

COMMISSION FOR LAWYER DISCIPLINE

REPORT

TO THE BOARD OF DIRECTORS  
ON  
ATTORNEY DISCIPLINE

SEPTEMBER 2020

**Disciplinary Sanctions**  
**06/01/2020 - 08/31/2020**

DISBARMENTS	District	# of Complaints Resolved
Darley, Judge Lon	12	1
Davis, Mark Anthony	11	6

**Board of Disciplinary Appeals:**

Jaynes, David Andrew	BODA	1
Total:	3	8

RESIGNATIONS IN LIEU OF DISCIPLINE	District	# of Complaints Resolved
Sandefur, Christopher Michael	10	5

**Board of Disciplinary Appeals:**

Tittlebaum, Marc Maraman	BODA	1
Total:	2	6

SUSPENSIONS	District	# of Complaints Resolved
Chism, Daniel K.	4	1
Collins, Kyle B.	9	1
Habermann, Richard Otto	12	1
Jackson, Rayshun	6	2
Morales, Jaime M.	12	1
Sullivan, Charles Wayne	15	1
Westmoreland, Lee Barrett Barrett	2	1
Willbern, Thomas Austin III	4	1

**Board of Disciplinary Appeals:**

Bransford, Traci Leigh	BODA	1
Portley, Kirby Jerome	BODA	1
Shotwell, Gwendolyn Jean	BODA	1
Total:	11	12

PRIVATE REPRIMANDS

Grievance Comm.	# of Sanctions	# of Complaints Resolved
4	5	5
6	2	2
7	1	1
8	1	1
9	1	1
10	1	1
11	1	1
12	1	1
14	1	1
Total:		14
Grievance Referral Program		26
Grand Total:		66

### **Disciplinary Actions - Current Bar Year**

<b>BAR YEARS</b>	<b>Total Sanctions</b>	<b>Total Complaints Resolved</b>
2020-2021		
DISBARMENTS	3	8
RESIGNATIONS IN LIEU OF DISCIPLINE	2	6
SUSPENSIONS	11	12
PRIVATE REPRIMANDS	14	14
GRIEVANCE REFERRAL PROGRAM	26	26
Total:	56	66

\*does not reflect year-end figures/summary data includes ytd

### **Disciplinary Actions - Previous Bar Year**

<b>BAR YEARS</b>	<b>Total Sanctions</b>	<b>Total Complaints Resolved</b>
2019-2020		
DISBARMENTS	21	28
RESIGNATIONS IN LIEU OF DISCIPLINE	9	35
SUSPENSIONS	142	190
PUBLIC REPRIMANDS	39	41
PRIVATE REPRIMANDS	106	115
GRIEVANCE REFERRAL PROGRAM	86	88
Total:	403	497

<b>BAR YEARS</b>	<b>Total Sanctions</b>	<b>Total Complaints Resolved</b>
2018-2019		
DISBARMENTS	14	38
RESIGNATIONS IN LIEU OF DISCIPLINE	17	88
SUSPENSIONS	152	209
PUBLIC REPRIMANDS	32	39
PRIVATE REPRIMANDS	124	138
GRIEVANCE REFERRAL PROGRAM	74	81
Total:	413	593

BAR YEARS 2017-2018	Total Sanctions	Total Complaints Resolved
DISBARMENTS	21	49
RESIGNATIONS IN LIEU OF DISCIPLINE	23	103
SUSPENSIONS	113	159
PUBLIC REPRIMANDS	25	29
PRIVATE REPRIMANDS	70	74
GRIEVANCE REFERRAL PROGRAM	79	80
Total:	331	494

BAR YEARS 2016-2017	Total Sanctions	Total Complaints Resolved
DISBARMENTS	21	63
RESIGNATIONS IN LIEU OF DISCIPLINE	28	124
SUSPENSIONS	126	182
PUBLIC REPRIMANDS	30	37
PRIVATE REPRIMANDS	90	98
GRIEVANCE REFERRAL PROGRAM	50	50
Total:	345	554

BAR YEARS 2015-2016	Total Sanctions	Total Complaints Resolved
DISBARMENTS	22	61
RESIGNATIONS IN LIEU OF DISCIPLINE	27	146
SUSPENSIONS	132	205
PUBLIC REPRIMANDS	30	33
PRIVATE REPRIMANDS	67	72
GRIEVANCE REFERRAL PROGRAM	47	47
Total:	325	564

BAR YEARS 2014-2015	Total Sanctions	Total Complaints Resolved
DISBARMENTS	27	56
RESIGNATIONS IN LIEU OF DISCIPLINE	19	56
SUSPENSIONS	113	147
PUBLIC REPRIMANDS	32	36
PRIVATE REPRIMANDS	66	72
GRIEVANCE REFERRAL PROGRAM	63	71
Total:	320	438

BAR YEARS 2013-2014	Total Sanctions	Total Complaints Resolved
DISBARMENTS	22	41
RESIGNATIONS IN LIEU OF DISCIPLINE	17	59
SUSPENSIONS	130	169
PUBLIC REPRIMANDS	31	35
PRIVATE REPRIMANDS	63	70
GRIEVANCE REFERRAL PROGRAM	58	58
Total:	321	432

BAR YEARS 2012-2013	Total Sanctions	Total Complaints Resolved
DISBARMENTS	39	51
RESIGNATIONS	24	46
SUSPENSIONS	122	160
PUBLIC REPRIMANDS	37	40
PRIVATE REPRIMANDS	89	91
GRIEVANCE REFERRAL PROGRAM	56	56
Total:	367	444

BAR YEARS 2011-2012	Total Sanctions	Total Complaints Resolved
DISBARMENTS	38	45
RESIGNATIONS	27	87
SUSPENSIONS	137	174
PUBLIC REPRIMANDS	40	41
PRIVATE REPRIMANDS	106	115
GRIEVANCE REFERRAL PROGRAM	54	54
Total:	402	516

BAR YEARS 2010-2011	Total Sanctions	Total Complaints Resolved
DISBARMENTS	28	52
RESIGNATIONS	23	101
SUSPENSIONS	157	254
PUBLIC REPRIMANDS	40	50
PRIVATE REPRIMANDS	77	82
GRIEVANCE REFERRAL PROGRAM	46	46
Total:	371	584

BAR YEARS 2009-2010	Total Sanctions	Total Complaints Resolved
DISBARMENTS	25	33
RESIGNATIONS	22	40
SUSPENSIONS	111	169
PUBLIC REPRIMANDS	37	47
PRIVATE REPRIMANDS	81	89
GRIEVANCE REFERRAL PROGRAM	39	39
Total:	315	417

BAR YEARS 2008-2009	Total Sanctions	Total Complaints Resolved
DISBARMENTS	32	43
RESIGNATIONS	26	104
SUSPENSIONS	127	189
PUBLIC REPRIMANDS	46	54
PRIVATE REPRIMANDS	68	73
GRIEVANCE REFERRAL PROGRAM	36	36
Total:	335	499

BAR YEARS 2007-2008	Total Sanctions	Total Complaints Resolved
DISBARMENTS	24	63
RESIGNATIONS	24	90
SUSPENSIONS	121	224
PUBLIC REPRIMANDS	28	35
PRIVATE REPRIMANDS	69	73
GRIEVANCE REFERRAL PROGRAM	33	33
Total:	299	518

BAR YEARS 2006-2007	Total Sanctions
DISBARMENTS	30
RESIGNATIONS	31
SUSPENSIONS	110
PUBLIC REPRIMANDS	62
PRIVATE REPRIMANDS	87
Total:	320



DISTRICT 2:

**Westmoreland, Lee Barrett Barrett: #24001113**  
**08/17/2020-Agreed Fully Probated Suspension**  
**09/01/2020-08/31/2023: PROBATED**

On August 17, 2020, **Lee Barrett Westmoreland** [#24001113], 47, of Nacogdoches, agreed to a 36-month, fully probated suspension (September 1, 2020 through August 31, 2023). An evidentiary panel of the District 2 Grievance Committee found that on April 13, 2017, Westmoreland was court appointed to represent Complainant in a criminal matter. Westmoreland neglected the legal matter entrusted to him, failed to explain the criminal matter to the extent reasonably necessary to permit his client to make informed decisions regarding the representation and failed to timely file a response to the grievance.

Westmoreland violated Rules 1.01(b)(1), 1.03(b), & 8.04(8). He was ordered to pay \$1,300.00 in attorneys' fees.

DISTRICT 4:

**Houston Attorney**  
**07/29/2020-Agreed Private Reprimand**

Rule 1.01(b)(1)  
Neglecting a legal matter entrusted to the lawyer.

Rule 8.04(a)(3)  
Engaging in conduct involving dishonesty, fraud, deceit or misrepresentation.

**Chism, Daniel K.: #24064182**  
**06/23/2020-Agreed Fully Probated Suspension**  
**07/01/2020-01/01/2021: PROBATED**

On June 23, 2020, **Daniel K. Chism** [#24064182], 44, of Houston, received a six-month, fully probated suspension, effective July 1, 2020, through January 1, 2021. An investigatory panel of the District 4 Grievance Committee found that Chism failed to keep his client reasonably informed about the status of the client's legal matter and failed to promptly comply with her reasonable requests for information about the case. Chism also upon receiving funds to which his client was justly entitled, failed to promptly deliver to his client said funds that she was entitled to receive.

Chism violated Rules 1.03(a) and 1.14(b).

**Houston Attorney**  
**06/03/2020-Agreed Private Reprimand**

Rule 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 fee that was not earned.

**Houston Attorney**  
**07/29/2020-Agreed Private Reprimand**

Rule 4.04(b)(1)

Presenting, participating in presenting, or threatening to present criminal or disciplinary charges solely to gain an advantage in a civil matter.

**Houston Attorney**  
**08/05/2020-Agreed Private Reprimand**

Rule 1.01(b)(2)

Failing to carry out completely the obligations owed to a client.

Rule 1.03(a)

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)

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 fee that was not earned.

Rule 8.04(a)(8)

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.

**Houston Attorney**  
**06/01/2020-Agreed Private Reprimand**

Rule 1.03(a)

Failing to keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.

**Willbern, Thomas Austin III: #21507700**  
**06/29/2020-Agreed Fully Probated Suspension**  
**06/30/2020-06/30/2021: PROBATED**

On June 29, 2020, **Thomas Austin Willbern III** [#21507700], 68, of Houston, received a 12-month, fully probated suspension, effective June 30, 2020, through June 30, 2021. An investigatory panel of the District 4 Grievance Committee found that Willbern failed to timely furnish to the Chief Disciplinary Counsel office a response or other information as required by the Texas Rules of Disciplinary Procedure. Willbern did not, in good faith, timely assert a privilege or other legal ground for failure to do so Willbern violated Rule 8.04(a)(8).

DISTRICT 6:

**Dallas Attorney**  
**08/17/2020-Agreed Private Reprimand**

Rule 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: (1) Reveal confidential information of a client or a former client to: (ii) anyone else other than the client, the client's representatives, or the members, associates, or employees of the lawyer's law firm.

**Jackson, Rayshun: #00797754**  
**07/21/2020-Agreed Fully Probated Suspension**  
**08/01/2020-07/31/2021: PROBATED**

On July 21, 2020, **Rayshun Jackson** [#00797754], 51, of Dallas, agreed to 12-month, fully probated suspension, effective August 1, 2020. The District 6 Grievance Committee found that on July 25, 2019, Jackson contacted Complainant regarding representing her husband with regard to criminal matters in Collin and Tarrant counties. Jackson contacted Complainant, who did not seek Jackson's advice regarding employment nor had a family or past or present attorney-client relationship, offering to represent Complainant's husband in the criminal matters. Jackson failed to explain the criminal matters to the extent reasonably necessary to permit Complainant and her husband to make informed decisions regarding the representation. Jackson violated Rules 1.03(b), and 7.03(a). He was ordered to pay \$1,000.00 in attorneys' fees and direct expenses.

**Dallas Attorney**  
**06/23/2020-Agreed Private Reprimand**

Rule 8.04(a)(11)

A lawyer shall not engage in the practice of law when the lawyer is on inactive status, except as permitted by section 81.053 of the Government Code and Article XIII of the State Bar Rules, 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.

DISTRICT 7:

**Dallas Attorney**  
**08/27/2020-Agreed Private Reprimand**

Rule 1.08(g)

A lawyer shall not make an agreement prospectively limiting the lawyer's liability to a client for malpractice unless permitted by law and the client is independently represented in making the agreement, or settle a claim for such liability with an unrepresented client or former client without first advising that person in writing that independent representation is appropriate in connection therewith.

DISTRICT 8:

**Austin Attorney**  
**08/17/2020-Agreed Private Reprimand**

Rule 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 fee that was not earned.

Rule 8.04(a)(11)

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.

DISTRICT 9:

**Collins, Kyle B.: #04613400**  
**06/26/2020-Agreed Fully Probated Suspension**  
**07/01/2020-06/30/2021: PROBATED**

On June 26, 2020, **Kyle B. Collins** [#04613400], 66, of Austin, accepted a one-year, fully probated suspension, effective July 1, 2020. An investigatory panel of the District 9 Grievance Committee found that while representing a client in a criminal matter, Collins neglected the legal matter and failed to keep his client reasonably informed about the status of the matter. Collins further failed to timely return the unearned fee to his client and timely file a response to the grievance.

Collins violated Rules 1.01(b)(1), 1.03(a), 1.15(d), and 8.04(a)(8).

**Austin Attorney**  
**07/30/2020-Agreed 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.

DISTRICT 10:

**San Antonio Attorney**  
**07/06/2020-Agreed Private Reprimand**

Rule 1.01(b)(1)

Neglecting a legal matter entrusted to the lawyer.

**Sandefur, Christopher Michael: #24013454**  
**08/21/2020-Resignation in lieu of Discipline**

On August 21, 2020, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Christopher Michael Sandefur** [#24013454], 54, of San Antonio. At the time of the resignation, there were five disciplinary actions pending alleging Sandefur neglected clients' matters, failed to communicate with clients, failed to return unearned fees, failed to promptly notify and deliver funds to parties entitled to receive funds, failed to return clients' files and engaged in conduct involving misrepresentation. It is alleged Sandefur violated Rule(s) 1.03(a)&(b), 1.01(b)(1), 1.14(b), 1.15(d) and 8.04(a)(3).

DISTRICT 11:

**Davis, Mark Anthony: #24012509**  
**03/06/2020-Disbarment**

On March 6, 2020, **Mark Anthony Davis** [#24012509], 49, of Victoria, was disbarred. An evidentiary panel of the District 11 Grievance Committee found that Davis failed to communicate with a client, failed to hold client's funds separate from his own property, failed to promptly notify and deliver funds to parties entitled to receive funds and failed to respond to a grievance.

Davis violated Rules 1.03(a), 1.14(a)(b)&(c), and 8.04(a)(8), was ordered to pay \$50,000.00 in restitution and \$2,532.50 in attorneys' fees and direct expenses.

**San Antonio Attorney**  
**07/08/2020-Agreed Private Reprimand**

Rule 1.01(b)(1)

In representing a client, 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.

DISTRICT 12:

**Darley, Judge Lon: #05384850**  
**08/06/2020-Default Disbarment**

On August 6, 2020, the Board of Disciplinary Appeals signed a Default Judgment of Disbarment against Oklahoma City, OK attorney **Lon Darley**, 68, State Bar of Texas Card # 05384850. On or about June 10, 2019 an Order Approving Resignation from Oklahoma Bar Association Pending Disciplinary Proceedings was entered by the Supreme Court of the State of Oklahoma, in a matter styled State of Oklahoma ex rel. Oklahoma Bar Association, Complainant, v. Lon Jackson Darley, III, Respondent, SCBD #6802, disbaring Darley from the practice of law in Oklahoma.

**Habermann, Richard Otto: #08665530**  
**07/06/2020-Agreed Partially Probated Suspension**  
**07/01/2020-01/01/2021: SUSPENSION**  
**01/01/2021-01/01/2026: PROBATED**

On July 6, 2020, **Richard Otto Habermann** [#08665530], 74, of McAllen, agreed to a five-year, partially probated suspension, effective July 1, 2020, with the first six months actively served and the remainder probated. An investigatory panel of the District 12 Grievance Committee found that Habermann failed to hold funds related to a representation separate from his own property and failed to deliver funds to parties entitled to receive the funds promptly.

Habermann violated Rules 1.14(a)&(b) was ordered to pay \$88,672.00 in restitution and \$800.00 in attorneys' fees and direct expenses.

**San Antonio Attorney**  
**08/10/2020-Agreed Private Reprimand**

Rule 5.04(a)

A lawyer or law firm shall not share or promise to share legal fees with a non-lawyer.

**Morales, Jaime M.: #24041521**  
**08/24/2020-Agreed Partially Probated Suspension**  
**12/01/2020-01/01/2021: SUSPENSION**  
**01/01/2021-01/01/2025: PROBATED**

On August 24, 2020, **Jaime M. Morales** [#24041521], 42, of McAllen, agreed to a five-year and one-month, partially probated suspension, effective December 1, 2020, with the first month actively served and the remainder probated. An investigatory panel of the District 12 Grievance Committee found that Morales failed to communicate with clients and failed to hold clients' funds separate from his own property.

Morales violated Rules 1.03(a), and 1.14(a), was order to pay \$63,000.00 in restitution and \$1,000.00 in attorneys' fees and direct expenses.

DISTRICT 14:

**Dallas Attorney**  
**08/25/2020-Agreed Private Reprimand**

Rule 1.01(b)(1)

In representing a client, a lawyer shall not neglect a legal matter entrusted to the lawyer.

DISTRICT 15:

**Sullivan, Charles Wayne: #24049421**  
**08/24/2020-Agreed Fully Probated Suspension**  
**09/01/2020-03/01/2021: PROBATED**

On August 24, 2020, **Charles Wayne Sullivan** [#24049421], 65, of Canyon Lake, accepted a six-month, fully probated suspension, effective September 1, 2020. An investigatory panel of the District 15 Grievance Committee found that Sullivan entered into a business transaction without giving the client a reasonable opportunity to seek the advice of independent counsel in the transaction.

Sullivan violated Rule 1.08(a)(2), and agreed to pay \$600.00 in attorneys' fees and direct expenses.

BOARD OF DISCIPLINARY APPEALS:

**Bransford, Traci Leigh: #02897520**  
**08/06/2020-Agreed Active Suspension**  
**08/06/2020-09/04/2020: SUSPENSION**

On August 6, 2020, the Board of Disciplinary Appeals signed an Agreed Judgment of Suspension against Houston attorney **Traci Leigh Bransford**, 56, State Bar of Texas Card #02897520. On or about February 26, 2020, an Agreed Disposition Memorandum Order for a Suspension Without Terms was entered in Case No. CL20-452 before the Circuit Court for the City of Chesapeake, Virginia, in a matter styled *In the Matter of Traci Leigh Bransford Marquis, VSB Docket No. 19-010-115084*, suspending Bransford from the practice of law for 30 days.

**Jaynes, David Andrew: #10595790**  
**08/06/2020-Default Disbarment**

On August 6, 2020, the Board of Disciplinary Appeals signed a Default Judgment of Disbarment against Palm Springs, FL attorney **David Andrew Jaynes**, 66, State Bar of Texas Card #10595790. On or about May 23, 2019 an Order was issued by the Supreme Court of Florida in *The Florida Bar, Petitioner(s) vs. David Andrew Jaynes, Respondent*, Case No. SC20-254, Lower Tribunal No(s): 2019-90,029(OSC), disbaring Jaynes from the practice of Law in the State of Florida.

**Portley, Kirby Jerome: #24085865**  
**07/31/2020-Active Suspension**  
**07/31/2020-07/30/2023: SUSPENSION**

On July 31, 2020, the Board of Disciplinary Appeals issued an Agreed Judgment of Revocation and Active Suspension from the Practice of Law for Austin attorney **Kirby Jerome Portley**, 36, State Bar of Texas Card #24085865, from an Agreed Judgment of Partially Probated Suspension by the Evidentiary Panel for the State Bar of Texas District 9-2 Grievance Committee. Committee #'s 201705482, 201707485, 201800233, 201801377, 201801854. Gaines West of College Station represented Portley.



**Shotwell, Gwendolyn Jean: #18304210**  
**08/17/2020-Agreed Fully Probated Suspension**  
**08/17/2020-08/17/2021: PROBATED**

On August 17, 2020 the Board of Disciplinary Appeals signed an Agreed Judgment of Probated Suspension against Colorado attorney **Gwendolyn Jean Shotwell**, 58, State Bar of Texas Card #18304210. On or about November 8, 2019 an Order Approving Conditional Admission of Misconduct and Imposing Sanctions Under C.R.C.P.251.22 was entered in the Supreme Court, State of Colorado, in a matter styled *Complainant: The People of the State of Colorado, Respondent: Gwendolyn Jean Shotwell, #32238*, Case No. 19PDJ075, suspending Shotwell from the practice of law for one year and one day, all stayed upon the successful completion of a one year period of probation.

**Tittlebaum, Marc Maraman: #24028044**  
**08/21/2020-Resignation in lieu of Discipline**

On August 21, 2020, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Marc Maraman Tittlebaum** [#24028044], 47, of Conroe. At the time, the following allegations of professional misconduct were pending. In April 2012, a Deferred Sentence Order was entered against Tittlebaum in the County Court at Law No. 4, Montgomery County, Texas, wherein Tittlebaum pled guilty to Theft of Property, a class A misdemeanor. Tittlebaum's sentence was deferred and he was and placed on Community Supervision for a period of one (1) year, ordered to complete sixteen (16) hours of Community Service, and was prohibited from entering the property of Compliant. Tittlebaum was further ordered to pay a fine in the amount of \$750.00, court costs in the amount of \$282.00, and restitution in the amount of \$676.16 to Compliant.

On or about August 11, 2014, an Order of Adjudication of Guilt was entered in the County Court at Law No. 4, Montgomery County, Texas, wherein Tittlebaum's Deferred Adjudication Community Supervision was revoked. The Court reformed the judgment and a jail sentence was imposed of three (3) days in the Montgomery County jail. Tittlebaum was ordered to pay a fine in the amount of \$750.00, but credited with time served and ordered to pay outstanding monies in the amount of \$50.00. This conviction would have subjected Tittlebaum to compulsory discipline.