

DISCIPLINARY ACTIONS

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

JUDICIAL ACTIONS

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

On August 2, 2023, the State Commission on Judicial Conduct issued a public reprimand to **JOSHUA RITTER**, justice of the peace, Precinct No. 4, Tenaha, Shelby County.

On August 16, 2023, the State Commission on Judicial Conduct issued a public reprimand to **MIKE BENNETT**, county judge, Goliad, Goliad County.

BODA

On July 31, 2023, the Board of Disciplinary Appeals entered an agreed judgment of suspension in the reciprocal discipline case against Oviedo, Florida, attorney **PATRICK MICHAEL MEGARO** [#24091024]. On April 27, 2021, the Disciplinary Hearing Commission of the North Carolina State Bar entered an order of discipline in the case styled *The North Carolina State Bar v. Patrick Michael Megaro, Attorney*, 18 DHC 41. The commission found that Megaro violated Rules of Professional Conduct of the North Carolina State Bar 1.1 (competence), 1.3 (diligence), 1.5(a) (improper fee), 1.7 (conflict of interest), 1.8(a, e) (conflict of interest, prohibited business transaction), 1.15-2(a) (misuse of entrusted funds), 1.15-2(g) (failure to disburse funds), 3.3(a) (false statement to a tribunal), 8.4(c) (conduct involving dishonesty, fraud, deceit, or misrepresentation), and 8.4(d) (conduct prejudicial to the administration of justice). Megaro was suspended from the practice of law for five years. By agreement, he is suspended from the practice of law in Texas beginning July 31, 2023, and extending through July 30, 2028. BODA Case No. 65568.

On July 31, 2023, the Board of Disciplinary Appeals entered an agreed

judgment of public reprimand in the reciprocal discipline case against San Antonio attorney **RUMIT RANJIT KANAKIA** [#24124286]. On May 8, 2023, a final order pursuant to 37 C.F.R. § 11.26 was entered by the director of the United States Patent and Trademark Office in a matter styled *In the Matter of Rumit R. Kanakia*, Proceeding No. D2023-25. By agreement, Kanakia was found in violation of 37 C.F.R. § 11.103 (diligence) and 37 C.F.R. § 11.804(d) (conduct prejudicial to the administration of the USPTO patent process), and publicly reprimanded. BODA Case No. 68045.

On July 31, 2023, the Board of Disciplinary Appeals entered a judgment of disbarment in the compulsory discipline case against Rathdrum, Idaho, attorney **JOHN O'NEILL GREEN** [#00785927]. On June 28, 2021, a

judgment in a criminal case was entered in Cause No. 3:18-cr-00356-S, styled *United States of America v. John O. Green*, in the United States District Court for the Northern District of Texas, Dallas Division, wherein Green was found guilty of conspiracy to defraud the United States. This offense constitutes an intentional crime as defined by the Texas Rules of Disciplinary Procedure. The court ordered Green to be committed to the custody of the Federal Bureau of Prisons for a term of six months and, upon release, to be on supervised release for a term of three years. BODA Case No. 65862.

On July 31, 2023, the Board of Disciplinary Appeals entered a judgment of disbarment in the reciprocal discipline case against Alexandria, Louisiana, attorney **DARRELL KEITH HICKMAN** [#09572980]. On March

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14, 2023, the Supreme Court of Louisiana issued an order in which the court granted a joint petition for permanent resignation from the practice of law in lieu of discipline in a matter styled *In Re: Darrell Keith Hickman* (Louisiana Bar Roll No. 22797), Docket No. 23-OB-0093. BODA Case No. 67899.

On August 25, 2023, the Board of Disciplinary Appeals entered an agreed judgment of probated suspension in the reciprocal discipline case against Monroe, Louisiana, attorney **BOBBY RAY MANNING** [#24063266]. On June 21, 2023, an order was issued by the Supreme Court of Louisiana in the matter styled *In Re: Bobby R. Manning*, Attorney Disciplinary Proceeding, No. 2023-B-0616, suspending Manning from the practice of law in Louisiana for six months, with the suspension

deferred in its entirety, subject to a one-year period of probation. Manning agreed he violated Louisiana Rule of Professional Conduct 1.15(a), (b), (d), and (f) (safekeeping property). He is suspended from the practice of law in Texas for one year with the suspension fully probated, beginning August 25, 2023, and extending through August 24, 2024. BODA Case No. 68196.

REINSTATEMENT

CHRISTOPHER L. GRAHAM [#24047549], of Dallas, filed a petition in the 95th Judicial District Court of Dallas County—Cause No. DC-23-10843—for reinstatement as a member of the State Bar of Texas.

SUSPENSIONS

On August 3, 2023, **MARK STEVEN BYRNE** [#03566400], of Alvin, accepted

a one-year fully probated suspension effective August 1, 2023. The 239th Judicial District Court of Brazoria County found that Byrne failed to abide by the client's decisions concerning the objectives and general methods of representation and that he failed to keep his client reasonably informed about the status of the legal matter and promptly comply with reasonable requests for information. Byrne also failed to explain the matter to the extent reasonably necessary to permit his client to make an informed decision.

Byrne violated rules 1.02(a)(1), 1.03(a), and 1.03(b). He was ordered to pay \$2,000 in attorneys' fees and direct expenses.

On August 2, 2023, **RONALD EVANS HARDEN** [#00792079], of Terrell, agreed to a six-month fully probated suspension effective August 1, 2023. An investigatory panel of the District 6 Grievance Committee found that the complainant and his mother hired Harden for representation in a civil suit related to damages to the complainant's mother's house and personal property loss suffered during an asbestos abatement of the residence by a restoration company. In representing the complainant and his mother, Harden neglected the legal matter entrusted to him and frequently failed to carry out completely the obligations Harden owed to the complainant and his mother. Harden failed to promptly comply with reasonable requests for information from the complainant and his mother about the legal matter and failed to explain the legal matter to the extent reasonably necessary to permit the complainant and his mother to make informed decisions regarding the representation.

Harden violated rules 1.01(b)(1), 1.01(b)(2), 1.03(a), and 1.03(b). He agreed to pay \$1,000 in attorneys' fees and direct expenses.

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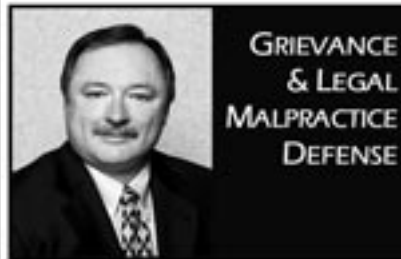
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DISCIPLINARY ACTIONS

On August 4, 2023, **EDWARD ALEXANDER NOLEN** [#24048693], of Laredo, accepted a two-year fully probated suspension effective August 1, 2023. An evidentiary panel of the District 12 Grievance Committee found that Nolen neglected client matters, failed to communicate with clients, and failed to respond to a grievance in a timely manner.

Nolen violated rules 1.01(b)(1), 1.03(b), and 8.04(a)(8). He agreed to pay \$400 in attorneys' fees and direct expenses.

On August 24, 2023, **RICHARD J.W. NUNEZ** [#15134600], of Brownsville, accepted a six-month fully probated suspension effective October 1, 2023. An evidentiary panel of the District 12 Grievance Committee found that Nunez failed to communicate with his client and failed to return an unearned fee.

Nunez violated rules 1.03(a), 1.03(b), and 1.15(d). He agreed to pay \$6,150 in restitution and \$800 in attorneys' fees and direct expenses.

On August 24, 2023, **KIRBY JEROME PORTLEY** [#24085865], of Austin, accepted a five-year partially probated suspension effective September 1, 2023, with the first 28 months actively served and the remainder probated. The 37th District Court of Bexar County found that Portley violated Rules 1.03(a) [failing to keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information], 1.14(a) [failing to hold funds and other property belonging in whole or part to clients or third persons in a lawyer's possession separate from the lawyer's own property], 1.15(d) [failing, upon termination of representation, to reasonably protect a client's interests], 8.04(a)(7) [violating any disciplinary or disability order or judgment], and 8.04(a)(11) [engaging in the practice of law when the lawyer is on inactive status or when the lawyer's right to practice

has been suspended or terminated].

Portley was ordered to pay \$2,000 in attorneys' fees.

PUBLIC REPRIMANDS

On August 3, 2023, **LEONARD MARC-CHARLES GIRLING** [#24074283], of Plano, agreed to a public reprimand. An evidentiary panel of the District 7 Grievance Committee found that in August 2021, the complainant retained Girling for representation in a lawsuit filed against the complainant by his tenants. The complainant paid Girling \$3,500 to defend him in the suit. Additionally, the complainant retained Girling to file an eviction suit against the tenants (eviction case). The complainant paid Girling \$2,500 to handle the eviction matter. In representing the complainant in the lawsuit, Girling neglected the legal matter entrusted to him by failing to file an answer to the

lawsuit, causing the complainant to default in the matter and resulting in a judgment entered against the complainant. Girling applied the funds earmarked for the complainant's defense in the case filed against him by his tenants for attorneys' fees incurred by the complainant in the eviction case. Girling did not have the complainant's consent to apply his funds in this manner.

Girling violated rules 1.01(b)(1) and 1.14(c). He was ordered to pay \$3,500 in restitution and \$1,500 in attorneys' fees and direct expenses.

On August 29, 2023, **OLU MCGUINNIS OTUBUSIN** [#15346150], of Houston, accepted a public reprimand. An evidentiary panel of the District 4 Grievance Committee found that Otubusin assisted a person who is not a member of the bar in the performance of activity that constitutes the

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unauthorized practice of law.

Otubusin violated rule 5.05(b). He was ordered to pay \$1,000 in attorneys' fees and direct expenses.

PRIVATE REPRIMANDS

Listed here is a breakdown of Texas Disciplinary Rules of Professional Conduct violations for five attorneys, with the number in parentheses indicating the frequency of the

violation. Please note that an attorney may be reprimanded for more than one rule violation.

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

1.03(a)—A lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information (1).

1.14(a)—Failing to hold funds and

other property belonging in whole or part to clients or third persons in a lawyer's possession separate from the lawyer's own property (1).

1.14(b)—Upon receiving funds or other property in which a client or third person has an interest, a lawyer shall promptly notify the client or third person. Except as stated in this rule or otherwise permitted by law or by agreement with the client, a lawyer shall promptly deliver to the client or third person any funds or other property that the client or third person is entitled to receive and, upon request by the client or third person, shall promptly render a full accounting regarding such property (1).


1.15(d)—Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled, and refunding any advance payments of fees that have not been earned. The lawyer may retain papers relating to the client to the extent permitted by other law only if such retention will not prejudice the client in the subject matter of the representation (1).

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 (1).

8.04(a)(8)—A lawyer shall not fail to timely furnish to the Office of Chief Disciplinary Counsel or a district grievance committee a response or other information as required by the Texas Rules of Disciplinary Procedure, unless he or she in good faith timely asserts a privilege or other legal ground for failure to do so (1). **TBJ**

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