

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. Some attorneys might share the same or similar names. To identify an attorney, please verify using that attorney's bar card number. Go to texasbar.com and use the "Find a Lawyer" tool to search for an attorney.

BODA

On May 3, 2024, the Board of Disciplinary Appeals entered an agreed judgment of probated suspension in the reciprocal discipline case against Baton Rouge, Louisiana, attorney **LEILA PARVIZIAN BRASWELL** [#24066652]. On October 10, 2023, an order per curium was entered by the Supreme Court of Louisiana in the matter styled *In Re: Laila [sic] Parvizian Braswell*, No. 2023-B-01012 in which Braswell was suspended for six months with the suspension deferred, subject to a two-year probation. Braswell agreed she violated Louisiana Rules of Professional Conduct 1.3 (diligence), 1.4(a)(2), (3), (4), and (b) (communication), 1.16(a) (failure to withdraw), and 3.2 (unreasonable delay). She is suspended for two years with the suspension fully probated beginning May 3, 2024, and extending through May 2, 2026. BODA Case No. 68959.

On May 3, 2024, the Board of Disciplinary Appeals entered a judgment of disbarment against Manor attorney **JAMES MORRIS BALAGIA** [#00783589]. On May 4, 2021, Balagia was found guilty of conspiracy to commit money laundering, obstruction of justice and aiding and abetting, conspiracy, endeavor, and attempt to violate the Kingpin Act, conspiracy to commit wire fraud, and conspiracy to obstruct justice in Cause No. 4:16-CR-00176-ALM-KPJ(3), styled *United States of America v. James Morris Balagia*, in the United States District Court for the Eastern District of Texas, Sherman Division. These offenses constitute intentional crimes as defined by the Texas Rules of Disciplinary Procedure. Balagia was sentenced to prison for a total of 188 months, followed by three years of supervised release. The judgment follows an interlocutory order of suspension entered by the board on May 6, 2022. BODA Case No. 65867.

On May 3, 2024, the Board of Disciplinary Appeals entered a judgment of disbarment against Houston attorney **JESSICA LYNN SIEGEL** [#24013509]. On December 7, 2016, Siegel pleaded guilty to misapplication fiduciary finance \$1,500-\$20K, a state jail felony, in Cause No. 148884601010, styled *The State of Texas v. Siegel, Jessica*, in the 178th District Court, Harris County, Texas. This offense constitutes an intentional crime as defined by the Texas Rules of Disciplinary Procedure. Siegel was sentenced to 322 days in county jail but given 161 days credit toward incarceration, fine, and costs. BODA Case No. 68197.

On May 2, 2024, the Board of Disciplinary Appeals issued an agreed judgment of indefinite disability

suspension against Austin attorney **TERRENCE W. KIRK** [#11513500]. The board found that Kirk is suffering from a disability. Kirk is actively suspended, effective May 2, 2024, until reinstated by the board or by a court. BODA Case No. 69196.

On May 2, 2024, the Board of Disciplinary Appeals issued an agreed judgment of indefinite disability suspension against Fort Worth attorney **RYAN WAYNE HARDY** [#24067643]. The board found that Hardy is suffering from a disability. Hardy is actively suspended, effective May 2, 2024, until reinstated by the board or by a court. BODA Case No. 69197.

On May 2, 2024, the Board of Disciplinary Appeals issued an agreed judgment of indefinite disability

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suspension against Fort Worth attorney **STEPHEN WHITSON MITCHELL** [#14220900]. The board found that Mitchell is suffering from a disability. Mitchell is actively suspended, effective May 2, 2024, until reinstated by the board or by a court. BODA Case No. 66974.

On March 21, 2024, the Board of Disciplinary Appeals issued an order dismissing appeal for want of jurisdiction dismissing the appeal filed by Waco attorney **KYLE B. COLLINS** [#04613400]. On October 2, 2023, a judgment of partially probated suspension was issued by an evidentiary panel of the District 8 Grievance Committee of the State Bar of Texas, finding that Collins violated Texas Disciplinary Rules of Professional Conduct 1.03(a) and (b) (communication). Collins is actively suspended for one year, beginning

January 1, 2024, and ending December 31, 2024, followed by a two-year probated suspension beginning January 1, 2025, and ending December 31, 2026. BODA Case No. 68773.

RESIGNATIONS

On May 28, 2024, the Supreme Court of Texas accepted the resignation in lieu of discipline of **BRIAN VODICKA** [#20598250], of Oakland Park, Florida. At the time of Vodicka's resignation, there was one pending matter against him alleging professional misconduct. In or around December 2014, Vodicka began representing a client in various lawsuits in Dallas County and Travis County. Throughout Vodicka's representation of the client, Vodicka made statements with reckless disregard as to their truth or falsity concerning the qualifications or integrity of multiple judges.

Vodicka allegedly violated Rule 8.02(a).

On April 16, 2024, the Supreme Court of Texas accepted the resignation in lieu of discipline of **EDWARD EUGENE WINFREY** [#24033349], of Fort Worth. At the time of Winfrey's resignation, there were two pending matters against him alleging professional misconduct. Winfrey failed to comply with a judgment of partially probated suspension that was entered against him on April 3, 2017, by failing to pay restitution of \$275,000 to the complainants, who were named in that judgment, and failing to pay attorneys' fees and direct expenses of \$3,000 to the State Bar of Texas. Winfrey also failed to comply with a judgment of fully probated suspension that was entered against him on July 7, 2015, by failing to pay restitution of \$5,000 to the complainant, who was named in that judgment, and failing to pay attorneys' fees and direct expenses of \$2,000 to the State Bar of Texas. Since the filing of the disciplinary action,

Winfrey has paid \$9,500 in restitution to the complainants and has paid attorneys' fees and costs of \$3,000 to the State Bar of Texas in connection with that case. As an absolute condition precedent for the reinstatement of Winfrey, he must pay restitution in the amounts of \$265,500 and \$5,000.

Winfrey allegedly violated Rule 8.04(a)(7).

SUSPENSIONS

On April 23, 2024, **CHARLES EARL BLEVINS** [#24077261], of Lubbock, accepted a nine-month fully probated suspension, effective May 1, 2024. An investigatory panel of the District 16 Grievance Committee found that Blevins failed to respond to his client's request for information.

Blevins violated Rule 1.03(a). He agreed to pay \$600 in attorneys' fees and direct expenses.

On May 20, 2024, **SANDY SIMPKINS GATELY** [#07856500], of Waco, accepted a two-year fully probated suspension beginning June 1, 2024. An investigatory panel of the District 8 Grievance Committee found that on March 8, 2023, Gately was appointed to represent a client in a criminal matter in McLennan County. Thereafter, Gately failed to contact the client about her appointment and failed to adequately communicate with the client about the status of his case. Gately's significant delay was due to negligence on her part in handling the legal matter on behalf of the client. In a separate matter, Gately was appointed in October 2022 to represent a client in a criminal matter in McLennan County. Following the appointment, Gately waited a year before ever reaching out to her client. Additionally, Gately failed to adequately communicate with the client about the status of her legal matter.

Gately violated Rules 1.01(b)(1),

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1.01(b)(2), 1.03(a), and 1.03(b). Gately was ordered to pay \$500 in attorneys' fees.

On May 23, 2024, **BRET CLYDE DOYAL** [#00798154], of Austin, accepted a 12-month fully probated suspension beginning June 1, 2024. An investigatory panel of the District 9 Grievance Committee found that Doyal was hired by a client to file a protective order and represent her in her divorce matter. The client paid Doyal \$20,000 up front and another \$20,000 a month later (after the first hearing on the protective order). In addition to the monies paid, Doyal also kept an additional \$9,000 awarded to his client by the court for attorneys' fees. After Doyal's client received an invoice for payment of attorneys' fees in September 2022, Doyal stopped responding to the client's calls and texts. Subsequently, the client was forced to hire new counsel at an additional cost. The client's new attorney attempted to retrieve the client's file and unearned fees from Doyal, to no avail.

Doyal violated Rules 1.14(b) and 1.15(d). Doyal was ordered to pay \$40,000 in restitution.

On May 8, 2024, **MARC JOSEPH TRAYNOR** [#24084916], of Dallas, agreed to a 24-month probated suspension effective May 1, 2024. An investigatory panel of the District 6 Grievance Committee found in the first matter that the complainant hired Traynor for representation regarding a traffic ticket. The complainant hired representation in his underlying legal matter through a third-party website that solicits defendants in traffic citations, and Traynor was in turn hired to represent the complainant in a fee-splitting arrangement with the business that owned the website. In the second matter, the complainant hired Traynor for representation in a construction matter. In representing the complainant, Traynor neglected the legal matter entrusted to

him. Traynor failed to hold funds belonging to the complainant that were in Traynor's possession in connection with the representation separate from Traynor's own property, and Traynor failed to keep the complainant's funds in a separate trust account. Traynor failed to withdraw from the complainant's legal matter when his physical, mental, or psychological condition materially impaired his fitness to represent the complainant. Upon termination of representation, Traynor failed to refund advance payments of fees to the complainant that had not been earned. In the third matter, the complainant hired Traynor to defend him against a citation he received and to get it dismissed. Upon termination of representation, Traynor failed to refund advance payments of fees to the complainant that had not been earned. Traynor failed to withdraw from the complainant's legal matter when his physical, mental, or psychological condition materially impaired his fitness to represent the complainant. Traynor neglected the legal matters entrusted to him and Traynor failed to respond to all three grievances.

Traynor violated Rules 1.01(b)(1), 1.03(a), 1.04(f), 1.14(a), 1.15(a)(2), 1.15(d), and 8.04(a)(8). He was ordered to pay \$750 in attorneys' fees and direct expenses and \$5,150 in restitution.

On May 22, 2024, **JOHN WILLIAM STICKELS** [#19225300], of Aledo, received a judgment of active suspension for a period of 12 months beginning March 1, 2024, and ending February 28, 2025. The District 14 Grievance Committee found that in or around February 2016, Stickels was hired to investigate and draft a writ of habeas corpus on behalf of the complainant. In representing the complainant, Stickels neglected the legal matter entrusted to him by failing to investigate and draft a writ of habeas corpus for the complainant.

Stickels failed to keep the complainant reasonably informed about the status of his criminal matter and failed to promptly comply with reasonable requests for information from the complainant about his criminal matter. Stickels failed to explain the criminal matter to the extent reasonably necessary to permit the complainant to make informed decisions regarding the representation. Upon termination of representation, Stickels failed to surrender papers and property to which the complainant was entitled. Upon termination of representation, Stickels failed to refund advance payments of fees that had not been earned. Stickels failed to timely furnish to the Office of Chief Disciplinary Counsel a response or other information as required by the Texas Rules of Disciplinary Procedure. Stickels did not in good faith timely assert a privilege or other legal ground

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for failure to do so.

Stickels violated Rules 1.01(b)(1), 1.03(a), 1.03(b), 1.15(d), and 8.04(a)(8). He was ordered pay \$10,000 in restitution and \$2,000 in attorneys' fees and direct expenses.

On May 13, 2024, **RICHARD JOSEPH DEAGUERO** [#05623500], of Dallas, was given a 24-month partially probated suspension with 12 months actively suspended beginning June 1, 2024, and ending May 31, 2025, and 12 months probated suspension beginning June 1, 2025, and ending May 31, 2026. The 193rd Judicial District Court of Dallas County found Deaguero committed professional misconduct by violating the following rules: Rule 1.01(b)(1) [In representing a client, a lawyer shall not neglect a legal matter entrusted to the lawyer.]; Rule 1.01(b)(2) [In representing a client, a lawyer shall not frequently fail to carry

out completely the obligations that the lawyer owes to a client or clients.]; 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 1.03(b) [A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.]; Rule 3.04(d) [A lawyer shall not knowingly disobey, or advise the client to disobey, an obligation under the standing rules of or a ruling by a tribunal except for an open refusal based either on an assertion that no valid obligation exists or on the client's willingness to accept any sanctions arising from such disobedience.]; Rule 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.].

Deaguero was ordered to pay \$3,150 in attorneys' fees and costs.

On May 22, 2024, **DAVID MICHAEL FINN** [#07026900], of Dallas, received a 12-month fully probated suspension beginning June 1, 2024, and ending May 31, 2025. An investigatory panel of the District 6 Grievance Committee found that Finn failed to withdraw from representation when his physical, mental, or psychological condition materially impaired his fitness to represent his clients in the Federal Court for the Northern District of Texas. In connection with twice failing to appear in the Federal Court for the Northern District of Texas for sentencing hearings on March 10, 2022, and March 22, 2022, for his client, Finn knowingly disobeyed an obligation under the standing rules of or a ruling by a tribunal.

Finn violated Rules 1.15(a)(2) and

3.04(d). He was ordered to pay \$750 in attorneys' fees and direct expenses.

PUBLIC REPRIMAND

On May 13, 2024, **JOHN DOUGLAS GOYEN** [#90001818], of Addison, received an agreed judgment of public reprimand. An investigatory panel of the District 1 Grievance Committee found that in the first case, the complainant hired Goyen in August 2021 to represent her in a personal injury case. Goyen failed to keep the complainant reasonably informed about the status of her case and failed to promptly comply with her reasonable requests for information. Goyen failed to hold funds belonging to the complainant that were in Goyen's possession in connection with the representation separate from Goyen's own property. Upon receiving the funds in which the complainant and medical providers had an interest, Goyen failed to promptly notify the complainant and the medical providers and failed to promptly deliver to the complainant and the medical providers the funds they were entitled to receive. Goyen failed to file an answer to the grievance. In the second case, the complainant hired Goyen in October 2022 to represent him in a personal injury matter. In representing the complainant, Goyen neglected the legal matter entrusted to him. Goyen failed to keep the complainant reasonably informed about the status of his case and failed to promptly comply with his reasonable requests for information. Goyen failed to hold funds belonging to the complainant that were in Goyen's possession in connection with the representation separate from Goyen's own property. Upon receiving the funds in which the complainant and medical providers had an interest, Goyen failed to promptly notify the complainant and the medical providers and failed to promptly

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deliver to the complainant and the medical providers the funds they were entitled to receive.

Goyen violated Rules 1.01(b)(1), 1.03(a), 1.14(a), 1.14(b), and 8.04(a)(8). He was ordered to pay \$750 in attorneys' fees and direct expenses.

PRIVATE REPRIMANDS

Listed here is a breakdown of Texas Disciplinary Rules of Professional Conduct violations for three 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 (1).

1.08(a)(1)—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 (1).

1.08(a)(2)—A lawyer shall not enter into a business transaction with a client unless the client is given a reasonable opportunity to seek the advice of independent counsel in the transaction (1).

1.08(a)(3)—A lawyer shall not enter into a business transaction with a client unless the client consents in writing thereto (1).

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

5.03(a)—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 (1).

5.03(b)(1)—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 orders, encourages, or permits the conduct involved (1).

5.03(b)(2)(i)—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 (1).

5.03(b)(2)(ii)—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 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 (1).

5.05(b)—A lawyer shall not assist a person who is not a member of the bar in the performance of activity that constitutes the unauthorized practice of law (1).

8.02(a)—A lawyer shall not make a statement that the lawyer knows to be false or with reckless disregard as to its truth or falsity concerning the qualifications or integrity of a judge, adjudicatory official, or public legal officer, or of a candidate for election or appointment to judicial or legal office (1). **TBJ**

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