



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.

DISBARMENTS

On Jan. 25, **Monica Yvette Sutton** [#00798535], 41, of Missouri City, was disbarred. An evidentiary panel of the District 5-A Grievance Committee found that Sutton's client paid her \$1,000 for a divorce, of which \$748 was her fee. Sutton was administratively suspended when she accepted the fee and failed to refund the fee when her client demanded it.

Sutton violated Rule 1.15(d). She was ordered to pay \$2,090 in attorney's fees and costs and \$748 in restitution.

On Feb. 10, **Tekenari A. Wariboko** [#00786330], 49, of Houston, was disbarred. An evidentiary panel of the District 4-F Grievance Committee found that Wariboko failed to abide by the client's decision whether to accept an offer of settlement, to keep the client reasonably informed about the status of her matter, and to promptly comply with reasonable requests for information. Upon receiving settlement funds in which the client and a third person had an interest, Wariboko failed to notify the client and third person. Wariboko failed to deliver to the client and third person funds that they were entitled to receive. Wariboko failed to render an accounting regarding such funds to the client. Wariboko engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation.

Wariboko violated Rules 1.02(a)(2), 1.03(a), 1.14(b), and 8.04(a)(3). He was ordered to pay \$7,529.66 in attorney's fees and costs and \$3,460 in restitution.

Wariboko has filed an appeal.

against him alleging neglect; engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation; and failure to communicate, to secure contingency fee agreements in writing, to safeguard funds, to promptly disburse funds, to return clients' files and unearned fees at the end of the representation, and to respond to grievances.

Cooksey violated Rules 1.01(b)(1), 1.02(a)(2), 1.03(a) and (b), 1.04(d), 1.14(b), 1.15(d), and 8.04(a)(3) and (a)(8).

On Feb. 16, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Tammy T. Polk** [#24027624], 35, of Waco. The Court found that Polk submitted a motion to dismiss on behalf of a client in a criminal case bearing the forged signature of an assistant district attorney. In six separate family law matters, Polk presented her clients with orders bearing the forged signatures of judges. Further, Polk neglected a legal matter, delaying almost a year after she was hired by a client to obtain an order that was invalid. The Court also found that between Sept. 2, 2008, and Nov. 14, 2008, Polk continued to practice law while administratively suspended.

Polk violated Rules 1.01(b)(1); 3.03(a)(1); 4.01(a); and 8.04(a)(1), (a)(2), (a)(3), and (a)(11). The Court concluded that acceptance of Polk's resignation is in the best interest of the public and the profession.

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RESIGNATIONS

On Feb. 16, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Don C. Cooksey** [#04762500], 63, of Texarkana. At the time of Cooksey's resignation, there were 13 disciplinary matters pending

SUSPENSIONS

On Feb. 10, **David J. Rodriguez** [#00788303], 44, of San Antonio, agreed to a five-year, partially probated suspension effective May 3, with the first two years actively served and the remainder probated. An evidentiary



panel of the District 10 Grievance Committee found that Rodriguez failed to hold client funds separate from his own property.

Rodriguez violated Rules 1.14(a). He was ordered to pay \$250 in attorney's fees and expenses.

Editor's note: Neither David Rodriguez [#17143025], 49, of San Antonio nor David John Rodriguez [#17143030], 46, of San Antonio is the attorney referred to in this disciplinary sanction.

On March 4, **Efrem D. Sewell** [#18055200], 48, of Bellaire, accepted a 30-day, fully probated suspension effective March 1. An evidentiary panel of the District 4 Grievance Committee found that Sewell made a false statement of material fact or law to a third person.

Sewell violated Rule 4.01(a). He agreed to pay \$1,500 in attorney's fees and costs.

On March 2, **Traci Lohmann Ahart** [#24000161], 37, of Houston, accepted a four-year, fully probated suspension effective March 1. The 269th Judicial District Court found that in five separate counts, Ahart neglected a legal matter entrusted to her and failed to keep the clients reasonably informed about the status of their matters and to promptly comply with reasonable requests for information. In counts one and three, Ahart failed to timely furnish a response to the Chief Disciplinary Counsel's office as required by the Texas Rules of Disciplinary Procedure.

Ahart violated Rules 1.01(b)(1), 1.03(a), and 8.04(a)(8). She agreed to pay \$1,500 in attorney's fees and costs and \$10,644.91 in restitution.

On Feb. 8, **Jason Charles Galvez** [#07599750], 44, of New Iberia, La.,

received a two-year, partially probated suspension effective Feb. 8, with the first year actively served and the remainder probated. An evidentiary panel of the District 8 Grievance Committee found that Galvez represented the complainant in a personal injury case. In September 2005, Galvez settled the complainant's claim without the complainant's knowledge or consent. Someone other than the complainant signed the complainant's name to the settlement check and the check was deposited into Galvez's IOLTA account. Galvez never notified the complainant that the complainant's case had settled. Galvez made no attempt to pay the complainant until 2007, when the complainant learned from the opposing party that her case had settled two years earlier. Galvez sent a check from his business account for \$1,600, which the complainant did not cash. Galvez failed to keep the complainant's funds separate from his own funds and failed to return the complainant's file. The complainant made several unsuccessful attempts to contact Galvez but was not provided with accurate information concerning the status of her case.

Galvez violated Rules 1.02(a), 1.03(a), and 1.14(a) and (b). He was ordered to pay \$20,805 in attorney's fees and expenses and \$2,400 in restitution.

Galvez has filed an appeal.

On March 4, **Kenneth Chuks Onyenah** [#24007779], 50, of Dallas, agreed to a five-year, partially probated suspension effective April 15, with the first three years actively served and the remainder probated. An evidentiary panel of the District 6 Grievance Committee found that Onyenah failed to hold funds belonging in

whole or in part to the complainant that were in Onyenah's possession in connection with the representation separate from his own property. He failed to promptly deliver to the complainant the funds that the complainant was entitled to receive. He failed to keep funds in which both he and the complainant claimed an interest separate until there was an accounting and severance of their interest. Onyenah failed to distribute to the complainant the portion of the funds that were not in dispute.

Onyenah violated Rules 1.14(a), (b), and (c). He was ordered to pay \$2,408 in attorney's fees and expenses and \$25,750 in restitution.

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DISCIPLINARY ACTIONS

On Feb. 2, **Adam Reposa** [#24040163], 35, of Austin, accepted a three-year, fully probated suspension effective March 1. An evidentiary panel of the District 9 Grievance Committee found that in representing a client before a tribunal, Reposa asked a question intended to degrade a witness and used means that had no substantial purpose other than to embarrass, delay, or burden a third person. In another matter, he engaged in conduct intended to disrupt the proceedings by making a lewd gesture in court and knowingly disobeyed an obligation under the standing rules of a tribunal. The panel further found that in two separate instances, Reposa made or sponsored a false or misleading communication about other lawyers' qualifications or services and sent, delivered, or transmitted a written, audio, audiovisual, digital media, or other electronic communication to a prospective client for the purpose of obtaining professional employment that contained a false, fraudulent, misleading, deceptive, or unfair statement or claim.

Reposa violated Rules 3.04(c)(4), (c)(5), and (d); 4.04(a); 7.02(a)(4); 7.05(a)(3); and 8.04(a)(1). He was ordered to pay \$3,000 in attorney's fees.

On Jan. 8, **John McWilliams** [#13877150], 55, of Plainview, accepted a six-month, fully probated suspension effective Feb. 1. An evidentiary panel of the District 9 Grievance Committee found that in two workers' compensation matters, McWilliams completed no meaningful work on the cases for almost one and one-half and three years, respectively. Calls to McWilliams by his clients were not returned, and, at the end of February 2007, he withdrew from the two cases

without advance notice and voluntarily submitted himself for treatment for alcohol rehabilitation.

McWilliams violated Rules 1.01(b), 1.03(a), 1.15(a)(2) and (d), and 8.04(a)(1). He was ordered to pay \$959.33 in attorney's fees.

On Feb. 22, **Neeley C. Lewis** [#12302000], 63, of Bryan, accepted a three-year, fully probated suspension effective March 1. An evidentiary panel of the District 8 Grievance Committee found that Lewis filed a general denial on his client's behalf in a civil case, but thereafter allowed a default judgment to be taken. Lewis further failed to return the client's file when it was requested.

Lewis violated Rules 1.01(b)(1) and 1.15(d). He was ordered to pay \$1,292.03 in attorney's fees and \$750 in restitution.

On March 5, **Alicia R. Martinez** [#24014390], 41, of Crystal City, accepted a one-year, fully probated suspension effective March 1. An evidentiary panel of the District 12 Grievance Committee found that in a divorce representation, Martinez neglect the case and failed to reasonably communicate with the client and to refund unearned fees. In a separate matter, Martinez failed to fully pay restitution ordered in an earlier disciplinary judgment.

Martinez violated Rules 1.01(b)(1), 1.03(a) and (b), 1.15(d), and 8.04(a)(7). She was ordered to pay \$450 in restitution and \$1,000 to the State Bar's Client Security Fund.

REPRIMANDS

On Dec. 3, 2009, **Gary M. Block** [#02497200], 49, of Houston, received a public reprimand. An evi-



dentiary panel of the District 4-E Grievance Committee found that Block was hired for representation in a post-divorce matter. Thereafter, the client became dissatisfied with the representation and requested a refund of any unearned fees, which amounted to \$3,000, but Block failed to provide a refund. Additionally, Block failed to respond to the grievance.

Block violated Rules 1.15(d) and 8.04(a)(8). He was ordered to pay \$1,772.50 in attorney's fees and direct expenses and \$3,000 in restitution.

PRIVATE REPRIMANDS

Listed below is the breakdown of rule violations for 14 attorneys, with the number of attorneys violating each rule in parentheses. Please note that an attorney may be reprimanded for more than one rule violation. Texas Disciplinary Rules of Professional Conduct: 1.01(b)(1) — neglecting a legal matter (three); 1.01(b)(2) — failing to carry out completely the obligations owed to a client (two); 1.03(a) — failing to keep a client reasonably informed about the status of a case (seven); 1.03(b) — failing to explain a matter to the extent reasonably necessary to permit a client to make informed decisions (one); 1.04(a) — entering into an arrangement for, charging, or collecting an unreasonable fee (one); 1.08(b) — preparing an instrument giving the lawyer or a person related to the lawyer or a person related to the lawyer as a parent, child, sibling, or spouse any substantial gift from a client, including a testamentary gift, except where the client is related to the donee (one); 1.09(a) — representing a client in a matter that adversely affects a former client without the former client's consent (one); 1.14(a) — failing to hold client funds in a separate trust account (one); 3.03(a)(1) —

making a false statement of material fact or law to a tribunal (one); 3.04(c)(1) — habitually violating an established rule of procedure or of evidence while representing a client before a tribunal (one); 3.04(d) — knowingly disobeying, or advising a 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 (one); 8.04(a)(3) — engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation (two); 8.04(a)(8) — failing to timely furnish the chief disciplinary counsel or a district grievance committee a response or other information as required by the TDRPC (two); and 8.04(a)(9) — engaging in conduct that constitutes barratry as defined by the law of this state (one). ✪

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