

DISCIPLINARY ACTIONS

JUDICIAL ACTIONS

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

On February 20, 2019, the State Commission on Judicial Conduct issued a public warning to **Ralph Strother**, judge of the 19th District Court in Waco in McLennan County.

On February 20, 2019, the State Commission on Judicial Conduct issued a public reprimand to **Mark Riley**, former county judge of Parker County.

On February 20, 2019, the State Commission on Judicial Conduct issued a public warning to **Jack Robison**, judge of the 207th Judicial District Court in New Braunfels in Comal County.

► 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.

RESIGNATIONS

On February 26, 2019, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Jeffrey C. Grass** [#00787581], 56, of Coppell. At the time of Grass' resignation, there was one pending matter against him. In October 2016, Grass was hired by the complainant and paid a \$10,000 retainer fee for representation in a criminal case. Grass failed to maintain the retainer fee in his trust account until the fee was earned. The complainant was not charged with a crime and no legal services were performed. Grass failed to refund the unearned fee as requested and ceased communicating with the complainant. Grass failed to keep the complainant reasonably informed and failed to promptly comply with reasonable requests for information.

Grass violated Rules 1.03(a), 1.14(b), and 1.15(d).

SUSPENSIONS

On January 3, 2019, **Scottie Allen** [#01058020], 59, of Dallas, received a 54-month partially probated suspension effective April 1, 2019, with the first six months to be actively served and the remainder probated. An evidentiary panel of the District 6 Grievance Committee found that Allen neglected a legal matter entrusted to him, failed to keep his client reasonably informed about the status of his case and failed to promptly comply with the client's reasonable requests for information. Allen failed to timely furnish to the Office of Chief Disciplinary Counsel a response and did not timely assert a privilege or other legal ground for his failure to do so.

Allen violated Rules 1.01(b)(1), 1.03(a), and 8.04(a)(8). He was ordered to pay \$3,370.50 in attorneys' fees and direct expenses.

On December 28, 2018, **Scottie Allen** [#01058020], 59, of Dallas, received a 26-month partially probated suspension effective April 1, 2019, with the first two months to be actively served and the remainder probated. 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 timely assert a privilege or other legal ground for his failure to do so.

Allen violated Rule 8.04(a)(8). He was ordered to pay \$1,159.50 in attorneys' fees and direct expenses.

On February 15, 2019, **Susan Anne Allen** [#01059350], 66, of Dallas, received a 12-month fully probated suspension effective December 1, 2018. An evidentiary panel of the District 6 Grievance Committee found that in 2016, the complainant discovered that Allen settled five cases but failed to pay the complainant for the services provided to the clients in those cases. Upon receiving funds in which the complainant had an interest, Allen failed to promptly notify the complainant and failed to promptly deliver to the complainant the funds that the complainant was entitled to receive in those matters.

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Allen violated Rule 1.14(b). She was ordered to pay \$15,000 in restitution and \$1,475.50 in attorneys' fees and direct expenses.

On November 28, 2018, **Richard Joseph Deaguero** [#05623500], 72, of Dallas, received a 24-month partially probated suspension effective December 1, 2018, with the first three months to be actively served and the remainder probated. An evidentiary panel of the District 6 Grievance Committee found that Deaguero was retained to represent his client in a lawsuit against the client's employer. Deaguero failed to keep the client's fees in a separate trust account and failed to withdraw from representing the client when he was discharged.

Deaguero violated Rules 1.14(a) and 1.15(a)(3). He was ordered to pay \$1,500 in restitution and \$1,858 in attorneys' fees and direct expenses.

On January 8, 2019, **W. Thomas Finley** [#07025500], 71, of Dallas, received a 24-month active suspension. An evidentiary panel of the District 6 Grievance Committee found that in October 2017, Finley, as legal counsel in a case, communicated directly with the opposing party, who was represented by legal counsel, and discussed a legal matter in connection with the pending case. The communication occurred without the knowledge or consent of the opposing party's legal counsel. Finley also failed to file a response to the grievance.

Finley violated Rules 4.02(a) and 8.04(a)(8). He was ordered to pay \$918 in attorneys' fees and \$250 in direct expenses.

On February 14, 2019, **Yexenia Gilmet** [#24059821], 39, of Houston, accepted a two-year partially probated suspension effective April 30, 2019, with the first two months to be actively served and the remainder probated. An evidentiary panel of the District 4 Grievance Committee found that Gilmet neglected her client's case, failed to keep her client reasonably informed about the status of his case, and failed to promptly comply with her client's reasonable requests for information. Upon termination of her representation, Gilmet failed to refund advance payments of fees that had not been earned. Gilmet further failed to timely respond to the grievance.

Gilmet violated Rules 1.01(b)(1), 1.03(a), 1.15(d), and 8.04(a)(8). She was ordered to pay \$1,000 in restitution and \$500 in attorneys' fees and direct expenses.

On February 9, 2019, **Yexenia Gilmet** [#24059821], 39, of Houston, accepted a two-year partially probated suspension effective April 30, 2019, with the first two months to be actively served and the remainder probated. An evidentiary panel of the District 4 Grievance Committee found that in representing her client, Gilmet frequently failed to carry out completely her obligations. Gilmet failed to keep her client reasonably informed about the status of his case and failed to promptly comply with his reasonable requests for information. Gilmet further failed to timely respond to the grievance.

Gilmet violated Rules 1.01(b)(2), 1.03(a), and 8.04(a)(8). She was ordered to pay \$2,000 in restitution and \$500 in attorneys' fees and direct expenses.

On January 16, 2019, **Annette R. Loyd** [#16731100], 56, of Fort Worth, received a 12-month fully probated suspension. An evidentiary panel of the District 7 Grievance Committee found that Loyd neglected the legal matter that was entrusted to her, failed to keep her client reasonably informed

about the status of the case, and failed to promptly comply with the client's reasonable requests for information. Loyd also failed to file a response to the grievance.

Loyd violated Rules 1.01(b)(1), 1.03(a), and 8.04(a)(8). She was ordered to pay \$750 in attorneys' fees and \$250 in direct expenses.

On February 26, 2019, **Jerome Neal Stein** [#19128290], 60, of Addison, agreed to an 18-month partially probated suspension effective April 1, 2019, with the first nine months to be actively served and the remainder probated. An evidentiary panel of the District 6 Grievance Committee found that in April 2016, the complainant hired Stein for representation in a child custody modification case. In representing the complainant, Stein neglected the legal matter entrusted to him by failing to appear at the complainant's trial and by failing to timely file objections to the final order. Stein failed to keep the complainant reasonably informed about the status and failed to promptly comply with reasonable requests for information

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from the complainant about her child custody modification matter. Stein failed to explain the matter to the extent reasonably necessary to permit the complainant to make informed decisions regarding the representation. Stein, when communicating with the complainant, engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation.

Stein violated Rules 1.01(b)(1), 1.03(a), 1.03(b), and 8.04(a)(3). He was ordered to pay \$1,300 in attorneys' fees and direct expenses.

On February 26, 2019, **Jerome Neal Stein** [#19128290], 60, of Addison, agreed to an 18-month active suspension effective April 1, 2019. An evidentiary panel of the District 6 Grievance Committee found that in representing the complainant, Stein neglected the legal matter entrusted to him, failed to keep the complainant reasonably informed about the status of the complainant's matter and failed to promptly comply with reasonable requests for information. Stein failed to hold funds or property belonging in whole or in part to the com-

plainant separate from Stein's own property, and upon termination of representation, Stein failed to surrender papers and property to which the complainants were entitled and failed to refund advance payments of fees that had not been earned.

Stein violated Rules 1.01(b)(1), 1.03(a), 1.14(a), and 1.15(d). He was ordered to pay \$4,500 in restitution and \$1,200 in attorneys' fees and direct expenses.

On February 21, 2019, **Jason Lee Van Dyke** [#24057426], 38, of Cross Roads, agreed to a 12-month partially probated suspension effective March 1, 2019, with the first three months to be actively served and the remainder probated. An evidentiary panel of the District 14 Grievance Committee found that there is legally sufficient evidence to prove by a preponderance of the evidence that on or about March 1, 2018, Van Dyke made threats of physical violence to the complainant, thereby committing criminal acts that reflect adversely on Van Dyke's honesty, trustworthiness, or fitness as a lawyer.

Van Dyke violated Rule 8.04(a)(2). He

was ordered to pay \$7,500 in attorneys' fees and direct expenses.

PUBLIC REPRIMANDS

On January 22, 2019, **David Shane Grantham** [#24087614], 46, of McKinney, received a public reprimand. The 219th District Court of Collin County found that Grantham violated the Texas Disciplinary Rules of Professional Conduct Rules 1.01(a) [A lawyer shall not accept or continue employment in a legal matter which the lawyer knows or should know is beyond the lawyer's competence] and 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. 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].

Grantham was ordered to pay \$5,000 in restitution and \$1,000 in attorneys' fees and direct expenses.

On February 21, 2019, **David Nathaniel Harvey** [#24040049], 53, of Houston, accepted an agreed judgment of public reprimand. An evidentiary panel of the District 4 Grievance Committee found that Harvey failed to promptly comply with his client's reasonable requests for information about the status of his case.

Harvey violated Rule 1.03(a). He was ordered to pay \$250 in attorneys' fees.

On January 31, 2019, **Gilda Martha McDowell** [#24063561], 39, of Lubbock, agreed to a judgment of public reprimand. The 99th District Court of Lubbock County found that McDowell violated the Texas Disciplinary Rules of Professional Conduct Rule 5.03(b)(1) [A lawyer shall be subject to discipline for the conduct of a non-lawyer assistant that would be a violation of these rules if engaged in by a lawyer if the lawyer orders, encourages, or permits the conduct involved].

McDowell was ordered to pay \$800 in attorneys' fees and direct expenses.

On February 6, 2019, **Francisco R. Yeverino** [#00793076], 48, of Richmond,

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accepted a judgment of public reprimand. An evidentiary panel of the District 4 Grievance Committee found that Yeverino failed to keep his client reasonably informed about the status of the case and failed to promptly comply with reasonable requests for information.

Yeverino violated Rules 1.03(a) and 1.03(b). He was ordered to pay \$250 in attorneys' fees.

PRIVATE REPRIMANDS

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

1.07(a)(1)—A lawyer shall not act as intermediary between clients 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 obtain each client's written consent to the common representation (1).

1.15(d)—for failing, upon termination of representation, to reasonably protect a

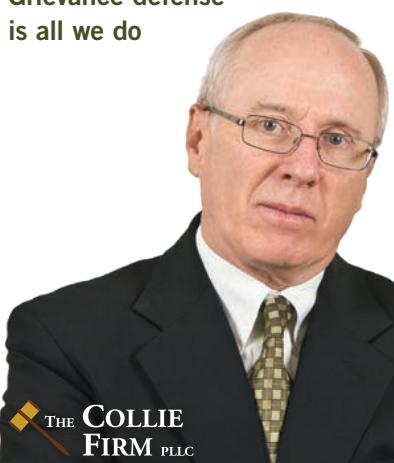
client's interests, give notice to the client to seek other counsel, or surrender papers and property which belongs to the client (2).

3.04(c)(2)—A lawyer shall not, except as stated in paragraph (d), in representing a client before a tribunal: state or allude to any matter that the lawyer does not reasonably believe is relevant to such proceeding or that will not be supported by admissible evidence, or assert personal knowledge of facts in issue except when testifying as a witness (1). **TBJ**

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