

DISCIPLINARY ACTIONS

Contact the Office of Chief Disciplinary Counsel at 877-953-5535, the Board of Disciplinary Appeals at 512-427-1578 or txboda.org, or the State Commission on Judicial Conduct at 512-463-5533.

JUDICIAL ACTION

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

On August 16, 2023, the State Commission on Judicial Conduct issued a public warning to **JERALD DEAN FOWLER II**, 115th Judicial District Court, Gilmer, Upshur County.

BODA

On September 25, 2023, the Board of Disciplinary Appeals entered an agreed judgment of private reprimand in a reciprocal discipline case against a **TEXAS ATTORNEY**. The Southern Nevada Disciplinary Board of the State Bar of Nevada previously imposed a letter of reprimand, finding that the attorney violated Nevada Rule of Professional Conduct 1.15 (safekeeping property). BODA Case No. 68304.

On September 13, 2023, the Board of Disciplinary Appeals entered an agreed judgment of public reprimand in a reciprocal discipline case against Henderson, Nevada, attorney **LEILA LOUISE HALE** [#24088781]. On August 11, 2023, an order of public reprimand was issued by the State Bar of Nevada, Southern Nevada Disciplinary Board, in the matter styled *State Bar of Nevada v. Leila L., Esq., NV Bar No. 7368*, in Case Nos. SBN22-00282 and SBN23-00580. Hale was reprimanded for violations of Nevada Rules of Professional Conduct 1.7(a)(2) (conflict of interest: current clients) and 1.15 (safekeeping property). BODA Case No. 68262.

RESIGNATIONS

On August 25, 2023, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **JEFFREY M. STERN** [#19175660], of Bellaire. At the time of Stern's resignation, there was one pending disciplinary action alleging that he ordered, encouraged, or permitted a non-lawyer employed by Stern to violate the rules; promised to share legal fees with a non-lawyer; paid, gave, or offered to pay or give anything of value to a person not

licensed to practice law for soliciting prospective clients; committed a serious crime or criminal act that reflected adversely on Stern's honesty, trustworthiness, or fitness as a lawyer in other respects; and engaged in conduct that constituted barratry as defined by the law of this state.

Stern allegedly violated Rules 5.03(b)(1), 5.04(a), 7.03(b), 8.04(a)(2), and 8.04(a)(9).

On September 26, 2023, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **MAX FRANKLIN STOVALL** [#00789657], of Houston. At the time of his resignation, there were two pending disciplinary actions alleging that Stovall neglected his client's case; failed to keep his clients reasonably informed about the status of their cases and failed to promptly comply with his clients' reasonable requests for information; failed to take

steps to the extent reasonably practicable to protect a client's interest; accepted a referral from a referral service that did not meet requirements; and engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation.

Stovall allegedly violated Rules 1.01(b)(1), 1.03(a), 1.03(b)(2), 1.15(d), 7.03(e), and 8.04(a)(3).

SUSPENSIONS

On October 1, 2023, **JARROD STEPHEN BUSBY** [#24036293], of Lubbock, accepted a one-year fully probated suspension effective October 1, 2023. An evidentiary panel of the District 16 Grievance Committee found that Busby failed to respond to his client's requests for information and upon termination, failed to timely return the client's file as requested.

Busby violated Rules 1.03(a) and 1.15(d). He agreed to pay \$800 in

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On September 6, 2023, **SAMUEL D. WESLEY** [#24109092], of Houston, accepted a judgment of fully probated suspension effective September 5, 2023. An evidentiary panel of the District 4 Grievance Committee found that Wesley failed to withdraw from representation of his client when he knew or believed that he was or may be a witness necessary to establish an essential fact on behalf of his client. Wesley further failed to withdraw from representation of his client when he knew that practicing family law had the potential to materially affect his mental health and impair his fitness to represent his client. Additionally, Wesley engaged in the practice of law while on inactive status, or when his right to practice had been suspended or terminated.

Wesley violated Rules 1.15(a)(1), 1.15(a)(2), and 8.04(a)(11). He was

ordered to pay \$750 in attorneys' fees and direct expenses.

On September 21, 2023, **SAMUEL C. BEALE** [#01952380], of Houston, accepted a one-year partially probated suspension, with the first month actively suspended effective November 1, 2023. An investigatory panel of the District 12 Grievance Committee found that Beale neglected a legal matter, frequently failed to carry out completely his obligations to his client, and in connection with his representation of his client, knowingly made a false statement of material fact or law to a tribunal.

Beale violated Rules 1.01(b)(1), 1.01(b)(2), and 3.03(a)(1). He was ordered to pay \$5,000 in restitution and \$1,500 in attorneys' fees and direct expenses.

On August 4, 2023, **CARLOS EMILIO**

FLORES [#24000365], of Cedar Park, received a five-year partially probated suspension to begin on July 20, 2023, related to two disciplinary cases. The probated suspension orders Flores to be actively suspended for the first 18 months of its term, with a provision reducing said active suspension to 12 months if Flores provides proof that he is employed by a supervising attorney.

An evidentiary panel of the District 8 Grievance Committee found that in the first case, Flores placed funds in his trust (IOLTA) account to pay medical providers on behalf of his personal injury clients. Between October 6, 2021, and November 4, 2021, Flores wrote checks totaling \$38,750 for his own personal benefit when the funds should have been used to timely pay the medical providers.

In the second case, the evidentiary panel found that Flores hired a person in January 2021 to assist him with his law firm's immigration cases. The person hired was not a licensed Texas attorney at the time, and Flores failed to adequately supervise the person he hired, which allowed the hired person to sign immigration documents with Flores' signature; accept payments from Flores' clients; and falsely hold himself out as an attorney to others. Additionally, fees paid by Flores' clients to the hired person were not deposited into a trust or escrow account.

Flores violated Rules 1.01(a), 1.14(a), 1.14(c), and 5.03 of the Texas Disciplinary Rules of Professional Conduct. Flores was ordered to pay \$4,607.93 in attorneys' fees and expenses.

PUBLIC REPRIMANDS


On August 31, 2023, **PATRICK H. CORDERO JR.** [#00787286], of Midland, accepted a public reprimand. An evidentiary panel of the District 16 Grievance Committee found that Cordero failed to keep a client reasonably informed and failed to respond to the grievance.

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Cordero violated Rules 1.03(a) and 8.04(a)(8). Cordero was ordered to pay \$800 in attorneys' fees and direct expenses.

On September 13, 2023, **CARMINE JOHN GIARDINO** [#24025379], of San Antonio, accepted a public reprimand. The 57th Judicial District Court of Bexar County found that Giardino committed professional misconduct by failing, upon termination of representation, to reasonably protect a client's interests, give notice to the client to seek other counsel, surrender papers and property which belong to the client, or refund any advance payments of fees that have not been earned.

Giardino violated Rule 1.15(d). He was ordered to pay \$15,000 in attorneys' fees and direct expenses.

On September 18, 2023, **KATHY MARIE ORR** [#24014977], of San Antonio, accepted a public reprimand. An investigatory panel of the District 10 Grievance Committee found that Orr made a false statement of material fact to the court and engaged in conduct involving misrepresentation.

Orr violated Rules 3.03(a)(1) and 8.04(a)(3). Orr agreed to pay \$800 in attorneys' fees and direct expenses.

On August 25, 2023, **CRIS A. RASCO** [#16551600], of Richmond, accepted a public reprimand. An evidentiary panel of the District 5 Grievance Committee found that Rasco neglected a legal matter entrusted to him. Rasco failed to keep the client reasonably informed about the status of the legal matter, promptly comply with reasonable requests for information, and failed to explain the matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation. Rasco also failed to take steps to the extent reasonably practicable to protect the client's interest after termination of representation.

Rasco violated Rules 1.01(b)(1),

1.03(a), 1.03(b), and 1.15(d). He was ordered to pay \$2,500 in restitution and \$1,000 in attorneys' fees and direct expenses.

PRIVATE REPRIMANDS

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

1.01(b)(1)—In representing a client, a lawyer shall not neglect a legal matter entrusted to the lawyer (3).

1.01(b)(2)—Frequently fail to carry out completely the obligations that the lawyer owes to the client or clients (1).

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 (4).


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).

1.04(d)—A fee may be contingent on the outcome of the matter for which the service is rendered, except in a matter in which a contingent fee is prohibited by paragraph (e) or other law. A contingent fee agreement shall be in writing and shall state the method by which the fee is to be determined. If there is to be a differentiation in the percentage or percentages that shall accrue to the lawyer in the event of settlement, trial, or appeal, the percentage for each shall be stated. The agreement shall state the litigation and other expenses to be deducted from the recovery and whether such expenses are to be deducted before or after the contingent fee is calculated. Upon conclusion of a contingent fee matter, the lawyer shall provide the client with a written statement describing the

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outcome of the matter and, if there is a recovery, showing the remittance to the client and the method of its determination (1).

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 (2).

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).

1.14(c)—When in the course of representation a lawyer is in

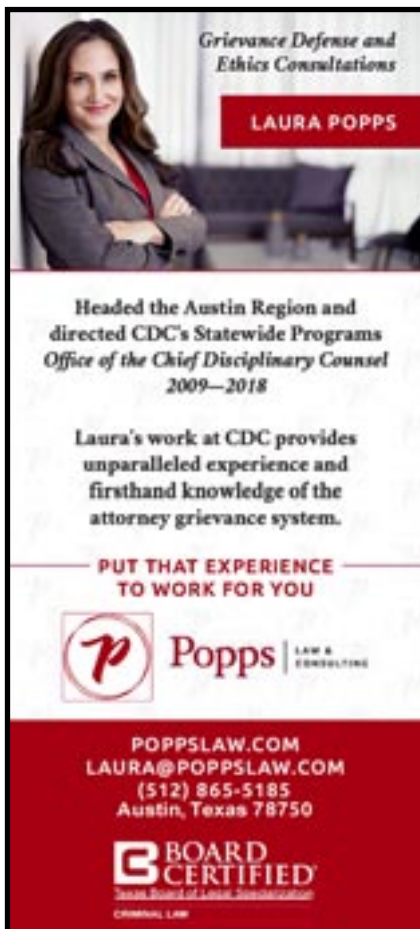
possession of funds or other property in which both the lawyer and another person claim interests, the property shall be kept separate by the lawyer until there is an accounting and severance of their interest. All funds in a trust or escrow account shall be disbursed only to those persons entitled to receive them by virtue of the representation or by law. If a dispute arises concerning their respective interests, the portion in dispute shall be kept separated by the lawyer until the dispute is resolved, and the undisputed portion shall be distributed appropriately (1).

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 (2).

5.03(a)—With respect to a non-lawyer employed or retained by or associated with a lawyer: a lawyer having direct supervisory authority over the non-lawyer shall make reasonable efforts to ensure that the person's conduct is compatible with the professional obligations of the lawyer (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 (3). **TBJ**




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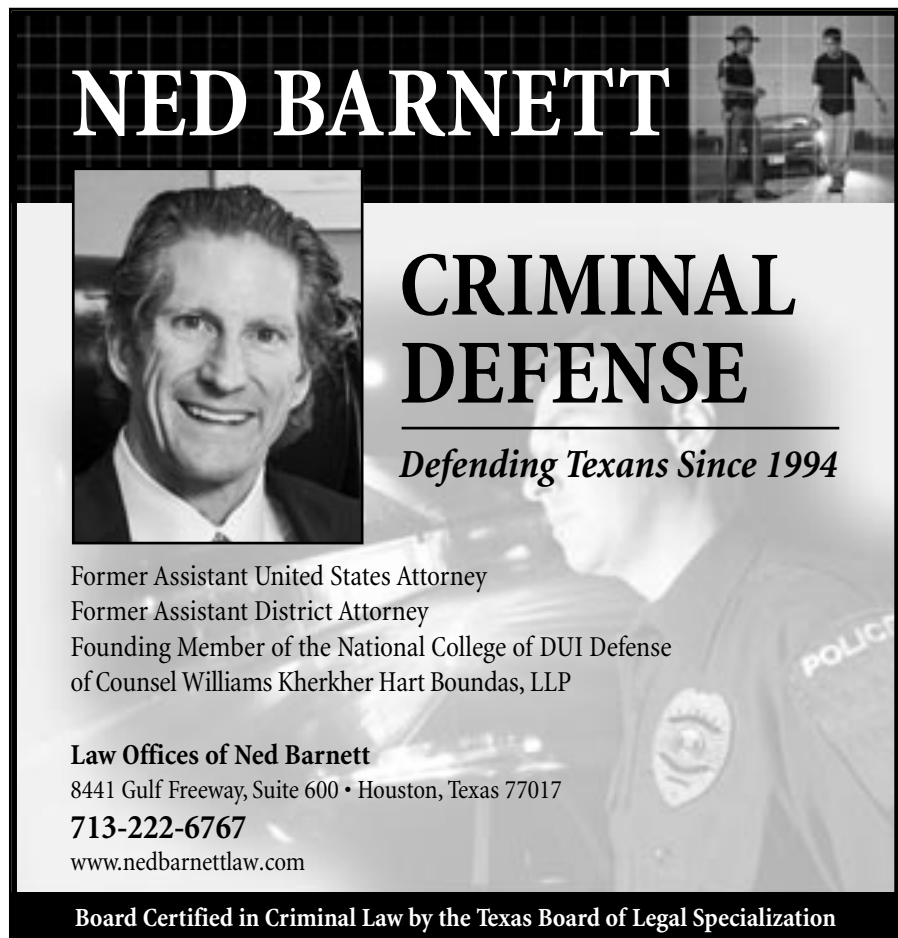
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