

► Contact the Office of Chief Disciplinary Counsel at (512) 453-5535, the Board of Disciplinary Appeals at (512) 475-1578 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 March 1, 2018, the State Commission on Judicial Conduct issued an order of suspension, without pay, to Rodolfo “Rudy” Delgado, judge of the 93rd Judicial District Court for Hidalgo County.

On March 1, 2018, the State Commission on Judicial Conduct filed a charging document requesting that the Special Court of Review appointed by the Supreme Court of Texas conduct a de novo trial in review of the commission’s public admonition and order of additional education of Eric Hagstette, Jill Wallace, and Joseph Licata (collectively the “Hearing Officers”) issued January 10, 2018.

BODA

On February 22, 2018, the Board of Disciplinary Appeals signed an agreed judgment of public reprimand of Rochester, Michigan, attorney **Paul Anthony Carthew** [#00796315], 47. Carthew was reprimanded by consent by the attorney discipline board of the state of Michigan on October 31, 2012, for violating an order of discipline; holding himself out as an attorney while suspended from the practice of law; engaging in conduct prejudicial to the administration of justice; engaging in conduct that exposes the legal profession to obloquy, contempt, censure, or reproach; engaging in conduct that is contrary to justice, ethics, honesty, or good morals; and violating the standards or rules of professional responsibility adopted by the Supreme Court of Michigan. BODA Cause No. 60099.

On February 22, 2018, the Board of Disciplinary Appeals signed an agreed judgment of suspension of Kemah attorney **Juliann Kcenia Karenko** [#24058887], 54. On November 16, 2017, Karenko was suspended from the practice of law for 10 days by consent of the Supreme Court of Florida for the following violations of the rules regulating the Florida Bar: competence, diligence, communication, expediting litigation, false statement of a material fact, failure to disclose a fact, and failure to respond to the bar. Karenko is suspended from the practice of law in Texas beginning March 9, 2018, and ending March 18, 2018. BODA Cause No. 60097.

On February 28, 2018, the Board of Disciplinary Appeals signed an agreed judgment of suspension of Tampa, Florida, attorney **Patricia Anne Horal** [#24067667], 35. On November 9, 2017, Horal was suspended from the practice of law for 90 days by consent of the Supreme Court of Florida for

the following violations of the rules regulating the Florida Bar: 4-5.3 [responsibilities regarding non-lawyer assistants], 4-5.4 [professional independence of a lawyer], 4-5.5 [unlicensed practice of law], and 4-7.18 [direct contact with prospective clients]. Horal is suspended from the practice of law in Texas beginning March 1, 2018, and ending May 29, 2018. BODA Cause No. 60096.

DISBARMENTS

On November 16, 2017, **Hamilton Philip Lindley** [#24044838], 41, of McGregor, was disbarred. An evidentiary panel of the District 8 Grievance Committee found that Lindley fabricated letters, forged client signatures, and falsified written agreements of other attorneys.

Lindley violated Rules 8.04(a)(2) and 8.04(a)(3). He was ordered to pay \$12,917.54 in attorneys’ fees and costs.

Lindley has filed notice of intent to appeal.

RESIGNATIONS

On February 13, 2018, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Burt Lee Burnett** [#00787171], 50, of Abilene. At the time of Burnett’s resignation, there were eight pending matters against him alleging Burnett neglected cases; failed to communicate with clients; failed to provide written settlement disbursement statements to clients; failed to safeguard client funds; failed to promptly disburse funds; failed to return client files at the end of the representation; engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation; and failed to respond to grievances.

Burnett violated Rules 1.01(b)(1), 1.03(a), 1.04(d), 1.14(a), 1.14(b), 1.15(d), 8.04(a)(3), and 8.04(a)(8). He was ordered to pay \$838,455.91 in restitution.

On February 13, 2018, the Supreme

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STATEWIDE REPRESENTATION

Court of Texas accepted the resignation, in lieu of discipline, of **Rene Segundo** [#17996999], 55, of Mission. At the time of his resignation, Segundo had four matters pending alleging he neglected clients' matters, failed to keep clients informed, failed to safeguard clients' funds, failed to return unearned fees, violated advertising rules, violated terms of a prior disciplinary judgment, failed to respond to grievances, failed to comply with cessation of practice rules, and practiced law while his license was suspended.

Segundo violated Rules 1.01(b)(1), 1.03(a), 1.03(b), 1.14(a), 1.14(b), 1.15(d), 7.07(c), 8.04(a)(7), 8.04(a)(8), 8.04(a)(10), and 8.04(a)(11).

SUSPENSIONS

On February 7, 2018, **Daniel Lucius Brown** [#03108300], 64, of San Antonio, accepted an 18-month fully probated suspension effective February 15, 2018. An evidentiary panel of the District 10 Grievance Committee found that Brown neglected a client's matter and failed to keep a client reasonably informed.

Brown violated Rules 1.01(b)(1), 1.03(a), and 1.03(b). He was ordered to pay \$2,500 in attorneys' fees and direct expenses.

On February 8, 2018, **David Castillo** [#03984700], 57, of Harlingen, agreed to a 25-month partially probated suspension effective June 1, 2018, with the first 30 days actively served and the remainder probated. An evidentiary panel of the District 10 Grievance Committee found that Castillo failed to hold a client's funds in a trust account, failed to return the unearned portion of a fee, misrepresented facts related to his trust account, and violated terms of a disciplinary judgment.

Castillo violated Rules 1.14(a), 1.14(b), 1.15(d), 8.04(a)(3), and 8.04(a)(7). He was ordered to pay \$4,042.15 in attorneys' fees and direct expenses.

On January 10, 2018, **Mark Anthony Davis** [#24012509], 46, of Victoria, accepted a 27-month partially probated suspension effective April 1, 2018, with

the first 30 days actively served and the remainder probated. An evidentiary panel of the District 11 Grievance Committee found that Davis failed to keep a client reasonably informed, failed to return the unearned portion of a fee, and failed to respond to the grievance.

Davis violated Rules 1.03(a), 1.15(d), and 8.04(a)(8). He was ordered to pay \$2,500 in restitution and \$800 in attorneys' fees and direct expenses.


On January 5, 2018, **Yexenia Gilmet** [#24059821], 38, of Houston, received a six-month partially probated suspension effective March 4, 2018, with the first three months actively suspended and the remainder probated. An evidentiary panel of the District 4 Grievance Committee found that Gilmet frequently failed to carry out completely the obligations owed to her client, failed to keep her client reasonably informed about the status of her case, and failed to promptly comply with her client's reasonable requests for information. Upon

termination of the representation, Gilmet failed to refund unearned fees until after the grievance was filed.

Gilmet violated Rules 1.01(b)(2), 1.03(a), and 1.15(d). She was ordered to pay \$1,805 in attorneys' fees and direct expenses.

On December 13, 2017, **James P. Grissom** [#08511900], 70, of McAllen, received an 18-month partially probated suspension effective March 31, 2019, with the first six months actively served and the remainder probated. An evidentiary panel of the District 12 Grievance Committee found that Grissom failed to hold his client's funds in a trust account separate from his own property, failed to keep disputed funds in a trust account, and knowingly disobeyed an order by a tribunal.

Grissom violated Rules 1.14(a), 1.14(c), and 3.04(d). He was ordered to pay \$4,418.95 in attorneys' fees and direct expenses.



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Statewide Representation

On February 21, 2018, **Henry Grun Jr.** [#08556100], 64, of San Antonio, accepted a two-year fully probated suspension effective March 1, 2018. An evidentiary panel of the District 10 Grievance Committee found that Grun neglected a client's matter, failed to keep a client informed, acted as an intermediary without the necessary disclosures, and failed to return a client's file.

Grun violated Rules 1.01(b)(1), 1.03(a), 1.03(b), 1.07(a)(1), and 1.15(d). He was ordered to pay \$1,200 in attorneys' fees and direct expenses.

On February 13, 2018, **Stephen Whitson Mitchell** [#14220900], 62, of Fort Worth, agreed to a 24-month fully probated suspension effective February 15, 2018. An evidentiary panel of the District 7 Grievance Committee found that upon receiving settlement funds in which the complainants had an interest, Mitchell failed to promptly deliver to the

complainants funds that complainants were entitled to receive. Upon request by the complainants, Mitchell failed to promptly render a full accounting regarding such funds. Mitchell also communicated about the subject of the demand for accounting of funds when Mitchell knew the complainant was represented by another lawyer regarding that subject; Mitchell did not have the consent of the other lawyer nor was he authorized by law to make the communication.

Mitchell violated Rules 1.14(b) and 4.02(a). He was ordered to pay \$11,510 in restitution and \$2,500 in attorneys' fees and direct expenses.

On February 13, 2018, **Stephen Whitson Mitchell** [#14220900], 62, of Fort Worth, agreed to a 24-month fully probated suspension effective February 15, 2018. An evidentiary panel of the District 7 Grievance Committee found that after a settlement was reached in a

personal injury matter, Mitchell failed to promptly deliver to the complainant funds that the complainant was entitled to receive. Upon request by the complainant, Mitchell failed to promptly render a full accounting regarding such funds.

Mitchell violated Rule 1.14(b). He was ordered to pay \$7,765.62 in restitution and \$1,500 in attorneys' fees and direct expenses.

On February 15, 2018, **Christina J. Wanies-Guirgis** [#24084772], 33, of Houston, accepted an agreed judgment of a three-year partially probated suspension effective February 1, 2018, with the first year actively suspended and the remainder probated. An evidentiary panel of the District 4 Grievance Committee found that Wanies-Guirgis neglected legal matters entrusted to her, failed to keep her clients reasonably informed about their cases, and failed to promptly comply with her clients' reasonable requests for information. Upon termination of her representation, Wanies-Guirgis failed to refund advance payments of fees that were not earned. She also failed to respond to grievances.

Wanies-Guirgis violated Rules 1.01(b)(1), 1.03(a), 1.15(d), and 8.04(a)(8). She was ordered to pay \$2,400 in restitution and \$1,000 in attorneys' fees and direct expenses.

On January 11, 2018, **Brent Marshall Wasserstein** [#24039234], 42, of Houston, received a six-month fully probated suspension effective September 4, 2020. An evidentiary panel of the District 4 Grievance Committee found that Wasserstein failed to hold funds belonging to his client separate from his own property in a separate trust account.

Wasserstein violated Rule 1.14(a). He was ordered to pay \$701 in direct expenses.

On February 20, 2018, **Martha C. Wright** [#22048800], 59, of Grand Prairie, received a 24-month partially probated suspension effective April 1,

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2018, with the first three months actively suspended and the remainder probated. An evidentiary panel of the District 6 Grievance Committee found that in or about September 2015, a complainant hired Wright to represent him with a foreclosure matter. In representing the complainant, Wright neglected the legal matter entrusted to her by failing to timely file pleadings, failed to keep the complainant reasonably informed about the status of a legal matter, and failed to promptly comply with reasonable requests for information from the complainant about a legal matter.

Wright violated Rules 1.01(b)(1) and 1.03(a). She was ordered to pay \$1,000 in attorneys' fees and direct expenses.

PUBLIC REPRIMANDS

On November 21, 2017, **Marshall E. Adamson** [#00797973], 57, of Dallas, received a public reprimand. An evidentiary panel of the District 6 Grievance Committee found that on October 6, 2014, a complainant hired Adamson for representation in a probate matter. In representing the complainant, Adamson neglected the legal matter entrusted to him by failing to provide legal services. Adamson failed to keep the complainant reasonably informed about the status of the probate matter and failed to promptly comply with reasonable requests for information from the complainant about the matter. Upon termination of representation, Adamson failed to surrender papers and property to which the complainant was entitled.

Adamson violated Rules 1.01(b)(1), 1.03(a), and 1.15(d). He was ordered to pay \$2,137.50 in attorneys' fees and direct expenses.

On February 26, 2018, **Sharon Malchar Easley** [#06358440], 68, of Plano, agreed to a public reprimand. An evidentiary panel of the District 1 Grievance Committee found that Easley represented a complainant in a child custody suit. Easley neglected the com-

plainant's legal matter by failing to appear in person at the trial scheduled.

Easley violated Rule 1.01(b)(1). She was ordered to pay \$225 in attorneys' fees and direct expenses.

On February 7, 2018, **Roger Fuller** [#07524350], 56, of Dallas, received a public reprimand. The 101st District Court of Dallas County found that Fuller committed professional misconduct by failing to supervise his non-lawyer employees.

Fuller violated Rule 5.03(a). He was ordered to pay \$1,985 in attorneys' fees and direct expenses.

On February 21, 2018, **Dale S. Kasofsky** [#11105225], 52, of McAllen, accepted a public reprimand. An evidentiary panel of the District 12 Grievance Committee found that Kasofsky failed to communicate with his clients.

Kasofsky violated Rule 1.03(b). He


was ordered to pay \$1,500 in attorneys' fees and direct expenses.

On February 22, 2018, **Robert Chris Pittard** [#00794465], 61, of San Antonio, accepted a public reprimand. The 285th District Court of Bexar County found that Pittard committed professional misconduct by failing, upon receiving funds or other property in which a client or third person has an interest, to promptly render a full accounting.

Pittard violated Rule 1.14(b). He was ordered to pay \$1,000 in attorneys' fees and direct expenses.

On February 8, 2018, **Christopher Sharkey** [#18114150], 57, of Houston, received an agreed judgment of public reprimand. An evidentiary panel of the District 4 Grievance Committee found that in representing his client, Sharkey neglected the legal matter entrusted to him and failed to keep

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his clients reasonably informed about the status of their legal matter and to comply with reasonable requests for information.

Sharkey violated Rules 1.01(b)(1) and 1.03(a). He was ordered to pay \$700 in attorneys' fees.

PRIVATE REPRIMANDS

Listed here is a breakdown of Texas Disciplinary Rules of Professional Conduct violations for 10 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)—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 (1).

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 (2).

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 (3).

1.14(c)—When in the course of representation a lawyer is in possession of funds or other property in which both the lawyer and another person claim interests, the property shall be kept separate by the lawyer until there is an accounting and severance of their interest. All funds in a trust or escrow account shall be disbursed only to those persons entitled to receive them by virtue of the representation or by law. If a dispute arises concerning their respective interests, the portion in dispute shall be kept separated by the lawyer until the dispute is resolved, and the undisputed portion shall be distributed appropriately (1).

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 (3).

5.03(a)—for failing to make reasonable efforts to ensure that the non-lawyer's conduct is compatible with the professional obligations of the lawyer (1).

8.04(a)(2)—A lawyer shall not commit a serious crime or commit any other criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects (1). **TBJ**

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