

JUDICIAL ACTIONS

To read the entire public sanctions, go to scjc.texas.gov.

On June 17, 2021, the Special Court of Review of the State Commission on Judicial Conduct issued an opinion on *In Re Inquiry Concerning Honorable Thomas G. Jones*, SCR 21-000, CJC No. 19-1083.

On July 12, 2021, the State Commission on Judicial Conduct issued the voluntary agreement to resign from judicial office in lieu of disciplinary action signed by the chair of the State Commission on Judicial Conduct regarding *In Re: Honorable George Barnstone Harris County Civil Court at Law No. 1 Houston, Harris County, Texas CJC Nos. 19-0336, 19-0910, 19-1289, 19-1821, 20-0221 & 20-0924*.

On July 14, 2021, the State Commission on Judicial Conduct issued a public admonition and order of additional

education (nunc pro tunc) to Paul Lilly, county judge, Brownwood, Brown County. Lilly is appealing his sanction.

DISBARMENTS

On May 27, 2021, **THOMAS F. FLEISCHER** [#00784056], of North Richland Hills, was disbarred, effective May 24, 2021. The District 7 Grievance Committee found that on January 31, 2017, the complainant hired Fleischer to represent her in the probate of the estate of her deceased father. The complainant was appointed the estate's administer and Fleischer was entrusted with the estate's funds but failed to deposit the funds in an IOLTA or a designated trust account. Over the course of the representation, the complainant made multiple requests for information that went unanswered by Fleischer. The complainant also requested reimbursement for estate-related expenses and to reimburse the Teacher Retirement System of Texas, or TRS, for overpayments made to the decedent. Fleischer failed to reimburse the complainant or TRS. In April 2019, the complainant requested an accounting of the estate funds, and Fleischer represented that he would provide an accounting and proof that the estate funds were safeguarded but failed to provide the accounting or proof that the estate funds were in trust. On May 20, 2019, the complainant sent Fleischer a certified letter requesting that the estate funds be returned to her or sent to her new attorney. Fleischer did not respond to this request. Fleischer failed to respond to the grievance.

Fleischer violated Rules 1.01(b)(1), 1.03(a), 1.14(a), 1.14(b), 8.04(a)(3), and 8.04(a)(8). He was ordered to pay \$14,575.33 in restitution and \$3,534 in attorneys' fees and direct expenses.

On July 14, 2021, **CHRISTINA E. PAGANO** [#07154500], of Austin, received a judgment of disbarment effective July 8, 2021. An evidentiary panel of the District 9 Grievance Committee found that on or about January 16, 2018, Pagano was hired to

represent the complainant in a Child Protective Services matter. Thereafter, Pagano failed to keep the complainant reasonably informed about the status of the complainant's case and failed to promptly respond to the complainant's requests for information. Upon termination, Pagano failed to timely withdraw from the case. Pagano further failed to provide a written response to the complainant's disciplinary complaint.

Pagano violated Rules 1.03(a), 1.15(a)(3), and 8.04(a)(8) of the Texas Disciplinary Rules of Professional Conduct, Article X, Section 9, State Bar Rules. Pagano was ordered to pay \$1,500 in restitution and \$2,318.87 in attorneys' fees and expenses.

RESIGNATIONS

On June 15, 2021, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **WILLIAM P. DAVIS** [#05564000], of Dallas. At the time of Davis' resignation, there were two pending matters against him alleging professional misconduct. Davis created a life insurance trust agreement for the complainant's husband, with Davis listed as trustee. In October 2018, the complainant's husband died, and Davis collected the life insurance benefits. From November 2019 to March 2020, Davis made several distributions to himself and depleted the account. Davis did not disclose to the complainant that the funds had been spent. The complainant demanded an accounting, but Davis did not provide one. After the complainant filed the grievance, Davis wired \$200,000 to the complainant on July 27, 2020. In the second pending matter, the complainant hired Davis in 2000 for advice on tax, real estate, investment, and asset protection. Davis misappropriated \$2.116 million in investment principal and withheld \$1,281,162.50 in interest payments. Davis falsified or attempted to falsify government documents to justify his inability to return funds to the complainant or explain the status of her investments. Davis purported to obtain a mortgage loan for her from a bank,

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but Davis made that loan from his IOLTA at a higher than market rate. Davis was actively suspended from law practice and required to notify clients of his suspension by March 15, 2018. Davis did not notify the complainant of that suspension. Davis' statements regarding his compliance with the agreed judgment of partially probated suspension as set forth in his letter to the Office of Chief Disciplinary Counsel's compliance monitor and its attached affidavit were false.

Davis violated Rules 1.04(a), 1.06(b)(2), 1.08(a), 1.14(a), 1.14(b), 1.14(c), 8.04(a)(3), 8.04(a)(7), and 8.04(a)(11).

On June 15, 2021, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **VINEY K. GUPTA** [#00790085], of Orange, California. At the time of Gupta's resignation, the following disciplinary cases were pending against him. In the first case, Gupta filed numerous frivolous, untimely, and/or misleading petitions for review of removal orders and asylum determinations in the U.S. Court of Appeals for the 9th Circuit between January 2019 and July 2019. In each of the petitions for review, Gupta sought review of a negative credible fear finding and the resulting expedited removal order, despite the fact that the 9th Circuit lacked jurisdiction to review such matters. As such, these pleadings were frivolous because there was no plausible basis for the 9th Circuit to assert jurisdiction and they did not contain a good faith argument for reconsidering the jurisdictional question. Additionally, Gupta frequently filed groundless motions in addition to the initial petition for review. Gupta also filed frivolous motions for reconsideration that were denied. These pleadings wasted valuable court resources and delayed a final resolution in his clients' cases. On or about October 10, 2019, the 9th Circuit issued an order suspending Gupta from the practice of law in its court for six months. Gupta was ordered to: 1) file notices of withdrawal in 18 pending

cases in which he remained counsel of record; 2) serve the order on his clients in the pending cases; 3) turn over all client files and materials to the clients; 4) notify the clients that he could no longer provide any legal assistance for them or collect fees for future services in the 9th Circuit; 5) provide the court with the addresses and telephone numbers of his clients; and 6) file proof with the court that he made the required notifications. Gupta failed to comply with the terms of the order and, on December 11, 2019, he filed motions to withdraw in 10 of his pending cases. On November 4, 2019, the court gave Gupta additional time to comply with the order. In response, he filed five additional motions to withdraw but failed to comply with any other provisions in the order. On November 19, 2019, the court gave Gupta a final opportunity to fully comply with the order, but he failed to do so. On December 11, 2019, the court imposed a monetary sanction of \$1,000 on Gupta. In the second case, the complainant hired Gupta in January 2019 to represent him on an appeal of the complainant's immigration case before the 9th Circuit. Following Gupta's directions, the complainant paid an advanced fee equivalent of \$6,000 to Gupta's brother in India, who is not a licensed attorney in the United States. On December 16, 2019, without the complainant's consent, Gupta filed a pro se habeas corpus petition on the complainant's behalf in the U.S. District Court for the Central District of California. The purported signature on said petition was not that of the complainant and the complainant did not file the petition. As set forth above, Gupta was suspended from practicing law before the 9th Circuit on October 10, 2019. On November 18, 2019, Gupta was suspended from the practice of law before the Board of Immigration Appeals, the Immigration Courts, and the U.S. Department of Homeland Security. Nonetheless, he continued to practice law when he prepared and filed the alleged pro se habeas corpus petition

for the complainant on December 16, 2019. Gupta also failed to file a response to the complaint as directed.

Gupta violated Rules 1.02(a)(1), 1.14(a), 3.01, 3.02, 3.04(d), 5.04(a), 8.04(a)(3), 8.04(a)(8), and 8.04(a)(11).

On June 15, 2021, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **BRECCIA M. McDERMED** [#24052206], of Fort Worth. At the time of McDermed's resignation, eight disciplinary cases were pending against her. McDermed neglected her clients' legal matters, failed to keep clients reasonably informed about the status of their matters, failed to promptly comply with reasonable requests for information, and failed to explain matters to the extent reasonably necessary to permit clients to make informed decisions. McDermed failed

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to promptly deliver property to which a client was entitled, failed to withdraw when discharged by a client, and further failed to surrender papers and property to which clients were entitled. McDermed knowingly made a false statement of fact in connection with a disciplinary matter and further engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation. McDermed repeatedly failed to timely furnish a written response to the Office of Chief Disciplinary Counsel.

McDermed violated Rules 1.01(b)(1), 1.03(a), 1.03(b), 1.14(b), 1.15(a)(3), 1.15(d), 8.01(a), 8.04(a)(3), and 8.04(a)(8) of the Texas Disciplinary Rules of Professional Conduct. She was ordered to pay \$8,235 in restitution and \$5,657.20 in attorneys' fees and costs.

SUSPENSIONS

On June 11, 2021, **CARLTON CONLEY** [#04663030], of San Antonio, agreed to

an 18-month partially probated suspension effective June 15, 2021, with the first six months actively served and the remainder probated. An evidentiary panel of the District 10 Grievance Committee found that Conley failed to withdraw when the representation would result in a violation of a Rule of Professional Conduct.

Conley violated Rule 1.15(a). He agreed to pay \$1,000 in attorneys' fees and direct expenses.

On June 4, 2021, **ARTHUR R. EURESTE** [#06702250], of Houston, accepted a three-year active suspension, effective August 1, 2021. The 215th District Court of Harris County found that Eureste neglected his client's legal matter and frequently failed to carry out completely the obligations he owed to his client. Eureste also failed to keep his client reasonably informed about the status of his case and failed to promptly comply with his client's reasonable requests for information. During the course of the representation, Eureste committed a serious crime or any other criminal act that reflected on his honesty, trustworthiness, or fitness as a lawyer. Furthermore, Eureste engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation.

Eureste violated Rules 1.01(b)(1), 1.01(b)(2), 1.03(a), 8.04(a)(2), and 8.04(a)(3). He was ordered to pay \$1,500 in attorneys' fees.

On June 8, 2021, **LOREN CRAIG GREEN** [#24029179], of Arlington, agreed to a 36-month fully probated suspension effective June 15, 2021. The District 7 Grievance Committee found that in August 2017, Green was hired by the complainant for representation relative to a motor vehicle accident. During the representation, Green's employee, a non-lawyer, handled the complainant's case and rendered legal services to the complainant even though the non-lawyer employee is not a licensed attorney. Green allowed the non-lawyer employee to perform activities that constitute the unauthorized practice of law. Green had direct supervisory

authority over the non-lawyer employee and failed to make reasonable efforts to ensure that his conduct was compatible with the professional obligations of Green. The non-lawyer employee failed to exercise due diligence in serving the defendant, he drafted a fraudulent pleading purportedly signed by a fictitious attorney, and failed to notify the complainant that funds had been received by Green's office for the complainant's personal property loss.

Green violated Rules 1.01(b)(1), 1.03(b), 1.14(b), 3.03(a)(1), 3.03(a)(5), 5.03(b)(2), 5.05(b), and 8.04(a)(3). He was ordered to pay \$500 in attorneys' fees and direct expenses.

On June 25, 2021, **JAMES BRUCE HARRIS** [#24026926], of Wichita Falls, agreed to a six-month fully probated suspension effective June 15, 2021. The District 14 Grievance Committee found that in June of 2018, Harris was hired by the complainant for representation in a divorce matter. During the course of the representation, Harris failed to explain the divorce matter to the extent reasonably necessary to permit the complainant to make informed decisions regarding the representation.

Harris violated Rule 1.03(b). He was ordered to pay \$500 in attorneys' fees and direct expenses.

On May 14, 2021, **AMELIA CHRISTINA JONES** [#24086652], of Lake Dallas, received a default judgment to a 24-month partially probated suspension effective June 15, 2021, with the first six months actively served and the remainder probated. An evidentiary panel of the District 14 Grievance Committee found that on May 28, 2019, the complainant hired Jones for representation in a civil matter. Thereafter, Jones neglected the legal matter entrusted to her by failing to perform any legal services on behalf of the complainant. Jones failed to keep the complainant reasonably informed about the status of his legal matter, failed to promptly comply with reasonable requests for information, and failed to explain the matter to the extent

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reasonably necessary to permit the complainant to make informed decisions regarding the representation. Upon termination of representation, Jones failed to return unearned fees and failed to return the complainant's file as requested. Jones failed to respond to the grievance.

Jones violated Rules 1.01(b)(1), 1.03(a), 1.03(b), 1.15(d), and 8.04(a)(8). She was ordered to pay \$2,902 in restitution and \$2,567.50 in attorneys' fees and direct expenses.

On May 17, 2021, **DIANNA LEE MCCOY** [#24026865], of Austin, received a five-year partially probated suspension related to two disciplinary cases effective May 7, 2021, with the first six months actively served and the remainder probated. An evidentiary panel of the District 13 Grievance Committee found in the first case that on or about November 8, 2019, McCoy was court-appointed to represent the complainant in a criminal matter. In representing the complainant, McCoy neglected the legal matter entrusted to her, failed to keep the complainant reasonably informed about the status of his criminal matter, and failed to promptly comply with reasonable requests for information from the complainant. In a second case, on or about March 27, 2019, McCoy was court-appointed to represent the complainant in a criminal matter. McCoy failed to keep the complainant informed about the status of his case and failed to reply to his requests for information related to his case. In both cases, McCoy failed to respond to the allegations in the grievances filed by the complainants.

McCoy violated Rules 1.01(b)(1), 1.03(a), and 8.04(a)(8). She was ordered to pay \$1,858.21 in attorneys' fees and direct expenses.

On July 18, 2021, **EDGARDO RAFAEL BÁEZ** [#24048334], of San Antonio, agreed to a four-year fully probated suspension effective August 21, 2021. An investigatory panel of the District 10 Grievance Committee found that Báez entered into an arrangement for an

unconscionable fee and failed to promptly render full accounting.

Báez violated Rules 1.04(a) and 1.14(b). He was ordered to pay \$7,500 in restitution and \$1,200 in attorneys' fees.

On June 30, 2021, **JOHN JOSEPH KLEVENHAGEN III** [#90001652], of Houston, accepted a 35-month fully probated suspension effective June 30, 2021. An investigatory panel of the District 4 Grievance Committee found that Klevenhagen failed to keep his client reasonably informed about the status of her matter, neglected the legal matter entrusted to him, failed to refund advance payments of fees that had not been earned, 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.

Klevenhagen violated Rules 1.01(b)(1), 1.03(a), 1.15(d), and 8.04(a)(8). He was ordered to pay \$3,500 in restitution and \$1,000 in attorneys' fees and expenses.

On June 11, 2021, **JEFFREY ROBERTS ALLEN** [#24006751], of Southlake, received a one-year partially probated suspension effective June 15, 2021, with the first month actively suspended and the remainder probated. An evidentiary panel of the District 7 Grievance Committee found that Allen on or about August 31, 2016, was hired by the client for representation in a legal matter involving the purchase of a home and was paid \$2,500 for the representation. Allen neglected the legal matter entrusted to him and frequently failed to carry out completely the obligations he owed to the client. Allen failed to keep the client reasonably informed about the status of the legal matter, failed to promptly comply with reasonable requests for information from the client, and failed to file a response to the grievance.

Allen violated Rules 1.01(b)(1), 1.01(b)(2), 1.03(a), and 8.04(a)(8). He was ordered to pay \$2,500 in restitution and \$2,249 in attorneys' fees and direct expenses.

On July 13, 2021, **DEREK ALFONSO QUINATA** [#24072292], of El Paso, accepted a one-year partially probated suspension, with the first month actively served effective August 31, 2021. County Court at Law No. 7 of El Paso found that Quinata violated Rules 1.01(b)(1) [a lawyer shall not neglect a legal matter entrusted to the lawyer], 1.03(a) [failing to keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information], 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], 1.15(d) [failing to return any advance payments of fees that have not been earned], and 8.04(a)(8) [failure to respond to a grievance in a timely manner].

Quinata was ordered to pay \$750 in restitution and \$2,700 in attorneys' fees.

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On July 14, 2021, **HEATHER CATHERINE SUTHERLAND PANICK** [#24062935], of Elkhorn, Omaha, Nebraska, accepted a two-year active suspension effective September 1, 2021. An investigatory panel of the District 4 Grievance Committee found that Panick engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation.

Panick violated Rule 8.04(a)(3). She was ordered to pay \$1,000 in attorneys' fees and direct expenses.

PUBLIC REPRIMANDS

On June 2, 2021, **J. PAXTON ADAMS** [#24042459], of Huntsville, accepted a public reprimand. An investigatory panel of the District 3 Grievance Committee found that Adams neglected his client's case, failed to keep his client reasonably informed about the status of her case, and failed to promptly comply with his client's reasonable requests for information. Adams further failed to

return unearned fees. Additionally, Adams failed to timely respond to the grievance.

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

On June 2, 2021, **J. PAXTON ADAMS** [#24042459], of Huntsville, accepted a public reprimand. An investigatory panel of the District 3 Grievance Committee found that Adams failed to hold funds belonging to his client separate from his own property and failed to promptly deliver funds that his client was entitled to receive. Adams further failed to return unearned fees. Additionally, Adams failed to timely respond to the grievance.

Adams violated Rules 1.14(a), 1.14(b), 1.15(d), and 8.04(a)(8). He was ordered to pay \$5,000 in restitution and \$500 in attorneys' fees and direct expenses.

On June 28, 2021, **SEAN ROLFE JOSEPHSON** [#24041215], of Sugar Land, accepted a public reprimand. An investigatory panel of the District 4 Grievance Committee found that Josephson neglected his client's case, failed to keep his client reasonably informed about the status of the case, engaged in conduct involving dishonesty in that he said a matter was filed when it had not yet been filed, and failed to withdraw from representation when his physical, mental, or psychological condition materially impaired his ability to represent the client.


Josephson violated Rules 1.01(b)(1), 1.03(a), 1.15(a)(2), and 8.04(a)(3). He was ordered to pay \$500 in attorneys' fees and direct expenses.

On June 25, 2021, **CLYDE R. PARKS** [#15518500], of Dallas, agreed to a public reprimand. An investigatory panel of the District 6 Grievance Committee found that Parks employed Law Street Marketing a/k/a Exclusive Legal Marketing and agents of Law Street Marketing a/k/a Exclusive Legal Marketing improperly solicited the complainants on behalf of Parks' law firm. Parks paid something of value to a person not licensed to practice law for soliciting prospective clients or referring prospective clients to Parks' law firm. Parks' agent engaged in conduct that constitutes barratry.

Parks violated Rules 7.03(b) and 8.04(a)(9). He was ordered to pay \$750 in attorneys' fees and direct expenses.

On June 3, 2021, **THOMAS J. TURNER** [#20331500], of Richardson, agreed to a public reprimand. An investigatory panel of the District 6 Grievance Committee found that in representing the complainant, Turner neglected the legal matter entrusted to him, failed to carry out completely the obligations that he owed to the complainant, and failed to keep the complainant reasonably informed about the status of his legal matter and failed to promptly comply with reasonable requests for information from him.

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Turner violated Rules 1.01(b)(1), 1.01(b)(2), and 1.03(a). He was ordered to pay \$10,000 in restitution and \$600 in attorneys' fees and direct expenses.

On July 28, 2021, **JOHN BLAKE ETHERIDGE** [#24063290], of San Antonio, accepted a public reprimand. An evidentiary panel of the District 10 Grievance Committee found that Etheridge failed to respond to the grievance.

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

On May 27, 2021, **THOMAS F. FLEISCHER** [#00784056], of North Richland Hills, received a public reprimand. The District 7 Grievance Committee found that Fleischer mailed a cease and desist letter to the complainant dated September 3, 2019, regarding the complainant's public comments about the complainant's former employer. The letterhead identifies the "Law Office of

Tom Fleischer" and Fleischer indicates that he has been retained by the complainant's former employer. Fleischer's law license was actively suspended on September 1, 2019, for non-payment of dues and was not reinstated until September 25, 2019. Fleischer's license to practice was suspended when he mailed this letter on September 3, 2019, and when the complainant received the letter on September 6, 2019. Fleischer failed to respond to the grievance.

Fleischer violated Rules 8.04(a)(8) and 8.04(a)(11). He was ordered to pay \$2,377.50 in attorneys' fees and direct expenses.

On July 15, 2021, **KENNETH CHUKS ONYENAH** [#24007779], of Dallas, agreed to a public reprimand. An investigatory panel of the District 6 Grievance Committee found that on or about August 14, 2019, the complainant retained Onyenah to represent her in a DWI case. In representing the complainant,

Onyenah neglected the legal matter entrusted to him. Onyenah 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. Additionally, Onyenah had direct supervisory authority over a non-lawyer employee and failed to make reasonable efforts to ensure that employee's conduct was compatible with the professional obligations of Onyenah.

Onyenah violated Rules 1.01(b)(1), 1.03(a), and 5.03(a). He was ordered to pay \$250 in attorneys' fees and direct expenses.

PRIVATE REPRIMANDS

Listed here is a breakdown of Texas Disciplinary Rules of Professional Conduct violations for 13 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.

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1.01(b)(1)—for neglecting a legal matter entrusted to the lawyer (4).

1.01(b)(2)—In representing a client, a lawyer shall not frequently fail to carry out completely the obligations that the lawyer owes to a client or clients (1).

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 (7).

1.03(b)—A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation (3).

1.05 (b)(1)(ii)—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).

1.14(a)—A lawyer shall hold funds and other property belonging in whole or in part to clients or third persons that are in a lawyer’s possession in connection with a representation separate from the lawyer’s own property. Such funds shall be kept in a separate account, designated as a “trust” or “escrow” account, maintained in the state where the lawyer’s office is situated, or elsewhere

with the consent of the client or third person. Other client property shall be identified as such and appropriately safeguarded. Complete records of such account funds and other property shall be kept by the lawyer and shall be preserved for a period of five years after termination of the representation (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. Except as stated in this rule or otherwise permitted by law or by agreement with the client, a lawyer shall promptly deliver to the client or third person any funds or other property that the client or third person is entitled to receive and, upon request by the client or third person, shall promptly render a full accounting regarding such property (1).

1.15(a)(3)—A lawyer shall decline to represent a client or, where representation has commenced, shall withdraw, except as stated in paragraph (c), from the representation of a client, if the lawyer is discharged, with or without good cause (2).

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 fees that have not been earned. The lawyer may retain papers relating to the client to the extent permitted by other law only if such retention will not prejudice the client in the subject matter of the representation (4).

3.04(d)—A lawyer shall not knowingly disobey, or advise the client to disobey, an obligation under the standing rules of or a ruling by a tribunal except for an open refusal based either on an assertion that no valid obligation exists or on the client’s willingness to accept any sanctions arising from such disobedience (1).

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, unless he or she in good faith timely asserts a privilege or other legal ground for failure to do so (2). **TBJ**

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