

COMMISSION FOR LAWYER DISCIPLINE

REPORT

TO THE BOARD OF DIRECTORS
ON
ATTORNEY DISCIPLINE

JANUARY 2020

Disciplinary Sanctions
09/01/2019 - 11/30/2019

DISBARMENTS	District	# of Complaints Resolved
Strong, Staci Jennifer	6	1
Total:	1	1

RESIGNATIONS IN LIEU OF DISCIPLINE	District	# of Complaints Resolved
Brady, James P.	4	2
Norman, Christopher James	8	7
Pearson, Melynda G.	1	17
Total:	3	26

SUSPENSIONS	District	# of Complaints Resolved
Alamia, Richard R.	12	1
Austin, Kelley Lavone	5	1
Brooks, Steven Wayne	6	1
Carter, Kenavon Tramayne	9	1
Cheadle, William Kauper	4	2
Coker, Simeon Olumide	6	1
Exley, Elizabeth A.	4	1
Fiegel, Beauregard Driller	10	1
Gooden, Elijah III	4	2
Guidry, Kerry Michael	4	6
Guzman, Arturo A. "Art"	15	1
Hollis, Barata Roy	6	1
Lambert, L. Bruce	7	1
Lambert, L. Bruce	7	1
Lilly, Curtis	6	1
Marion, W. David	5	3
Markle, Robert Aaron	3	1
Markle, Robert Aaron	3	1
Markle, Robert Aaron	3	1
Markle, Robert Aaron	3	1

Mason, Jonathan Paul	10	1
Massar, Antonius B. "Ton"	6	1
Mattson, Michael Lake	4	1
McDermed, Breccia M.	8	1
McMaster, Douglas Matthew	6	1
Milks, John David	7	1
Munoz, Rodolfo R.	10	1
Murray, Patrick Cameron	16	2
Nance, Jami Kay Shrader	10	4
Quinata, Derek Alfonso	17	1
Rodriguez, Brigida	6	1
Sanchez, Zenaida	11	1
Scaramucci, Brittany Lea	8	1
Seeberger, David M.	6	1
Smith, Robert Ray	9	1
Spagnoletti, Francis I.	4	2
Stanfield, Shanon Keith	9	1
Teeter, Gregory Allen	11	6
Vaughn, Andrew David	1	1
Vaughn, Andrew David	1	1
Vega, Arthur G.	10	1

Board of Disciplinary Appeals:

Taylor, Tallion Kyle	BODA	1
Total:		61

PUBLIC REPRIMANDS	District	# of Complaints Resolved
Carter, Kenavon Tramayne	9	1
Chatmon, Jonathan Lee	4	1
Elam, Tyesha Yvette	5	1
King, Jeffery Charles	6	1
Lewis, Thomas Christopher	6	1
Lindsay, David Christian	4	1
Mejias, Carlos Dantes Jr.	4	1

Nnaka, Kenneth Aghadi	4	1
O'Neal, Byron R.	4	1
Pettie, Nemuel E.	7	1
Seeberger, David M.	6	1
Van Cleave, Gregory Thomas	17	1
Van Orman, Mary Elizabeth	3	1
Total:	13	13

PRIVATE REPRIMANDS

Grievance Comm.	# of Sanctions	# of Complaints Resolved
1	2	2
3	3	3
4	1	1
6	5	5
7	5	5
8	2	3
10	4	4
11	1	1
12	5	5
14	3	3
15	3	4
17	2	2
Total:	36	38
Grievance Referral Program	22	22
Grand Total:	117	161

Disciplinary Actions - Current Bar Year

BAR YEARS 2019-2020	Total Sanctions	Total Complaints Resolved
DISBARMENTS	10	10
RESIGNATIONS IN LIEU OF DISCIPLINE	6	33
SUSPENSIONS	77	101
PUBLIC REPRIMANDS	24	24
PRIVATE REPRIMANDS	63	69
GRIEVANCE REFERRAL PROGRAM	39	41
Total:	219	278

*does not reflect year-end figures/summary data includes ytd

Disciplinary Actions - Previous Bar Year

BAR YEARS 2018-2019	Total Sanctions	Total Complaints Resolved
DISBARMENTS	14	38
RESIGNATIONS IN LIEU OF DISCIPLINE	17	89
SUSPENSIONS	152	209
PUBLIC REPRIMANDS	32	39
PRIVATE REPRIMANDS	124	138
GRIEVANCE REFERRAL PROGRAM	74	81
Total:	413	594

BAR YEARS 2017-2018	Total Sanctions	Total Complaints Resolved
DISBARMENTS	21	48
RESIGNATIONS IN LIEU OF DISCIPLINE	23	102
SUSPENSIONS	115	162
PUBLIC REPRIMANDS	25	29
PRIVATE REPRIMANDS	70	74
GRIEVANCE REFERRAL PROGRAM	79	80
Total:	333	495

BAR YEARS 2016-2017	Total Sanctions	Total Complaints Resolved
DISBARMENTS	21	61
RESIGNATIONS IN LIEU OF DISCIPLINE	28	123
SUSPENSIONS	126	182
PUBLIC REPRIMANDS	30	37
PRIVATE REPRIMANDS	90	98
GRIEVANCE REFERRAL PROGRAM	50	50
Total:	345	551

BAR YEARS 2015-2016	Total Sanctions	Total Complaints Resolved
DISBARMENTS	22	61
RESIGNATIONS IN LIEU OF DISCIPLINE	27	146
SUSPENSIONS	132	205
PUBLIC REPRIMANDS	30	33
PRIVATE REPRIMANDS	67	72
GRIEVANCE REFERRAL PROGRAM	47	47
Total:	325	564

BAR YEARS 2014-2015	Total Sanctions	Total Complaints Resolved
DISBARMENTS	27	55
RESIGNATIONS IN LIEU OF DISCIPLINE	19	56
SUSPENSIONS	113	147
PUBLIC REPRIMANDS	32	36
PRIVATE REPRIMANDS	66	72
GRIEVANCE REFERRAL PROGRAM	63	71
Total:	320	437

BAR YEARS 2013-2014	Total Sanctions	Total Complaints Resolved
DISBARMENTS	22	41
RESIGNATIONS IN LIEU OF DISCIPLINE	17	59
SUSPENSIONS	130	169
PUBLIC REPRIMANDS	31	35
PRIVATE REPRIMANDS	63	70
GRIEVANCE REFERRAL PROGRAM	58	58
Total:	321	432

BAR YEARS 2012-2013	Total Sanctions	Total Complaints Resolved
DISBARMENTS	39	51
RESIGNATIONS	24	46
SUSPENSIONS	122	160
PUBLIC REPRIMANDS	37	40
PRIVATE REPRIMANDS	89	91
GRIEVANCE REFERRAL PROGRAM	56	56
Total:	367	444

BAR YEARS 2011-2012	Total Sanctions	Total Complaints Resolved
DISBARMENTS	38	45
RESIGNATIONS	27	87
SUSPENSIONS	137	174
PUBLIC REPRIMANDS	40	41
PRIVATE REPRIMANDS	106	115
GRIEVANCE REFERRAL PROGRAM	54	54
Total:	402	516

BAR YEARS 2010-2011	Total Sanctions	Total Complaints Resolved
DISBARMENTS	28	52
RESIGNATIONS	23	101
SUSPENSIONS	157	254
PUBLIC REPRIMANDS	40	50
PRIVATE REPRIMANDS	77	82
GRIEVANCE REFERRAL PROGRAM	46	46
Total:	371	584

BAR YEARS 2009-2010	Total Sanctions	Total Complaints Resolved
DISBARMENTS	25	33
RESIGNATIONS	22	40
SUSPENSIONS	111	169
PUBLIC REPRIMANDS	37	47
PRIVATE REPRIMANDS	81	89
GRIEVANCE REFERRAL PROGRAM	39	39
Total:	315	417

BAR YEARS 2008-2009	Total Sanctions	Total Complaints Resolved
DISBARMENTS	32	43
RESIGNATIONS	26	104
SUSPENSIONS	127	189
PUBLIC REPRIMANDS	46	54
PRIVATE REPRIMANDS	68	73
GRIEVANCE REFERRAL PROGRAM	36	36
Total:	335	499

BAR YEARS 2007-2008	Total Sanctions	Total Complaints Resolved
DISBARMENTS	24	63
RESIGNATIONS	24	90
SUSPENSIONS	121	224
PUBLIC REPRIMANDS	28	35
PRIVATE REPRIMANDS	69	73
GRIEVANCE REFERRAL PROGRAM	33	33
Total:	299	518

BAR YEARS 2006-2007	Total Sanctions
DISBARMENTS	30
RESIGNATIONS	31
SUSPENSIONS	110
PUBLIC REPRIMANDS	62
PRIVATE REPRIMANDS	87
Total:	320

DISTRICT 1:

Pearson, Melynda G.: #00787534
10/01/2019-Resignation in lieu of Discipline

On October 1, 2019, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Melynda G. Pearson** [#00787534], 51, of Texarkana. At the time of Pearson's resignation, there were 14 pending matters against her alleging Pearson neglected cases, failed to communicate, failed to return clients' files, failed to return unearned fees, and engaged in conduct involving dishonesty, fraud, deceit or misrepresentation. Pearson also failed to file responses to Complainants' grievances with the State Bar of Texas.

Pearson Violated Rules 1.01(b)(1), 1.03(a), 1.03(b), 1.14(a), 1.14(b), 1.15(d), 3.03(a)(5), 8.04(a)(3), 8.04(a)(7), 8.04(a)(8), and 8.04(a)(11).

Dallas Attorney
09/19/2019-Agreed Private Reprimand

Rule 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 fee that has 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.

Dallas Attorney
10/24/2019-Agreed Private Reprimand

Rule 1.01(b)(1)

In representing a client, a lawyer shall not neglect a legal matter entrusted to the lawyer.

Vaughn, Andrew David: #24056764
09/09/2019-Partially Probated Suspension
03/01/2020-02/28/2021: SUSPENSION
03/01/2021-02/28/2022: PROBATED

On September 9, 2019, **Andrew David Vaughn** [#24056764], 38, of Canton, received a two-year, partially probated suspension, with one year active (March 1, 2020 , through February 28, 2021) and one year probated (March 1, 2021, through February 28, 2022). An evidentiary panel of the District 1 Grievance Committee found that Vaughn neglected the legal matter entrusted to him by failing to complete any legal work on behalf of his client, failing to keep his client reasonably informed about the status of his case, and failing to promptly comply with reasonable requests for information from his client. Vaughn failed to hold funds belonging to his client that was in Vaughn's possession in connection with the representation separate from his own property. Vaughn represented his client while he was actively suspended from the practice of law and failed to notify his client that his license to practice law was suspended.

Vaughn violated Rules 1.01(b)(1), 1.03(a), 1.14(a), 8.04(a)(7), and 8.04(a)(10). He was ordered to pay \$1,600.00 in attorneys' fees and \$603.00 in direct expenses.

Vaughn, Andrew David: #24056764
09/19/2019-Partially Probated Suspension
10/13/2019-10/12/2020: SUSPENSION
10/13/2020-10/12/2022: PROBATED

On September 19, 2019, **Andrew David Vaughn** [#24056764], 38, of Canton, received a three-year, partially probated suspension, with one year active (October 13, 2019 , through October 12, 2020) and two years probated (October 13, 2020 , through October 12, 2022). An evidentiary panel of the District 1 Grievance Committee found that Vaughn neglected the legal matter entrusted to him, failed to keep his client reasonably informed about the status of her case, and failed to promptly comply with reasonable requests for information from his client. Vaughn failed to surrender papers and property to which his client was entitled. Vaughn represented his client while he was actively suspended from the practice of law and failed to notify his client that his license to practice law was suspended.

Vaughn violated Rules 1.01(b)(1), 1.03(a), 1.15(d), 8.04(a)(7), and 8.04(a)(10). He was ordered to pay \$1,980.00 in attorneys' fees and \$822.00 in direct expenses.

DISTRICT 3:

Houston Attorney
09/17/2019-Agreed Private Reprimand

Rule 1.02(a)(1)

for failing to abide by a client's decisions concerning the objectives and general methods of representation

**Houston Attorney
10/17/2019-Agreed Private Reprimand**

Rule 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

**Markle, Robert Aaron: #24098037
09/04/2019-Default Active Suspension
08/16/2019-08/15/2023: SUSPENSION**

On September 4, 2019, **Robert Aaron Markle** [#24098037], 51, of The Woodlands, received a four-year, active suspension, effective August 16, 2019. An evidentiary panel of the District 3 Grievance Committee found that Markle neglected his client's case and frequently failed to carry out completely the obligations he owed to his client. Markle further failed to keep his client reasonably informed about the status of her case, failed to promptly comply with his client's reasonable requests for information, and failed to explain the case to the extent reasonably necessary to permit his client to make informed decisions regarding the representation. Additionally, Markle failed to file a written response to the grievance.

Markle violated Rules 1.01(b)(1), 1.01(b)(2), 1.03(a), 1.03(b), and 8.04(a)(8). He was ordered to pay \$2,500.00 in restitution and \$1,691.00 in attorneys' fees and direct expenses. Markle has filed a notice of appeal.

**Markle, Robert Aaron: #24098037
09/30/2019-Default Partially Probated Suspension
08/16/2019-08/15/2021: SUSPENSION
08/16/2021-08/15/2023: PROBATED**

On September 30, 2019, **Robert Aaron Markle** [#24098037], 51, of The Woodlands, received a four-year, partially probated suspension, effective August 16, 2019, with the first two years actively suspended and the remainder probated. An evidentiary panel of the District 3 Grievance Committee found that Markle neglected his client's case and frequently failed to carry out completely the obligations he owed to his client. Markle further failed to keep his client reasonably informed about the status of her case, failed to promptly comply with his client's reasonable requests for information, and failed to explain the case to the extent reasonably necessary to permit his client to make informed decisions regarding the representation. Markle also failed to refund any advance payments of fee that had not been earned. Additionally, Markle failed to file written response to the grievance.

Markle violated Rules 1.01(b)(1), 1.01(b)(2), 1.03(a), 1.03(b), 1.15(d), and 8.04(a)(8). He was ordered to pay \$2,500.00 in restitution and \$1,691.00 in attorneys' fees and direct expenses. Markle has filed a notice of appeal.

Markle, Robert Aaron: #24098037
09/04/2019-Default Partially Probated Suspension
09/16/2019-08/15/2021: SUSPENSION
08/16/2021-08/15/2023: PROBATED

On September 4, 2019, **Robert Aaron Markle** [#24098037], 51, of The Woodlands, received a four-year, partially probated suspension, effective August 16, 2019, with the first two years actively suspended and the remainder probated. An evidentiary panel of the District 3 Grievance Committee found that Markle neglected his client's case and frequently failed to carry out completely the obligations he owed to his client. Markle further 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. Additionally, Markle failed to file written response to the grievance.

Markle violated Rules 1.01(b)(1), 1.01(b)(2), 1.03(a), and 8.04(a)(8). He was ordered to pay \$2,404.00 in restitution and \$1,597.90 in attorneys' fees and direct expenses. Markle has filed a notice of appeal.

Markle, Robert Aaron: #24098037
09/04/2019-Default Partially Probated Suspension
08/16/2019-08/15/2021: SUSPENSION
08/16/2021-08/15/2023: PROBATED

On September 4, 2019, **Robert Aaron Markle** [#24098037], 51, of The Woodlands, received a four-year, partially probated suspension, effective August 16, 2019, with the first two years actively suspended and the remainder probated. An evidentiary panel of the District 3 Grievance Committee found that Markle neglected his client's case and frequently failed to carry out completely the obligations he owed to his client. Markle further 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. Additionally, Markle failed to file written response to the grievance.

Markle violated Rules 1.01(b)(1), 1.01(b)(2), 1.03(a), and 8.04(a)(8). He was ordered to pay \$2,500.00 in restitution and \$1,672.60 in attorneys' fees and direct expenses. Markle has filed a notice of appeal.

Van Orman, Mary Elizabeth: #00788762
09/17/2019-Agreed Public Reprimand

On September 17, 2019, **Mary Elizabeth Van Orman** [#00788762], 54, of The Woodlands, accepted an agreed judgment of public reprimand. An evidentiary panel of the District 3 Grievance Committee found that Van Orman frequently failed to carry out completely the obligations owed to her client. Van Orman further failed to keep her client reasonably informed about the status of the case and failed to promptly comply with her client's reasonable requests for information. Additionally, Van Orman failed to refund advance payments of fee that had not been earned. Payment was eventually made to the client.

Van Orman violated Rules 1.01(b)(2), 1.03(a), and 1.15(d). Van Orman was ordered to pay \$500.00 in attorneys' fees and direct expenses.

Houston Attorney
10/09/2019-Agreed Private Reprimand

Rule 1.01(b)(1)
for neglecting a legal matter entrusted to the lawyer

Rule 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

DISTRICT 4:

Brady, James P.: #02847400
11/12/2019-Resignation in lieu of Discipline

On November 12, 2019, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **James P. Brady** [#02847400], 73, of Houston. At the time of Brady's resignation, he had two pending grievances. In both matters, Brady neglected the legal matters entrusted to him, frequently failed to carry out completely the obligations he owed to his client, and failed to hold funds belonging to his clients that were in his possession in connection with the representation separate from his own property. In addition, upon termination of representation, Brady failed to refund advance payments of fee that had not been earned and failed to timely furnish to the Chief Disciplinary Counsel's office a response or other information as required by the Texas Rules of Disciplinary Procedure.

In one of those two matters, Brady also failed to keep his client reasonably informed about the status of their legal matter and to promptly comply with reasonable requests for information and failed to explain a legal matter to the extent reasonably necessary to permit his client to make informed decisions regarding the representation. Brady violated Rules 1.01(b)(1), 1.01(b)(2), 1.03(a), 1.03(b), 1.14(a), 1.15(d), and 8.04(a)(8).

Chatmon, Jonathan Lee: #24068666
09/11/2019-Agreed Public Reprimand

On September 11, 2019, **Jonathan Lee Chatmon** [#24068666], 36, of Houston, accepted an agreed judgment of public reprimand. An evidentiary panel of the District 4 Grievance Committee found that Chatmon failed to keep his client reasonably informed about the status of her personal injury matter. Additionally, upon Chatmon's receipt of settlement funds, he failed to promptly notify his client and/or her medical providers and, further failed to promptly deliver said settlement funds to his client and/or her medical providers.

Chatmon violated Rules 1.03(a), and 1.14(b). He was ordered to pay \$500.00 in attorneys' fees and direct expenses.

Cheadle, William Kauper: #04162950
11/04/2019-Agreed Fully Probated Suspension
11/01/2019-04/30/2022: PROBATED

On November 4, 2019, **William Kauper Cheadle** [#04162950], 62, of Houston, received an agreed judgment of fully probated suspension. An evidentiary panel of the District 4 Grievance Committee found that, while representing one client, Cheadle frequently failed to carry out completely the obligations he owed to his client, failed to keep his client reasonably informed about the status of their legal matter and to promptly comply with reasonable requests for information, and failed to explain a legal matter to the extent reasonably necessary to permit his client to make informed decisions regarding the representation. While representing another client, Cheadle failed to explain a legal matter to the extent reasonably necessary to permit his client to make informed decisions regarding the representation and failed to hold funds belonging in whole or in part to his client that was in his possession in connection with the representation separate from his own property. In addition, upon termination of representation, Cheadle failed to refund advance payments of fee that had not been earned and he engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation.

Cheadle violated Rules 1.01(b)(1), 1.03(a), 1.03(b), 1.14(a), 1.15(d), and 8.04(a)(3). He was ordered to pay \$1,500.00 in attorneys' fees and direct expenses.

Exley, Elizabeth A.: #24008031
10/24/2019-Agreed Fully Probated Suspension
11/01/2019-01/29/2020: PROBATED

On October 24, 2019, **Elizabeth A. Exley** [#24008031], 48, of Houston, received a 90-day, fully probated suspension, effective November 1, 2019. The 190th District Court of Harris County found that in 2010, Exley failed to disclose to the defense her willingness to give favorable sentencing recommendations on behalf of two testifying witnesses with pending criminal charges based on their cooperation during a murder trial, in violation of Texas Disciplinary Rule of Professional Conduct 3.09(d). Exley was ordered to pay \$1,265.15 in attorneys' fees and direct expenses.

Gooden, Elijah III: #08146400
10/14/2019-Agreed Fully Probated Suspension
11/01/2019-10/31/2022: PROBATED

On October 14, 2019, **Elijah Gooden, III** [#08146400], 58, of Houston, accepted an agreed judgment of a three-year, fully probated suspension, effective November 1, 2019. An evidentiary panel of the District 4 Grievance Committee found that Gooden failed to hold funds belonging in whole or in part to his client in a separate trust account; failed to promptly deliver entitled funds to his client and third persons; failed to keep funds that both he and third persons claimed an interest in, separate until there was an accounting and severance of their interest. During his representation of his client, Gooden engaged in conduct involving dishonesty, fraud, deceit or misrepresentation.

Gooden violated Rules 1.14(a), 1.14(b), 1.14(c), and 8.04(a)(3). He was ordered to pay \$1,000.00 in attorneys' fees and direct expenses.

Guidry, Kerry Michael: #24045993
09/11/2019-Agreed Active Suspension
01/01/2020-12/31/2024: SUSPENSION

On September 11, 2019, **Kerry Michael Guidry** [#24045993], 40, of Houston, accepted a five-year, active suspension, effective January 1, 2020. An evidentiary panel of the District 4 Grievance Committee found that Guidry failed to keep his clients reasonably informed about the status of their cases and failed to promptly comply with reasonable requests for information. Guidry also failed to provide his clients with a written statement describing the outcome of the cases. Additionally, Guidry failed to hold funds belonging in whole or in part to clients or third persons in a separate trust account, failed to promptly deliver funds to clients or third persons, and failed to keep funds, in which both he and clients claimed interests, separate. Guidry further engaged in conduct involving dishonesty, fraud, deceit or misrepresentation.

Guidry violated Rules 1.03(a), 1.04(d), 1.14(a), 1.14(b), 1.14(c), and 8.04(a)(3). He agreed to pay \$60,000.00 in restitution and \$1,500.00 in attorneys' fees and direct expenses.

Lindsay, David Christian: #24092703
11/14/2019-Agreed Public Reprimand

On September 26, 2019, **David C. Lindsay** [#24092703], 31, of Houston, accepted an agreed judgment of public reprimand. An evidentiary panel of the District 4 Grievance Committee found that Lindsay assisted or counseled his client to engage in conduct that Lindsay knew was criminal or fraudulent. Lindsay further failed to hold funds belonging in whole or in part to his client in a separate trust or escrow account. Lindsay violated Rules 1.02(c), and 1.14(a). He was ordered to pay \$1,000.00 in attorneys' fees and direct expenses.

UPDATE: On November 14, 2019, an amended agreed judgment of public reprimand was entered to add a deadline for the monitoring of Lindsay's trust account.

Mattson, Michael Lake: #24030007
09/27/2019-Agreed Fully Probated Suspension
10/01/2019-09/30/2020: PROBATED

On September 27, 2019, **Michael Lake Mattson** [#24030007], 49, of Houston, accepted a one-year, fully probated suspension, effective October 1, 2019. An evidentiary panel of the District 4 Grievance Committee found that Mattson failed to keep his client reasonably informed about the status of his legal matter and to promptly comply with reasonable requests for information and failed to withdraw from representing his client when Mattson's psychological condition materially impaired his fitness to represent his client. Mattson violated Rules 1.03(a), and 1.15(a)(2).

Mejias, Carlos Dantes Jr.: #24094841
11/13/2019-Agreed Public Reprimand

On October 7, 2019, **Carlos Dantes Mejias, Jr.** [#24094841], 31, of Houston, accepted an agreed judgment of public reprimand. An evidentiary panel of the District 4 Grievance Committee found that Mejias assisted or counseled his client to engage in conduct that Mejias knew was criminal or fraudulent. Furthermore, Mejias failed to hold funds belonging in whole or in part to his client in a separate trust or escrow account and failed to promptly deliver funds to his client that the client was entitled to receive. Mejias violated Rules 1.02(c), 1.14(a), and 1.14(b). He was ordered to pay \$1,000.00 in attorneys' fees and direct expenses.

UPDATE: On November 13, 2019, an amended agreed judgment of public reprimand was entered to add a deadline for the monitoring of Mejias' trust account.

Nnaka, Kenneth Aghadi: #24032796
10/16/2019-Agreed Public Reprimand

On October 16, 2019, **Kenneth Aghadi Nnaka** [#24032796], 50, of Houston, accepted an agreed judgment of public reprimand. An evidentiary panel of the District 4 Grievance Committee found that Nnaka entered into an arrangement for, charged, or collected an unconscionable fee from his client. Nnaka violated Rule 1.04(a). He was ordered to pay \$750.00 in attorneys' fees.

O'Neal, Byron R.: #24046546
09/24/2019-Agreed Public Reprimand

On September 24, 2019, **Byron R. O'Neal** [#24046546], 42, of Houston, accepted an agreed judgment of public reprimand. An investigatory panel of the District 4 Grievance Committee found that O'Neal failed to abide by his client's decision and he accepted an offer of settlement without his client's approval; and O'Neal failed to keep his client informed about the status of his case and he did not comply with reasonable requests for information. O'Neal violated Rules 1.02(a), and 1.03. He was ordered to pay \$1,140.00 in restitution.

Houston Attorney
11/13/2019-Agreed Private Reprimand

Rule 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

Rule 1.03(b)

for failing to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation

Spagnoletti, Francis I.: #18869600
09/30/2019-Agreed Partially Probated Suspension
10/01/2019-09/30/2020: SUSPENSION
10/01/2020-09/30/2023: PROBATED

On September 30, 2019, **Francis I. Spagnoletti** [#18869600], 65, of Houston, accepted a four-year, partially probated suspension, effective October 1, 2019, with the first 12 months actively served and the remainder probated. An evidentiary panel of the District 4 Grievance Committee found that in representing certain of his clients, Spagnoletti failed to make reasonable efforts to ensure that the conduct of a nonlawyer at his firm was compatible with his professional obligations, and Spagnoletti permitted the nonlawyer's conduct, that if engaged in by a lawyer, would have been a violation of the Texas Disciplinary Rules of Professional Conduct.

Spagnoletti violated Rules 5.03(a), and 5.03(b)(1). He was ordered to pay \$8,722.50 in attorneys' fees and direct expenses.

DISTRICT 5:

Austin, Kelley Lavone: #24042529
10/07/2019-Agreed Fully Probated Suspension
10/21/2019-04/20/2020: PROBATED

On October 7, 2019, **Kelley Lavone Austin** [#24042529], 47, of Sugar Land, accepted a six-month, fully probated suspension. An evidentiary panel of the District 5 Grievance Committee found that Austin failed to promptly deliver to a third person funds that the third person was entitled to receive.

Austin violated Rule 1.14(b). She was ordered to pay \$1,000.00 in attorneys' fees.

Elam, Tyesha Yvette: #24026819
09/23/2019-Agreed Public Reprimand

On September 23, 2019, **Tyesha Yvette Elam** [#24026819], 47, of Houston, accepted a judgment of public reprimand. An investigatory panel of the District 5 Grievance Committee found that Elam failed to keep her client reasonably informed about the status of the matter and failed to abide by her client's decisions concerning the objectives and general methods of representation, as well as whether to accept an offer of settlement.

Elam violated Rules 1.02(a)(1), 1.02(a)(2), and 1.03(a). She was ordered to pay \$1,000.00 in attorneys' fees.

Marion, W. David: #00792667
09/14/2019-Agreed Fully Probated Suspension
09/01/2019-08/31/2021: PROBATED

On September 14, 2019, **W. David Marion** [#00792667], 52, of Galveston, accepted a two-year, fully probated suspension, effective September 1, 2019. An evidentiary panel of the District 5 Grievance Committee found that, while representing three clients, Marion neglected the legal matters entrusted to him, failed to keep his clients reasonably informed about the status of their legal matters and failed to promptly comply with reasonable requests for information. In addition, upon termination of representation, Marion failed to refund advance payments of fee that had not been earned and failed to timely furnish to the Chief Disciplinary Counsel's office responses or other information as required by the Texas Rules of Disciplinary Procedure. In one of those matters, Marion also failed to explain a legal matter to the extent reasonably necessary to permit his client to make informed decisions regarding the representation.

Marion violated Rules 1.01(b)(1), 1.03(a), 1.03(b), 1.15(d), and 8.04(a)(8). He was ordered to pay \$650.00 in attorneys' fees.

DISTRICT 6:

Dallas Attorney
10/29/2019-Agreed Private Reprimand

Rule 1.08(a)

A lawyer shall not enter into a business transaction with a client unless the transaction and terms on which the lawyer acquires the interest are fair and reasonable to the client and are fully disclosed in a manner which can be reasonably understood by the client; the client is given a reasonable opportunity to seek the advice of independent counsel in the transaction; and the client consents in writing thereto.

Brooks, Steven Wayne: #00793397
10/17/2019-Fully Probated Suspension
10/15/2019-10/14/2021: PROBATED

On October 17, 2019, **Steven Wayne Brooks** [#00793397], 52, of Dallas, received a two-year, fully probated suspension, effective October 15, 2019. An evidentiary panel of the District 6 Grievance Committee found that in May of 2018, Brooks was retained by the complainant to handle a family law matter. Brooks failed to keep the client's fee in a separate trust account. Upon termination of representation, Brooks failed to refund advance payments of the fee that had not been earned.

Brooks violated Rules 1.14(a), and 1.15(d). He was ordered to pay \$766.25 in restitution and \$747.00 in attorneys' fees and direct expenses.

Coker, Simeon Olumide: #24049013
09/16/2019-Agreed Active Suspension
10/01/2019-09/30/2020: SUSPENSION

On September 16, 2019, **Simeon Olumide Coker** [#24049013], 43, of Dallas, agreed to a 12-month, active suspension, effective October 1, 2019. The District 6 Grievance Committee found that in June 2017, Complainant hired Coker to represent him in a personal injury matter. During Coker's representation of Complainant, Coker misrepresented the status of the matter, including but not limited to, the date he filed the petition in Complainant's matter. Further, in responding to the grievance filed by Complainant, Coker misrepresented facts and was otherwise dishonest with the State Bar of Texas.

Coker violated Rule 8.04(a)(3). He was ordered to pay \$850.00 in attorneys' fees and direct expenses.

Dallas Attorney
09/18/2019-Agreed Private Reprimand

Rule 1.01(b)(1)

In representing a client, a lawyer shall not neglect a legal matter entrusted to the lawyer.

Rule 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.

Hollis, Barata Roy: #24057584
11/19/2019-Agreed Fully Probated Suspension
12/01/2019-11/30/2020: PROBATED

On November 19, 2019, **Barata Roy Hollis** [#24057584], 48, of Frisco, received a 12-month, fully probated suspension (December 1, 2019 through November 30, 2020). An investigatory panel of the District 6 Grievance Committee found that Hollis neglected several legal matters entrusted to her by a client. Hollis failed to keep the client reasonably informed about the status of the legal matters, failed to promptly comply with reasonable requests for information from the client, and failed to explain the legal matters to the extent reasonably necessary to permit her client to make informed decisions regarding the representation. Hollis misrepresented the status and/or details of several legal matters to her client.

Hollis violated Rules 1.01(b)(1), 1.03(a), 1.03(b), and 8.04(a)(3). She was ordered to pay \$675.00 in attorneys' fees and direct expenses.

King, Jeffery Charles: #24038039
11/04/2019-Agreed Public Reprimand

On November 4, 2019, **Jeffery Charles King** [#24038039], 43, of Dallas, entered into an agreed judgment of public reprimand. An evidentiary panel of the District 6 Grievance Committee found that in December of 2014 the complainant hired King to file an administrative appeal on his behalf. In representing the complainant, King neglected the legal matter entrusted to him by failing to file the administrative appeal. King violated Rule 1.01(b)(1).

Lewis, Thomas Christopher: #24059224
10/07/2019-Agreed Public Reprimand

On October 7, 2019, **Thomas Christopher Lewis** [#24059224], 49, of Dallas, agreed to a public reprimand. The District 6 Grievance Committee found that in October 2016, Lewis was hired to represent Complainant in a guardianship matter pertaining to Complainant's father. Lewis failed to keep Complainant reasonably informed about the status of her legal matter.

Lewis violated Rule 1.03(a). He was ordered to pay attorneys' fees and direct expenses in the sum of \$2,000.00.

Lilly, Curtis: #24030063
10/16/2019-Fully Probated Suspension
10/15/2019-07/14/2020: PROBATED

On October 16, 2019, **Curtis Lilly** [#24030063], 47, of Fort Worth, received a nine-month, fully probated suspension, effective October 15, 2019. The District 6 Grievance Committee found that in representing Complainant, Lilly neglected the legal matter entrusted to him by failing to appear at numerous court hearings. Lilly knowingly disobeyed an obligation under a ruling by a tribunal by failing to appear at an October 27, 2017 hearing for which Lilly had been ordered to appear by the presiding judge. On November 2, 2017, Lilly filed a motion to recuse the presiding judge in Complainant's legal matter in which Lilly knowingly made several false statements of material fact to the tribunal. Lilly engaged in conduct involving dishonesty, fraud, deceit or misrepresentation.

Lilly violated Rules 1.01(b)(1), 3.03(a)(1), 3.04(d) and 8.04(a)(3). He was ordered to pay \$1,192.50 in attorney's fees and \$474.00 in direct expenses

Massar, Antonius B. "Ton": #13164200
09/27/2019-Agreed Fully Probated Suspension
10/01/2019-03/31/2020: PROBATED

On September 27, 2019, **Antonius B. Massar** [#13164200], 63, of Garland, received a six-month, fully probated suspension (October 1, 2019 through March 31, 2020). An investigatory panel of the District 6 Grievance Committee found that Massar, in representing a client, failed to explain the legal matter to the extent reasonably necessary to permit his client to make informed decisions regarding the representation and continued to represent the client when it reasonably appeared to become adversely limited by Massar's own interests. Massar entered into an arrangement for, charged, or collected an unconscionable fee and accepted payment of legal services from an individual on behalf of the client without his client's consent. Massar released discovery to a third party in violation of Article 39.14 of the Texas Code of Criminal Procedure.

Massar violated Rule 1.03(b), 1.04(a), 1.06(b)(2), 1.08(e), and 8.04(a)(12). He was ordered to pay \$675.00 in attorneys' fees and direct expenses.

Dallas Attorney
08/13/2019-Agreed Private Reprimand

Rule 4.02(a)

In representing a client, a lawyer shall not communicate or cause or encourage another to communicate about the subject of the representation with a person, organization or entity of government the lawyer knows to be represented by another lawyer regarding that subject, unless the lawyer has the consent of the other lawyer or is authorized by law to do so.

Rule 4.04(a)

In representing a client, a lawyer shall not use means that have no substantial purpose other than to embarrass, delay, or burden a third person, or use methods of obtaining evidence that violate the legal rights of such a person.

Rule 4.04(b)(2)

A lawyer shall not present, participate in presenting, or threaten to present civil, criminal or disciplinary charges against a complainant, a witness, or a potential witness in a bar disciplinary proceeding solely to prevent participation by the complainant, witness or potential witness therein.

McMaster, Douglas Matthew: #13786020
10/07/2019-Agreed Partially Probated Suspension
08/15/2019-08/14/2023: SUSPENSION
08/14/2023-08/14/2027: PROBATED

On October 7, 2019, **Douglas Matthew McMaster** [#13786020], 56, of Brownsville, agreed to an eight-year, partially probated suspension, effective August 15, 2019, with the first four years actively served and the remainder probated. The District 6 Grievance Committee found that McMaster neglected a client's matter, failed to keep a client reasonably informed, failed to return the unearned portion of a fee and engaged in the practice of law while his law license was suspended.

McMaster violated Rules 1.01(b)(1), 1.03(a), 1.15(d), and 8.04(a)(11), was order to pay \$1,050.00 in restitution and \$800.00 in attorneys' fees and direct expenses.

Dallas Attorney
11/04/2019-Agreed Private Reprimand

Rule 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.

Rule 1.04(c)

When the lawyer has not regularly represented the client, the basis or rate of the fee shall be communicated to the client, preferably in writing, before or within a reasonable time after commencing the representation.

Rule 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 lawyers 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.

Dallas Attorney
09/18/2019-Agreed Private Reprimand

Rule 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.

Rule 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 fee that has 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.

Rule 8.04(a)(8)

A lawyer shall not fail to timely furnish to the Chief Disciplinary Counsel's Office a response unless he/she in good faith timely asserts a privilege or other legal ground for failure to do so.

Rodriguez, Brigida: #24046743
08/16/2019-Partially Probated Suspension
09/01/2019-05/31/2020: SUSPENSION
06/01/2020-08/31/2021: PROBATED

On August 16, 2019, **Brigida Rodriguez** [#24046743], 64, of Dallas, received a 24-month, partially probated suspension, with nine month active (September 1, 2019, through May 31, 2020) and 15 month probated (June 1, 2020, through August 31, 2021). An evidentiary panel of the District 6 Grievance Committee found that Rodriguez frequently failed to carry out completely the obligations she owed to her client, failed to keep her client reasonably informed about the status of her case, and failed to promptly comply with reasonable requests for information from her client.

Rodriguez failed to respond to the grievance. Rodriguez violated Rules 1.01(b)(2), 1.03(a), and 8.04(a)(8). She was ordered to pay \$1,780.00 in attorneys' fees and \$645.00 in direct expenses.

Seeberger, David M.: #17979300
09/25/2019-Agreed Public Reprimand

On September 25, 2019, **David M. Seeberger** [#17979300], 63, of Dallas, received an agreed judgment of public reprimand. An evidentiary panel of the District 6 Grievance Committee found that Seeberger's client hired him for an ongoing breach of contract lawsuit. In representing his client, Seeberger neglected the legal matter entrusted to him and failed to keep his client reasonably informed about the status of the case. Seeberger violated Rules 1.01(b)(1), and 1.03(a). He was ordered to pay \$2,832.50 in attorneys' fees and direct expenses.

Seeberger, David M.: #17979300
09/25/2019-Agreed Fully Probated Suspension
10/01/2019-09/30/2020: PROBATED

On September 25, 2019, **David M. Seeberger** [#17979300], 63, of Dallas, received an agreed judgment of fully probated suspension, effective October 1, 2019, and ending on September 30, 2020. An evidentiary panel of the District 6 Grievance Committee found that Seeberger was retained by his clients for representation in a civil matter. In representing his clients, Seeberger neglected the legal matter entrusted to him. Seeberger failed to keep his clients reasonably informed about the status of their case, and failed to promptly comply with reasonable requests for information from the clients.

Seeberger violated Rules 1.01(b)(1), and 1.03(a). He was ordered to pay \$1,315.00 in attorneys' fees and direct expenses.

Strong, Staci Jennifer: #24037564
09/19/2019-Disbarment

On September 19, 2019, **Staci Jennifer Strong** [#24037564], 46, of McKinney, was disbarred, effective September 13, 2019. The District 1 Grievance Committee found that beginning in 2011, Strong represented her husband in a collection suit filed by The Highlands Bank of Dallas, which resulted in a judgment being entered against Strong's husband. During the course of post-judgment collection efforts by the Bank, Strong engaged in conduct involving dishonesty, fraud, deceit or misrepresentation.

Strong violated Rule 8.04(a)(3). She was ordered to pay \$1,262.50 in attorneys' fees and \$399.50 in direct expenses.

DISTRICT 7:

Dallas Attorney
10/18/2019-Agreed Private Reprimand

Rule 1.04(a)

A lawyer shall not enter into an arrangement for, charge, or collect an illegal fee or unconscionable fee. A fee is unconscionable if a competent lawyer could not form a reasonable belief that the fee is reasonable.

Rule 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 fee that has 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.

Dallas Attorney
10/24/2019-Agreed Private Reprimand

Rule 5.01(a)

A lawyer shall be subject to discipline because of another lawyer's violation of these rules of professional conduct if the lawyer is a partner or supervising lawyer and orders encourages, or knowingly permits the conduct involved.

Lambert, L. Bruce: #00792973
09/27/2019-Fully Probated Suspension
09/04/2019-03/03/2020: PROBATED

On September 27, 2019, **L. Bruce Lambert** [#00792973], 63, of Fort Worth, received a six-month, fully probated suspension, effective September 4, 2019. The District 7 Grievance Committee found that in representing Complainant in a divorce case, Lambert neglected the legal matter entrusted to him. Lambert failed to keep Complainant reasonably informed about the status of her legal matter and failed to promptly comply with reasonable requests for information from Complainant. Lambert violated Rules 1.01(b)(1), and 1.03(a). He was ordered to pay \$2,000.00 in attorneys' fees and direct expenses.

Lambert, L. Bruce: #00792973
09/27/2019-Fully Probated Suspension
09/04/2019-09/03/2021: PROBATED

On September 27, 2019, **L. Bruce Lambert** [#00792973], 63, of Fort Worth, received a 24-month, fully probated suspension, effective September 4, 2019. The District 7 Grievance Committee found that Lambert failed to timely furnish to the Chief Disciplinary Counsel's office a response or other information as required by the Texas Rules of Disciplinary Procedure. Lambert did not in good faith timely assert a privilege or other legal ground for failure to do so. Lambert violated Rules 8.04(a)(8). He was ordered to pay \$3,000.00 in attorneys' fees and direct expenses.

Milks, John David: #24045106
10/29/2019-Agreed Fully Probated Suspension
11/01/2019-01/31/2020: PROBATED

On October 29, 2019, **John David Milks** [#24045106], 41, of Grand Prairie, received a three-month, probated suspension, effective November 1, 2019. An investigatory panel of the District 7 Grievance Committee found that Complainant hired Milks to appeal a civil suit from a Justice of the Peace Court. During the representation, Milks neglected the legal matter, and failed to explain the appeal process to the extent reasonably necessary to permit Complainant to make informed decisions regarding the representation. Milks violated Rules 1.01(b)(1), and 1.03(b). He was ordered to pay \$1,500.00 in restitution and \$500.00 in attorneys' fees and costs.

Pettie, Nemuel E.: #15858440
10/15/2019-Agreed Public Reprimand

On October 15, 2019, **Nemuel E. Pettie** [#15858440], 64, of Fort Worth, received a public reprimand. An investigatory panel of the District 7 Grievance Committee found that in July of 2014, Complainant hired Pettie for representation in a personal injury matter. Pettie prepared a letter of representation, on or about September 8, 2014, requesting records related to Complainant's personal injury matter. In representing Complainant, Pettie thereafter neglected the legal matter entrusted to him by failing to perform legal work on Complainant's case.

Pettie violated Rule 1.01(b)(1). He was ordered to pay \$500.00 in attorneys' fees and direct expenses.

Dallas Attorney
11/22/2019-Agreed Private Reprimand

Rule 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.

Rule 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 fee that has 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.

Dallas Attorney
10/24/2019-Agreed Private Reprimand

Rule 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.

Dallas Attorney
10/01/2019-Agreed Private Reprimand

Rule 8.04(a)(8)

A lawyer shall not fail to timely furnish to the Chief Disciplinary Counsel's office 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.

DISTRICT 8:

McDermed, Breccia M.: #24052206
11/18/2019-Agreed Fully Probated Suspension
12/01/2019-11/30/2021: PROBATED

On November 18, 2019, **Breccia M. McDermed** [#24052206], 43, of Waco, accepted a two-year, fully probated suspension, effective December 1, 2019. An investigatory panel of the District 8 Grievance Committee found that while representing a client in a divorce matter, McDermed failed to timely provide documents to, and communicate with, her client. The panel also found that after McDermed was subsequently terminated by the client, McDermed failed to return the client's file and billed for services after she was terminated. In addition, in her response to Complainant's grievance, McDermed provided the Office of the Chief Disciplinary Counsel with an email purportedly sent to her client with a copy of a pleading in his case. The email was dated December 12, 2019. McDermed submitted her response to the grievance on April 17, 2019, eight months prior to the date of the email.

McDermed violated Rules 1.03(a), 1.15(a)(3), 1.15(d), 8.01(a), and 8.04(a)(3).

Norman, Christopher James: #24060342
10/01/2019-Resignation in lieu of Discipline

On October 1, 2019, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Christopher James Norman** [#24060342], 37, of Killeen. At the time of Norman's resignation, nine disciplinary cases were pending against him. In the first case, Complainant filed a complaint against Norman on behalf of his company, Prime Case Funding ("PCF"). Norman contacted PCF purportedly on behalf of a personal injury client who Norman claimed sustained injuries in a 2018 automobile accident. Norman requested a cash advance in exchange for any potential settlement that his alleged client would recover from the accident. In order to secure funds from PCF, Norman provided PCF with documents purporting to be a police report relating to the 2018 accident, an MRI report, a report from an orthopedic medical provider, and an offer of settlement from an insurance carrier. However, these documents were not authentic but taken from a prior accident involving other individuals and altered. Subsequently, the purported client denied being involved in a car accident in 2018, and seeking an advance from PCF. In his response to the complaint, Norman asserted that this purported client requested the legal funding advance. He further falsely claimed that he received a check from this purported client's insurance carrier and repaid the advanced funds. In a second case, Complainant hired Norman in June 2012 to represent her in a wrongful death claim related to the death of her mother. Thereafter, Complainant's five siblings also hired Norman related to the same matter. Norman failed to file any claim against any potential responsible third party or with any responsible party's insurance carrier. Additionally, Norman failed to file a lawsuit

before the expiration of the statute of limitations. In early 2016, Norman represented to the clients that the case had settled when it had not. Even though Norman received no settlement funds in the matter, he distributed funds in various amounts to the clients from his trust account between February 2016 and April 2017. In his communications with the Office of the Chief Disciplinary Counsel, Norman denied advancing funds to any of the clients. A review of Norman's trust account statements indicated that Norman commingled personal and client funds and that the clients were paid from monies not related to their wrongful death claim. There were also several instances of insufficient funds in his trust account. Further, there were multiple deposits of settlement funds into Norman's operating account rather than in his trust account. In a third case, Complainant hired Norman to represent him on a personal injury claim after sustaining injuries in a motor vehicle accident. The case settled for \$24,900.00. Norman negotiated with Complainant's medical providers to reduce the amount owed for services rendered to Complainant. Although Norman paid Complainant the amount he was entitled to receive, he failed to pay two of Complainant's medical providers a total of \$10,700.00. In a fourth case, Complainant hired Norman to represent him in lawsuit against a rental company in November of 2017. Complainant paid Norman an advanced fee of \$1,550.00. Although Norman had Complainant appear for two court dates, when Complainant appeared Norman admitted he had not filed the lawsuit. In the remaining five cases, Norman neglected his clients' legal matters; failed to keep clients reasonably informed about the status of a matter; failed to promptly reply to reasonable requests for information; and further failed to return client files and unearned fees. Norman violated Rules 1.01(b)(1), 1.03(a), 1.14(a), 1.14(b), 1.14(c), 8.01(a), 8.04(a)(2), and 8.04(a)(3).

Austin Attorney
10/07/2019-Agreed Private Reprimand

Rule 1.01(b)(1)
for neglecting a legal matter entrusted to the lawyer

Scaramucci, Brittany Lea: #24061388
10/28/2019-Agreed Fully Probated Suspension
11/01/2019-10/31/2020: PROBATED

On October 28, 2019, **Brittany Lea Scaramucci** [#24061388], 36, of Valley Mills, received a one-year, fully probated suspension. An investigatory panel of the District 8 Grievance Committee found that Complainant hired Scaramucci to represent him in a divorce. In preparing for trial, Complainant agreed to provide a potential witness with a copy of a journal his wife kept regarding her prior marriage. Scaramucci sent the witness a link to Complainant's entire DropBox file, rather than providing only the journal. As a result, the witness had access to Complainant's confidential information, including financial records, credit card numbers, bank account information, and social security numbers. In addition, Complainant gave Scaramucci a check in the amount equal to the parties' 2017 Income Tax Refund. The funds were to be held in trust until the court determined how the refund was to be divided between the parties. However, prior to the final hearing on November 2, 2018, Scaramucci withdrew the funds from her trust account and applied the funds to the attorney fees she claimed Complainant owed her without Complainant's affirmative consent. Complainant terminated Scaramucci on December 4, 2018, and requested Scaramucci return the funds, as his wife had already received her half. Scaramucci failed to return the funds to Complainant. Scaramucci violated Rules 1.05(a), 1.14(b), and 1.14(c) of the Texas Disciplinary Rules of Professional Conduct, Article X, Section 9, State Bar Rules. Scaramucci 1033 was ordered to pay \$1,693.00 in restitution and \$1,915.41 in attorneys' fees and expenses.

Austin Attorney
10/09/2019-Agreed Private Reprimand

Rule 1.14(b)

for failing, upon receiving funds or other property in which a client or third person has an interest, to promptly notify the client or third person and render a full accounting upon request

Rule 8.04(a)(8)

for failing to timely furnish a district grievance committee a response or other information as required unless he/she timely asserts a privilege or other legal ground for failure to do so

DISTRICT 9:

Carter, Kenavon Tramayne: #24044913
11/07/2019-Agreed Fully Probated Suspension
12/01/2019-11/30/2020: PROBATED

On November 7, 2019, **Kenavon Tramayne Carter** [#24044913], 46, of Austin, accepted a 12-month, fully probated suspension, effective December 1, 2019. An investigatory panel of the District 9 Grievance Committee found that Carter failed to timely return an unearned fee in a criminal matter. Carter also failed to provide the Chief Disciplinary Counsel with a response to the grievance, as required by the Texas Rules of Disciplinary Procedure. Carter violated Rules 1.14(b), and 8.04(a)(8) and was ordered to pay \$450.62 in attorneys' fees and direct expenses.

Carter, Kenavon Tramayne: #24044913
11/07/2019-Agreed Public Reprimand

On November 7, 2019, **Kenavon Tramayne Carter** [#24044913], 46, of Austin, accepted a public reprimand. An investigatory panel of the District 9 Grievance Committee found that while representing a client in a criminal matter, Carter failed to explain the matter to the extent reasonably necessary to permit his client to make informed decisions. Carter also failed to provide the Chief Disciplinary Counsel with a response to the grievance, as required by the Texas Rules of Disciplinary Procedure. Carter violated Rules 1.03(b), and 8.04(a)(8) and was ordered to pay \$653.52 in attorneys' fees and direct expenses.

Smith, Robert Ray: #18678070
09/24/2019-Agreed Active Suspension
10/11/2019-10/10/2024: SUSPENSION

On September 24, 2019, **Robert Ray Smith** [#18678070], 60, of Georgetown, accepted a five-year, active suspension, beginning October 11, 2019. An evidentiary panel of the District 9 Grievance Committee found that Smith was hired to represent a client to obtain four non-disclosure orders and one expunction order in five criminal cases. Smith guaranteed the client that the cases would be finished within two months. After some time, Smith informed the client that he had not filed anything on her behalf, and needed more time. After nine months, the client went to Smith's office to obtain her case files. At the time, Smith informed her he obtained one non-disclosure order and one expunction order, and provided her with copies of these allegedly file-stamped documents. The next week, the client appeared at

the Travis County Courthouse to obtain certified copies of these orders and learned that the orders provided to her by Smith were fraudulent. Upon further investigation, it was determined that Respondent forged the judge's signatures on both orders and created the fraudulent file stamps. Smith violated Rules 1.01(b)(1), 1.03(a), 8.04(a)(2), and 8.04(a)(3) and was ordered to pay \$2,709.27 in attorneys' fees and costs.

Stanfield, Shanon Keith: #24056738
10/28/2019-Agreed Fully Probated Suspension
11/01/2019-01/31/2020: PROBATED

On October 28, 2019, **Shanon Keith Stanfield** [#24056738], 36, of Austin, accepted a three-month, fully probated suspension, effective November 1, 2019. An evidentiary panel of the District 9 Grievance Committee found that while representing a client in a civil litigation matter, Stanfield failed to communicate with his client and failed provide his client with any updates concerning the matter. Stanfield violated Rule 1.03(a) and was ordered to pay \$587.50 in attorneys' fees and direct expenses.

DISTRICT 10:

San Antonio Attorney
10/16/2019-Agreed Private Reprimand

Rule 5.01(a)

A lawyer shall be subject to discipline because of another lawyer's violation of these rules of professional conduct if the lawyer is a partner or supervising lawyer and orders, encourages, or knowingly permits the conduct involved.

Fiegel, Beauregard Driller: #24086782
11/26/2019-Agreed Fully Probated Suspension
01/01/2020-01/01/2023: PROBATED

On November 26, 2019, **Beauregard Driller Fiegel** [#24086782], 34, of San Antonio, accepted a three-year, fully probated suspension, effective January 1, 2020. The District 9 Grievance Committee found that Fiegel neglected a client's matter, failed to keep a client reasonably informed and failed to respond to the grievance. Fiegel violated Rules 1.01(b)(1), 1.03(a), 8.04(a)(8) and was ordered to pay \$500.00 in attorneys' fees and direct expenses.

San Antonio Attorney
10/16/2019-Agreed Private Reprimand

Rule 1.15(d)

for 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. 7.01(f) - For using a firm name, letterhead, or other professional designation that violates Rule 7.02(a).

Mason, Jonathan Paul: #24089842
10/24/2019-Agreed Fully Probated Suspension
11/15/2019-11/14/2020: PROBATED

On October 24, 2019, **Jonathan Paul Mason** [#03737200], 42, of San Antonio, accepted a 12-month, fully probated suspension, effective November 15, 2019. The District 10 Grievance Committee found that Mason failed to hold client's funds in trust account, failed to deliver client's funds, and failed to take reasonable remedial actions to mitigate the consequences of another lawyer's misconduct. Mason violated Rules 1.14(a)&(b) and 5.01(a)&(b).

Munoz, Rodolfo R.: #14670250
05/24/2019-Partially Probated Suspension
06/01/2019-05/31/2021: SUSPENSION
06/01/2021-05/31/2023: PROBATED

On May 24, 2019, **Rodolfo R. Munoz** [#14670250], 74, of San Antonio, received a four-year, partially probated suspension, effective June 1, 2019, with the first two years actively served and the remainder probated. The 73rd Judicial District Court of Bexar County found that Munoz committed professional misconduct by violating Rule(s) 1.15(a)(3) [failing to withdraw from representation when discharged by the client]; 3.01 [frivolous claim]; 3.02 [taking a position that unreasonably increases the costs or other burdens of the case or that unreasonably delays resolution of the matter]; 3.04(c)(5) [engage in conduct intended to disrupt the proceedings]; 4.04(a) [using means that have no substantial purpose other than to embarrass, delay, or burden a third person].

Nance, Jami Kay Shrader: #24069057
11/02/2019-Agreed Fully Probated Suspension
11/15/2019-11/13/2020: PROBATED

On November 2, 2019, **Jami Kay Shrader Nance** [#24069057], 42, of El Paso, accepted a one-year, fully probated suspension, effective November 15, 2019. The District 10 Grievance Committee found that Nance failed to hold client's funds in trust account, failed to deliver client's funds, and failed to take reasonable remedial actions to mitigate the consequences of another lawyer's misconduct. Nance violated Rules 1.14(a)&(b), and 5.01(a)&(b).

San Antonio Attorney
09/18/2019-Agreed Private Reprimand

Rule 5.01(b)

The lawyer is a partner in the law firm in which the other lawyer practices, is the general counsel of a government agency's legal department in which the other lawyer is employed, or has direct supervisory authority over the other lawyer, and with knowledge of the other lawyers violation of these rules knowingly fails to take reasonable remedial action to avoid or mitigate the consequences of the other lawyers violation.

San Antonio Attorney
09/03/2019-Agreed Private Reprimand

Rule 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.

Rule 1.04(d)

Entering into a contingent fee agreement prohibited by paragraph (e) or other law, and/or failing to enter into a written contingency fee agreement that states the method by which the fee is to be determined.

Vega, Arthur G.: #20533600
08/07/2019-Partially Probated Suspension
09/01/2019-02/29/2020: SUSPENSION
03/01/2020-08/31/2021: PROBATED

On August 7, 2019, **Arthur G. Vega** [#20533600], 67, of San Antonio, received a 24-month, partially probated suspension, effective September 1, 2019, with the first six months actively served and the remainder probated. The District 10 Grievance Committee found that Vega failed to hold client's funds in a trust account, failed to deliver client's funds and, upon termination of the representation, failed to refund the unearned portion of the fee.

Vega violated Rules 1.14(a), (b)&(c), and 1.15(d), and was ordered to pay \$11,000.00 in restitution and \$7,747.95 in attorneys' fees and direct expenses.

DISTRICT 11:

San Antonio Attorney
10/04/2019-Agreed Private Reprimand

Rule 1.01(a)

for accepting or continuing employment in a legal matter which the lawyer knew or should have known was beyond lawyer's competence

Rule 1.03(b)

for failing to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding representation

Rule 1.15(d)

for failing, upon termination of representation, to reasonably protect a client's interests, give notice to the client to seek other counsel, or surrender papers and property which belongs to the client

Sanchez, Zenaida: #17573800
10/28/2019-Agreed Fully Probated Suspension
11/15/2019-08/14/2020: PROBATED

On October 28, 2019, **Zenaida Sanchez** [#17573800], 59, of Alice, accepted a nine-month, fully probated suspension, effective November 15, 2019. The District 11 Grievance Committee found that Sanchez failed to respond to a grievance timely. Sanchez violated Rule 8.04(a)(8).

Teeter, Gregory Allen: #24033264
10/31/2019-Agreed Partially Probated Suspension
11/01/2019-04/30/2022: SUSPENSION
05/01/2022-10/31/2024: PROBATED

On October 31, 2019, **Greggory Allen Teeter** [#24033264], 50, of Corpus Christi, agreed to a five-year, partially probated suspension, effective November 1, 2019, with the first 30 months actively served and the remainder probated. The District 11 Grievance Committee found that Teeter neglected client's matters, failed to keep clients reasonably informed, failed to return a client's file, failed to hold funds in trust and separate from his own property, failed to promptly notify and deliver funds to parties entitled to receive funds, failed to abide by a client's decisions and failed to respond to four grievances.

Teeter violated Rules 1.01(b)(1), 1.02(a)(2), 1.03(a), 1.14(a), 1.14(b), 1.14(c), 1.15(d), 8.04(a)(3), and 8.04(a)(8) and was order to pay \$4,000.00 in attorneys' fees and direct expenses.

DISTRICT 12:

San Antonio Attorney
09/23/2019-Agreed Private Reprimand

Rule 1.01(b)(1)

In representing a client, a lawyer shall not neglect a legal matter entrusted to the lawyer.

Rule 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.

San Antonio Attorney
08/21/2019-Agreed Private Reprimand

Rule 5.03(b)(1)

A lawyer shall be in violation if the lawyer orders, encourages, or permits the conduct involved of a non-lawyer to be in violation of the rules of the Texas Disciplinary rules of Professional Conduct.

Alamia, Richard R.: #00964200
09/26/2019-Agreed Fully Probated Suspension
08/01/2020-07/31/2021: PROBATED

On September 26, 2019, **Richard R. Alamia** [#00964200], 72, of Edinburg, accepted a 12-month, fully probated suspension, effective August 1, 2020. The District 12 Grievance Committee found that Alamia failed to keep a client reasonably informed, failed to safeguard client's funds in a trust or escrow account and failed to render a full accounting of client funds.

Alamia violated Rules 1.03(b), and 1.14(a)&(b) and agreed to pay \$1,800.00 in restitution.

San Antonio Attorney
10/28/2019-Agreed Private Reprimand

Rule 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.

Rule 1.15(a)

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.

San Antonio Attorney
10/17/2019-Private Reprimand

Rule 5.03(b)

With respect to a non-lawyer employed or retained by or associated with a lawyer a lawyer having direct supervisory authority over the nonlawyer shall make reasonable efforts to ensure that the persons conduct is compatible with the professional obligations of the lawyer.

San Antonio Attorney
10/17/2019-Agreed Private Reprimand

Rule 5.03 (a)

A lawyer having direct supervisory authority over the nonlawyer shall make reasonable efforts to ensure that the persons conduct is compatible with the professional obligations of the lawyer.

Rule 7.3(a)

A lawyer shall not by in-person contact, or by regulated telephone or other electronic contact as defined in paragraph (f), seek professional employment concerning a matter arising out of a particular occurrence or event, or series of occurrences or events, from a prospective client or nonclient who has not sought the lawyer's advice regarding employment or with whom the lawyer has no family or past or present attorney-client relationship when a significant motive for the lawyer's doing so is the lawyer's pecuniary gain.

DISTRICT 14:

**Dallas Attorney
09/24/2019-Agreed Private Reprimand**

Rule 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.

Rule 5.03(a)

With respect to a nonlawyer employed or retained by or associated with a lawyer a lawyer having direct supervisory authority over the nonlawyer shall make reasonable efforts to ensure that the person's conduct is compatible with the professional obligations of the lawyer.

Rule 5.03(b)(2)

With respect to a nonlawyer employed or retained by or associated with a lawyer a lawyer shall be subject to discipline for the conduct of such a person that would be a violation of these rules if engaged in by a lawyer if the lawyer is a partner in the law firm in which the person is employed, retained by, or associated with; or is the general counsel of a government agency's legal department in which the person is employed, retained by or associated with; or has direct supervisory authority over such person; and with knowledge of such misconduct by the nonlawyer knowingly fails to take reasonable remedial action to avoid or mitigate the consequences of that person's misconduct.

**Dallas Attorney
11/22/2019-Agreed Private Reprimand**

Rule 1.06(b)(2)

In other situations and except to the extent permitted by paragraph (c), a lawyer shall not represent a person if the representation of that person reasonably appears to be or become adversely limited by the lawyer's or law firm's responsibilities to another client or to a third person or by the lawyer's or law firm's own interests.

Rule 1.08(h)

A lawyer shall not acquire a proprietary interest in the cause of action or subject matter of litigation the lawyer is conducting for a client, except that the lawyer may acquire a lien granted by law to secure the lawyer's fee or expenses; and contract in a civil case with a client for a contingent fee that is permissible under Rule 1.04.

Dallas Attorney
11/12/2019-Agreed Private Reprimand

Rule 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.

Rule 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.

Rule 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 fee that has 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.

DISTRICT 15:

San Antonio Attorney
10/22/2019-Agreed Private Reprimand

Rule 1.01(b)(1)

In representing a client, a lawyer shall not neglect a legal matter entrusted to the lawyer.

Rule 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.

San Antonio Attorney
09/25/2019-Agreed Private Reprimand

Rule 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 fee that has 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.

Rule 8.04(a)(8)

A lawyer shall not fail to timely furnish to the Chief Disciplinary Counsel's office 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.

San Antonio Attorney
11/19/2019-Agreed Private Reprimand

Rule 1.01(b)

In representing a client, a lawyer shall not neglect a legal matter entrusted to the lawyer.

Rule 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.

Rule 8.04(a)(8)

A lawyer shall not fail to timely furnish to the Chief Disciplinary Counsel's office 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.

Guzman, Arturo A. "Art": #08654525
09/26/2019-Fully Probated Suspension
10/01/2019-09/30/2020: PROBATED

On September 26, 2019, **Arturo A. Guzman** [#08654525], 55, of San Marcos, received a one-year, fully probated suspension, effective October 1, 2019. The District 15 Grievance Committee found that Guzman neglected a client's matter, failed to keep client reasonably informed, failed to keep client's funds in a trust or escrow account, failed to respond to lawful demands for information from a disciplinary authority, failed to deliver client's funds, upon termination, failed to refund unearned fees and engaged in conduct involving misrepresentation.

Guzman violated Rules 1.01(b)(1), 1.03(a), 1.14(a)&(b), 1.15(d), 8.01(b), and 8.04(a)(3), and is ordered to pay \$753.37 in restitution, and \$7,140.57 in attorneys' fees and direct expenses.

DISTRICT 16:

Murray, Patrick Cameron: #24094862
09/09/2019-Agreed Fully Probated Suspension
09/16/2019-09/15/2021: PROBATED

On September 9, 2019, **Patrick Cameron Murray** [#24094862], 32, of Lubbock, agreed to a two-year, fully probated suspension, effective September 16, 2019. The District 16 Grievance Committee Panel found that Murray failed to keep a client reasonably informed and failed to respond to the grievance.

Murray violated Rules 1.03(a), 8.04(a)(8) and was ordered to pay \$800.00 in attorneys' fees and direct expenses.

DISTRICT 17:

San Antonio Attorney
10/08/2019-Agreed Private Reprimand

Rule 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.

San Antonio Attorney
09/13/2019-Agreed Private Reprimand

Rule 1.04 (a)

A lawyer shall not enter into an arrangement for, charge, or collect an illegal fee or unconscionable fee. A fee is unconscionable if a competent lawyer could not form a reasonable belief that the fee is reasonable.

Quinata, Derek Alfonso: #24072292
10/17/2019-Agreed Fully Probated Suspension
09/20/2019-09/19/2022: PROBATED

On October 17, 2019, **Derek Alfonso Quinata** [#24072292], 38, of El Paso, agreed to a three-year, fully probated suspension, effective September 20, 2019. The District 17 Grievance Committee found that Quinata failed to respond to the grievance. Quinata violated Rule 8.04(a)(8) and was ordered to pay \$400.00 in attorneys' fees and direct expenses.

Van Cleave, Gregory Thomas: #24037881
10/17/2019-Agreed Public Reprimand

On October 17, 2019, **Gregory Thomas Van Cleave** [#24037881], 41, of San Antonio, agreed to a public reprimand. The District 10 Grievance Committee found that Van Cleave neglected a client's matter and failed to keep a client reasonably informed.

Van Cleave violated Rules 1.01(b)(1), 1.03(a) and was ordered to pay \$800.00 in attorneys' fees and direct expenses.

BOARD OF DISCIPLINARY APPEALS:

Taylor, Tallion Kyle: #24033263
09/18/2019-Interlocutory Suspension

On September 18, 2019, the Board of Disciplinary Appeals signed an agreed interlocutory order of suspension against Austin, attorney **Tallion Kyle Taylor**, 45, State Bar of Texas Card No. 24033263. On January 31, 2019, Taylor was convicted by a jury of possession of child pornography in three separate judgments, an Intentional Crime as defined in the Texas Rules of Disciplinary Procedure, in the case styled, The State of Texas v. Tallion Kyle Taylor, cause no. 15-2925-K368 in the 368th District Court of Williamson County, Texas. Mr. Brannan was sentenced to prison for 10 years. The sentence suspended and he was placed on community supervision for 10 years for each judgment of conviction. Taylor has appealed his criminal conviction. The Board retains jurisdiction to enter a final judgment when the criminal appeal is final.

Grievance Panel Member Nominations

What You Should Know

- **This is a 1 day per month commitment**
 - Members need to commit to 1 full day/month (it's the same day every month)
 - Members need to be responsive to requests from CDC, especially about attendance
 - Last-minute cancelations and no-shows = no quorum = no hearing
 - CDC has to absorb cost of canceled hearing: cost of renting room; cost of hiring security; travel costs for witnesses, staff, other members
 - Hearing will be pushed off another month or more causing delay in resolution
 - Members with a conflict can ask to serve on another panel (for the year; not month-to-month)
 - Members can be removed for lack of attendance (last resort)
- **Panel members need to commit to reading materials/being prepared**
 - Meeting packets will be sent out a few weeks in advance of the hearing
 - Materials may be voluminous and might require commitment of an evening or a weekend to review
 - It's not a good look to show up not knowing what the case(s) is about
 - Requiring CDC Staff to fully brief the panel/lay out the case before a hearing is time-consuming; causes hearing to go longer than necessary; causes other hearings to be delayed
- **Grievance Committees and Panels need to be more balanced and diverse:**
 - Objections by respondents/their counsel to lack of diversity on panels are on the rise
 - Look for more members in under-represented areas of practice (i.e., immigration, probate, criminal)
 - Look at demographics of District to ensure racial, ethnic, gender diversity on Grievance Committees and Panels
 - Diversity is expressly encouraged in Board of Director's Policy Manual [6.4.2(A)]
- **If a potential nominee is reluctant, move on to someone else who can/will commit to serve**
 - Maybe **now** is not the right time for that person, but next year will be
 - If you are twisting their arm now, it is likely CDC will be pleading with them throughout the year to attend hearings/trials

GRIEVANCE COMMITTEE MEMBER APPOINTMENT GUIDE

- Overview 1
- Eligibility Guidelines 3
- Commonly asked Questions 5
- Timeline for Appointments 7
- Nomination Form 8

1. OVERVIEW

One of your important duties as a Director of the State Bar of Texas is to nominate attorney and public members to Grievance Committees in your District. This packet is designed to guide you through that process by:

- (1) Setting out your duties and responsibilities under the Texas Rules of Disciplinary Procedure and Board Policy,
- (2) Setting forth the timeline by which your nominations should be completed,
- (3) Offering logistical assistance through the Chief Disciplinary Counsel's Regional Office serving your Bar District, and
- (4) Providing you with the appropriate forms to make your nominations.

With each Director's consent, the Chief Disciplinary Counsel's Office provides logistical assistance in the administration of committee nomination process. The Chief Disciplinary Counsel's Office is the primary record-keeper for the nomination and appointment of committee members. The Regional Counsel serving your area will notify you of upcoming vacancies in accordance with the enclosed timeline. The Regional Counsel serving your area will notify you of any vacancies that may occur at other times during your term.

The responsibility for the nomination of grievance committee members is solely that of the Directors. However, the Chief Disciplinary Counsel provides a variety of services to assist you in that task. Each potential attorney nomination will be screened for prior attorney discipline. All would-be nominees are asked to consent to a criminal background check.

The Regional Counsel for your District will coordinate with you to assure that the appropriate forms are signed by both Directors and nominees. The Chief Disciplinary Counsel will then forward the nomination to the President for formal appointment, have appointment certificates executed, and send each new member a grievance committee handbook introducing the member to the grievance system. The Regional Counsel will provide a very thorough orientation for new members and training to familiarize new members with the grievance process and applicable rules. If you would like a copy of the grievance committee handbook, please contact the Regional Counsel in your area.

As a member of the Board of Directors, you are prohibited from having or acquiring knowledge about disciplinary matters beyond what is knowable in the public domain. Stated simply, confidentiality extends from the inception of the disciplinary process until either a public sanction is imposed against the respondent lawyer in the evidentiary process or a lawsuit is filed in an open forum, such as a district court or BODA. Even in instances where a Director may have knowledge acquired elsewhere about a disciplinary matter pending at a confidential stage or a matter dismissed as an inquiry, because of the confidentiality rules, the Office of Chief Disciplinary Counsel will be unable to confirm such information or provide any information with regard to confidential

matters.

Both the Chief Disciplinary Counsel and the Commission for Lawyer Discipline periodically report to the Board of Directors regarding the state of the attorney discipline system and annually present for approval a recommended budget for the disciplinary system to the Board as a part of the overall Bar's budget.

ELIGIBILITY FOR GRIEVANCE COMMITTEE MEMBERS

ATTORNEYS:

Any attorney with an active Texas law license in good standing and who has not been convicted of a misdemeanor involving theft, a felony, or a crime involving moral turpitude is eligible for service, provided that he or she resides in or maintains his or her principal place of practice within the District. However, lawyers with prior discipline are usually not nominated. Likewise, lawyers with a history of administrative suspension for non-payment of bar dues or non-compliance with MCLE may not make good candidates. No person may serve as a grievance committee member while he or she is a member of the Board or an active judge subject to Canon 4H of the Code of Judicial Conduct.

PUBLIC MEMBERS:

Any member of the public is eligible to serve on a grievance committee provided he or she meets the following qualifications:

- (1) Must be representative of the general public;
- (2) Have not been convicted of a misdemeanor involving theft, a felony, or a crime involving moral turpitude;
- (3) Is not a member of the State Bar Board of Directors; and
- (4) Does not have, other than as a consumer, a financial interest in the practice of law. "Financial interest in the practice of law" is specifically defined in State Bar Board of Directors Policy as:
 - (a) the spouse of a lawyer;
 - (b) any employee of a lawyer, private law firm, or professional legal corporation;
 - (c) any person who acquires the majority of his or her annual gross income from or through a lawyer, law firm, professional legal corporation by way of professional or consultant fees;

(d) the spouse of any person listed in (b) through (c) above.

In making nominations every Director is requested to consider the following goal set out in Board of Directors Policy:

"It is in the best interest of the public and the lawyers of Texas for the racial, ethnic, and gender makeup of the district grievance committees to fairly represent, as closely as reasonably practicable, the racial, ethnic, and gender makeup of the district they serve. Directors are encouraged to make their district grievance committee appointments so as to continue the fulfillment of this goal and to ensure that lawyer members reflect the various sizes of practice groups."

ALL POTENTIAL NOMINEES:

Each person seeking to serve as a grievance committee member shall, prior to nomination, submit to the Chief Disciplinary Counsel a written consent to the performance of a criminal background check as a prerequisite to nomination.

COMMONLY ASKED QUESTIONS

How will I know how many new committee members to nominate and how many current members could be re-nominated for another term?

Answer: The Regional Counsel serving your district will advise you in February of each year of the number of new members needed for the next term to begin July 1. You may choose to nominate a current member whose term is expiring for another three-year term, if the member is eligible. Members may serve two consecutive three-year terms. Nominations should be submitted to the Regional Counsel who services your region by April 1, utilizing the form included in this manual. Regional Counsel will assist you in the completion of the required forms to implement your nominations.

What information can I obtain about a respondent lawyer or pending grievance case?

Answer: You are not entitled to obtain any information regarding matters dismissed as inquiries, complaints dismissed by summary disposition panels, or disciplinary actions pending before an evidentiary panel. You can get information with respect to any public discipline of an attorney or any lawsuit pending in an open forum, such as a district court or the Board of Disciplinary Appeals.

How do I remove a committee member?

Answer: A committee member who fails or neglects to fulfill the duties of office, including unexcused absences at two or more meeting, may be removed for cause. Rule 4.06(H), Texas Rules of Disciplinary Procedure, provides that the Commission for Lawyer Discipline may recommend removal of a member to the Board of Directors. If a member is no longer eligible because he/she no longer qualifies (either under the TDRP or Board policy) you should notify the President and our office, and the President shall remove the member. Many times a member can be persuaded to resign rather than be removed. Please work with your Regional Counsel to resolve these problems.

What if a committee member becomes ineligible?

Answer: Committee members are requested to notify the Chief Disciplinary Counsel's Office if they become ineligible to serve due to relocation outside the District, change in employment or otherwise. They are given a grievance committee notebook outlining responsibilities and eligibility. An ineligible member should resign the appointment and usually can be persuaded to do so. If an ineligible member refuses to resign, that member can be removed as set out above.

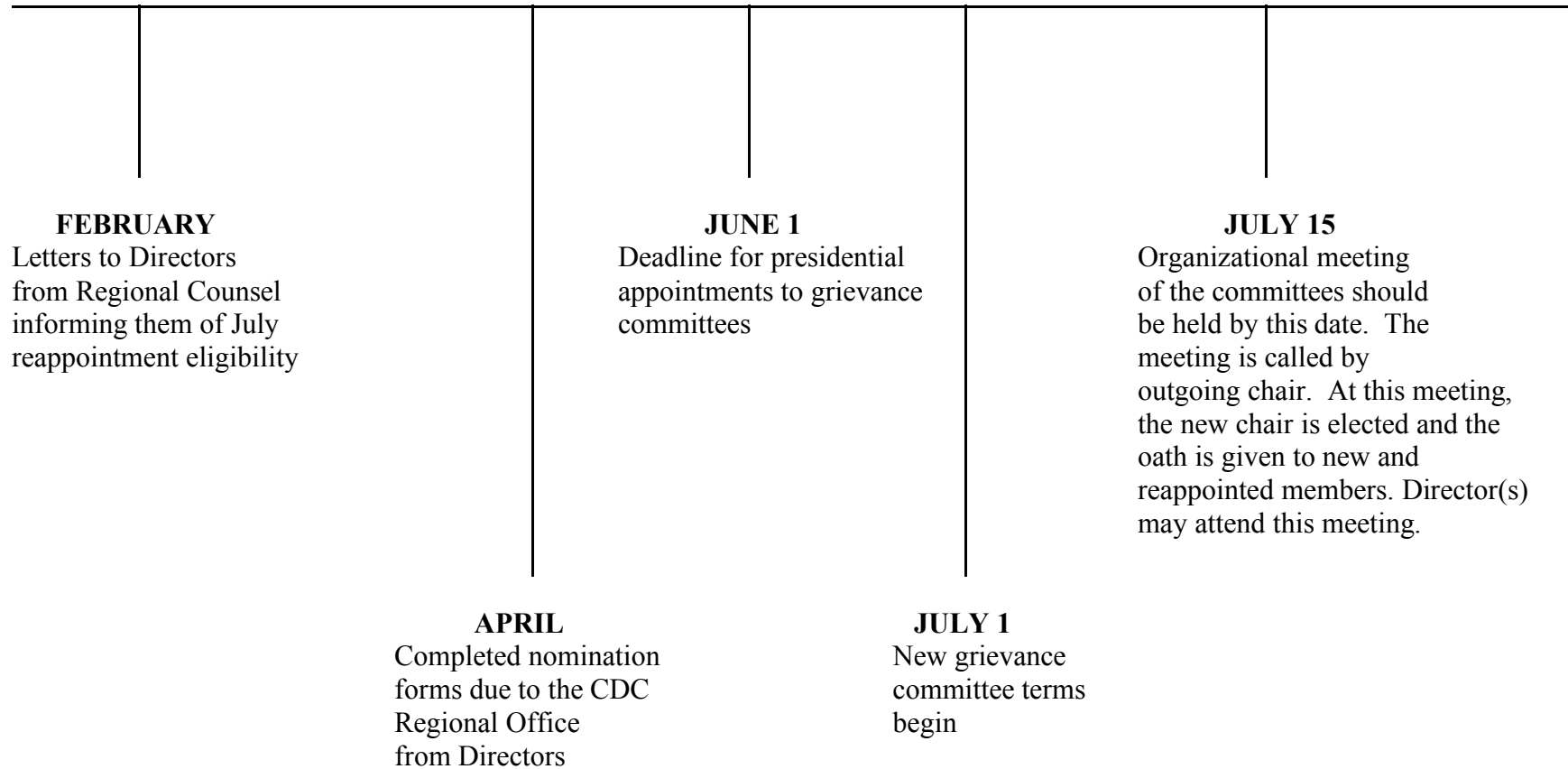
What happens if a grievance is filed against a committee member?

Answer: It is very unlikely that a Director would ever know of such an occurrence because the Director is not privy to that information. By way of information, however, the filing of a grievance does not disqualify an attorney member from service. Any information provided to the Chief Disciplinary Counsel's office about alleged attorney misconduct will proceed in accordance with the protocol as established by the State Bar Act and the Texas Rules of Disciplinary Procedure. If the grievance is classified as a complaint, the committee member will be asked to cease sitting as a grievance committee member until the matter is resolved. The State Bar grievance/discipline process will follow due course.

What is the Director's continuing responsibility with respect to grievance committees in his or district?

Answer: On occasion, a Director may be called upon to assist either district grievance committee chairs or the Chief Disciplinary Counsel in encouraging members to regularly attend called panel meetings. In cases of frequent or habitual absence, a Director may be asked to participate in seeking removal of a grievance committee member.

GRIEVANCE COMMITTEE NOMINATION AND APPOINTMENT TIMELINE



GRIEVANCE COMMITTEE MEMBER NOMINEE FORM

1. TO BE COMPLETED BY DISTRICT DIRECTOR:

TERM: 1st _____
 2nd _____
 Unexpired _____

I nominate _____ for appointment as a **PUBLIC/ATTORNEY** (circle one) member of the District _____ Grievance Committee.

RESIDING AT: _____
 (Street, City, County, and Zip Code)

BUSINESS ADDRESS: _____
 (Street, P.O. Box, and/or Building, Suite, City, and Zip Code)

HOME TELEPHONE: (____) _____ BUSINESS TELEPHONE: (____) _____

FAX: (____) _____ E-MAIL ADDRESS: _____

DATE OF BIRTH: _____ DRIVER LICENSE #: _____

PROPOSED TERM TO BEGIN: _____ EXPIRE: _____

DISTRICT DIRECTOR

2. TO BE SIGNED BY ALL NOMINEES:

I have not been convicted of a misdemeanor involving theft, a felony or a crime involving moral turpitude. I am not under indictment or other legal accusation of a misdemeanor involving theft, a felony or a crime involving moral turpitude. I hereby consent to a criminal background check as a prerequisite to my nomination.

I am not currently the subject of a disciplinary proceeding or investigation and am a member in good standing.

I have not served as a member of the grievance committee for two consecutive three-year terms immediately prior to this nomination or three years have passed since my last service.

If appointed, I agree to serve and to actively participate as a member of the State Bar of Texas district grievance committee.

The District Director has explained to me the importance of this position.

I understand that Board Policy prohibits me from counseling or representing any Respondent, Complainant, or any attorney representing any Respondent or Complainant in any disciplinary matter pending or filed while I am serving on the grievance committee.

I understand that Board Policy prohibits me from serving as a grievance committee member while I am a member of the State Bar Board of Directors or while I am serving as an active judge.

I understand that Board Policy prohibits me from sitting on a panel for either a summary disposition hearing or evidentiary hearing if the Respondent or Complainant is represented by a member, associate, employee or shareholder of the law firm or professional corporation of the director who nominated me.

I understand that Board Policy prohibits me from testifying in any capacity in connection with any disciplinary matter pending or filed while I am serving on the grievance committee.

I understand that if I am absent from more than two meetings during the course of a year, I am subject

to removal from office.

I agree to abide by the provisions of the Texas Rules of Disciplinary Procedure, the State Bar Act, and the policies established from time to time by the Board of Directors of the State Bar of Texas relating to grievance committees.

I agree that if at any time during my service I am charged with or indicted for a misdemeanor involving theft, a felony or a crime involving moral turpitude I will immediately notify the Chief Disciplinary Counsel.

NOMINEE

GRIEVANCE COMMITTEE MEMBER NOMINEE FORM FOR: _____
(NAME)

3. TO BE COMPLETED AND SIGNED BY **PUBLIC MEMBER** NOMINEE:

OCCUPATION OR PROFESSION: _____

EMPLOYER: _____

I am not a licensed attorney and, except as a consumer, I have no financial interest in the practice of law. Financial interest includes:

- (1) the spouse of a lawyer;
- (2) an employee of a lawyer, private law firm, or professional legal corporation;
- (3) any person who acquires the majority of his or her annual gross income from or through a lawyer, law firm, or professional legal corporation by way of professional or consultant fees; and
- (4) spouse of any person listed in (2) through (3) above.

PUBLIC MEMBER NOMINEE

4. Furnishing the following information is voluntary on the part of the member. We would like to have this data for the purpose of achieving balanced representation in compliance with Board policy as set forth below:

"The Board of Directors of the State Bar of Texas reaffirms that it is in the best interest of the public and the lawyers of Texas for the racial, ethnic, and gender makeup of the district grievance committees to fairly represent, as closely as reasonably practicable, the racial, ethnic, and gender makeup of the district they serve. Members of the Board are encouraged to make their district grievance committee nominations so that lawyer representatives reflect the various size of practice groups."

GENDER: _____

ETHNICITY: (Please Circle One)

Native American

Asian

White/Caucasian

African-American/Black

Hispanic

Other: _____

—

ATTORNEY NOMINEE: LAW FIRM SIZE (number of attorneys): _____

—

PRIMARY AREA OF PRACTICE: _____