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# DISCIPLINARY ACTIONS

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](http://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.

## DISBARMENTS

On Nov. 8, 2007, **Michael W. Williams** [#21564500], 70, of Port Aransas, was disbarred. In considering three grievances, the 117th District Court of Nueces County found Williams knowingly made a false statement of material fact in connection with a disciplinary proceeding, failed to keep client funds separate from his own, neglected two of the representations, and failed to communicate with his clients.

Williams violated Rules 1.01(b)(1), 1.03(a), 1.14(a), 8.01(a), and 8.04(a)(3). He was ordered to pay \$6,460 in attorney's fees and costs and \$464 in restitution.

On Nov. 1, 2007, **Bruce Ashford Morrow** [#14536950], 44, of Dallas, was disbarred. A panel of the District 6-A Grievance Committee found that on Oct. 3, 2005, the complainant hired Morrow to represent her son in a federal criminal matter. The complainant paid Morrow \$4,000. Thereafter, Morrow failed to file an appearance on the complainant's son's behalf and failed to perform any meaningful work in the matter. The complainant fired Morrow and requested a refund of attorney's fees. In response, Morrow told the complainant he would provide an accounting of his time and refund the balance of the attorney's fees, but he failed to do so. In addition, Morrow failed to respond to the grievance committee and failed to assert any privilege or other legal ground for his failure to do so.

Morrow violated Rules 1.01(b)(1) and (b)(2), 1.15(d), and 8.04(a)(8). He was ordered to pay \$1,621.60 in attorney's fees and costs and \$4,000 in restitution.

## RESIGNATIONS

On Dec. 12, 2007, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Phillip E. Layer**

[#12065600], 56, of Dallas. At the time of Layer's resignation, there were five disciplinary matters pending against him alleging trust account violations; neglecting legal matters; failing to provide an accounting; failing to properly supervise a non-lawyer assistant; failing to respond to reasonable requests for information from clients; failing to return unearned fees; failing to respond to demand for information from the State Bar; filing false documents in court; and disobeying a court order.

Layer violated Rules 1.01(b)(1), 1.03(a), 1.14(a) and (b), 1.15(d), 3.01, 3.02, 3.03(a)(1) and (a)(5), 3.04(d), 5.03(a) and (b)(1), 8.01(b), and 8.04(a)(2) and (a)(3). He was ordered to pay \$8,700 in restitution.

## SUSPENSIONS

On Nov. 20, 2007, **Bruce Neill Smith** [#18543300], 58, of Beaumont, received a two-year, fully probated suspension effective Nov. 1, 2007. The District 3-A Grievance Committee found Smith was retained to represent a client in a criminal matter in Jefferson County. Smith's client was already serving four years deferred adjudication in Galveston County. Smith filed a Motion for Early Termination of Deferred Adjudication on behalf of his client in Galveston County, although Smith knew that his client was in violation of his terms of probation by virtue of the Jefferson County charge and arrest. Smith knowingly withheld the information about his client's second criminal charge, did nothing to correct the court's misapprehensions, and took no steps to prevent fraud upon the court.

Smith violated Rules 1.02(e), 3.03(a)(1), and 8.04(a)(3). He was ordered to pay \$3,500 in attorney's fees and \$1,500 in costs.

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## DISCIPLINARY ACTIONS

On Nov. 28, 2007, **H. Tati Santiesteban** [#17644000], 74, of El Paso, accepted a two-year, fully probated suspension effective Nov. 5, 2007. The District 17-A Grievance Committee found Santiesteban neglected a criminal representation.

Santiesteban violated Rule 1.01(b)(1). He was ordered to pay \$600 in attorney's fees and expenses and \$4,000 in restitution.

On Nov. 5, 2007, **Yolanda Denise Clay** [#00795567], 38, of Houston, received a three-year, partially probated suspension effective Dec. 1, 2007, with the first year to be actively served and the remainder probated. The 165th Judicial District Court of Harris County found that Clay received an overpayment of attorney's fees from a wage withholding order in the amount of \$1,246. Although notified repeatedly of the overpayment, Clay refused to cease the wage withholding and refused to return the overpayment to the complainant.

Clay violated Rules 1.01(b)(1), 1.04(a), and 1.14(b) and (c). She was ordered to pay \$8,232.92 in attorney's fees and costs and \$1,246 plus pre-judgment interest in restitution.

On Dec. 3, 2007, **Derek K. Harmon** [#00790824], 48, of Houston, accepted a one-year, fully probated suspension effective Dec. 1, 2007. The 61st Judicial District Court of Harris County found that Harmon and his client entered into an oral barter agreement for legal services. Harmon failed to respond to certain discovery requests and did not consult with the client prior to trial. After the trial, Harmon refused to return the client file upon request and charged the client for monetary fees in addition to the barter agreement. Harmon failed to timely furnish responses to the Chief Disciplinary Counsel as required by the Texas Rules of Disciplinary Procedure.

Harmon violated Rules 1.01(b)(1) and (b)(2), 1.02(a)(1), 1.03(a) and (b), 1.04(a) and (c), 1.08(a)(1), 1.15(d), and 8.04(a)(8). He agreed to pay \$3,000 in attorney's fees and costs.

### REPRIMANDS

On Nov. 5, 2007, **Betty Stovall Clark** [#04271420], 70, of Houston, received a public reprimand. An evidentiary panel of the District 4-E Grievance Committee found that Clark was counsel for a plaintiff in a civil case when she repeatedly abused the discovery process. The trial court issued certain rulings that Clark disobeyed, preventing the Court from conducting proceedings in a dignified, orderly, and expeditious manner.

Clark violated Rules 3.04(c)(2), (c)(4), and (c)(5) and 8.04(a)(1). She was ordered to pay \$3,086.50 in attorney's fees and \$285.20 in costs.

On Dec. 19, 2007, **J.R. McNeeley** [#24010748], 54, of Amarillo, received a public reprimand. A panel of the District 13-A Grievance Committee found that on Oct. 2, 2006, McNeeley was served with notice of the complaint. McNeeley failed to file a written response and asserted no grounds for his failure to do so.

McNeeley violated Rule 8.04(a)(8). He was ordered to pay \$825 in attorney's fees and costs.

On Dec. 14, 2007, **Kimberly Danette Ashley** [#01378200], 39, of Fort Worth, received a public reprimand. A panel of the District 7-A Grievance Committee found that Ashley distributed a matchbook cover advertisement to other lawyers and to former clients. On Oct. 11, 2005, the Advertising Review Committee of the State Bar of Texas sent certified correspondence to Ashley, requesting that she file her advertisement with the ARC. Ashley failed to respond to the ARC's calls and written correspondence and subsequently failed to file the advertisement with the ARC. Ashley also failed to disclose the geographic location of her principal office on her matchbook cover advertisement.

Ashley violated Rules 7.04(j) and 7.07(a)(1). She was ordered to pay \$1,217.50 in attorney's fees. ❖