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BODA

On December 17, 2015, the Board of Disciplinary Appeals signed an order and issued an opinion affirming the judgment of fully probated suspension on October 24, 2014, by an evidentiary panel of the District 14 Grievance Committee against Denton attorney **William Allen Schultz** [#00794609], 46, in his appeal of Case No. D0121247202. After briefing and oral argument, the board found that Schultz, a prosecutor, had a duty to disclose exculpatory evidence and there was substantial evidence that he did not do so in violation of Texas Disciplinary Rules of Professional Conduct 3.04(a) and 3.09(d). Schultz completed the pro-

bated suspension during the pendency of the appeal. The board issued an opinion in this matter, and it can be found on its website, txboda.org. BODA Cause No. 55649.

DISBARMENTS

On December 17, 2015, **Garry Philip Cantrell** [#00789200], 57, of Dallas, was disbarred. The 162nd Judicial District Court of Dallas County found that Cantrell committed professional misconduct by violating 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(b) [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], and 8.04(a)(3) [engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation].

Cantrell was ordered to pay \$36,253 in restitution and \$11,830.77 in attorneys' fees and direct expenses.

Cantrell filed an appeal on January 19.

On September 9, 2015, **Clyde E. Lee** [#12113300], 61, of Texarkana, was disbarred. The District 1 Grievance Committee found that in representing the complainant in his estate matter, Lee neglected the legal matter entrusted to him by failing to perform any legal services; failed to promptly comply with reasonable requests for information from the complainant about his matter; and failed to appropriately safeguard documents given to him by the complainant. Upon termination of representation, Lee failed to surrender papers and property to which the complainant was entitled. He failed to timely furnish to the Office of the Chief Disciplinary

Counsel a response or other information as required by the Texas Rules of Disciplinary Procedure and did not in good faith timely assert a privilege or other legal ground for his failure to do so.

Lee violated Rules 1.01(b), 1.03(a), 1.14(a), 1.15(d), and 8.04(a)(8). He was ordered to pay \$500 in restitution and \$1,235 in attorneys' fees and direct expenses.

On November 20, 2015, **Cary William Schulman** [#00797390], 49, of Dallas, was disbarred. The District 1 Grievance Committee found that in representing the complainant, Schulman failed to explain the civil matter to the complainant to the extent reasonably necessary to permit her to make informed decisions regarding the representation. Upon termination of representation, Schulman failed to give reasonable notice to the complainant and failed to refund advance payments of fees that had not been earned. He violated a disciplinary judgment. Schulman failed to timely furnish to the Office of the Chief Disciplinary Counsel a response or other information as required by the Texas Rules of Disciplinary Procedure and did not in good faith timely assert a privilege or other legal ground for his failure to do so.

Schulman violated Rules 1.03(b), 1.15(d), 8.04(a)(7), and 8.04(a)(8). He was ordered to pay \$10,650 in restitution and \$2,566.08 in attorneys' fees and direct expenses.

On November 20, 2015, **Cary William Schulman** [#00797390], 49, of Dallas, was disbarred. The District 1 Grievance Committee found that in representing the complainant, Schulman neglected the complainant's personal injury matter and contract claim that were entrusted to him. He failed to

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keep the complainant reasonably informed about the status of his matters and failed to promptly comply with reasonable requests for information from the complainant about his personal injury matters and contract claim. Schulman failed to promptly deliver to the complainant funds that he was entitled to receive and failed to promptly render a full accounting. Schulman failed to withdraw from representing the complainant when the representation would result in violation of the Texas Disciplinary Rules of Professional Conduct. He violated a disciplinary judgment. Schulman failed to timely furnish to the Office of the Chief Disciplinary Counsel a response or other information as required by the Texas Rules of Disciplinary Procedure and did not in good faith timely assert a privilege or other legal ground for his failure to do so.

Schulman violated Rules 1.01(b)(1), 1.03(a), 1.14(b), 1.15(a)(1), 8.04(a)(7), and 8.04(a)(8). He was ordered to pay \$43,335 in restitution and \$2,320.58 in attorneys' fees and direct expenses.

RESIGNATIONS

On December 15, 2015, the Supreme Court of Texas accepted the resignation in lieu of discipline of **Canonero Walter Alex Brown** [#24036270], 44, of Houston. At the time of Brown's resignation, he had four grievances pending against him alleging that he failed to keep a client reasonably informed about the status of her legal matter and failed to comply with reasonable requests for information; failed to explain a legal matter to the extent reasonably necessary to permit another client to make informed decisions regarding the representation; failed to provide a client, upon conclusion of a legal matter, with a written statement describing the outcome of the matter; failed to promptly deliver to clients funds that they were entitled to receive; and failed to hold client funds in a trust account.

Brown also engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation.

Brown violated rules 1.03(a), 1.03(b), 1.04(d), 1.14(a), 1.14(b), and 8.04(a)(3).

On December 15, 2015, the Supreme Court of Texas accepted the resignation in lieu of discipline of **Ronnie Van Baugh** [#01923525], 71, of Whitehouse. Baugh had been hired by a client to serve as legal counsel on two civil matters. The first matter involved the creation of a new will and trust, for which Baugh was paid \$10,000 at time of hire. The second matter involved the filing of a civil lawsuit, for which Baugh was paid \$1,500 at time of hire to represent the client. The client died after Baugh was hired. Baugh had not filed the civil lawsuit nor obtained the client's signature on a new will or trust prior to the client's death. Baugh failed to return unearned fees to the client's estate or the client's family. He also failed to provide documents evidencing any work completed or billed.

Baugh violated Rule 1.15(d).

SUSPENSIONS

On December 10, 2015, **Josephine Nyaboke Anassi** [#24001651], 47, of Houston agreed to a three-year partially probated suspension effective January 1, 2016, with the first year actively suspended and the remainder probated. An evidentiary panel of the District 4 Grievance Committee found that Anassi neglected the legal matter her clients entrusted to her, failed to keep her clients reasonably informed about the status of their cases, failed to promptly comply with reasonable requests for information, and engaged in conduct involving dishonesty, fraud, and deceit.


Anassi violated Rules 1.01(b)(1), 1.03(a), and 8.04(a)(3). She was ordered to pay \$4,550 in restitution and \$1,470.55 in attorneys' fees and direct expenses.

On November 24, 2015, **Humberto G. Guerrero Jr.** [#00784186], 49, of Dallas, received a 24-month partially probated suspension effective December 1, 2015, with the first 12 months actively suspended and the remainder probated. An evidentiary panel of the District 6 Grievance Committee found that in representing the complainant in a personal injury matter, Guerrero neglected the legal matter entrusted to him, failed to promptly comply with reasonable requests for information from the complainant about his personal injury matter, and failed to reduce to writing the contingent fee agreement entered into with the complainant.

Guerrero violated Rules 1.01(b)(1), 1.03(a), and 1.04(d). He was ordered to pay \$618.75 in attorneys' fees.

Guerrero did not file an appeal.

On October 22, 2015, **Alan M. Howard** [#10060000], 73, of Dallas,



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received a 15-month partially probated suspension effective November 1, 2015, with the first three months actively suspended and the remainder probated. An evidentiary panel of the District 6 Grievance Committee found that in the first matter, Howard failed to provide legal services and failed to communicate with the client. In the second matter, Howard failed to provide legal services, failed to communicate with the client, and, upon termination of representation, failed to refund advance payments of fees that had not been earned. In the third matter, Howard failed to provide legal services and failed to communicate with the client.

Howard violated Rules 1.01(b)(1), 1.03(a), and 1.15(d). He was ordered to pay \$2,000 in restitution and \$2,499.19 in attorneys' fees and direct expenses.

On December 16, 2015, **Michael D. Rubin** [#00794566], 46, of Dallas, received a one-year fully probated suspension effective January 1, 2016. The 193rd Judicial District Court of Dallas County found that Rubin neglected a legal matter entrusted to him, failed to keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information, and, upon termination of representation, failed to take steps to the extent reasonably practicable to protect a client's interests.

Rubin violated Rules 1.01(b)(1), 1.03(a), and 1.15(d). He was ordered to pay \$2,426.18 in attorneys' fees.

Rubin did not file an appeal.

On November 20, 2015, **Cary William Schulman** [#00797390],

49, of Dallas, received a 29-month active suspension effective November 13, 2015. The District 1 Grievance Committee found that Schulman neglected the complainant's personal injury matter that was entrusted to him. Schulman failed to timely furnish to the Office of the Chief Disciplinary Counsel a response or other information as required by the Texas Rules of Disciplinary Procedure and did not in good faith timely assert a privilege or other legal ground for his failure to do so.

Schulman violated Rules 1.01(b)(1) and 8.04(a)(8). He was ordered to pay \$1,731.58 in attorneys' fees and direct expenses.

On December 8, 2015, **John Rex Thompson** [#19956150], 50, of Tyler, received an 18-month partially probated suspension, with one month active (June 1, 2015, through June 30, 2015) and 17 months probated (November 2, 2015, through May 1, 2017). An evidentiary panel of the District 2 Grievance Committee found that Thompson neglected the legal matter entrusted to him and failed to keep the complainant reasonably informed and promptly comply with his reasonable requests for information. Thompson failed to furnish to the Office of the Chief Disciplinary Counsel a response as required by the Texas Rules of Disciplinary Procedure and did not in good faith timely assert a privilege or other legal ground for his failure to do so.

Thompson violated Rules 1.01(b)(1), 1.03(a), and 8.04(a)(8). He was ordered to pay \$2,400 in restitution and \$1,375.70 in attorneys' fees and direct expenses.

On December 8, 2015, **John Rex Thompson** [#19956150], 50, of Tyler, received an 18-month partially probated suspension, with one month active (June 1, 2015, through June 30, 2015) and 17 months probated

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(November 2, 2015, through May 1, 2017). An evidentiary panel of the District 2 Grievance Committee found that Thompson neglected the legal matter entrusted to him and failed to keep the complainant reasonably informed and promptly comply with his reasonable requests for information. Thompson failed to furnish to the Office of the Chief Disciplinary Counsel a response as required by the Texas Rules of Disciplinary Procedure and did not in good faith timely assert a privilege or other legal ground for his failure to do so.

Thompson violated Rules 1.01(b)(1), 1.03(a), and 8.04(a)(8). He was ordered to pay \$4,000 in restitution and \$1,375.70 in attorneys' fees and direct expenses.

On November 9, 2014, **Leon A. Thurman** [#20006000], 69, of Abilene, received a six-month probated suspension effective November 5, 2015. The District 14 Grievance Committee found that Thurman failed to keep the complainant reasonably informed about the status of the complainant's child custody matter, failed to promptly comply with reasonable requests for information from the complainant about the matter, failed to explain the child custody matter to the extent reasonably necessary to permit the complainant to make informed decisions regarding the representation, and failed to withdraw from representing the complainant when the representation would result in violation of the Texas Disciplinary Rules of Professional Conduct. Thurman engaged in the practice of law when his right to practice had been administratively suspended for failure to comply with minimum continuing legal education requirements.

Thurman violated Rules 1.03(a), 1.03(b), 1.15(a)(1), and 8.04(a)(11). He was ordered to pay \$3,667 in attorneys' fees and direct expenses.

PUBLIC REPRIMANDS

On December 18, 2015, **Robert D. Cohen** [#04508700], 64, of Dallas, received an agreed judgment of public reprimand. An evidentiary panel of the District 6 Grievance Committee found that on July 25, 2011, the complainant hired Cohen to represent him in a personal injury matter. Cohen neglected the legal matter, failed to communicate with the complainant, and, upon receiving funds in which the complainant had an interest, failed to promptly notify the complainant and promptly deliver funds the complainant was entitled to receive.

Cohen violated Rules 1.01(b)(1), 1.03(a), and 1.14(b). He was ordered to pay \$17,933.36 in restitution and \$1,100 in attorneys' fees and direct expenses.

On November 17, 2015, **Paul Joseph**

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Escobar [#06665810], 52, of El Paso, accepted a public reprimand. The District 17 Grievance Committee found that Escobar neglected a client matter, failed to keep a client reasonably informed, and engaged in conduct involving misrepresentation with a client.

Escobar violated Rules 1.01(b)(1), 1.03(a), 1.03(b), and 8.04(a)(3). He was ordered to pay \$800 in attorneys' fees and direct expenses.

PRIVATE REPRIMANDS

Listed here is a breakdown of Texas Disciplinary Rules of Professional Conduct violations for four attorneys, with the number in parentheses indicating the frequency of violation. Please note that an attorney may be reprimanded for more than one rule violation.

1.01(b)(1)—for neglecting a legal matter entrusted to the lawyer (2).

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 (2).

1.04(d)—for 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 (1).

1.14(a)—for 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)—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 (1).

1.15(d)—for failing, upon termina-

tion of representation, to reasonably protect a client's interests, give notice to the client to seek other counsel, or surrender papers and property that belong to the client (1).

8.04(a)(8)—for failing to timely furnish to a district grievance committee a response or other information as required unless he or she timely asserts a privilege or other legal ground for failure to do so (1).

8.04(a)(11)—for 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, including but not limited to situations where a lawyer's right to practice has been administratively suspended for failure to timely pay required fees or assessments or for failure to comply with Article XII of the State Bar Rules relating to mandatory continuing legal education (1). **TBJ**



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