

**JUDICIAL ACTIONS**

*To read the entire public sanctions, go to [scj.c.texas.gov](http://scj.c.texas.gov).*

On November 12, 2020, the State Commission on Judicial Conduct issued a public warning and order of additional education to **WILLIAM C. BOSWORTH JR.**, judge of the 413th Judicial District Court, Cleburne, Johnson County.

On October 28, 2020, the State Commission on Judicial Conduct issued a public warning and order of additional education to **KELLY CROW**, justice of the peace, Precinct 3, Katy, Fort Bend County.

On October 28, 2020, the State Commission on Judicial Conduct issued a public warning and order of additional education to **URSULA HALL**, judge of the 165th Civil District Court, Houston, Harris County. This sanction is currently on appeal before the Special Court of Review.

On November 12, 2020, the State Commission on Judicial Conduct issued

a public admonition to **BILL METZGER**, former justice of the peace, Precinct 2, Place 2, Mesquite, Dallas County.

On November 12, 2020, the State Commission on Judicial Conduct issued a public warning to **KEN MOLBERG**, former judge of the 95th Civil District Court, Dallas, Dallas County.

On October 28, 2020, the State Commission on Judicial Conduct issued a public admonition and order of additional education to **ROBERT RICHTER**, municipal court judge, Missouri City, Fort Bend County.

On October 28, 2020, the State Commission on Judicial Conduct issued a public warning and order of additional education to **LISA R. WOODARD**, justice of the peace, Precinct 8, Fort Worth, Tarrant County.

On December 3, 2020, the State Commission on Judicial Conduct issued a public warning (nunc pro tunc) to **KEN MOLBERG**, former judge of the 95th Civil District Court, Dallas, Dallas County.

Disciplinary Appeals signed an agreed judgment of probated suspension against Frisco attorney **ALEX JAMES WASHINGTON JR.** [#24107554], 50. On or about July 2, 2020, an attorney disciplinary proceeding opinion was entered by the Supreme Court of the State of Louisiana in Case No. 2020-B-0577, suspending Washington from the practice of law for a period of one year and one day. BODA Cause No. 64776.

On November 16, 2020, the Board of Disciplinary Appeals signed an agreed judgment of private reprimand against a Texas attorney. On or about September 16, 2020, a notice recommending a private reprimand was entered by the Board of Professional Responsibility of the Supreme Court of Tennessee for his or her failure to register timely with the Tennessee Board of Law Examiners in accordance with Tennessee Rule of Professional Conduct 5.5(a). BODA Cause No. 64949.

On November 16, 2020, the Board of Disciplinary Appeals signed an agreed judgment of private reprimand against a Texas attorney. On or about September 25, 2020, a motion for admonition was entered by the Louisiana Attorney Disciplinary Board regarding his or her failure to pre-file an advertisement with the Louisiana State Bar Association, or pay the LSBA the required filing fee, violating Rule 7.7(c). BODA Cause No. 64920.

**DISBARMENTS**

On October 5, 2020, **CYNTHIA RACHELLE WIL COLE** [#24035579], 47, of Forney, was disbarred, effective September 11, 2020. The District 1 Grievance Committee found that beginning in 2008, Cole was hired by the complainants for representation in civil and bankruptcy matters. Throughout Cole's representation of the complainants, Cole neglected the legal matters entrusted to her, failed to keep the complainants reasonably informed, failed to promptly comply with reasonable requests for information, and failed to explain the matter to the extent reasonably necessary to permit the complainants to make informed decisions regarding the representation. Cole made multiple misrepresentations to the complainants about the status of their legal matters and engaged in

**BODA**

On November 6, 2020, the Board of Disciplinary Appeals issued a judgment revoking probation and actively suspending respondent from the practice of law for Dallas attorney **WARD BRACKETT BENNETT DAVISON** [#24066787], 40, from an agreed judgment of partially probated suspension by the evidentiary panel of the State Bar of Texas District 6 Grievance Committee. Respondent appeared pro se. BODA Cause No. 64755.

On October 27, 2020, the Board of Disciplinary Appeals signed a default judgment of disbarment against Nicholasville, Kentucky, attorney **CASSIDY ANN TEATER** [#24080044], 35. On or about January 27, 2020, an order of enforcement was issued in the Supreme Court of Tennessee in *In Re: Cassidy Teater, An Attorney Licensed to Practice Law in Kentucky and Texas*, Case No. M2020-00101-SC-BAR-BP, BOPR No. 2019-2987-0-AJ, disbarring Teater from the practice of law in the state of Tennessee. BODA Cause No. 64721.

On October 2, 2020, the Board of

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repeated fraudulent conduct, including, fabricating and/or forging court orders, settlement agreements, travel expenses, and legal work performed. Cole unlawfully appropriated \$326,953 from the complainants in violation of Texas Penal Code 31.03(e)(7). Due to Cole's professional misconduct, sanctions were ordered against the complainants and the complainants paid a judgment in the amount of approximately \$160,000. Cole failed to respond to the grievance.

Cole violated Rules 1.01(b)(1), 1.03(a), 1.03(b), 8.04(a)(2), 8.04(a)(3), and 8.04(a)(8). She was ordered to pay \$486,953 in restitution and \$2,462 in attorneys' fees and direct expenses.

On October 7, 2020, **KIMBERLY DIAN SMITH** [#24041944], 42, of Longview, was disbarred. An evidentiary panel of the District 1 Grievance Committee found that in June 2017, Smith was hired to represent the complainant's daughter with regard to divorce and child custody matters. In representing the complainant's daughter, Smith neglected the legal matter entrusted to her by failing to perform legal work on the case after the initial pleadings were filed. Smith failed to keep the complainant's daughter reasonably informed about the status of her divorce and child custody matters and failed to promptly comply with reasonable requests for information from the complainant's daughter about the cases. Additionally, Smith failed to respond to the grievance.

Smith violated Rules 1.01(b)(1), 1.03(a), and 8.04(a)(8). She was ordered to pay \$2,926.75 in attorneys' fees and expenses.

#### RESIGNATIONS

On November 10, 2020, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **BRIGIDA RODRIGUEZ** [#24046743], 65, of Richardson. At the time of Rodriguez's resignation there were two pending matters against her alleging professional misconduct. In the first matter, the complainant hired Rodriguez to start the adoption process to adopt her grandson on August 31, 2017. The complainant paid Rodriguez \$4,000. Rodriguez neglected the legal matter, failed to communicate with the complainant, failed to return the unearned legal fee, and failed to respond to the notice of grievance.

In the second matter, the complainant hired Rodriguez for representation in a family law matter on June 10, 2019. The complainant paid Rodriguez \$2,000. Rodriguez frequently failed to carry out completely the obligations owed to the complainant and failed to explain the legal matter to the extent reasonably necessary to permit the complainant to make informed decisions regarding the representation. Rodriguez failed to return the unearned legal fee.

Rodriguez violated Rules 1.01(b)(1), 1.01(b)(2), 1.03(a), 1.03(b), 1.15(d), and 8.04(a)(8).

On November 10, 2020, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **ILYA TORCHINSKY** [#24095196], 43, of West Palm Beach, Florida. At the time of Torchinsky's resignation there were three pending matters against him alleging professional misconduct. On or about October 31, 2019, a judgment was entered by the Supreme Court of Florida in a matter styled *In Re: Petition for Disciplinary Revocation of Ilya Torchinsky*, Case No. SC19-1416, Lower Tribunal No(s): 2020-70,103(11F-MDR), which granted Torchinsky's uncontested petition for disciplinary revocation with leave to seek readmission after five years. The judgment stated: "Disciplinary revocation is tantamount to disbarment." In the petition for disciplinary revocation with leave to reapply for readmission, Torchinsky admitted that he knowingly and voluntarily submitted the petition with full knowledge of its effect. He further admitted that the following disciplinary charges were pending against him: TFB File No. 2019-70,573(11F); 2019-70,574(11F); 2019-70,701(11F); 2020-70(11F); 2020-70,095(11F), involved allegations of conversion of client trust funds by Torchinsky. The Florida Bar File No. 2019-70,500(11F) alleges that petitioner engaged in neglect and lack of communication. In all three pending matters, Torchinsky sent a demand letter and draft complaint from Legal Justice Advocates signed by Torchinsky and a licensed Florida attorney to the complainants stating that their website was in violation of the federal Fair Housing Act of 1988 because the website was not accessible to blind or visually

disabled people. The letter demanded that the complainants make their websites readily accessible to and usable by blind and visually impaired individuals and made a demand for "damages, attorney's fees and costs." Torchinsky is not listed as one of the attorneys for Legal Justice Advocates despite the demand letter implying that he works for Legal Justice Advocates and represents Victims Awareness as local counsel. The letters and draft complaints identify Torchinsky as "Local Counsel for Plaintiff" but does not contain Torchinsky's address. At the time the demand letter was sent, Torchinsky was not admitted to practice before the U.S. District Courts for the Northern District of Texas or the Western District of Texas.

Torchinsky violated Rules 4.01(a), 8.04(a)(3), and 8.05(a).

#### SUSPENSIONS

On November 30, 2020, **MORGAN ANTHONY BOURQUE** [#24062627], 41, of The Woodlands, accepted a one-year partially probated suspension effective December 1, 2020, with the first month

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actively suspended and the remainder probated. An evidentiary panel of the District 3 Grievance Committee found that Bourque paid and gave something of value to a person not licensed to practice law, for soliciting prospective clients for, or referring clients or prospective clients to Bourque for representation.

Bourque violated Rule 7.03(b). He was ordered to pay \$2,606 in attorneys' fees and direct expenses.

On November 24, 2020, **PAUL GOMEZ** [#24063778], 45, of Little Elm, agreed to an 18-month fully probated suspension effective November 15, 2020. The District 6 Grievance Committee found that in July 2019, the complainant hired Gomez for representation in a divorce matter and discovery requests were served on Gomez. Gomez did not timely respond to the requests and a hearing was held regarding Gomez's late discovery responses. Gomez did not attend the hearing and the complainant was sanctioned. Gomez neglected the legal

matter entrusted to him and failed to carry out completely the obligations Gomez owed to the complainant. By planning to not appear at the properly noticed hearing resulting in the complainant being sanctioned, Gomez failed to explain the discovery matter to the extent reasonably necessary to permit the complainant to make informed decisions regarding the representation. By not informing the court or opposing counsel that he did not plan to appear at the hearing, Gomez took a position that unreasonably increased the costs or other burdens of the case or that unreasonably delayed resolution of the matter.

Gomez violated Rules 1.01(b)(1), 1.01(b)(2), 1.03(b), and 3.02. He was ordered to pay \$500 in attorneys' fees and direct expenses.

On October 30, 2020, **DAVID NATHANIEL HARVEY** [#24040049], 55, of Houston, accepted a 42-month fully probated suspension effective November 1, 2020. An investigatory panel of the District 4 Grievance Committee found that Harvey frequently failed to carry out completely his obligations to his client, 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, Harvey failed to timely respond to the grievance

Harvey violated Rules 1.01(b)(2), 1.03(a), and 8.04(a)(8). He was ordered to pay \$55,000 in restitution and \$1,000 in attorneys' fees and direct expenses.

On October 27, 2020, **RICHARD N. JEFFREY** [#24036839], 45, of Harker Heights, received a five-year partially probated suspension (six months active and 54 months probated) related to two disciplinary cases effective December 1, 2020. An evidentiary panel of the District 8 Grievance Committee found that in the first case, Jeffrey was hired, on or about June 5, 2018, to represent a client in a suit to modify the parent child relationship. The client gave Jeffrey a check for \$500 as an advanced fee. Rather than place the funds in an escrow or trust account, Jeffrey made the check payable to a third person. Thereafter, at Jeffrey's request, the client paid Jeffrey another advanced fee of \$500

in cash. Thereafter, Jeffrey represented to the client that he was having difficulty serving the opposing party with the petition; however, Jeffrey never filed any pleadings on behalf of the client. When the client discovered that no pleadings had been filed, the client terminated the representation and requested a refund. Jeffrey failed to respond to the client's request and failed to refund any portion of the fees paid. In a second case, Jeffrey was paid an advanced fee of \$1,500, on or about September 12, 2017, to represent a client with regard to a traffic citation and on a motion to revoke or adjudicate community supervision. Jeffrey failed to perform the work for which he was hired and failed to return any portion of the advanced fee paid. Jeffrey further failed to provide written responses to both disciplinary cases.

Jeffrey violated Rules 1.01(b)(1), 1.03(a), 1.14(a), 1.15(d), and 8.04(a)(8) of the Texas Disciplinary Rules of Professional Conduct, Article X, Section 9, State Bar Rules. He was ordered to pay \$2,500 in restitution and \$1,315 in attorneys' fees and expenses.

On October 30, 2020, **DENNIS R. MARTIN** [#13059400], 71, of San Antonio, agreed to a three-year fully probated suspension effective October 15, 2020. An evidentiary panel of the District 10 Grievance Committee found that Martin neglected a client's matter and failed to keep a client reasonably informed.

Martin violated Rules 1.01(b)(1) and 1.03(a). He was ordered to pay \$600 in attorneys' fees and direct expenses.

On November 4, 2020, **OMAR MAYNEZ-GRIJALVA** [#24043807], 56, of El Paso, accepted a two-year fully probated suspension effective November 6, 2020. The 210th District Court of El Paso County found that Maynez-Grijalva violated Rules 1.08(a) and 1.08(g) [business transactions with client]; 1.14(b) [failing to promptly notify third party and deliver settlement funds]; 1.14(c) [failing to disburse to third parties]; 8.01(b) [knowingly fail to respond to a lawful demand for information]; 8.04(a)(3) [conduct involving dishonesty, fraud, deceit, or misrepresentation]; and 8.04(a)(8) [failing to respond to a grievance in a timely fashion].

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Maynez-Grijalva violated Rules 1.08(a), 1.08(g), 1.14(b), 1.14(c), 8.01(b), 8.04(a)(3), and 8.04(a)(8). He was ordered to pay \$4,211.96 in attorneys' fees and direct expenses.

On October 13, 2020, **STUART R. OLIPHINT** [#00789526], 61, of Fort Worth, received a 36-month partially probated suspension effective November 1, 2020, with the first six months actively suspended and the remainder probated. An evidentiary panel of the District 7 Grievance Committee found that on April 14, 2018, the complainant hired Oliphint for representation in a criminal case. The complainant paid a legal fee of \$4,000 to Oliphint for the representation. In representing the complainant, Oliphint neglected the legal matter entrusted to him. Oliphint failed to explain the matter to the extent reasonably necessary to permit the complainant to make informed decisions regarding the representation. Upon termination of representation, Oliphint failed to refund payments of the fee that had not been earned. Additionally, Oliphint failed to respond to the grievance.

Oliphint violated Rules 1.01(b)(1), 1.03(b), 1.15(d), and 8.04(a)(8). He was ordered to pay \$4,000 in restitution and \$1,461.50 in attorneys' fees and costs.

On October 23, 2020, **LLOYD EUGENE WARD** [#20845100], 59, of Dallas, received a 36-month fully probated suspension effective March 7, 2020. The 191st Civil District Court of Dallas County found that Ward committed professional misconduct by violating Rule 3.03(a)(1) [A lawyer shall not knowingly make a false statement of material fact or law to a tribunal].

Ward was ordered to pay \$19,216.74 in attorneys' fees and direct expenses.

**PUBLIC REPRIMANDS**

On November 9, 2020, **C. BRUCE ABRAHAM** [#00819800], 70, of Marshall, entered into an agreed judgment of public reprimand. An investigatory panel found that the complainant hired Abraham to represent him in a divorce case. Abraham neglected the legal matter entrusted to him, failed to keep the complainant reasonably informed about the status of his divorce case, and failed to promptly

comply with reasonable requests for information from the complainant. Abraham also failed to file a response to the grievance.

Abraham violated Rules 1.01(b)(1), 1.03(a), and 8.04(a)(8). He was ordered to pay \$250 in attorneys' fees and direct expenses.

On November 16, 2020, **JOHN-PAUL CHIDGEY** [#24035419], 47, of Fort Worth, agreed to a public reprimand. The District 7 Grievance Committee found that in March 2019, the complainant hired Chidgey for representation in a medical practice matter. Chidgey neglected the legal matter entrusted to him by allowing the statute of limitation to expire. Chidgey failed to explain the matter to the extent reasonably necessary to permit the complainant to make informed decisions regarding the representation.

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

On October 26, 2020, **ARTHUR DAVID COURTADE** [#04891000], 73, of Fort Worth, agreed to a public reprimand. The District

7 Grievance Committee found that upon termination of representation, Courtade informed the complainant that he was experiencing a health issue and would provide any information and paperwork that the complainant might need regarding the case. Thereafter, Courtade failed to respond to the grievance.

Courtade violated Rules 1.15(d) and 8.04(a)(8). He was ordered to pay \$200 in attorneys' fees and direct expenses.

On November 24, 2020, **RYAN EDWARD HUIE** [#24055700], 42, of Austin, received a public reprimand related to four disciplinary cases. An investigatory panel of the District 8 Grievance Committee found that in the first case, Huie was paid \$5,000, in August 2018, to defend a client in a DWI matter. On November 7, 2019, Huie failed to appear for a scheduled court hearing and notify the client that he would not be attending the hearing. Additionally, Huie failed to inform his client and the court that his license to practice law had been administratively suspended, in compliance with Rule 13.01 of the Texas Rules of

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Disciplinary Procedure. Subsequently, after Huie was terminated by the client, he failed to withdraw from the representation and to take the steps reasonably practicable to protect the client's interests. Additionally, Huie was found to have neglected the client's case and failed to maintain reasonable communication with the client regarding the matter. In the second case, the panel found that Huie was paid \$1,800, in November 2018, to represent a client in a criminal matter. During his representation of the client, Huie failed to appear for a scheduled court hearing and failed to inform the client and the court in writing that his license to practice law was administratively suspended, in compliance with Rule 13.01 of the Texas Rules of Disciplinary Procedure. Additionally, Huie failed to withdraw from the case and to take steps reasonably practicable to protect the client's interests after he was terminated. Huie also failed to respond to the client's numerous communication attempts, thus failing to maintain reasonable communication with the client regarding her case. In the third case, the panel found that after Huie

was paid \$2,000 to represent a client in a criminal matter, he failed to appear for a scheduled court hearing and failed to inform the client and the court that his license to practice law was administratively suspended, in compliance with Rule 13.01 of the Texas Rules of Disciplinary Procedure. Additionally, after Huie was terminated by the client, he failed to withdraw from the case and to take steps reasonably practicable to protect the client's interests. Huie also failed to maintain reasonable communication with the client regarding his case. In the fourth case, the panel found Huie was paid \$6,000, in July 2018, to represent a client in multiple criminal matters and failed to appear for two scheduled court hearings in 2019. Additionally, the panel found Huie failed to inform the client and the court that his license to practice law was administratively suspended, in compliance with Rule 13.01 of the Texas Rules of Disciplinary Procedure. Subsequently, after Huie was terminated by the client, he failed to withdraw from the client's representation and to take steps reasonably practicable to protect the client's interests.

Further, Huie failed to respond to the client's numerous communication attempts, thus failing to maintain reasonable communication with the client regarding his case.

Huie violated Rules 1.01(b)(1), 1.03(a), 1.15(a)(1), 1.15(d), and 8.04(a)(10) of the Texas Disciplinary Rules of Professional Conduct, Article X, Section 9, State Bar Rules. He was ordered to pay \$2,500 in restitution in the first case.

On November 17, 2020, **BEN L. IVEY III** [#24032462], 46, of El Paso, accepted a public reprimand. An investigatory panel of the District 17 Grievance Committee found that Ivey failed to promptly notify and deliver funds to parties entitled to receive funds.

Ivey violated Rule 1.14(b). He was ordered to pay \$2,800 in restitution and \$750 in attorneys' fees and direct expenses.

**PRIVATE REPRIMANDS**

Listed here is a breakdown of Texas Disciplinary Rules of Professional Conduct violations for 17 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 (4).

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 (4).

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 (1).

1.04(a)—A lawyer shall not enter into an arrangement for, charge, or collect an illegal fee or unconscionable fee (1).

1.05(b)(1)(i)—for revealing confidential information of a client or a former client to a person that the client has instructed is not to receive the information (1).

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 (1).

1.06(b)(1)—For representing a person where the representation of that person involves a substantially related matter in which that person's interests are materially and directly adverse to the interests of another client (1).

1.06(b)(2)—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 (1).

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 (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 (4).

3.09(d)—The prosecutor in a criminal case shall make timely disclosure to the defense of all evidence or information known to the prosecutor that tends to negate the guilt of the accused or mitigates the offense, and, in connection with sentencing, disclose to the defense and to the tribunal all unprivileged mitigating information known to the prosecutor, except when the prosecutor is relieved of this responsibility by a protective order of the tribunal (1).

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 (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).

8.04(a)(3)—A lawyer shall not engage in conduct involving dishonesty, fraud,

deceit, or misrepresentation (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 (3).

8.04(a)(11)—A lawyer shall not engage in the practice of law when the lawyer is on inactive status, except as permitted by section 81.053 of the Government Code and Article XIII of the State Bar Rules, 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).

8.04(a)(12)—A lawyer shall not violate any other laws of this state relating to the professional conduct of lawyers and to the practice of law (1). **TBJ**

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