a fee.

Montgomery violated Rules 1.03(a) and 1.15(d). He was ordered to pay \$2,900 in restitution and \$800 in attorneys' fees and direct expenses.

On September 6, 2018, **Byron R. O'Neal** [#24046546], 41, of Houston, accepted a three-year partially probated suspension effective November 15, 2018, with the first 45 days actively served and the remainder probated. An evidentiary panel of the District 4 Grievance Committee found that O'Neal committed a serious crime or other criminal act that reflects adversely on his honesty, trustworthiness, or fitness as a lawyer in other respects.

An evidentiary panel of the District 5 Grievance Committee found that O'Neal committed a serious crime or other criminal act that reflects adversely on his honesty, trustworthiness, or fitness as a lawyer in other respects.

O'Neal violated Rule 8.04(a)(2). He was ordered to pay \$650 in attorneys' fees and direct expenses.

On September 12, 2018, **Byron R. O'Neal** [#24046546], 41, of Houston, accepted a three-year partially probated suspension effective November 15, 2018, with the first 45 days actively served and the remainder probated. An evidentiary panel of the District 4 Grievance Committee found that O'Neal committed a serious crime or other criminal act that reflects adversely on his honesty, trustworthiness, or fitness as a lawyer in other respects.

O'Neal violated Rule 8.04(a)(2).

He was ordered to pay \$650 in attorneys' fees and direct expenses.

On August 30, 2018, **Jeffrey R. Schaub** [#17731500], 69, of Boerne, accepted an 18-month fully probated suspension effective September 1, 2018. An evidentiary panel of the District 15 Grievance Committee found that Schaub failed to keep the client reasonably informed and acted as an intermediary without the necessary disclosures.

Schaub violated Rules 1.03(b) and 1.07(a)(1). He was ordered to pay \$2,000 in attorneys' fees and direct expenses.

PUBLIC REPRIMANDS

On September 4, 2018, **Gabriel Gutierrez Jr.** [#08644000], 80, of Austin, accepted a public reprimand. An evidentiary panel of the District 9 Grievance Committee found that Gutierrez represented a client in a

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matter adverse to a former client in the same or a substantially related matter and engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation.

Gutierrez violated Rules 1.09(a)(3) and 8.04(a)(3). He was ordered to pay \$1,107 in attorneys' fees and direct expenses.

On August 29, 2018, **Kelly K. McKinnis** [#13725200], 59, of Edinburg, accepted a public reprimand. An evidentiary panel of the District 12 Grievance Committee found that McKinnis failed to keep clients reasonably informed.

McKinnis violated Rule 1.03(a). He was ordered to pay \$6,000 in restitution and \$800 in attorneys' fees and direct expenses.

On September 20, 2018, **Jared Ryker Woodfill V** [#00788715], 50,

of Houston, accepted an agreed judgment of public reprimand. An evidentiary panel of the District 4 Grievance Committee found that Woodfill had direct supervisory authority over members of his firm who violated the disciplinary rules during the representation in a divorce, and Woodfill failed to take reasonable action.

Woodfill violated Rule 5.01(b). He was ordered to pay \$3,490 in attorneys' fees and direct expenses.

PRIVATE REPRIMANDS

Listed here is a breakdown of Texas Disciplinary Rules of Professional Conduct violations for 11 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 (3).

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).

1.08(e)—A lawyer shall not accept compensation for representing a client from one other than the client unless the client consents; there is no interference with the lawyer's independence of professional judgment or with the client-lawyer relationship; and information relating to representation of a client is protected as required by Rule 1.05 (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

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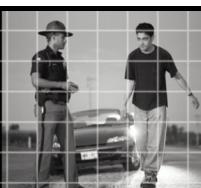
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person and render a full accounting upon request (2).

1.14(c)—for failing to keep funds or other property in which both the lawyer and another person claim interests separate until there is an accounting and severance of their interests (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 (2).

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 (1).

5.04(a)—A lawyer or law firm shall not share or promise to share legal fees with a non-lawyer (1).

8.04(a)(8)—a lawyer shall not fail to timely furnish to the Office of Chief Disciplinary Counsel or a district grievance committee a response or other information as required by the Texas Rules of Disciplinary Procedure, unless he or she in good faith timely asserts a privilege or other legal ground for failure to do so (2).

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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