



General questions regarding attorney discipline should be directed to the Chief Disciplinary Counsel's Office, toll-free (877)953-5535 or (512)453-5535. The Board of Disciplinary Appeals may be reached at (512)475-1578. Information and copies of actual orders are available at www.txboda.org. The State Commission on Judicial Conduct may be contacted toll-free (877)228-5750 or (512)463-5533. Please note that persons disciplined by the Commission on Judicial Conduct are not necessarily licensed attorneys.

BODA ACTIONS

On June 2, the Board of Disciplinary Appeals dismissed for want of prosecution the appeal of **O. Wayne Crocker** [#05087500], 61, of San Antonio, of a judgment of partially probated suspension signed by an evidentiary panel of the District 10A-2 Grievance Committee in Case Nos. S0010717936, S0080718948, and S0090719094 on Dec. 2, 2008. The Board found that Crocker did not file a reporter's record or a brief. The Board issued an order to show cause to Crocker on April 6, giving him 30 days to

respond and show cause as to why the appeal should not be dismissed for want of prosecution. Crocker did not respond. BODA cause number 43606.

On June 16, the Board of Disciplinary Appeals signed a judgment disbarring **Warren Reid Williamson** [#21628400], 57, of Houston, from the practice of law. Williamson pleaded guilty to possession of child pornography in violation of 18 U.S.C. §2252A(a)(5)(B) and 2252A(b)(2), intentional crimes as defined in the Texas Rules of Disciplinary Procedure, in Cause No. 4:08CR00425-001 styled, *United States of America v. Warren Reid Williamson*, in the U.S. District Court for the Southern District of Texas, Houston Division. Williamson was sentenced to a term of imprisonment of 78 months, followed by supervised release for life. In addition, Williamson was ordered to pay an assessment in the amount of \$100. Williamson failed to answer or appear at the hearing. BODA cause number 44291.

On June 16, the Board of Disciplinary Appeals signed a judgment disbarring **Timothy Reese Balducci** [#24049213], 41, of New Albany, Miss., from the practice of law. Balducci pleaded guilty to conspiracy to commit bribery of an elected state official by means of wire fraud in violation of 18 U.S.C. §371, an intentional crime as defined in the Texas Rules of Disciplinary Procedure, in Cause No. 3:07CR192 styled, *United States of America v. Timothy Reese Balducci*, in the U.S. District Court for the Northern District of Mississippi. Balducci was sentenced to a term of imprisonment of two years, followed by supervised release for

three years. In addition, Balducci was ordered to pay an assessment in the amount of \$100. Balducci failed to answer or appear at the hearing. BODA cause number 44269.

On June 16, the Board of Disciplinary Appeals signed a judgment disbarring **David M. Ucherek** [#00794765], 39, of Urbana, Ill. On Sept. 17, 2008, the Supreme Court of Illinois disbarred Ucherek in *In re M.R. 22538, David M. Ucherek, 103 North Race Street, Urbana, Illinois 61801-2625*. Ucherek did not answer or appear in this disciplinary proceeding. In accordance with Part IX of the Texas Rules of Disciplinary Procedure, Ucherek was disbarred from the practice of law in Texas. BODA cause number 44218.

On June 12, the Board of Disciplinary Appeals signed an agreed order revoking the probation of **Hollie Vesla Greene** [#24006564], 34, of Ocala, Fla., and suspended her from the practice of law for one year, effective June 12. On Oct. 20, 2008, Greene consented to an agreed judgment of partially probated suspension signed by the District 7-A Grievance Committee. The agreed order found that Greene committed professional misconduct and suspended her from the practice of law for one year, effective Dec. 1, 2008, with the first three months actively served and the remainder probated. The Board of Disciplinary Appeals found that Greene violated the terms and conditions of probation in violation of the terms and conditions of the agreed judgment. BODA cause number 44549.

DISBARMENTS

On March 18, **Nicholas J. Kenney** [#24003988], 44, of El Paso, was disbarred. An evidentiary panel of the District 17-A Grievance Committee found that Kenney failed to hold client funds separate from his own and failed to promptly deliver funds that a third party was entitled to receive.

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Kenney violated Rules 1.14(a) and (b) and 8.04(a)(3). He was ordered to pay \$3,887.20 in attorney's fees and costs and \$7,380 in restitution.

On June 1, **Joan Myers** [#14761600], 65, of Bedford, was disbarred. An evidentiary panel of the District 7-A Grievance Committee found that Myers failed to keep a credit group reasonably informed about the status of its collection matters. Myers failed to promptly comply with reasonable requests for information from the credit group or its attorney about the status of its collection matter. Myers failed to keep the credit group's funds in a separate trust account. Upon receiving funds in which the credit group had an interest, Myers failed to promptly notify the credit group. Myers failed to promptly deliver to the credit group funds that it was entitled to receive. Upon request by the credit group, Myers failed to promptly render a full accounting regarding such funds.

Myers violated Rules 1.03(a) and 1.14(a) and (b). She was ordered to pay \$7,616.06 in attorney's fees.

Myers filed an appeal on June 29.

On May 13, **Kevin Crockett Scrivner** [#24037461], 38, of Dallas, was disbarred. An evidentiary panel of the District 6-A Grievance Committee found that Scrivner failed to hold funds belonging to the complainant that were in Scrivner's possession in connection with representation separate from Scrivner's own property. Upon termination of representation, Scrivner failed to refund advance payments of a fee that had not been earned.

Scrivner violated Rules 1.14(a) and 1.15(d). He was ordered to pay \$2,360.15 in attorney's fees and costs and \$5,000 in restitution.

Scrivner had until June 12 to file an appeal.

RESIGNATIONS

On April 28, the Supreme Court of Texas accepted the resignation, in lieu of

discipline, of **Phillip J. Stein** [#19129600], 46, of Brownsville. At the time of Stein's resignation, there were eight disciplinary matters pending. In six of the pending matters, Stein settled his client's case without permission and failed to properly disburse settlement monies. In one complaint, Stein failed to properly disburse client funds that were intended for the purchase of real estate. In the final matter, Stein neglected his client's representation and failed to communicate with his client.

Stein violated Rules 1.01(b)(1); 1.02(a)(2); 1.03(a); 1.14(a), (b), and (c); 1.15(d); and 8.04(a)(2) and (a)(3). He was ordered to pay \$145,824.95 in restitution.

On May 22, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Diana Lynn Minella** [#50511745], 50, of San Antonio. At the time of her resignation, Minella had been indefinitely suspended by the Bexar County District Court. Minella engaged in conduct involving fraud, misrepresentation, or deceit. She entered an arrangement for and charged an unconscionable fee, neglected cases, and failed to keep her clients informed.

Minella violated Rules 1.01(b)(1) and (b)(2), 1.03(a) and (b), 1.04, and 8.04(a)(3).

On June 8, the Supreme Court of Texas accepted the resignation, in lieu of compulsory discipline, of **Dan M. Brazil** [#02934000], 81, of Lufkin. At the time of Brazil's resignation, a two-count forgery indictment was pending in Angelina County against him.

Brazil violated Rules 3.03(a)(5), 3.04(b), and 8.04(a)(2) and (a)(3).

On June 8, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Lewis Palomino** [#24029761], 49, of El Paso. At the time of Palomino's resignation, there was one disciplinary matter pending against him alleging Palomino failed to communicate with

his client and neglected the legal matter.

Palomino violated 1.01(b)(1) and 1.03(a).

On June 8, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Michael Orji-Nwosu** [#00795568], 45, of Havertown, Pa. The Court found that Orji-Nwosu was found guilty of possession with intent to distribute five kilograms or more of a mixture and substance containing a detectable amount of cocaine in violation of 21 U.S.C. §841(a)(1) and (b)(1)(A)(ii). Orji-Nwosu was committed to the custody of the U.S. Bureau of Prisons for 14 years and ordered that upon release from imprisonment to be on supervised release for a term of five years and further ordered to pay a fine in the amount of \$7,000 and an assessment

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of \$100, which would subject him to compulsory discipline.

SUSPENSIONS

On April 8, **Robin Vaughan Dwyer** [#06304800], 56, of Seguin, received a one-year, fully probated suspension effective April 13. The District 11-C Grievance Committee found Dwyer neglected a guardianship representation, failed to keep his client reasonably informed about the status of the case, failed to respond to reasonable requests for information, and failed to respond to the grievance.

Dwyer violated Rules 1.01(b)(1), 1.03(a) and (b), and 8.04(a)(8). He was ordered to pay \$2,440 in attorney's fees and expenses and \$1,000 in restitution.

On June 4, **Timothy W. Sorenson** [#18848400], 63, of Dallas, received a

one-year, fully probated suspension effective June 1. The 192nd Judicial District Court found that Sorenson was actively suspended from the practice of law from June 1, 2007, to Oct. 15, 2007. While actively suspended, Sorenson engaged in the practice of law, thereby violating the terms of the disciplinary judgment. Sorenson also engaged in misrepresentation.

Sorenson violated Rules 8.04(a)(3), (a)(7), and (a)(11). He was ordered to pay \$7,500 in attorney's fees.

Sorenson has filed an appeal.

On June 2, **Don C. Cooksey** [#04762500], 62, of Texarkana, received a one-year, fully probated suspension effective June 1. Judge Earl B. Stover III of the 88th District Court in Kountze found that in November 2006, the complainant hired Cooksey for representation in a child support matter for a \$1,500 fee. Thereafter, Cooksey failed to keep the complainant informed regarding his matter and failed to respond to the complainant's requests for information. In addition, Cooksey failed to supervise his employees during the course of the case. Furthermore, Cooksey failed to promptly return the complainant's fee. And finally, Cooksey failed to respond to the complainant's grievance.

Cooksey violated Rules 1.03(a), 1.15(d), 5.03, and 8.04(a)(8). He was ordered to pay \$5,932.97 in attorney's fees and costs.

Cooksey had until July 2 to appeal.

On June 12, **Saul R. Acevedo** [#00829915], 46, of San Antonio, accepted a one-year, fully probated suspension effective June 1. An evidentiary panel of the District 10-A Grievance Committee found that Acevedo neglected a medical malpractice case, failed to communicate with his client, and failed to protect his clients' interests upon withdrawal.

Acevedo violated Rules 1.01(b)(1), 1.03(b), and 1.15(d). He was ordered to pay \$1,000 in attorney's fees and expenses.

On June 8, **Matthew D. Hill** [#24032296], 32, of Dallas, agreed to a one and a half-year, fully probated suspension effective June 5. An evidentiary panel of the District 6-A Grievance Committee found that Hill neglected the complainant's legal matter, failed to keep the complainant reasonably informed about the status of his wrongful termination matter, and failed to promptly comply with reasonable requests for information from the complainant. Hill failed to timely furnish a response to the grievance.

Hill violated Rules 1.01(b)(1), 1.03(a), and 8.04(a)(8). He was ordered to pay \$5,200 in attorney's fees and costs.

On May 29, **Kirby J. Roberts** [#17012900], 53, of Brownwood, received a one-year, fully probated suspension effective May 1. An evidentiary panel of the District 14-C Grievance Committee found that Roberts failed to promptly comply with reasonable requests for information from his client about a real estate matter. Upon termination of representation, Roberts failed to surrender papers and property to which his client was entitled and failed to refund advance payments of a fee that had not been earned.

Roberts violated Rules 1.03(a) and 1.15(d). He was ordered to pay \$1,500 in attorney's fees and costs and \$1,200 in restitution.

REPRIMANDS

On June 1, **Xavier A. Gonzalez** [#24005070], 44, of Fort Worth, received a public reprimand from the 352nd Judicial District Court. In August 2005, the complainant hired Gonzalez to represent her in a personal injury matter. During the course of the representation, Gonzalez failed to adequately communicate with the complainant.

Gonzalez violated Rule 1.03(a). He was ordered to pay \$2,937 in attorney's fees and costs.

Gonzalez did not file an appeal.

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On June 2, **Rosa Maria Gonzalez** [#24036655], 44, of San Antonio, accepted a public reprimand. The District 10-A Grievance Committee found that an employee under Gonzalez's direct supervision substituted a signature page photocopied from temporary orders in a custody matter into the final order that was signed by the court. Upon learning of the employee's actions, Gonzalez failed to take appropriate remedial measures.

Gonzalez violated Rules 5.03(b) and 8.01(b). She agreed to pay \$850 in attorney's fees and expenses.

On May 5, **Jeffery Keith Gordon** [#00795968], 44, of Austin, received a public reprimand. An evidentiary panel of the District 9-A Grievance Committee found that in 2005, while Gordon was representing clients on a breach of contract claim, he requested leave to supplement his summary judgment record and attached what appeared to be an original signature page signed by his client in 2000. The document was not the original signature page but instead was one that had been signed by the client the night before the 2005 summary judgment hearing. Whether the client had signed the contract in 2000 was a material issue in the litigation. The tendered signature page was challenged by the opposing party as newly "manufactured" evidence at the hearing on the motion for summary judgment. Gordon did not inform the Court at that time that the tendered signature page had just been signed by the client. Gordon thereafter filed pleadings falsely suggesting that this document was the original signature page. Six weeks later, in response to discovery, Gordon and the client disclosed to opposing counsel that the client had signed the signature page at issue on the eve of the summary judgment hearing and also disclosed the recently found original signature page from 2000. But Gordon did not inform the Court of these facts. The Court granted Gordon's motion for leave to supplement the record, but denied the motion for partial

summary judgment. The case went to trial in 2007, at which time the client testified during cross-examination that he had signed the tendered signature page just prior to Gordon submitting it as evidence in 2005. When questioned by the Court, Gordon admitted that the client had signed the document right before the summary judgment hearing.

Gordon violated Rules 3.03(a)(1) and (a)(5) and 8.04(a)(3). He was ordered to pay \$14,255.58 in attorney's fees and expenses.

On May 19, **Jimmy Lee Browning** [#03223000], 68, of Breckenridge, received a public reprimand. An evidentiary panel of the District 14-C Grievance Committee found that in representing the complainant, Browning failed to promptly comply with reasonable requests for information about a probate matter. Browning failed to respond to the grievance.

Browning violated Rules 1.03(a) and 8.04(a)(8). He was ordered to pay \$250 in restitution.

On June 23, **Nuru Witherspoon** [#24039244], 32, of Dallas, received a public reprimand. An evidentiary panel of the District 6-A Grievance Committee found that Witherspoon failed to keep the complainant reasonably informed about the status of his personal injury case and promptly respond to his requests for information. Witherspoon also failed to provide the complainant with a written statement describing the outcome of his settlement. Furthermore, Witherspoon failed to promptly deliver funds from the settlement to the complainant's third-party medical provider.

Witherspoon violated Rules 1.03(a), 1.04(d), and 1.14(b). He was ordered to pay \$1,500 in attorney's fees. ✪

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