

## 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.

### REINSTATEMENTS

**Todd P. Lindley** [#12367550], 55, of Dallas, filed a petition in the 134th Civil District Court in Dallas County for reinstatement as a member of the State Bar of Texas.

**Billy John Merchant** [#24031597], 52, of Normangee, filed a petition in the 272nd District Court in Brazos County for reinstatement as a member of the State Bar of Texas.

**Claudia Maria Montani** [#00786423], 52, of Dallas, filed a petition in the 191st Civil District Court in Dallas County for reinstatement as a member of the State Bar of Texas.

### BODA

On November 7, 2018, the Board of

Disciplinary Appeals dismissed the appeal of Austin attorney **James Stephen Sustaita** [#24013596], 51, from a judgment of disbarment signed on July 30, 2018, by an evidentiary panel of the District 9 Grievance Committee in Case Nos. 201701929 and 201703295. Sustaita moved to dismiss the appeal on November 6, 2018. BODA Cause No. 60892.

On December 12, 2018, the Board of Disciplinary Appeals signed an agreed judgment of suspension against Normal, Illinois, attorney **Drew Randolph Quitschau** [#24068447], 41. On September 20, 2018, the Illinois Supreme Court signed an order and mandate suspending Quitschau from the practice of law for six months in a matter styled *In re: Drew Randolph Quitschau*, M.R. 02943. The court found that Quitschau engaged in acts of dishonesty, fraud, deceit, and misrepresentation when he registered another attorney on five websites, created a false Facebook account, and wrote false reviews of the attorney's legal abilities on three other websites, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct. He is suspended from the practice of law in Texas from December 13, 2018, until June 13, 2019. BODA Cause No. 61330.

On December 28, 2018, the Board of Disciplinary Appeals signed an agreed judgment of indefinite disability suspension against Lafayette, Louisiana, attorney **Linda Renee Hoak** [#24059218], 51. BODA Cause No. 61386.

On January 8, 2019, the Board of Disciplinary Appeals signed an agreed judgment of suspension against Canon City, Colorado, attorney **William Kevin Goode** [#08145550], 63. On May 31, 2018, the Colorado Supreme Court signed an order and notice of suspension suspending Goode from

the practice of law for two years in a matter styled *Complainant: The People of the State of Colorado, Respondent: William Kevin Goode*, #37063, Case No. 17-PDJ059. The court found that Goode was convicted of 28 felony counts of cruelty to animals and failed to report his conviction to the disciplinary authority, in violation of Rules 3.4(c) and 8.4(b) of the Colorado Rules of Professional Conduct. He is suspended from the practice of law in Texas from December 27, 2018, until December 28, 2020. BODA Cause No. 61333.

On January 28, 2019, the Board of Disciplinary Appeals signed a judgment of suspension against Portales, New Mexico, attorney **Eric D. Dixon** [#05906020], 58. On November 9, 2018, the New Mexico Supreme Court entered an order suspending Dixon from the practice of law for nine months in a matter styled *In the Matter of Eric Dixon, an Attorney Suspended from the Practice of Law in the Courts of the State of New Mexico*, Case No. S-1-SC-37204. The court found that Dixon violated New Mexico Rules of Professional Conduct Rules 16-101 [was negligent in his representation of a client], 16-301 [filed a frivolous lawsuit], 16-303 [made a false statement of fact to a tribunal], 16-801 [made a false statement of fact during the disciplinary matter], and 16-804 [engaged in conduct involving dishonesty, deceit, and misrepresentation]. He is suspended from the practice of law in Texas from January 28, 2019, until October 28, 2019. BODA Cause No. 61385.

On January 28, 2019, the Board of Disciplinary Appeals signed a default judgment of suspension against West Palm Beach, Florida, attorney **David Andrew Jaynes** [#10595790], 65. On August 24, 2018, the Florida Supreme Court entered an order suspending Jaynes from the practice of law for one

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year in a matter styled *The Florida Bar, Petitioner(s) vs. David Andrew Jaynes, Respondent(s)*, Case No. SC18-917. The court found that Jaynes was in contempt of its order dated September 22, 2017, in Case No. SC17-1134 and suspended him from the practice of law for one year. He is suspended from the practice of law in Texas from January 28, 2019, until January 27, 2020. BODA Cause No. 61331.

On January 28, 2019, the Board of Disciplinary Appeals signed a default judgment of suspension against West Palm Beach, Florida, attorney **David Andrew Jaynes** [#10595790], 65. On June 21, 2018, the Florida Supreme Court issued a notice suspending Jaynes from the practice of law for six months in a matter styled *The Florida Bar, Complainant(s) vs. David Andrew Jaynes, Respondent(s)*, Case No. SC17-2219. The court found that Jaynes was in violation of trust accounting rules and suspended him from the practice of law for six months. He is suspended from the practice of law in Texas from January 28, 2019, until July 28, 2019. BODA Cause No. 61332.

On January 28, 2019, the Board of Disciplinary Appeals affirmed the judgment of public reprimand of Houston attorney **Victoria V. Ochsner** [#24051129], 46, signed on March 20, 2018, by an evidentiary panel of the District 4 Grievance Committee in Case No. 201607113. The evidentiary panel found that Ochsner violated Texas Disciplinary Rules of Professional Conduct Rule 1.01(b)(1) [neglecting a client matter]. BODA Cause No. 60345.

On January 28, 2019, the Board of Disciplinary Appeals affirmed the judgment of partially probated suspension of Dallas attorney **Mpatanishi Syanaloli Tayari Garrett** [#24073090], 43, signed on May 15, 2018, by an evidentiary panel of the District 6 Grievance Committee in Case No. 201605294. The evidentiary panel found that Garrett violated Texas Disciplinary Rules of

Professional Conduct Rules 3.02 [taking a position in a bankruptcy matter that unreasonably increased the costs or other burdens] and 3.04(d) [knowingly disobeying an obligation under a ruling from the tribunal]. BODA Cause No. 60782.

On January 28, 2019, the Board of Disciplinary Appeals signed a default judgment of disbarment against Houston attorney **Shane William Gordon** [#24040993], 47. On November 21, 2017, Gordon pleaded guilty to false statement or representation made to a department or agency of the United States, an intentional crime as defined in the Texas Rules of Disciplinary Procedure, in *United States of America v. Shane Gordon*, Cause No. 6:17-CR-00040-002, and was sentenced to 24 months in prison, followed by three years of supervised release, and ordered to pay \$440,000 in restitution. Although duly cited and noticed, Gordon did not answer or appear. BODA Cause No. 61334.

#### DISBARMENTS

On November 29, 2018, **Luro C. Taylor** [#19712700], 68, of Houston, was disbarred. The 215th Civil District Court in Harris County found that Taylor committed professional misconduct by violating Rule 1.14(a) [failed to hold funds belonging to his client in his trust account], 1.14(b) [failed to promptly notify and deliver funds to his client that she was entitled to receive], and 1.14(c) [failed to keep funds, in which both he and his client claimed an interest, separate until an accounting and severance of their interests].

Taylor was ordered to pay \$2,000 in restitution and \$6,973.20 in attorneys' fees and direct expenses. Taylor has filed a notice of appeal.

On November 13, 2017, **Linda Irene Perez** [#00798427], 59, of San Antonio, was disbarred. An evidentiary panel of the District 10 Grievance Committee found that in connection with two complaints, Perez neglected legal mat-

ters, failed to keep clients reasonably informed, failed to hold client funds in a trust account, failed to provide a full accounting of funds, failed to return unearned fees, made false statements of material fact to a tribunal, and engaged in conduct involving dishonesty, fraud, or misrepresentation.

Perez violated Rules 1.01(b)(1), 1.03(a), 1.04(a), 1.14(a), 1.14(b), 1.15(d), 3.03(a)(1), and 8.04(a)(3). She was ordered to pay \$14,350 in restitution and \$4,250 in attorneys' fees and direct expenses.

#### SUSPENSIONS

On November 27, 2018, **Tametha D'Lyn Barker** [#24044113], 42, of Amarillo, received a two-year fully probated suspension effective December 1, 2018. An evidentiary panel of the District 13 Grievance Committee found that on or about July 12, 2016, the complainant hired Barker to represent her in a divorce proceeding and paid \$2,400 for the representation. In



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representing the complainant, Barker neglected the legal matter entrusted to her by failing to finalize the complainant's divorce case. Barker failed to keep the complainant reasonably informed about the status of her case and failed to promptly comply with reasonable requests for information from the complainant.

Barker violated Rules 1.01(b)(1) and 1.03(a). She was ordered to pay \$1,000 in restitution and \$1,687.50 in attorneys' fees and direct expenses.

On January 11, 2019, **Olivero E. Canales** [#03737200], 66, of Laredo, accepted a one-year fully probated suspension effective March 1, 2019. An evidentiary panel of the District 12 Grievance Committee found that Canales failed to hold the client's funds separate from his own property and failed to respond to the grievance in a timely fashion.

Canales violated Rules 1.14(a) and

8.04(a)(8). He was ordered to pay \$300 in restitution and \$400 in attorneys' fees and direct expenses.

On October 26, 2018, **Gaylyn Leon Cooper** [#04774700], 65, of Port Arthur, received a six-month fully probated suspension effective December 1, 2018, and ending on May 31, 2019. An evidentiary panel of the District 3 Grievance Committee found that Cooper failed to keep his client reasonably informed about the status of the case and failed to promptly comply with reasonable requests for information. Cooper failed to explain matters to the extent reasonably necessary to permit the client to make informed decisions regarding the representation. Cooper also failed to timely furnish to the Office of Chief Disciplinary Counsel a response to the grievance.

Cooper violated Rules 1.03(a), 1.03(b), and 8.04(a)(8). He was ordered to pay \$1,500 in attorneys' fees and direct expenses.

On November 28, 2018, **Jeffrey Earl Crews** [#24012475], 57, of Houston, received a three-year partially probated suspension effective August 1, 2019, with the first year actively suspended and the remainder probated. An evidentiary panel of the District 4 Grievance Committee found that, in representing his client, Crews neglected the legal matter 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 client's legal matter and failed to promptly comply with reasonable requests for information, and, upon termination of representation, failed to surrender papers and property to which his clients were entitled and failed to refund advance payments of fees that had not been earned. Crews also failed to timely furnish to the Office of Chief Disciplinary Counsel responses or other information as required by the Texas Rules of Disciplinary Procedure.

Crews violated Rules 1.01(b)(1), 1.01(b)(2), 1.03(a), 1.15(d), and 8.04(a)(8). He was ordered to pay \$2,500 in restitution and \$1,350 in attorneys' fees and direct expenses.

On November 27, 2018, **Richard Joseph Deaguero** [#05623500], 72, of Dallas, received a three-year fully probated suspension effective November 8, 2018. An evidentiary panel of the District 6 Grievance Committee found that Deaguero exchanged a series of text messages with a client during which he offered to either pay or credit the client for case referrals. Deaguero engaged in conduct that constituted barratry as defined by the law of this state.

Deaguero violated Rules 7.03(b) and 8.04(a)(9). He was ordered to pay \$1,192.50 in attorneys' fees and direct expenses.

On December 28, 2018, the Board of Disciplinary Appeals signed an agreed judgment of indefinite disability suspension against Lafayette, Louisiana, attorney **Linda Renee Hoak** [#24059218], 51.

On December 24, 2018, **Darren**

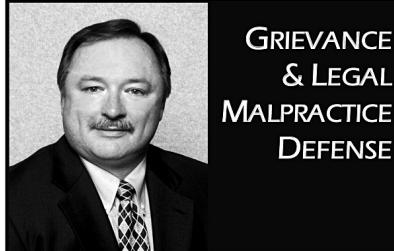
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**Anthony Miller** [#24007678], 49, of Houston, accepted a six-month fully probated suspension effective January 1, 2019. An evidentiary panel of the District 4 Grievance Committee found that Miller failed to take reasonable remedial action to avoid or mitigate the consequences of misconduct committed by a non-lawyer employee, over whom Miller had direct supervisory authority.

Miller violated Rule 5.03(b)(2). He was ordered to pay \$2,071.15 in attorneys' fees and direct expenses.

On January 10, 2019, **Derek Alfonso Quinata** [#24072292], 38, of El Paso, agreed to a three-month fully probated suspension effective January 15, 2019. An evidentiary panel of the District 17 Grievance Committee found that Quinata failed to hold a client's funds separate from his own property, failed to promptly deliver funds to parties entitled to receive funds, and failed to return the unearned portion of fees.

Quinata violated Rules 1.14(a), 1.14(b), and 1.15(d). He was ordered to pay \$700 in restitution and \$1,000 in attorneys' fees and direct expenses.

On October 9, 2018, **Brigida Rodriguez** [#24046743], 63, of Dallas, received a 24-month fully probated suspension effective November 1, 2018. An evidentiary panel of the District 6 Grievance Committee found that in February 2016, the complainant retained Rodriguez for representation in a family law matter. In representing the complainant, Rodriguez neglected the legal matter entrusted to her, failed to keep the complainant reasonably informed about the status of her case, and failed to promptly comply with reasonable requests for information from the complainant. Further, Rodriguez failed to respond to the grievance.

Rodriguez violated Rules 1.01(b)(1), 1.03(a), and 8.04(a)(8). She was ordered to pay \$1,220.50 in attorneys' fees and direct expenses.

On December 28, 2018, **Jason Lee Van Dyke** [#24057426], 38, of Cross

Roads, agreed to a six-month fully probated suspension effective November 15, 2018. An evidentiary panel of the District 14 Grievance Committee found that on October 3, 2017, Van Dyke filed a lawsuit on behalf of his client, against the complainant. Van Dyke threatened to present criminal or disciplinary charges solely to gain an advantage in connection with the civil matter. Van Dyke continued to represent his client after it reasonably appeared that his representation became adversely limited by Van Dyke's own interests.

Van Dyke violated Rules 1.06(b)(2) and 4.04(b)(1). He was ordered to pay \$1,800 in attorneys' fees and direct expenses.

On January 28, 2019, **William Kyle Vaughn** [#00797597], 50, of Houston, received an 18-month fully probated suspension effective January 1, 2019. An evidentiary panel of the District 4

Grievance Committee found that in two matters, while representing his clients, Vaughn neglected the legal matters entrusted to him, failed to keep his clients reasonably informed about the status of their legal matters and to promptly comply with reasonable requests for information, and, upon termination of representation, failed to refund advance payments of fees that had not been earned. Vaughn also 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.

Vaughn violated Rules 1.01(b)(1), 1.03(a), 1.15(d), and 8.04(a)(8). He was ordered to pay \$335 in attorneys' fees and direct expenses.

On January 28, 2019, **William Kyle Vaughn** [#00797597], 50, of Houston, received an 18-month fully probated suspension effective January 1, 2019. An evidentiary panel of the District 4

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Grievance Committee found that in two matters, while representing his clients, Vaughn neglected the legal matters entrusted to him, failed to keep his clients reasonably informed about the status of their 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 information as required by the Texas Rules of Disciplinary Procedure. In one of those matters, Vaughn engaged in the practice of law when his right to practice had been administratively suspended for failure to timely pay required fees, and in the other matter, he failed to explain a legal matter to the extent reasonably necessary to permit his client to make informed decisions regarding the representation and, upon termination of representation, failed to refund advance payments of fees that had not been earned.

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

and 8.04(a)(11). He was ordered to pay \$265 in attorneys' fees and direct expenses.

On December 4, 2018, **Thomas Austin Willbern III** [#21507700], 67, of Houston, accepted a three-year partially probated suspension effective January 31, 2019, with the first two months actively served and the remainder probated. An evidentiary panel of the District 4 Grievance Committee found that Willbern frequently failed to carry out obligations to five clients and failed to keep two clients reasonably informed about the status of their matters. Willbern also failed to appropriately safeguard a client's money and failed to refund advance payments of fees that had not been earned to four clients at the end of the representations. Willbern further failed to respond to grievances filed by four clients.

Willbern violated Rules 1.01(b)(2), 1.03(a), 1.14(a), 1.15(d), and 8.04(a)(8).

He was ordered to pay \$3,500 in restitution and \$550 in attorneys' fees and direct expenses.

On December 14, 2018, **Thomas Austin Willbern III** [#21507700], 67, of Houston, accepted a three-year partially probated suspension effective January 31, 2019, with the first two months actively served and the remainder probated. The 234th District Court in Harris County found that in two separate matters, Willbern violated Rule 1.01(b)(1) [a lawyer shall not neglect a legal matter entrusted to the lawyer], Rule 1.03(a) [a lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information], Rule 1.15(d) [a lawyer, upon termination of representation, 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 were not earned], and Rule 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].

Willbern was ordered to pay \$2,000 in restitution and \$550 in attorneys' fees and direct expenses.

### PUBLIC REPRIMANDS

On December 18, 2018, **Adan G. Vega** [#20533590], 65, of Houston, received a judgment of public reprimand. An evidentiary panel of the District 4 Grievance Committee found that upon termination of representation, Vega failed to take steps to the extent reasonably practicable to protect his client's interests by failing to surrender papers and property to which his client was entitled.

Vega violated Rule 1.15(d). He was ordered to pay \$1,900 in attorneys' fees and \$160 in direct expenses.

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**PRIVATE REPRIMANDS**

Listed here is a breakdown of Texas Disciplinary Rules of Professional Conduct violations for 12 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 (5).

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 (9).

1.05(b)(1)(ii)—Except as permitted by paragraphs (c) and (d), or as required by paragraphs (e) and (f), a lawyer shall not knowingly reveal confidential information of a client or a former client to anyone else, other than the client, the client's representatives, or the members, associates, or employees of the lawyer's law firm (1).

1.07(a)—for, upon entering into a business transaction with a client, failing to consult with each client concerning the implications of the common representation, including the advantages and risks involved and the effect of the attorney-client privileges, and failing to obtain each client's written consent to the common representation (1).

1.09(a)—without prior consent, a lawyer who personally has formerly represented a client in a matter shall not thereafter represent another person in a matter adverse to the former client (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 (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).

5.03(a)—With respect to a non-lawyer employed or retained by or associated with a lawyer: A lawyer having direct supervisory authority over the non-lawyer shall make reasonable efforts to ensure that the person's conduct is compatible with the professional obligations of the

lawyer (1).

5.03(b)(1)—A lawyer shall be subject to discipline for the conduct of such a person that would be a violation of these rules if engaged in by a lawyer if the lawyer orders, encourages, or permits the conduct involved (1).

7.05(a)(3)—A lawyer shall not send, deliver, or transmit or knowingly permit or knowingly cause another person to send, deliver, or transmit a written, audio, audio-visual, digital media, recorded telephone message, or other

electronic communication to a prospective client for the purpose of obtaining professional employment on behalf of any lawyer or law firm if the communication contains false, fraudulent, misleading, deceptive, or unfair statement or claim (1).

8.04(a)(8)—for failing to timely furnish to the Office of Chief Disciplinary Counsel or 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 (2). **TBJ**

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