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REINSTATEMENT

John C. Riddle [#16889800], 71, filed a petition in the 122nd District Court in Galveston County for reinstatement as a member of the State Bar of Texas.

BODA

On February 4, 2020, the Board of Disciplinary Appeals signed a final judgment of disbarment of Lake Jackson attorney **Kirk Lawrence Brannan** [#24038779], 66. Although duly cited, Brannan did not appear at the hearing. On April 5, 2019, Brannan pleaded guilty to bank fraud in violation of 18 USC § 1343, an intentional crime as defined in the Texas Rules of Disciplinary Procedure, in the case styled *United States of America v. Kirk Lawrence Brannan*, Cause No. 4:15-CR-00080-001, in the

U.S. District Court for the Southern District of Texas, Houston Division. Brannan was sentenced to prison for 36 months, followed by supervised release for three years and ordered to pay restitution in the amount of \$5,317,350. Brannan appealed his conviction, and he was suspended during the pendency of his appeal on July 29, 2019. The U.S. Court of Appeals for the 5th Circuit dismissed his appeal and issued its mandate on August 9, 2019. BODA Cause No. 62049.

On January 31, 2020, the Board of Disciplinary Appeals affirmed the judgment nunc pro tunc of partially probated suspension against Amarillo attorney **Ronald T. Spriggs** [#00792853], 61, signed by the evidentiary panel 13-2 of

the District 13 Grievance Committee of the State Bar of Texas on October 28, 2019. The panel found that Spriggs violated Texas Disciplinary Rules of Professional Conduct 1.01(b)(1) (neglect), 1.03(a) (failure to communicate), and 1.15(d) (failure to return an unearned fee). BODA Cause No. 62242.

On February 4, 2020, the Board of Disciplinary Appeals signed a judgment of suspension against Henderson, Nevada, attorney **George R. Carter** [#00785388], 72. On or about May 18, 2017, an order of suspension was entered in the Supreme Court of the State of Nevada in a matter styled *In the Matter of Discipline of George R. Carter, Bar No. 169*, in Case No. 70907, suspending him from the practice of law for four years for violating Nevada Rules of Professional Conduct 1.15 (safekeeping property) by improperly distributing client funds to a non-lawyer, 5.4 (professional independence), and 5.5 (unauthorized practice of law) by allowing a non-lawyer to perform legal services under his auspices. Carter is suspended from the practice of law in Texas beginning February 1, 2020, and ending January 31, 2024. BODA Cause No. 60162.

On February 4, 2020, the Board of Disciplinary Appeals signed an interlocutory order of suspension against McAllen attorney **Rodolfo Delgado** [#05645550], 66. Although duly cited, Delgado did not appear at the hearing. On October 1, 2019, a judgment in a criminal case was entered in Cause No. 4:18-CR-00115-001, styled *United States of America v. Rodolfo "Rudy" Delgado*, in the U.S. District Court for the Southern District of Texas, Houston Division, and Delgado was found guilty of conspiracy, three counts of federal program bribery, three counts of travel act, and obstruction of justice. He was sentenced to a total term of 60 months in the Federal Bureau of Prisons followed by supervised release for two years. Delgado has

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appealed his criminal conviction. The board retains jurisdiction to enter a final judgment when the criminal appeal is final. BODA Cause No. 63669.

On February 4, 2020, the Board of Disciplinary Appeals reversed in part, finding that the attorney violated Texas Disciplinary Rules of Professional Conduct 8.04(a)(7) (holding oneself out as attorney while suspended from the practice of law), and affirmed in part the take nothing judgment signed by the evidentiary panel 6-2 of the District 6 Grievance Committee of the State Bar of Texas on May 30, 2019, and remanded the matter to the District Grievance Committee for a sanctions hearing. BODA Cause No. 63419.

DISBARMENT

On August 23, 2019, **Scott Douglas Marquardt** [#00796999], 50, of McKinney, was disbarred. An evidentiary panel of the District 1 Grievance Committee found that Marquardt was hired to represent a client in a custody modification. Marquardt failed to keep his client reasonably informed about the status of the case and failed to promptly comply with reasonable requests for information from the client. Upon termination of representation by the client, Marquardt failed to timely withdraw from representation, failed to provide the client with an itemized statement, failed to surrender papers and property to which the client was entitled, and failed to refund advance payments of the fee that had not been earned. Marquardt also failed to furnish a response to the grievance.

Marquardt violated Rules 1.03(a), 1.15(a)(3), 1.15(d), and 8.04(a)(8). He was ordered to pay \$6,500 in restitution and \$615 in attorneys' fees.

SUSPENSIONS

On January 17, 2020, **Richard Joseph Deaguero** [#05623500], 73, of Dallas, accepted a 15-month fully probated suspension effective February 1, 2020. An investigatory panel of the District 6 Grievance Committee found Deaguero

violated a disciplinary judgment.

Deaguero violated Rule 8.04(a)(7). He was ordered to pay \$700 in attorneys' fees and direct expenses.

On December 19, 2019, **Emmerico T. Nepomuceno** [#00784669], 59, of Houston, accepted a one-year fully probated suspension effective January 1, 2020. An evidentiary panel of the District 4 Grievance Committee found that in two matters Nepomuceno failed to abide by his clients' decisions whether to accept an offer of settlement in their legal matters, failed to explain a legal matter to the extent reasonably necessary to permit his clients to make informed decisions regarding the representations, and failed to promptly deliver to third parties funds that those third parties were entitled to receive. Nepomuceno also had direct supervisory authority over a non-lawyer and failed to make reasonable efforts to ensure that the non-lawyer's conduct was

compatible with the professional obligations of Nepomuceno and permitted the non-lawyer's conduct that would be a violation of the rules of professional conduct if engaged in by a lawyer.

Nepomuceno violated Rules 1.02(a)(2), 1.03(b), 1.14(b), 5.03(a), and 5.03(b)(1). He was ordered to pay \$1,000 in attorneys' fees.

On November 25, 2019, **Joseph Lee Young** [#24084136], 33, of Taos, New Mexico, received a 36-month fully probated suspension (December 1, 2019, through November 30, 2022). An evidentiary panel of the District 6 Grievance Committee found that Young neglected a legal matter entrusted to him. Young failed to keep his client reasonably informed about the status of her case and failed to promptly comply with reasonable requests for information from his client about the matter. Young failed to respond to the grievance.

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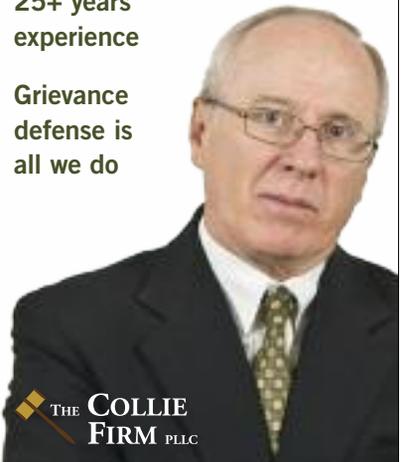
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DISCIPLINARY ACTIONS

Young violated Rules 1.01(b)(1), 1.03(a), and 8.04(a)(8). He was ordered to pay \$580 in attorneys' fees and \$860 in direct expenses.

On January 22, 2020, **Kaushik Rambhotla** [#24079175], 37, of San Antonio, accepted a 42-month partially probated suspension, with six months active, effective January 15, 2020, related to two disciplinary cases. In the first case, an investigatory panel of the District 9 Grievance Committee found that on or about September 2, 2016, Rambhotla was paid \$6,250.64 to represent a client in a divorce matter. On April 27, 2018, the client terminated the representation because Rambhotla had not finalized the divorce. The client requested that Rambhotla provide an invoice, return any unearned fees, and return her file. Rambhotla failed to comply with the client's request. In a second case, Rambhotla was hired to

represent an executor with the probating of her mother's estate. The client sought the return of property improperly taken from the estate by a prior executor. Rambhotla failed to sufficiently explain what information the client needed in order to take the legal action necessary to recover the property. The client requested the return of her file, but Rambhotla failed to comply with the request. Rambhotla further failed to furnish a written response to the complaints as directed.

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

On December 18, 2019, **Brigida Rodriguez** [#24046743], 64, of Dallas, received a 24-month partially probated suspension, with six months active (January 1, 2020, through June 30, 2020) and 18 months probated (July 1,

2020, through December 31, 2021). An evidentiary panel of the District 6 Grievance Committee found that Rodriguez neglected the legal matter entrusted to her by failing to complete any significant legal work on behalf of her client. Rodriguez failed to keep her client reasonably informed about the status of her case and failed to promptly comply with reasonable requests for information. Upon termination of representation, Rodriguez failed to refund advance payments of the fee that had not been earned. Rodriguez failed to respond to the grievance.

Rodriguez violated Rules 1.01(b)(1), 1.03(a), 1.15(d), and 8.04(a)(8). She was ordered to pay \$1,200 in restitution, \$1,480 in attorneys' fees, and \$806.25 in direct expenses.

On November 18, 2019, **Tametha D'Lyn Barker** [#24044113], 43, of Amarillo, received a three-year active suspension effective November 18, 2019, through November 17, 2022. An evidentiary panel of the District 13 Grievance Committee found that Barker neglected a legal matter entrusted to her and failed to keep her client reasonably informed about the status of the client's legal matter and failed to promptly comply with her client's reasonable requests for information about the case. Barker failed to respond to the grievance.

Barker violated Rules 1.01(b)(1), 1.03(a), and 8.04(a)(8). She was ordered to pay \$920 in attorneys' fees and \$456.33 in direct expenses.

On November 22, 2019, the 37th Judicial District Court of Bexar County revoked the disciplinary probation of San Antonio attorney **Joe Jesse Ponce III** [#24014329], 61, and suspended him from the practice of law for 11 months, effective November 22, 2019, and ending October 21, 2020. The court found that Ponce materially violated the terms and conditions of his July 6, 2017, judgment of partially probated suspension.

PUBLIC REPRIMANDS

On January 14, 2020, **Jeffery Charles**

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King [#24038039], 43, of Dallas, entered into an agreed judgment of public reprimand. An investigatory panel of the District 6 Grievance Committee found that King neglected a legal matter entrusted to him and frequently failed to carry out completely the obligations that he owed to his client. King also engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation. Upon termination of representation, King failed to surrender papers and property to which his client was entitled and failed to refund any unearned fees.

King violated Rules 1.01(b)(1), 1.01(b)(2), 1.15(d), and 8.04(a)(3). He was ordered to pay \$30,000 in restitution and \$616 in attorneys' fees and direct expenses.

On December 2, 2019, **Michael James Magana** [#00795494], 50, of Belton, received a public reprimand. An investigatory panel of the District 8

Grievance Committee found that the complainant paid Magana to represent a third party ("client") on an appeal of a felony criminal conviction. The complainant authorized a \$10,000 credit card payment on May 24, 2018, and another \$10,000 payment on June 29, 2018. Magana failed to place the advanced fees in a trust or escrow account. In 2012, the client was charged with the felony and a misdemeanor. Magana provided a fee agreement, purportedly signed by the client on August 6, 2018, that stated Magana would represent the client on two criminal charges. At the time the purported fee agreement was executed, both matters had been resolved. Magana met with the complainant and the client's mother to explain the appeal process but did not file a notice of appeal. The trial court appointed appellate counsel to represent the client on July 28, 2018. Even though another attorney had been appointed to represent the

client on appeal, Magana asserted that he was working on the case through February 2019. In August 2018, the complainant requested that Magana provide an accounting and return the unearned fees she had advanced for the client's appeal. Magana did not return the fees or provide any invoice. Thereafter, on January 11, 2019, after the complainant contested the charges with the credit card company, Magana agreed to a reversal of the charges. The complainant received notice of reversed charges in March 2019.

Magana violated Rules 1.14(a), 1.15(d), and 8.04(a)(3) of the Texas Disciplinary Rules of Professional Conduct and Article X, Section 9 of the State Bar Rules. Magana was ordered to pay \$1,000 in attorneys' fees and expenses.

On November 4, 2019, **Kenneth Scott Sword** [#24034702], 59, of Dallas, entered into an agreed judgment of pub-

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 Member, 1992-1996, 1997-2003

State Bar of Texas
 Disciplinary Rules of Professional Conduct Committee
 Member, 1993-1996

Disciplinary Review Committee
 Member, 1991-1992

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lic reprimand. An investigatory panel of the District 6 Grievance Committee found that Sword, in representing his client, failed to explain the legal matter to the extent reasonably necessary to permit his client to make informed decisions regarding the representation. Sword also failed to hold funds belonging to his client in a separate trust account. Upon receiving funds in which his client had an interest, Sword failed to promptly

notify his client, failed to promptly deliver to his client the funds that he was entitled to receive, and failed to render a full accounting regarding such funds. When a dispute arose concerning the respective interests of the funds held by Sword, he failed to hold the disputed portion separate until the dispute was resolved. Upon termination of representation, Sword failed to surrender papers and property to which his client was entitled and failed to

provide his client with a written statement showing the outcome of the matter, the remittance to his client, and the method of its determination.

Sword violated Rules 1.03(b), 1.04(d), 1.14(a), 1.14(b), 1.14(c), and 1.15(d). He was ordered to pay \$400 in attorneys' fees and direct expenses.

PRIVATE REPRIMANDS

Listed here is a breakdown of Texas Disciplinary Rules of Professional Conduct violations for eight 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 (3).

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 (2).

1.15(a)(2)—for failing to decline or withdraw from representation of a client if the lawyer's physical, mental, or psychological condition materially impairs the lawyer's fitness to represent the client (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, surrender papers and property belonging to the client, or refund any advance payments of fees that have not been earned (3).

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)(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 (3). **TBJ**



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