

## 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.

### JUDICIAL ACTIONS

To read the entire public sanctions, go to [scjc.texas.gov](http://scjc.texas.gov).

On December 13, 2018, the State Commission on Judicial Conduct issued a public warning to **Eleazar Cano**, county judge of Brewster County.

On December 14, 2018, the State Commission on Judicial Conduct issued two separate public reprimands to **Guy Williams**, judge of the 148th District Court in Nueces County.

On December 20, 2018, the State Commission on Judicial Conduct issued a public warning and order of additional education to **Andrea Martin**, judge of the 304th Juvenile District Court in Dallas County.

On December 20, 2018, the State Commission on Judicial Conduct issued a public warning and order of additional education to **Kim Cooks**, judge of the 255th District

Court in Dallas County.

On January 2, 2019, the State Commission on Judicial Conduct issued a second order of suspension, without pay, to **Rodolfo "Rudy" Delgado**, justice of the 13th Court of Appeals in Corpus Christi, Place 4.

### SUSPENSIONS

On October 30, 2018, **Juan Luis Burgos-Gandia** [#00789916], 67, of Richardson, received a 12-month fully probated suspension effective November 1, 2018. An evidentiary panel of the District 6 Grievance Committee found that Burgos-Gandia failed to keep his client reasonably informed about case status and failed to promptly comply with the client's reasonable requests for information. Burgos-Gandia also neglected the client's legal matter and failed to explain the legal matter to the client to the extent reasonably necessary to permit the client to make informed decisions about the case. Burgos-Gandia failed to hold unearned fees

in a separate trust account, and upon termination of representation, failed to refund advance payments of fees that had not been earned.

Burgos-Gandia violated Rules 1.01(b)(1), 1.03(a), 1.03(b), 1.14(a), and 1.15(d). He was ordered to pay \$10,000 in restitution and \$1,200 in attorneys' fees and direct expenses.

On December 18, 2018, **Mark Anthony Davis** [#24012509], 47, of Victoria, accepted a 13-month partially probated suspension effective June 1, 2019, with the first month actively served and the remainder probated. An evidentiary panel of the District 11 Grievance Committee found that Davis neglected a client's matters, failed to keep a client reasonably informed, and failed to return the unearned portion of fees.

Davis violated Rules 1.01(b)(1), 1.03(a), and 1.15(d). He was ordered to pay \$1,500 in restitution and \$400 in attorneys' fees and direct expenses.

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On November 15, 2018, **Richard Clement Dunn** [#06249300], 62, of Longview, received a six-month fully probated suspension effective November 7, 2018. An evidentiary panel of the District 2 Grievance Committee found that on or about September 23, 2013, the complainant hired Dunn to file a post-conviction writ of habeas corpus in a criminal matter. In representing the complainant, Dunn neglected the legal matter entrusted to him by failing to timely file the writ of habeas corpus on behalf of the complainant. Dunn's physical condition materially impaired his fitness to represent the complainant and Dunn failed to withdraw from representation. Upon termination of representation, Dunn failed to refund advance payments of fees that had not been earned.

Dunn violated Rules 1.01(b)(1), 1.15(a)(2), and 1.15(d). He was ordered to pay \$2,553.75 in attorneys' fees and \$669.50 in direct expenses.

Dunn filed an appeal on December 11, 2018.

On September 18, 2018, **Xavier Duran** [#24015154], 47, of Dallas, received a three-year partially probated suspension effective October 15, 2018, with the first three

months actively suspended and the remainder probated. An evidentiary panel of the District 6 Grievance Committee found that Duran was hired in a criminal matter and was paid \$5,000 for the representation. Thereafter, Duran neglected the legal matter entrusted to him by failing to complete any legal work on the case. Duran also failed to keep the complainant reasonably informed and comply with reasonable requests for information. Upon termination, Duran failed to refund any unearned fees.

Duran violated Rules 1.01(b)(1), 1.03(a), and 1.15(d). He was ordered to pay \$5,000 in restitution and \$3,522.50 in attorneys' fees and direct expenses.

On December 3, 2018, **Beauregard Driller Fiegel** [#24086782], 33, of San Antonio, agreed to a three-month active suspension effective July 1, 2019. An evidentiary panel of the District 10 Grievance Committee found that Fiegel neglected a client's matter, failed to keep a client reasonably informed, failed to refund the unearned portion of fees, failed to notify a client of the attorney's cessation of practice, and failed to respond to the grievance.

Fiegel violated Rules 1.01(b)(1), 1.03(a),

1.15(d), 8.04(a)(8), and 8.04(a)(10). He was ordered to pay \$2,256 in restitution and \$1,000 in attorneys' fees and direct expenses.

On December 13, 2018, **Viney K. Gupta** [#00790085], 70, of Orange, California, accepted a nine-month fully probated suspension effective December 15, 2018. An evidentiary panel of the District 9 Grievance Committee found that on July 6, 2011, Gupta received \$2,500 from the complainant's family for the complainant's immigration bond. When the complainant's immigration matter was concluded, a check dated January 27, 2017, was sent to Gupta. The total amount of the check was \$2,825.01, which included the original bond amount and accrued interest in the amount of \$325.01. Gupta received the refunded bond check, did not notify the complainant of its receipt, and did not promptly remit the funds to the complainant.

Gupta violated Rule 1.14(b). He was ordered to pay \$1,280.58 in attorneys' fees and direct expenses.

On December 7, 2018, **Paul Andrew Smith** [#24010408], 49, of Austin, accepted an 18-month partially probated suspension effective December 15, 2018, with one month

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actively suspended and the remainder probated. An evidentiary panel of the District 9 Grievance Committee found that Smith represented a client in a personal injury matter. The client received treatment from the complainant, a chiropractor. Smith provided the complainant with a letter of protection. Smith sent the complainant a check from his trust account for \$1,000. However, when the complainant attempted to deposit the check three months later, it was returned for insufficient funds. After the grievance was filed, Smith issued another check to the complainant for \$1,000 that was successfully negotiated.

Smith violated Rule 1.14(a). Smith was ordered to pay \$630.38 in attorneys' fees and direct expenses.

### PUBLIC REPRIMANDS

On December 4, 2018, **Scott Erik Edgett** [#24063588], 43, of Plano, agreed to a public reprimand. An evidentiary panel of the District 1 Grievance Committee found that in June 2016, Edgett was hired by his client to handle a federal appeal and was paid a fee of \$10,000. Edgett failed to keep the client reasonably informed about the status of the case and upon termination of representation, Edgett failed to refund

advance payments of fees that had not been earned.

Edgett violated Rules 1.03(a) and 1.15(d). He was ordered to pay \$5,350 in restitution and \$885 in attorneys' fees and direct expenses.

On December 18, 2018, **Armando Javier Roman** [#24046752], 44, of San Antonio, accepted a public reprimand. An evidentiary panel of the District 10 Grievance Committee found that Roman failed to communicate with a client, failed to explain to his client the basis for the fee sufficiently, failed to refund unearned fees, and failed to return the client file.

Roman violated Rules 1.03(a), 1.03(b), 1.04(c), and 1.15(d). He was ordered to pay \$5,960 in restitution and \$2,800 in attorneys' fees and direct expenses.

### 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)(1)—for neglecting a legal matter entrusted to the lawyer (2).

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).

1.03(b)—A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation (1).

1.14(a)—for failing to hold funds and other property belonging in whole or in part to clients or third persons that are in a lawyer's possession in connection with a representation separate from the lawyer's own property (2).

1.14(c)—When in the course of representation a lawyer is in possession of funds or other property in which both the lawyer and another person claim interests, the property shall be kept separate by the lawyer until there is an accounting and severance of their interest (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).

8.04(a)(8)—for failing to timely furnish a district grievance committee a response or other information as required unless he or she timely asserts a privilege or other legal ground for failure to do so (1). **TBJ**

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