

COMMISSION FOR LAWYER DISCIPLINE

REPORT

TO THE BOARD OF DIRECTORS
ON
ATTORNEY DISCIPLINE

APRIL 2015

Disciplinary Sanctions
December 1, 2014 through February 28, 2015

DISBARMENTS	DISTRICT	Number of Complaints Resolved
Boyd, Stephen W.	10	1
Davis, Charles C.	14	1
Hernandez, Alejandro	10	1

Board of Disciplinary Appeals:

Livingston, Richard Bruce	BODA	1
Total	4	4

RESIGNATIONS IN LIEU of DISCIPLINE	DISTRICT	Number of Complaints Resolved
Andrews, Paul D.	11	1
Baca, Ricardo Antonio	4	6
Clarke, Patrick E.	10	3
Griffin, Anthony Paul	9	6
Lawrence, Meredith L.	9	1
Total	5	17

SUSPENSIONS	DISTRICT	Number of Complaints Resolved
Alexander, Jessica Ruth	4	1
Balagia, James M.	10	1
Boue, Adelqui Jesus	4	1
Desmarais, Jr., Norman A.	3	1
Ellis, Keith F.	3	1
Gerringer, Robert C.	4	2
Henderson, Chadrick S.	4	1
Hershberger, James S.	16	2
Kozura, Keith Brian	14	1
Little, Daniel Charles	12	1
McKinney, Arlene Gay	10	1
McKinney, Arlene Gay	10	1
Schultz, William Allen	14	1
Thomas, Jon Phillip	4	1
Thompson, John Rex	2	1
Wade, William V.	4	1

Board of Disciplinary Appeals:

Beason, Ryan A.	BODA	1
Hickman, Darrell Keith	BODA	1
Lassen, Gary L.	BODA	1
Total	19	21

PUBLIC REPRIMANDS	DISTRICT	Number of Complaints Resolved
Bush, Robert W.	7	1
Guerrero, Humberto	6	1
McNabb, Douglas C.	4	1
Millan, James Edward	10	1
Rodriguez, Johnny	12	1
Rubin, Michael D.	6	1
Tung, Joseph Tan	4	1
Van Deilen, Harry Joseph	4	1
Total	8	8

PRIVATE REPRIMANDS		
DISTRICT GRIEVANCE COMM.	NUMBER OF SANCTIONS	Number of Complaints Resolved
3	1	1
4	4	4
5	2	2
6	1	1
7	1	1
10	5	6
12	4	4
13	1	1
14	1	1
16	1	1
Total	21	22
Grievance Referral Program	12	12
GRAND TOTAL:	69	84

DISCIPLINARY ACTIONS - CURRENT BAR YEAR

BAR YEARS		Total Sanctions		Total Complaints Resolved	
2014-2015*	DISBARMENTS	19		27	
	RESIGNATIONS	13		40	
	SUSPENSIONS	74		102	
	PUBLIC REPRIMANDS	26		28	
	PRIVATE REPRIMANDS	49		53	
	GRIEVANCE REFERRAL PROGRAM	38	219	38	288

*does not reflect year-end figures

DISCIPLINARY ACTIONS - PREVIOUS BAR YEARS

BAR YEARS		Total Sanctions		Total Complaints Resolved	
2013-2014	DISBARMENTS	21		21	
	RESIGNATIONS	17		55	
	SUSPENSIONS	131		164	
	PUBLIC REPRIMANDS	31		34	
	PRIVATE REPRIMANDS	65		72	
	GRIEVANCE REFERRAL PROGRAM	57	322	57	403
2012-2013	DISBARMENTS	39		51	
	RESIGNATIONS	24		46	
	SUSPENSIONS	122		160	
	PUBLIC REPRIMANDS	37		40	
	PRIVATE REPRIMANDS	89		91	
	GRIEVANCE REFERRAL PROGRAM	56	367	56	444
2011-2012	DISBARMENTS	38		45	
	RESIGNATIONS	27		87	
	SUSPENSIONS	137		174	
	PUBLIC REPRIMANDS	40		41	
	PRIVATE REPRIMANDS	106		115	
	GRIEVANCE REFERRAL PROGRAM	55	403	55	517

2010-2011	DISBARMENTS	28		52	
	RESIGNATIONS	23		101	
	SUSPENSIONS	157		254	
	PUBLIC REPRIMANDS	40		50	
	PRIVATE REPRIMANDS	77		82	
	GRIEVANCE REFERRAL PROGRAM	46	371	46	585
2009-2010	DISBARMENTS	25		33	
	RESIGNATIONS	22		40	
	SUSPENSIONS	111		169	
	PUBLIC REPRIMANDS	37		47	
	PRIVATE REPRIMANDS	81		89	
	GRIEVANCE REFERRAL PROGRAM	39	315	39	417
2008-2009	DISBARMENTS	32		43	
	RESIGNATIONS	26		104	
	SUSPENSIONS	127		189	
	PUBLIC REPRIMANDS	46		54	
	PRIVATE REPRIMANDS	68		73	
	GRIEVANCE REFERRAL PROGRAM	36	335	36	499
2007-2008	DISBARMENTS	24		63	
	RESIGNATIONS	24		90	
	SUSPENSIONS	121		224	
	PUBLIC REPRIMANDS	28		35	
	PRIVATE REPRIMANDS	69		73	
	GRIEVANCE REFERRAL PROGRAM	33	299	33	518
2006-2007	DISBARMENTS	30			
	RESIGNATIONS	31			
	SUSPENSIONS	110			
	PUBLIC REPRIMANDS	62			
	PRIVATE REPRIMANDS	87	320		

2005-2006	DISBARMENTS	38	
	RESIGNATIONS	17	
	SUSPENSIONS	119	
	PUBLIC REPRIMANDS	62	
	PRIVATE REPRIMANDS	108	344
	ORDER FOR REHABILITATION		

COMMISSION FOR LAWYER DISCIPLINE
REPORT TO THE BOARD OF DIRECTORS
April 2015

DISTRICT 02:

THOMPSON, JOHN REX: #19956150
11/25/2014-PARTIALLY PROBATED SUSPENSION
01/01/2015-06/30/2015: SUSPENSION
07/01/2015-12/31/2015: PROBATION

On November 25, 2014, **John Rex Thompson** [#19956150], 49, of Tyler, received a one-year, partially probated suspension, effective January 1, 2015, with the first six months actively suspended and the remainder probated. An evidentiary panel of the District 2 Grievance Committee found that Thompson failed to keep Complainant informed and respond to her reasonable requests for information. In addition, upon termination of the representation, Thompson failed to refund any unearned portion of the fee and respond to Complainant's grievance filed with the State Bar of Texas.

Thompson violated Rules 1.03(a), 1.15(d), and 8.04(a)(8). He was ordered to pay attorneys' fees and direct expenses in the amount of \$1,540.00.

DISTRICT 03:

DESMARAIS, JR., NORMAN A.: #00795925
01/26/2015-FULLY PROBATED SUSPENSION
02/01/2015-07/31/2015

On January 26, 2015, **Norman A. Desmarais, Jr.** [#00795925], 64, of Nederland, received a six-month, fully probated suspension, effective February 1, 2015. An evidentiary panel of the District 3 Grievance Committee found that Desmarais neglected the legal matter entrusted to him, and upon termination of the representation, failed to refund advance payments of fee that had not been earned. Furthermore, Desmarais failed to file a response to the grievance.

Desmarais violated Rules 1.01(b)(1), 1.15(d), and 8.04(a)(8). Desmarais was ordered to pay \$1,250.00 in restitution and \$950.00 in attorneys' fees and direct expenses.

ELLIS, KEITH F.: #00790642
12/16/2014-FULLY PROBATED SUSPENSION
10/01/2014-03/31/2015

On December 16, 2014, **Keith F. Ellis** [#00790642], 57, of Vidor, accepted a six-month, fully probated suspension, effective October 1, 2014. An evidentiary panel of the District 3 Grievance Committee found that Ellis neglected the legal matter entrusted to him. Ellis violated Rule 1.01(b)(1). He was ordered to pay \$1,000.00 in attorneys' fees and direct expenses.

HOUSTON ATTORNEY
01/23/2015-PRIVATE REPRIMAND

RULE 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

RULE 8.04(a)(8)

for failing to timely furnish a district grievance committee a response or other information as required unless he/she timely asserts a privilege or other legal ground for failure to do so

DISTRICT 04:

ALEXANDER JESSICA RUTH: #00993600
01/08/2015-FULLY PROBATED SUSPENSION
01/31/2015-01/30/2017

On January 8, 2015, **Jessica Ruth Alexander** [#00993600], 65, of Houston, agreed to a two-year, fully probated suspension, effective January 31, 2015. An evidentiary panel of the District 4 Grievance Committee found that in representing her client, Alexander neglected the legal matter entrusted to her, failed to keep her client reasonably informed about the status of her legal matter, failed to promptly comply with reasonable requests for information, failed to surrender papers to which her client was entitled, and failed to refund advance payments of fee that had not been earned.

Alexander violated Rules 1.01(b)(1), 1.03(a), and 1.15(d). She was ordered to pay \$500.00 in attorneys' fees and \$242.00 in direct expenses.

BACA, RICARDO ANTONIO: #24048333
12/16/2014-RESIGNATION

On December 16, 2014, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Ricardo Antonio Baca** [#24048333], 38, of Houston. In the first case, Baca failed to hold client's funds separate from his own property in a trust account and further failed to promptly deliver those funds to the client. In the second case, Baca failed to hold client's funds separate from his own property in a trust account and further failed to promptly deliver those funds to the client. Baca also failed to keep property in which both he and another claimed an interest, separate until there was an accounting and severance of their interest. In the third matter, Baca committed a serious crime that reflected adversely on his honesty, trustworthiness or fitness as a lawyer; engaged in conduct involving dishonesty, fraud, deceit or misrepresentation; and further failed to respond to the grievance. In the final matter, Baca failed to hold client's funds separate from his own property in a trust account and further failed to promptly deliver those funds to the client. Baca also engaged in conduct involving dishonesty, fraud, deceit or misrepresentation. Additionally, on September 8, 2014, in separate cases, Baca pled guilty to Misapplication of Fiduciary Property and to making a false statement in order to obtain credit. In each case, Baca was sentenced to six years' deferred adjudication, with Baca's resignation of his Texas law license set as a term and condition of probation. Baca violated Rules 1.14(a), 1.14(b), 1.14(c), 1.15(d), 8.04(a)(2), 8.04(a)(3), and 8.04(a)(8).

BOUE, ADELQUI JESUS: #24063811
02/23/2015-FULLY PROBATED SUSPENSION
03/01/2015-02/28/2017

On February 23, 2015, **Adelqui Jesus Boue** [#24063811], 44, of Houston, received a two-year, fully probated suspension, effective March 1, 2015. An evidentiary panel of the District 4 Grievance Committee found that in the course of representing his client, Boue knowingly made a false statement of material fact to a third person and engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation.

Boue violated Rules 4.01(a), and 8.04(a)(3). He was ordered to pay \$500.00 in attorneys' fees.

GERRINGER, ROBERT C.: #07826200
11/12/2014-ACTIVE SUSPENSION
11/12/2014-11/11/2019

On November 12, 2014, **Robert C. Gerringer** [#07826200], 59, of Houston, received a five-year, active suspension, effective November 12, 2014. An evidentiary panel of the District 4 Grievance Committee found that in two cases, Gerringer neglected the legal matters, failed to keep his clients reasonably informed about the status of their matters, failed to promptly comply with reasonable requests for information from his clients, failed to promptly deliver funds to the clients' medical providers, and failed to respond to the grievances. In the second case, Gerringer was found to have engaged in conduct involving dishonesty, fraud, deceit or misrepresentation. Gerringer violated Rules 1.01(b)(1), 1.03(a), 1.14(b), 8.04(a)(3), and 8.04(a)(8). He was ordered to pay \$9,168.86 in total restitution and \$1,955.00 in attorneys' fees and direct expenses.

HENDERSON, CHADRICK S.: #00797854
12/01/2014-PARTIALLY PROBATED SUSPENSION
12/01/2014-12/31/2014: SUSPENSION
01/01/2015-11/30/2015: PROBATION

On December 1, 2014, **Chadrick S. Henderson** [#00797854], 45, of Houston, received a 12-month, partially probated suspension, effective December 1, 2014, with the first month actively suspended and the remainder probated. An evidentiary panel of the District 4 Grievance Committee found that Henderson failed to supervise a non-lawyer staff member and failed to refund advance payment of fees that had not been earned.

Henderson violated Rules 1.15(d) and 5.03(a). He agreed to pay attorneys' fees and costs in the amount of \$2,000.00.

HOUSTON ATTORNEY
12/12/2014-PRIVATE REPRIMAND

RULE 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

RULE 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

MCNABB, DOUGLAS C.: #13815400
01/05/2015-PUBLIC REPRIMAND

On January 5, 2015, **Douglas C. McNabb** [#13815400], 67, of Houston, accepted a public reprimand. An evidentiary panel of the District 4 Grievance Committee found that, upon termination of representation, McNabb failed to refund any advance payments of fees that had not been earned. McNabb violated Rule 1.15(d). He was ordered to pay \$15,000.00 in restitution and \$650.00 in attorneys' fees and direct expenses.

**HOUSTON ATTORNEY
12/12/2014-PRIVATE REPRIMAND**

RULE 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

RULE 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

RULE 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

**THOMAS, JON PHILLIP: #24037593
12/16/2014-FULLY PROBATED SUSPENSION
01/01/2015-12/31/2015**

On December 16, 2014, **Jon Phillip Thomas** [#24037593], 36, of Houston, received a 12-month, fully probated suspension, effective January 1, 2015. An evidentiary panel of the District 4 Grievance Committee found that Thomas 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. Thomas violated Rule 8.04(a)(8). He was ordered to pay expenses in the amount of \$70.00.

**TUNG, JOSEPH TAN: #24033408
01/23/2015-PUBLIC REPRIMAND**

On January 23, 2015, **Joseph Tan Tung** [#24033408], 40, of Houston received an agreed judgment of public reprimand. An evidentiary panel of the District 4 Grievance Committee found that upon termination of representation, Tung failed to refund advanced payments of fees that had not been earned. Tung further 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.

Tung violated Rules 1.15(d) and 8.04(a)(8). He agreed to pay attorneys' fees and direct expenses in the amount of \$960.00.

VAN DEILEN, HARRY JOSEPH: #20439800
02/12/2015-PUBLIC REPRIMAND

On February 12, 2015, **Harry Joseph Van Deilen** [#20439800], 65, of Houston, accepted a judgment of public reprimand. The District 4 Grievance Committee found that although Van Deilen was not licensed to practice law in Louisiana, he filed a petition in district court in that state, thus practicing law in a jurisdiction where doing so violated the regulation of the legal profession in that jurisdiction.

Van Deilen violated Rule 5.05(a). He was ordered to pay \$750.00 in attorneys' fees and direct expenses.

HOUSTON ATTORNEY
11/17/2014-PRIVATE REPRIMAND

RULE 1.01(b)(1)
for neglecting a legal matter entrusted to the lawyer

WADE, WILLIAM V.: #20642300
07/23/2014-PARTIALLY PROBATED SUSPENSION
09/01/2014-08/31/2015: SUSPENSION
09/01/2015-02/28/2018: PROBATION

On July 23, 2014, **William V. Wade** [#20642300], 62, of Houston, received a 42-month, partially probated suspension, effective September 1, 2014, with the first 12 months actively suspended and the remainder probated. An evidentiary panel of the District 4 Grievance Committee found that Wade was hired for representation on a contingency fee basis, but failed to execute a written contingency fee agreement. Wade also failed to maintain a separate trust account for client's monies; failed to remit all of the settlement monies to the client; and failed to provide the client with an accounting of the settlement. Wade further failed to respond to the grievance. Wade has filed a notice of appeal. Wade violated Rules 1.04(d), 1.14(a), 1.14(b), and 8.04(a)(8). He was ordered to pay \$11,900.00 in restitution, and \$2,661.00 in attorneys' fees and direct expenses.

HOUSTON ATTORNEY
01/22/2015-PRIVATE REPRIMAND

RULE 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

DISTRICT 05:

**HOUSTON ATTORNEY
12/22/2014-PRIVATE REPRIMAND**

RULE 8.04(a)(3)
for engaging in conduct involving dishonesty, fraud, deceit or misrepresentation

**HOUSTON ATTORNEY
01/20/2015-PRIVATE REPRIMAND**

RULE 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

DISTRICT 06:

**DALLAS ATTORNEY
12/04/2014-PRIVATE REPRIMAND**

RULE 1.01(b)(1)
for neglecting a legal matter entrusted to the lawyer

RULE 1.01(b)(2)
for failing to carry out completely the obligations owed to a client

RULE 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

**GUERRERO, HUMBERTO: #00784186
01/13/2015-PUBLIC REPRIMAND**

On January 13, 2015, **Humberto Guerrero** [#00784186], 48, of Austin, agreed to a judgment of public reprimand. The District 6 Grievance Committee found that in representing Complainant in her personal injury matter, Guerrero neglected the legal matter entrusted to him by failing to attempt to have the defendant served, and, as a result, Complainant's lawsuit was dismissed for want of prosecution. Guerrero failed to keep Complainant reasonably informed about the status of her case and failed to promptly comply with reasonable requests for information from Complainant about her matter.

Guerrero violated Rules 1.01(b)(1), and 1.03(a). He was ordered to pay \$1,200.00 in attorneys' fees.

RUBIN, MICHAEL D.: #00794566
01/13/2015-PUBLIC REPRIMAND

On January 13, 2015, **Michael D. Rubin** [#00794566], 45, of Dallas, received an agreed judgment of public reprimand. An evidentiary panel of the District 6 Grievance Committee found that upon termination of representation of Complainant in a family law matter, Rubin failed to refund advance payments of fees that had not been earned.

Rubin violated Rule 1.15(d). He was ordered to pay \$2,500.00 in restitution and \$2,124.59 in attorneys' fees and direct expenses.

DISTRICT 07:

BUSH, ROBERT W.: #03496420
01/21/2015-PUBLIC REPRIMAND

On January 21, 2015, **Robert W. Bush** [#03496420], 67, of Fort Worth, received a judgment of public reprimand. An evidentiary panel of the District 7 Grievance Committee found that Bush failed to keep Complainant informed and failed to respond to his reasonable requests for information. Furthermore, Bush failed to respond to Complainant's grievance filed with the State Bar of Texas.

Bush violated Rules 1.03(a) and 8.04(a)(8). He was ordered to pay \$1,686.23 in attorneys' fees and direct expenses.

DALLAS ATTORNEY
01/12/2015-PRIVATE REPRIMAND

RULE 1.01(b)(1)
for neglecting a legal matter entrusted to the lawyer

RULE 1.01(b)(2)
for failing to carry out completely the obligations owed to a client

RULE 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

LITTLE, DANIEL CHARLES: #24047534
01/20/2015-FULLY PROBATED SUSPENSION
02/01/2015-07/31/2016

On January 20, 2015, **Daniel Charles Little** [#24047534], 56, of Hurst, received an 18-month, fully probated suspension, effective February 1, 2015. The District 7 Grievance Committee found that upon request by Complainant, Little failed to promptly render a full accounting of the attorney's fees Complainant had paid to Little.

Little violated Rule 1.14(b). He was ordered to pay \$3,894.52 in attorneys' fees and direct expenses.

DISTRICT 09:

GRIFFIN, ANTHONY PAUL: #08455300
01/27/2015-RESIGNATION

On January 27, 2015, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Anthony Paul Griffin** [#08455300], 60, of Galveston. At the time of his resignation, there were nine pending disciplinary actions alleging that Griffin neglected a legal matter entrusted to him, failed to keep clients reasonably informed about the status of their cases which prohibited the opportunity of the client to make informed decisions regarding the representation, failed to have a contingent fee agreement in writing and clarifying the determination of the fee, knowingly revealed confidential information of a former client that was not generally known, entered into a business transaction with a client without the client being reasonably informed about the arrangement of the transaction, failed to hold client funds separate from his own property in a trust account, failed to promptly deliver those funds to the client, failed to keep property in which both he and another person claimed interest separate until there was an accounting and severance of their interest, failed to give client adequate notice upon termination of representation to allow them time to seek other counsel, failed to surrender papers and property of client, failed to refund any advance unearned fee, and engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation.

Griffin violated Rules 1.01(b)(1), 1.03(a), 1.03(b), 1.04(d), 1.05(b)(3), 1.08(a), 1.14(a), 1.14(b), 1.14(c), 1.15(d), and 8.04(a)(3).

LAWRENCE, MEREDITH L.: #12049680
01/27/2015-RESIGNATION

On January 27, 2015, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Meredith L. Lawrence** [#12049680], 64, of Warsaw, Kentucky. At the time of Lawrence's resignation, a Judgment in a Criminal Case had been entered in the United States District Court for the Eastern District of Kentucky wherein Lawrence was found guilty of three counts of Filing False Tax Returns and was sentenced to twenty-seven (27) months in the United States Bureau of Prisons. Lawrence was further ordered to pay an assessment of \$300.00 and restitution of \$128,253.26. This conviction would subject Lawrence to compulsory discipline.

DISTRICT 10:

BALAGIA, JAMES M.:#00783589
11/20/2014-FULLY PROBATED SUSPENSION
12/01/2014-08/31/2015

On November 20, 2014, **James M. Balagia** [#00783589], 58, of San Antonio, accepted a nine-month, fully probated suspension, effective December 1, 2014. The 288th District Court of Bexar County found that Balagia committed professional misconduct by violating Rules 1.04(d) [failing to have a contingent fee agreement in writing], and 5.03 [failure to supervise a non-lawyer employee to ensure that the persons conduct is compatible with the professional obligations of the lawyer]. Balagia was ordered to pay \$2,500.00 in attorneys' fees and direct expenses.

BOYD, STEPHEN W.: #02777780
11/21/2014-DISBARMENT

On November 21, 2014, **Stephen W. Boyd** [#02777780], 65, of San Antonio, was disbarred. The 225th Judicial District Court of Bexar County found that Boyd committed professional misconduct by violating Rules 1.03(a) [failing to keep a client reasonably informed], 1.03(b) [failing to explain a matter to the extent reasonably necessary to permit the client to make informed decisions], 1.04(a) [entering into an arrangement for, charging or collecting an illegal fee or unconscionable fee], 1.05(b) [knowingly revealing confidential information of a client], 1.06(b) [conflict of interest], 1.08(a) [entering into a business transaction with a client], 1.08(b) [preparing an instrument giving the lawyer any substantial gift from a client], 1.14(a) [failing to hold funds and other property belonging in whole or part to clients or third persons in a lawyer's possession separate from the lawyer's own property], 1.14(b) [failing, upon receiving funds or other property in which a client or third person has an interest, to promptly notify the client or third person and render a full accounting upon request], 3.02 [unreasonably increase the costs or other burdens of the case or that unreasonably delays resolution of the matter], 3.03(a) [making a false statement of material fact or law to a tribunal], 3.04(d) [knowingly disobeying an obligation under the standing rules or of a ruling by a tribunal], and 8.04(a)(3) [For engaging in conduct involving dishonesty, fraud, deceit or misrepresentation]. Boyd was ordered to pay \$6,607.00 in attorneys' fees and expenses.

SAN ANTONIO ATTORNEY
02/06/2015-PRIVATE REPRIMAND

RULE 1.09 (a)(2)

Without prior consent, a lawyer who personally has formerly represented a client in a matter adverse to the former client: if the representation in reasonable probability will involve a violation of Rule 1.05

CLARKE, PATRICK E.: #04317000
11/26/2014-RESIGNATION

On November 26, 2014, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Patrick E. Clarke** [#04317000], 72, of San Antonio. At the time of resignation, there were three disciplinary actions pending alleging Clarke failed to keep clients reasonably informed, failed to promptly notify third parties of the receipt of funds, failed to promptly deliver funds to parties entitled to receive funds, failed to hold client's funds in a trust account, and that Clarke also failed to respond to a grievance.

Clarke violated Rules 1.03(a), 1.03(b), 1.14(a), 1.14(b), 1.14(c) and 8.04(a)(8).

HERNANDEZ, ALEJANDRO: #00793075
12/15/2014-DISBARMENT

On December 15, 2014, **Alejandro Hernandez** [#00793075], 50, of San Antonio, was disbarred. The District 10 Grievance Committee found that Hernandez failed to hold funds from an immigration bond in a trust account separate from his own property and failed to deliver funds to the person entitled to receive the funds. Hernandez violated Rules 1.14(a)&(b) and was ordered to pay \$5,207.71 in attorneys' fees and direct expenses.

SAN ANTONIO ATTORNEY
02/25/2015-PRIVATE REPRIMAND

RULE 1.01(b)(1)
for neglecting a legal matter entrusted to the lawyer

RULE 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

MCKINNEY, ARLENE GAY: #24011660
12/10/2014-PARTIALLY PROBATED SUSPENSION
01/01/2015-12/31/2017: SUSPENSION
01/01/2018-12/31/2019: PROBATION

On December 10, 2014, **Arlene Gay McKinney** [#24011660], 54, of San Antonio, received a five-year, partially probated suspension, effective January 1, 2015, with the first three years actively served and the remainder probated. The District 10 Grievance Committee found that McKinney failed to comply with the terms of a prior disciplinary judgment by failing to pay restitution and attorneys' fees, failed to furnish a written response to the grievance and failed to respond to a lawful demand for information from a disciplinary authority.

McKinney violated Rules 8.01(b), 8.04(a)(7), and 8.04(a)(8) and was ordered to pay \$1,870.00 in attorneys' fees and direct expenses.

MCKINNEY, ARLENE GAY: #24011660
02/06/2015-FULLY PROBATED SUSPENSION
04/01/2015-03/31/2017

On February 6, 2015, **Arlene Gay McKinney** [#24011660], 54, of San Antonio, accepted a two-year, fully probated suspension, effective April 1, 2015. The District 10 Grievance Committee found that McKinney neglected a client's matter, failed to communicate with a client, and also failed to respond to the grievance.

McKinney violated Rules 1.01(b)(1), 1.03(a)&(b), and 8.04(a)(8) and was ordered to pay \$800.00 attorneys' fees and direct expenses.

MILLAN, JAMES EDWARD: #24031569
02/16/2015-PUBLIC REPRIMAND

On February 16, 2015, **James Edward Millan** [#24031569], 43, of San Antonio, accepted a public reprimand. The District 10 Grievance Committee found that Millan neglected a client's matter, failed to communicate with a client, and failed to return unearned fees.

Millan violated Rules 1.01(b)(1), 1.03(a)&(b), 1.15(d), and agreed to pay \$4,000.00 in restitution, and \$800.00 in attorneys' fees and direct expenses.

SAN ANTONIO ATTORNEY
02/20/2015-PRIVATE REPRIMAND

RULE 1.01(b)(1)
for neglecting a legal matter entrusted to the lawyer

RULE 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

RULE 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

RULE 1.02(a)
for failing to abide by a client's decisions concerning the objectives and general methods of representation

**SAN ANTONIO ATTORNEY
12/15/2014-PRIVATE REPRIMAND**

RULE 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

**SAN ANTIONIO ATTORNEY
12/01/2014-PRIVATE REPRIMAND**

RULE 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

DISTRICT 11:

**ANDREWS, PAUL D.:#1248600
11/26/2014-RESIGNATION**

On November 26, 2014, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Paul D. Andrews** [#1248600], 57, of Corpus Christi. At the time of resignation, there was one disciplinary action pending alleging Andrews shared legal fees with a non-lawyer. Andrews violated Rule 5.04(a).

DISTRICT 12:

**SAN ANTONIO ATTORNEY
01/07/2015-PRIVATE REPRIMAND**

RULE 1.01(b)(1)

for neglecting a legal matter entrusted to the lawyer

RULE 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

**SAN ANTIONIO ATTORNEY
01/05/2015-PRIVATE REPRIMAND**

RULE 8.04(a)(8)

for failing to timely furnish a district grievance committee a response or other information as required unless he/she timely asserts a privilege or other legal ground for failure to do so

**SAN ANTONIO ATTORNEY
02/05/2015-PRIVATE REPRIMAND**

RULE 4.04(a)

in representing a client, for using means that have no substantial purpose other than to embarrass, delay, or burden a third person, or use methods of obtaining evidence that violate the legal right of such a person.

**RODRIGUEZ, JOHNNY: #24045311
02/02/2015-PUBLIC REPRIMAND**

On February 2, 2015, **Johnny Rodriguez** [#24045311], 41, of San Antonio, accepted a public reprimand. The 407th District Court of Bexar County found that Rodriguez violated Rule 1.01(b)(1) [neglect a legal matter entrusted to the lawyer] Rule 1.03(a)&(b) [failing to communicate with a client] Rule 1.15(b)(1) [failure to protect a client's interest upon withdrawal]. Rodriguez was ordered to pay \$1,800.00 in attorneys' fees and direct expenses.

**SAN ANTONIO ATTORNEY
12/01/2014-PRIVATE REPRIMAND**

RULE 1.14(a)

for failing to hold funds and other property belonging in whole or part to clients or third persons in a lawyer's possession separate from the lawyer's own property;

DISTRICT 13:

**DALLAS ATTORNEY
01/22/2015-PRIVATE ATTORNEY**

RULE 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

RULE 8.04(a)(3)

for engaging in conduct involving dishonesty, fraud, deceit or misrepresentation

DISTRICT 14:

**DALLAS ATTORNEY
12/31/2014-PRIVATE REPRIMAND**

RULE 1.14(a)

for failing to hold funds and other property belonging in whole or part to clients or third persons in a lawyer's possession separate from the lawyer's own property;

DAVIS, CHARLES CHANDLER.: #05465900
10/02/2014-DISBARMENT

On October 2, 2014, **Charles Chandler Davis** [#05465900], 62, of Argyle, was disbarred. An evidentiary panel of the District 14 Grievance Committee found that Davis brought a proceeding, asserted an issue or controverted an issue affecting the Complainants that was frivolous. In addition, Davis took positions that unreasonably increased the costs or other burdens of the case or that unreasonably delayed the resolution of the matter. Furthermore, Davis knowingly made a false statement of material fact or law to a tribunal. And, Davis engaged in conduct involving dishonesty, fraud, deceit or misrepresentation.

Davis violated Rules 3.01, 3.02, 3.03(a)(1) and 8.04(a)(3). Davis filed a Notice of Appeal on January 12, 2015.

KOZURA, KEITH BRIAN: #24015150
12/01/2014-FULLY PROBATED SUSPENSION
12/01/2014-05/31/2015

On December 1, 2014, **Keith Brian Kozura** [#24015150], 43, of Flower Mound, received a six-month, fully probated suspension, effective December 1, 2014. The District 14 Grievance Committee found that Kozura accepted employment as an advocate before a tribunal in a pending adjudicatory proceeding when Kozura knew that he would be a witness necessary to establish an essential fact on behalf of Kozura's client.

Kozura violated Rule 3.08(a). He was ordered to pay \$2,811.83 in attorneys' fees.

SCHULTZ, WILLIAM ALLEN: #00794609
10/24/2014-FULLY PROBATED SUSPENSION
10/15/2014-04/14/2015

On October 24, 2014, **William Allen Schultz** [#00794609], 45, of Frisco, received a six-month, probated suspension, effective October 15, 2014. The District 14 Grievance Committee found Schultz, as lead prosecutor in an aggravated assault matter, unlawfully obstructed another party's access to evidence and failed to timely disclose to the defense all evidence or information known to him that tended to negate the guilt of the accused or mitigated the offense.

Schultz violated Rules 3.04(a) and 3.09(d).

DISTRICT 16:

**SAN ANTONIO ATTORNEY
02/03/2015-PRIVATE REPRIMAND**

RULE 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

**HERSHBERGER, JAMES S.:#09543950
02/09/2015-FULLY PROBATED SUSPENSION
02/01/2015-04/01/2016**

On February 9, 2015, **James S. Hershberger** [#09543950], 51, of Midland, accepted a 14-month, fully probated suspension, effective February 1, 2015. The District 16 Grievance Committee found that Hershberger neglected a client's matter and failed to keep a client reasonably informed.

Hershberger violated Rules 1.01(b)(1), 1.03(b) and was ordered to pay \$800.00 in attorneys' fees and direct expenses.

BOARD OF DISCIPLINARY APPEALS:

**BEASON, RYAN A.: #01991200
02/03/2015-FULLY PROBATED SUSPENSION
02/03/2015-02/02/2018**

On February 3, 2015, the Board of Disciplinary Appeals signed a judgment of fully probated suspension of Houston attorney **Ryan A. Beason**, 53, State Bar of Texas Card No. 01991200. Mr. Beason was suspended from the practice of law for one year and one day, with all but 90 days deferred, by the Supreme Court of Louisiana on or about February 28, 2014 in *In Re: Confidential Party (Bar Roll 30129)*, No. 214-B-205 for violating Louisiana Rules of Professional Conduct 1.1(b) (failed to comply with minimal continuing legal education); 1.1(c) (failed to comply with requirements regarding annual registration, including the payment of bar dues, payment of disciplinary assessment, timely notification of change of address, and proper disclosure of trust account information; and 5.5(a) (practiced law in violation of the regulation of the legal profession in that jurisdiction). He is on a fully probated suspension from the practice of law in Texas for three years, beginning February 3, 2015.

HICKMAN, DARRELL KEITH: #09572980
02/03/2015-FULLY PROBATED SUSPENSION
02/03/2015-02/02/2016

On February 3, 2015, the Board of Disciplinary Appeals signed a default judgment of fully probated suspension of Alexandria, La. attorney **Darrell Keith Hickman**, 54, State Bar of Texas Card No. 09572980. Mr. Hickman was suspended from the practice of law for one year, with the suspension deferred in its entirety, by the Supreme Court of Louisiana on or about May 16, 2014 in *In Re: Darrell K. Hickman*, No. 2014-B-0817 for violating Louisiana Rules of Professional Conduct 1.4(a) (failed to properly communicate with a client regarding the true status of her case), 8.4(c) (engaged in conduct involving dishonesty, deceit, or misrepresentation); and 8.4(a) (violated or attempted to violate the Rules of Professional Conduct). He is on a fully probated suspension from the practice of law in Texas for one year, beginning February 3, 2015. Although cited to appear, Mr. Hickman did not answer or appear.

LASSEN, GARY L.: #11969500
02/03/2015-ACTIVE SUSPENSION
02/03/2015-08/03/2016

On February 3, 2015, the Board of Disciplinary Appeals signed a default judgment of suspension of Mesa AZ attorney **Gary L. Lassen**, 67, State Bar of Texas Card No. 11969500. Mr. Lassen was suspended from the practice of law for two years by the Supreme Court of Arizona on or about March 13, 2014 in *In the Matter of a Member of the State Bar of Arizona, Gary L. Lassen, Bar No. 005259, Respondent*, Arizona Supreme Court No. SB-14-0012-AP, Office of the Presiding Disciplinary Judge No. PDJ20139068, for violating his duties and obligations as a lawyer. He is suspended from the practice of law in Texas for 18 months, beginning February 3, 2015. Although cited to appear, Mr. Lassen did not answer or appear.

LIVINGSTON, RICHARD BRUCE: #12440000
02/03/2015-DISBARMENT

On February 3, 2015, the Board of Disciplinary Appeals signed a judgment of disbarment of East Hampton, NY attorney **Richard Bruce Livingston**, 68, State Bar of Texas Card No. 12440000. Mr. Livingston was disbarred by the Supreme Court of New Jersey on or about June 3, 2014 in *In the Matter of Richard B. Livingston*, an Attorney at Law, (Attorney No. 266211971) for violating New Jersey Rules of Professional Conduct 1.15(a) (failed to safeguard and knowing misappropriation of escrow funds); 1.15(d)(c) (record-keeping violations), 8.1(b) (failed to cooperate with disciplinary authorities).