

JUDICIAL ACTIONS

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On October 20, 2021, **JOSIE FERNANDEZ**, justice of the peace, Precinct 4, Freer, Duval County, signed a voluntary agreement to resign from judicial office in lieu of disciplinary action, which was issued by the State Commission on Judicial Conduct.

REINSTATEMENT

ROGELIO "ROGER" VARGAS [#00791848], of San Antonio, filed a petition in the 131st Civil District Court of Bexar County for reinstatement as a member of the State Bar of Texas.

RESIGNATIONS

On October 12, 2021, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **BRIAN ANTHONY HAMNER** [#24041050], of San Antonio.

At the time of his resignation, Hamner had one grievance pending alleging Hamner failed to return unearned fees and failed to comply with cessation of practice rules and practiced law while his license was suspended.

Hamner violated Rules 1.15(d), 8.04(a)(7), and 8.04(a)(10).

On October 12, 2021, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **OMAR WEAVER ROSALES** [#24053450], of Harlingen. At the time of Rosales' resignation, multiple disciplinary cases were pending against him alleging professional misconduct related to demand letters Rosales sent to various medical providers, claiming that the providers' websites were not ADA compliant. In addition, the U.S. District Court for the Western District of Texas determined that Rosales violated multiple disciplinary rules while representing a client in ADA matters, including filing multiple frivolous pleadings, fabricating evidence offered as an exhibit to a pleading, and misrepresenting the location of his residence. Rosales also failed to disclose to New York Bar officials that he was the subject of disciplinary proceedings, as required on his application for admission to the New York Bar in 2017. After he was admitted to practice law in New York, Rosales failed to report that he received a three-year suspension from the practice of law before the U.S. District Court for the Western District of Texas as required by the New York rules for attorney discipline. The Supreme Court of the State of New York revoked Rosales' law license because he had made a false statement on his New York Bar application and failed to report a disciplinary sanction. Rosales violated Rules 3.01, 4.04(b)(1), 8.04(a)(3), 8.04(a)(5), and 7.01(a).

On October 12, 2021, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **BRENT N. WHITELEY** [#21361800], of Houston. At the time of Whiteley's resignation, Whiteley pleaded guilty in Case No. 1:20-cr-00534-GHW-2, styled *United States of*

America v. Brent Whiteley, in the U.S. District Court for the Southern District of New York, to one count of conspiracy to commit securities fraud (Title 18, U.S.C. § 371), one count of securities fraud (Title 15, U.S.C. §§ 78j (b) and 78ff; Title 17, Code of Federal Regulations § 240.10b-5; and Title 18, U.S.C. § 2), one count of conspiracy to commit wire fraud (Title 18, U.S.C. § 1349), two counts of wire fraud (Title 18, U.S.C. §§ 1343 and 2), and one count of obstruction of the SEC's Investigation (Title 18, U.S. C. § 981 (a) (1) (C); Title 21, U.S.C. § 853(p); Title 28, U.S.C. § 2461).

Whiteley violated Rules 1.14(a), 8.04(a)(2), and 8.04(a)(3).

SUSPENSIONS

On October 19, 2021, **RANDALL BARRERA** [#00792349], of Corpus Christi, agreed to a two-year fully probated suspension effective November 1, 2021. An evidentiary panel of the District 11 Grievance Committee found that Barrera failed to hold funds in trust and separate from his own property, failed to promptly notify and deliver funds to parties entitled to receive funds, and failed to respond to the grievance.

Barrera violated Rules 1.14(a), 1.14(b), 1.14(c), and 8.04(a)(8). He was ordered to pay \$40,728.75 in restitution and \$2,000 in attorneys' fees and direct expenses.

On September 24, 2021, **RICHARD DOUGLAS PARKER** [#15496450], 63, of Houston, accepted an agreed judgment of fully probated suspension. An investigatory panel of the District 4 Grievance Committee found that Parker neglected a legal matter entrusted to him. Parker further failed to supervise a non-lawyer or make reasonable efforts to ensure that a non-lawyer's conduct was compatible with the professional obligations of a lawyer and because of this failure, the non-lawyer and Parker engaged in conduct encouraging, or permitting, the conduct involved.

Parker violated Rules 1.01(b)(1), 5.03(a), and 5.03(b)(1). He was ordered to pay \$1,000 in attorneys' fees and direct expenses.

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On September 20, 2021, **ROY LEE REEVES** [#24027770], of Amarillo, received a six-month fully probated suspension effective October 1, 2021. An evidentiary panel of the District 1 Grievance Committee found that on or about April 27, 2018, the complainant hired Reeves to represent her in a divorce matter. Reeves was paid \$5,000 for the legal representation. In representing the client, Reeves neglected the legal matter entrusted to him. Reeves failed to keep his client reasonably informed about the status of her divorce matter and failed to promptly comply with reasonable requests for information from the client about her divorce matter. Upon request by the client, Reeves failed to promptly render a full accounting regarding the funds paid by the client. Upon termination of representation, Reeves failed to refund advance payments of the fee that had not been earned. Reeves also failed to provide a response to the grievance.

Reeves violated Rules 1.01(b)(1), 1.03(a), 1.14(b), 1.15(d), and 8.04(a)(8). He was ordered to pay \$5,000 in restitution and \$2,400 in attorneys' fees and direct expenses.

On September 30, 2021, **JANE SUNHA SHIN** [#24075475], of McAllen, accepted a two-month fully probated suspension effective March 1, 2022. An investigatory panel of the District 12 Grievance Committee found that Shin neglected clients' matters and failed to respond to her clients' requests for information.

Shin violated Rules 1.01(b)(1) and 1.03(a). She agreed to pay \$800 in attorneys' fees and direct expenses.

On October 11, 2021, **BLAKE DANIEL ALLRED** [#24069292], of Bayou Vista, accepted a five-year partially probated suspension effective October 15, 2021, with the first three years actively suspended. An evidentiary panel of the District 4 Grievance Committee found that Allred neglected a legal matter, failed to keep his client reasonably informed about the status of the case, and further failed to refund advance payments of fees that had not been earned. Additionally, Allred failed to timely respond to the grievance.

Allred violated Rules 1.01(b)(1), 1.03(a), 1.15(d), and 8.04(a)(8). He was ordered to pay \$3,200 in restitution and \$1,220 in attorneys' fees and direct expenses.

On October 12, 2021, **BLAKE DANIEL ALLRED** [#24069292], of Bayou Vista, accepted a five-year partially probated suspension effective October 15, 2021, with the first three years actively suspended. An evidentiary panel of the District 4 Grievance Committee found that Allred neglected a legal matter, failed to keep his client reasonably informed about the status of the case, and further failed to refund advance payments of fees that had not been earned. Additionally, Allred failed to timely respond to the grievance.

Allred violated Rules 1.01(b)(1), 1.03(a), 1.15(d), and 8.04(a)(8). He was ordered to pay \$1,157.54 in attorneys' fees and direct expenses.

On October 12, 2021, **BLAKE DANIEL ALLRED** [#24069292], of Bayou Vista, accepted a five-year partially probated suspension effective October 15, 2021, with the first three years actively suspended. An evidentiary panel of the District 4 Grievance Committee found that Allred neglected a legal matter, failed to keep his client reasonably informed about the status of the case, and further failed to refund advance payments of fees that had not been earned. Additionally, Allred failed to timely respond to the grievance.

Allred violated Rules 1.01(b)(1), 1.03(a), 1.15(d), and 8.04(a)(8). He was ordered to pay \$2,000 in restitution and \$1,919.54 in attorneys' fees and direct expenses.

On October 12, 2021, **BLAKE DANIEL ALLRED** [#24069292], of Bayou Vista, accepted a five-year partially probated suspension effective October 15, 2021, with the first three years actively suspended. An evidentiary panel of the District 4 Grievance Committee found that Allred neglected a legal matter, failed to keep his client reasonably informed about the status of the case, and further failed to refund advance payments of fees that had not been earned. Additionally, Allred failed to timely respond to the grievance.

Allred violated Rules 1.01(b)(1), 1.03(a), 1.15(d), and 8.04(a)(8). He was ordered to pay \$900 in restitution and \$2,574.54 in attorneys' fees and direct expenses.

On October 11, 2021, **BLAKE DANIEL ALLRED** [#24069292], of Bayou Vista, accepted a five-year partially probated suspension effective October 15, 2021, with the first three years actively suspended. An evidentiary panel of the District 4 Grievance Committee found that Allred neglected a legal matter, failed to keep his client reasonably informed about the status of the case, and further failed to refund advance payments of fees that had not been earned. Additionally, Allred failed to timely respond to the grievance.

Allred violated Rules 1.01(b)(1), 1.03(a), 1.15(d), and 8.04(a)(8). He was ordered to pay \$700 in restitution and \$2,323.99 in attorneys' fees and direct expenses.

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On October 11, 2021, **BLAKE DANIEL ALLRED** [#24069292], of Bayou Vista, accepted a five-year partially probated suspension effective October 15, 2021, with the first three years actively suspended. An evidentiary panel of the District 4 Grievance Committee found that Allred failed to abide by his client's decisions concerning the objectives and general methods of representation, failed to keep his client reasonably informed about the status of the case, and further failed to refund advance payments of fees that had not been earned. Additionally, Allred failed to timely respond to the grievance.

Allred violated Rules 1.02(a)(1), 1.03(a), 1.15(d), and 8.04(a)(8). He was ordered to pay \$2,500 in restitution and \$1,990.45 in attorneys' fees and direct expenses.

On October 12, 2021, **BLAKE DANIEL ALLRED** [#24069292], of Bayou Vista, accepted a five-year partially probated suspension effective October 15, 2021,

with the first three years actively suspended. An evidentiary panel of the District 4 Grievance Committee found that Allred neglected a legal matter, failed to keep his client reasonably informed about the status of the case, and further failed to refund advance payments of fees that had not been earned. Additionally, Allred failed to timely respond to the grievance.

Allred violated Rules 1.01(b)(1), 1.03(a), 1.15(d), and 8.04(a)(8). He was ordered to pay \$2,000 in restitution and \$1,424.45 in attorneys' fees and direct expenses.

On October 12, 2021, **BLAKE DANIEL ALLRED** [#24069292], of Bayou Vista, accepted a five-year partially probated suspension effective October 15, 2021, with the first three years actively suspended. An evidentiary panel of the District 4 Grievance Committee found that Allred neglected a legal matter, failed to keep his client reasonably informed about the status of the case, and further failed to refund advance payments of fees that had not been earned. Additionally, Allred failed to timely respond to the grievance.

Allred violated Rules 1.01(b)(1), 1.03(a), 1.15(d), and 8.04(a)(8). He was ordered to pay \$2,000 in restitution and \$1,080 in attorneys' fees and direct expenses.

On October 11, 2021, **BLAKE DANIEL ALLRED** [#24069292], of Bayou Vista, accepted a five-year partially probated suspension effective October 15, 2021, with the first three years actively suspended. An evidentiary panel of the District 4 Grievance Committee found that Allred neglected a legal matter, failed to keep his client reasonably informed about the status of the case, and further failed to refund advance payments of fees that had not been earned. Additionally, Allred engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation. Allred also failed to timely respond to the grievance.

Allred violated Rules 1.01(b)(1), 1.03(a), 1.15(d), 8.04(a)(3), and 8.04(a)(8). He was ordered to pay \$2,500 in restitution and \$1,130 in attorneys' fees and direct expenses.

On October 11, 2021, **BLAKE DANIEL ALLRED** [#24069292], of Bayou Vista, accepted a five-year partially probated suspension effective October 15, 2021, with the first three years actively suspended. An evidentiary panel of the District 4 Grievance Committee found that Allred neglected a legal matter, failed to keep his client reasonably informed about the status of the case, and further failed to refund advance payments of fees that had not been earned. Additionally, Allred engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation. Allred also failed to timely respond to the grievance.

Allred violated Rules 1.01(b)(1), 1.03(a), 1.15(d), 8.04(a)(3), and 8.04(a)(8). He was ordered to pay \$2,500 in restitution and \$880 in attorneys' fees and direct expenses.

On October 12, 2021, **BLAKE DANIEL ALLRED** [#24069292], of Bayou Vista, accepted a five-year partially probated suspension effective October 15, 2021, with the first three years actively suspended. An evidentiary panel of the District 4 Grievance Committee found that Allred neglected a legal matter, failed to keep his client reasonably informed about the status of the case, and further failed to refund advance payments of fees that had not been earned. Additionally, Allred failed to timely respond to the grievance.

Allred violated Rules 1.01(b)(1), 1.03(a), 1.15(d), and 8.04(a)(8). He was ordered to pay \$2,500 in restitution and \$875 in attorneys' fees and direct expenses.

On October 5, 2021, **CHARLES W. MEDLIN** [#13895900], of Houston, accepted an agreed judgment of partially probated suspension. The 334th District Court of Harris County found that Medlin violated Rule 5.03(a) [a lawyer having direct supervisory authority over the non-lawyer shall make reasonable efforts to ensure that the person's conduct is compatible with the professional obligations of the lawyer], Rule 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

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lawyer orders, encourages, or permits the conduct involved], and 8.04(a)(3) [A lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation] of the Texas Disciplinary Rules of Professional Conduct, Article X, Section 9, of the State Bar Rules.

Medlin was ordered to pay \$2,000 in attorneys' fees and direct expenses.

On September 28, 2021, **PATRICK PHILLIP ROBERTSON** [#00792804], of Austin, received a five-year partially probated suspension effective September 16, 2021, with the first three years actively served and the remainder probated. An evidentiary panel of the District 6 Grievance Committee found that on or about December 17, 2018, the complainant hired Robertson to assist her in a pending lawsuit and paid Robertson \$350 in advance legal fees. In representing the complainant, Robertson neglected the legal matter entrusted to him. Robertson failed to keep the complainant's funds in a separate trust account. Upon termination of representation, Robertson failed to refund advance payments of the fee that had not been earned.

Robertson violated Rules 1.01(b)(1), 1.14(a), and 1.15(d). He was ordered to pay \$350 in restitution and \$1,665 in attorneys' fees and direct expenses.

On August 18, 2021, **JOSHUA REED BRINKLEY** [#24049974], of Valley View, received a 24-month active suspension effective September 15, 2021. The District 14 Grievance Committee found that on or about June 17, 2016, the complainant retained Brinkley to defend him in a civil lawsuit. Thereafter, Brinkley neglected the complainant's case and failed to timely file an answer to the petition served, resulting in a default judgment being entered against the complainant. Brinkley filed a petition for a bill of review to obtain a new trial on the complainant's behalf. However, Brinkley non-suited the petition for a bill of review on or about June 19, 2019, without consulting or obtaining permission to do so from the complainant. On or about November 13, 2017, Brinkley filed a defamation lawsuit

on the complainant's behalf. Thereafter, Brinkley neglected the matter and failed to depose the defendants in the lawsuit despite the complainant's specific request that he do so. In August 2019, Brinkley signed an agreement with the defendants dismissing the defamation case with prejudice. Brinkley did not consult with the complainant regarding the dismissal of his case, nor did he receive permission from the complainant to dismiss his case. Brinkley misled the complainant regarding the status of his legal matter and never informed the complainant that he had agreed to dismiss his cases. On or about January 22, 2020, the complainant terminated Brinkley's representation and requested his file. Brinkley failed to return the file to the complainant.

Brinkley violated Rules 1.01(b)(1), 1.02(a)(1), 1.02(a)(2), 1.03(a), 1.03(b), 1.15(d), and 8.04(a)(3). He was ordered to pay \$1,200 in attorneys' fees and direct expenses.

On September 30, 2021, **THOMAS**

PAINÉ HAYES IV [#09280160], of Pearland, accepted a one-year active suspension effective October 1, 2021. An evidentiary panel of the District 4 Grievance Committee found that Hayes committed a serious crime that reflected adversely on his honesty, trustworthiness, or fitness as a lawyer in other respects.

Hayes violated Rule 8.04(a)(2).

On October 22, 2021, **PRESTON JAMES PARK** [#24066763], of Rockwall, agreed to a six-month active suspension effective November 1, 2021. An investigatory panel of the District 1 Grievance Committee found in March 2017, the complainant hired Park for a family law matter. In representing his client, Park frequently failed to carry out completely the obligations Park owed to the client. Park failed to keep his client reasonably informed about the status of the case and failed to promptly comply with reasonable requests for information. Park also failed to file a response to the grievance.

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Park violated Rules 1.01(b)(2), 1.03(a), and 8.04(a)(8). He was ordered to pay \$250 in attorneys' fees.

PUBLIC REPRIMANDS

On October 26, 2021, **CHARSALYNN GERSAN MITCHELL** [#24067771], of Dallas, agreed to a public reprimand. An investigatory panel of the District 6 Grievance Committee found that on August 20, 2019, the complainant hired Mitchell to represent her in a family law case. Mitchell failed to hold funds belonging in whole or in part to the complainant that was in Mitchell's possession in connection with the representation separate from Mitchell's own property.

Mitchell violated Rule 1.14(a). She was ordered to pay \$675 in attorneys' fees and direct expenses.

PRIVATE REPRIMANDS

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

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)—A fee may be contingent on the outcome of the matter for which the service is rendered, except in a matter in which a contingent fee is prohibited by paragraph (c) or other law. A contingent fee agreement shall be in writing and shall state the method by which the fee is to be determined. If there is to be a differentiation in the percentage or percentages that shall accrue to the lawyer in the event of settlement, trial, or appeal, the percentage for each shall be stated. The agreement shall state the litigation and other expenses to be deducted from the recovery, and whether such expenses are to be deducted before

or after the contingent fee is calculated. Upon conclusion of a contingent fee matter, the lawyer shall provide the client with a written statement describing the outcome of the matter and, if there is recovery, showing the remittance to the client and the method of its determination (1).

1.04(f)—A division or arrangement for division of a fee between lawyers who are not in the same firm may be made only if (1) the divisions is: (i) in proportion to the professional services performed by each lawyer; or (ii) made between lawyers who assume joint responsibility for the representation; and (2) the client consents in writing to the terms of the arrangement prior to the time of the association or referral proposed, including: (i) the identity of all lawyers or law firms who will participate in the fee-sharing agreement, and (ii) whether fees will be divided based on the proportion of services performed or by lawyers agreeing to assume joint responsibility for the representation, and (iii) the share of the fee that each lawyer or law firm will receive or, if the division is based on the proportion of services performed, the basis on which the division will be made; and (3) the aggregate fee does not violate paragraph (a) (1).

1.04(g)—Every agreement that allows a lawyer or law firm to associate other counsel in the representation of a person, or to refer the person to other counsel for such representation, and that result in such an association with or referral to a different law firm or a lawyer in such a different firm, shall be confirmed by an agreement conforming to paragraph (i). Consent by a client or a prospective client without knowledge of the information specified in a subparagraph (f)(2) does not constitute a confirmation within the meaning of this rule. No attorney shall collect or seek to collect fees or expenses in connection with any such agreement that is not confirmed in that way, except for: (1) the reasonable value of legal services provided to that person; and (2) the reasonable and necessary expenses actually incurred on behalf of that person (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

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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).

1.15(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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