

JUDICIAL ACTION

To read the opinion, go to scjc.texas.gov.

On October 7, 2022, the State Commission on Judicial Conduct issued a per curiam opinion from a special court of review of *In Re Inquiry Concerning the Honorable Jonathan Bailey CJC No. 19-1770*, vacated the commission’s public warning, and dismissed the charges against **JONATHAN BAILEY**, former judge of the 431st Judicial District Court, Denton, Denton County, without sanctions.

SUSPENSIONS

On January 24, 2023, **DAVID SAMUEL BROWN** [#24044611], of Jacksonville, Florida, received a 12-month probated suspension effective February 1, 2023. The investigatory panel of the District 6 Grievance Committee found that Brown was hired to represent the complainant in an immigration matter. In representing the complainant, Brown

continued employment in the complainant’s immigration matter which Brown knew was beyond his competence. In representing the complainant, Brown neglected the legal matter entrusted to him. Brown failed to keep the complainant reasonably informed and failed to promptly comply with the complainant’s reasonable requests for information about his immigration matter. Brown also engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation.

Brown violated Rules 1.01(a), 1.01(b), 1.03, 1.03(b), and 8.04(a)(3). He was ordered to pay \$250 in attorneys’ fees and direct expenses.

On January 10, 2023, **JOHN VICTOR MASTRIANI** [#13184375], of Houston, accepted a 12-month fully probated suspension effective August 25, 2024. An investigatory panel of the District 4 Grievance Committee found that Mastriani failed to keep his client reasonably informed about the status of his legal matter and promptly comply with reasonable requests for information about the case. Upon termination of representation, Mastriani failed to refund any advance payments of fees that had not been earned.

Mastriani violated Rules 1.03(a) and 1.15(d). He was ordered to pay \$1,000 in attorneys’ fees and direct expenses.

On December 12, 2022, **WILLIAM REAGAN WYNN** [#00797708], of Fort Worth, received an 18-month fully probated suspension beginning December 1, 2022, and ending on May 31, 2024. An evidentiary panel of the District 7 Grievance Committee found that on April 6, 2021, notice and copy of the complaint were served on Wynn via email. Notice and copy of the complaint were also sent to Wynn on April 19, 2021, via certified mail, return receipt requested, and via first-class mail. The certified mail was served on April 21, 2021. A reminder letter was emailed to Wynn on June 2, 2021, informing him that his written response to the complaint had not been received. Wynn failed to file a response to the grievance.

Wynn violated Rule 8.04(a)(8). He was ordered to pay \$2,700 in attorneys’ fees and direct expenses.

On January 6, 2023, **WILLIAM REAGAN WYNN** [#00797708], of Fort Worth, agreed to an 18-month fully probated suspension, beginning January 15, 2023, and ending on July 15, 2024. An investigatory panel of the District 7 Grievance Committee found that on or about September 2020, the complainant hired Wynn to represent him on a criminal case and on related matters involving the complainant’s occupational driver’s license. In representing the complainant, Wynn neglected the legal matter entrusted to him by failing to pursue the occupational driver’s license on the complainant’s behalf. Wynn failed to keep the complainant reasonably informed about the status of his occupational driver’s license matter and failed to promptly comply with the complainant’s reasonable requests for information about this legal matter.

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

On December 16, 2022, **RICHARD N. JEFFREY** [#24036839], of Harker Heights, received a 10-year partially probated suspension, with one year active, beginning December 15, 2022. An evidentiary panel of the District 8 Grievance Committee found that, in July 2020, the complainant paid Jeffrey an advanced legal fee of \$1,000 to represent her on a misdemeanor charge of assault causing bodily injury. On September 25, 2020, Jeffrey filed a notice of representation with the county clerk but filed no other pleading in the matter. Thereafter, on December 1, 2020, a judgment of partially probated suspension was entered against Jeffrey in another disciplinary matter, wherein he was actively suspended from the practice of law from December 1, 2020, through May 31, 2021. The judgment set forth that if Jeffrey complied with specific terms of the judgment, his probated suspension would begin on June 1, 2021, and end on November 30, 2025. Jeffrey did not

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comply with the terms of the judgment and currently remains actively suspended. Jeffrey failed to notify the complainant that he was suspended as required by the judgment. Shortly after receiving the advance payment for legal services, Jeffrey was non-responsive to the complainant's attempts to ascertain the status of her case. When the complainant learned of Jeffrey's suspension, and his inability to represent her, she requested that Jeffrey refund the advanced fees she had paid, but Jeffrey refused to return any unearned fees. Jeffrey further failed to furnish a written response to the complaint as directed.

Jeffrey violated Rules 1.01(b)(1), 1.03(a), 1.15(d), 8.04(a)(7), and 8.04(a)(8). He was ordered to pay \$800 in restitution and \$4,061.19 in attorneys' fees and expenses.

On November 29, 2022, **DAWN M. KORMAN** [#11682400], of Georgetown, received a five-year partially probated suspension, with six months active, beginning on January 15, 2023. An evidentiary panel of the District 8 Grievance Committee found that the complainant hired Korman in February 2019 for a divorce. Conservatorship, visitation, and child support were issues that needed to be addressed. The parties reached an agreement that was read into the record at a hearing on August 5, 2019, and Korman was designated as the attorney to prepare the final decree. Between August 15, 2019, and March 5, 2020, Korman billed the complainant for drafting the final decree and her email exchanges with opposing counsel. However, Korman never completed the decree. On several occasions, the complainant requested a copy of the draft decree that Korman claimed to be working on, but Korman failed to respond as requested. In December 2019, opposing counsel prepared a final decree and the complainant obtained a copy of the decree from her husband, not Korman. Subsequently, the complainant had one telephone conversation with Korman, during which she raised objections to some of the terms in the proposed decree. From January 2020 through April 2020, the complainant sent numerous emails to Korman requesting information regarding the status of the decree revisions and pleaded to have a revised version entered with the court.

Korman failed to respond to any of the complainant's emails. Eight months after Korman received notice that the complainant filed a disciplinary complaint against her, the decree drafted by opposing counsel was entered with the court, on May 7, 2021, without the complainant's knowledge or consent to the terms contained in the decree. The opposing party, not Korman, notified the complainant that the decree had been entered. Korman also failed to furnish a written response to this complaint as required.

Korman violated Rules 1.01(b)(1), 1.03(a), 1.15(d), and 8.04(a)(8). She was ordered to pay \$4,045.07 in attorneys' fees and expenses.

On January 30, 2023, **JOHN VICTOR MASTRIANI** [#13184375], of Houston, accepted a two-year partially probated suspension effective March 1, 2023. The 281st District Court, Harris County, Texas, found that Mastriani neglected his client's legal matter and frequently failed to carry out completely the obligations

he owed to his client. Mastriani also failed to keep his client reasonably informed about the status of the case and failed to promptly comply with his client's reasonable requests for information. Mastriani failed to explain the matter to the extent necessary to permit his client to make informed decisions regarding representation and failed to decline to represent his client or withdraw from representation when he was discharged, with or without good cause. Furthermore, Mastriani, upon termination of representation, failed to protect the client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property, and refunding advanced payments of fees that had not been earned.

Mastriani violated Rules 1.01(b)(1), 1.01(b)(2), 1.03(a), 1.03(b), 1.15(a)(3), and 1.15(d). He was ordered to pay \$6,822.24 in attorneys' fees.

On January 4, 2023, **THOMAS AUSTIN**

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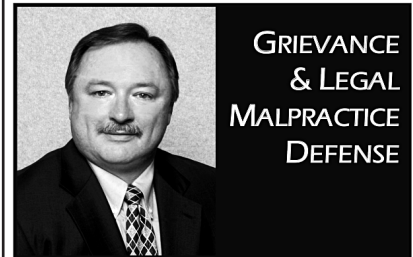
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WILLBERN III [#21507700], of Houston, accepted a two-year agreed partially probated suspension. The evidentiary panel of the District 4 Grievance Committee found that Willbern, in representing his clients, frequently failed to carry out completely the obligations owed to his clients. Willbern failed to keep his client reasonably informed about the status of the case and upon termination of the representation, Willbern failed to refund advance payments of fees that had not been earned. Willbern 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.

Willbern violated Rules 1.01(b)(2), 1.03(a), 1.15(d), and 8.04(a)(8). He agreed to pay \$1,000 in restitution and \$866 in attorneys' fees.

On January 11, 2023, **WILLIAM WESLEY RUTH** [#00788334], of Fredericksburg, received an 18-month active suspension

effective February 1, 2023. The 216th District Court of Gillespie County found that Ruth violated Rules 1.04(d) [failing to have a contingent fee agreement in writing]; 1.14(a) [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]; and 8.04(a)(1) [violating these Rules, knowingly assisting or inducing another to do so, or doing so through the acts of another, whether or not such violation occurred in the course of a client-lawyer relationship].

Ruth was ordered to pay \$35,000 in attorneys' fees and direct expenses.

Ruth has filed a notice of appeal, which is pending before the court of appeals.

PUBLIC REPRIMANDS

On January 17, 2023, **JAMES GLENN GRAHAM** [#24065316], of Saginaw, accepted an agreed judgment of public reprimand. An investigatory panel of the District 7 Grievance Committee found

that the complainant hired Graham to represent him in a criminal matter. Upon termination of representation, Graham failed to refund advance payments of fees that had not been earned.

Graham violated Rule 1.15(d). He was ordered to pay \$900 in restitution and \$250 in attorneys' fees and direct expenses.

On January 3, 2023, **JAMES L. GUINAN** [#08597800], of Dallas, agreed to a public reprimand. An investigatory panel of the District 6 Grievance Committee found that the complainant hired Guinan in 2020 for representation in a criminal matter. Guinan failed to keep the complainant informed about the status of his legal matter and failed to promptly comply with reasonable requests for information from the complainant.

Guinan violated Rule 1.03(a). He was ordered to pay \$1,500 in restitution and \$250 in attorneys' fees and direct expenses.

On January 9, 2023, **CARLOS DANTES MEJIAS JR.** [#24094841], of Houston, accepted a public reprimand. The 55th Judicial District Court of Harris County found that Mejias neglected his client's immigration case and failed to keep his client reasonably informed about the status of the case.

Mejias violated Rules 1.01(b)(1) and 1.03(a). He was ordered to pay \$3,000 in restitution and \$1,500 in attorneys' fees and direct expenses.

On January 4, 2023, **RACHEL JUNE WILLIAMS** [#24042166], of Conroe, accepted a public reprimand. An investigatory panel of the District 3 Grievance Committee found that Williams failed to timely respond to a grievance.

Williams violated Rule 8.04(a)(8). She was ordered to pay \$1,000 in attorneys' fees.

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 the violation.

Please note that an attorney may be reprimanded for more than one rule violation.

1.01(b)(2)—for failing to carry out completely the obligations owed to the client (1).

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 (2).

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).

1.14(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)—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).

8.04(a)(3)—A lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation (1). **TBJ**

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