



General questions regarding attorney discipline should be directed to the Chief Disciplinary Counsel's Office, toll-free (877) 953-5535 or (512) 453-5535. The Board of Disciplinary Appeals may be reached at (512) 475-1578. Information and copies of actual orders are available at www.txboda.org. The State Commission on Judicial Conduct may be contacted toll-free (877) 228-5750 or (512) 463-5533. Please note that persons disciplined by the Commission on Judicial Conduct are not necessarily licensed attorneys.

BODA ACTIONS

On Oct. 22, the Board of Disciplinary Appeals signed a final judgment disbaring **John Jerome Lewis** [#12294020], 47, of Dallas, from the practice of law. Lewis failed to answer or appear. On March 31, Lewis was sentenced to prison for one year and one day in Cause No. 3:07-CR-289-M styled, *United States of America v. John J. Lewis* (14), in the U.S. District Court for the Northern District of Texas, Dallas Division, after Lewis pleaded guilty to conspiracy to commit extortion in viola-

tion of 18 U.S.C. §371 (18 U.S.C. §1951), an intentional crime as defined in the Texas Rules of Disciplinary Procedure. The criminal judgment is final. BODA Cause No. 46726.

On Oct. 22, the Board of Disciplinary Appeals signed an interlocutory order suspending **Edward P. Bolding** [#02565550], 74, of Mertzon, from the practice of law. Bolding did not answer or appear. On March 2, Bolding was found guilty of two counts of fraudulent scheme of artifice with a value of \$100,000 or more, a class two felony, and one count of obstructing criminal investigation or prosecution, a class five felony, intentional crimes as defined in the Texas Rules of Disciplinary Procedure, in Case No. CR20061270, styled, *State of Arizona v. Edward Porter Bolding*, in the Arizona Superior Court, Pima County. Bolding was sentenced to five years in prison followed by three years of community supervision and ordered to pay \$740,765.16 in restitution. Bolding has appealed the conviction. The Board retains jurisdiction to enter a final judgment when the criminal appeal is final. BODA Cause No. 46774

On Oct. 22, the Board of Disciplinary Appeals signed an interlocutory order suspending **Manuel L. Barraza** [#01805270], 55, of El Paso, from the practice of law. Barraza did not answer or appear. On June 1, Barraza was found guilty of two counts of wire fraud and deprivation of honest services in violation of 18 U.S.C. §§1343 and 1346 and one count of making a material false statement as to a matter within the jurisdiction of the U.S. Department of Justice, Federal Bureau of Investigation, an agency of the United States, in violation

of 18 U.S.C. §1001, intentional crimes as defined in the Texas Rules of Disciplinary Procedure, in Case No. EP-09-CR-978-FM, styled, *United States of America v. Manuel Joseph Barraza aka Manny Barraza*, in the U.S. District Court for the Western District of Texas, El Paso Division. Barraza was sentenced to five years in prison followed by three years of supervised release and ordered to forfeit \$15,000 and to pay an assessment of \$300. Barraza has appealed the conviction. The Board retains jurisdiction to enter a final judgment when the criminal appeal is final. BODA Cause No. 47270.

On Oct. 22, the Board of Disciplinary Appeals signed an interlocutory order suspending **Phillip Windom Offill, Jr.** [#75004273], 52, of Irving, from the practice of law. Offill did not answer or appear. On April 26, Offill was found guilty of one count of conspiracy to commit securities registration violations, securities fraud, and wire fraud in violation of 18 U.S.C. §371 and nine counts of wire fraud in violation of 18 U.S.C. §§1343 and 2, intentional crimes as defined in the Texas Rules of Disciplinary Procedure, in Case No. 1:09CR00134-001, styled, *United States of America v. Phillip Windom Offill Jr.*, in the U.S. District Court for the Eastern District of Virginia, Alexandria Division. Offill was sentenced to eight years in prison followed by three years of supervised release and ordered to pay restitution of \$30,110.90. The United States of America was granted a personal money judgment against Offill in the amount of \$4,838,986. Offill has appealed the conviction. The Board retains jurisdiction to enter a final judgment when the criminal appeal is final. BODA Cause No. 47265.

On Oct. 22, the Board of Disciplinary Appeals signed a judgment of partially probated suspension from the practice of law against **F. Benjamin Riek III** [#16906190], 58, of Richardson. Riek answered and appeared. On April 12, the Supreme Court of Ohio sus-

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pended Riek from the practice of law for 18 months, with 12 months stayed on certain terms and conditions in Case No. 2009-2244, styled, *Disciplinary Counsel, Relator v. F. Benjamin Riek III, Respondent*. In accordance with Part IX of the Texas Rules of Disciplinary Procedure, Riek is suspended from the practice of law in the State of Texas for 18 months beginning Dec. 1, and ending on May 31, 2012. Riek is actively suspended for the first six months, from Dec. 1, until May 31, 2011, and the suspension is probated for the remainder of the term, from June 1, 2011, until May 31, 2012. BODA Cause No. 46778.

JUDICIAL ACTIONS

On Oct. 14, the State Commission on Judicial Conduct issued a public warning to **Woodrow "Woody" Densen**, of Houston. The Commission found that while serving as a senior judge eligible to sit as a visiting judge by assignment, Densen failed to comply with the law and failed to act at all times in a manner that promotes public confidence in the integrity of the judiciary by engaging in conduct that constituted a violation of Section 12.44(b) of the Texas Penal Code.

On Oct. 14, the State Commission on Judicial Conduct accepted the resignation, in lieu of discipline, of Donna Murray, of Corsicana. Four complaints were filed against Murray, justice of the peace for Precinct 3 in Navarro County, alleging that Murray engaged in inappropriate, unethical, and/or illegal conduct.

On Oct. 14, the State Commission on Judicial Conduct accepted the resignation, in lieu of discipline, of John C. Purvis, of Magnolia. A complaint was filed against Purvis, former municipal court judge for the City of Magnolia in Montgomery County, alleging that Purvis lacked professional competence in performing the duties of the office, including but not limited to, court procedures and management.

DISBARMENT

On Sept. 17, **Robert Cochran** [#00796010], 46, of Houston, was disbarred, effective Sept. 8. An evidentiary panel of the District 4-F Grievance Committee found that upon receiving funds in which his client had an interest, Cochran failed to promptly notify his client. Cochran failed to promptly deliver to his client funds that his client was entitled to and, upon request by his client, Cochran failed to promptly render a full accounting regarding such funds.

Cochran has filed a notice of appeal.

Cochran violated Rule 1.14(b). He was ordered to pay \$1,470 in attorney's fees and expenses and \$107,000 in restitution.

RESIGNATIONS

On Oct. 19, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Jason Brian Atchley** [#24004532], 39, of Austin. The Court found that Atchley was indicted for aggregated theft and aggregated misapplication of fiduciary property in Cause No. D-1-DC-09-900276, styled *The State of Texas v. Jason Brian Atchley*, in the 331st Judicial District Court of Travis County. The Court further found that on Sept. 23, 2009, Atchley was indicted on two counts of falsely holding oneself out as a lawyer in Cause No. D-1-DC-09-900277, styled *The State of Texas v. Jason Brian Atchley*, in the 331st Judicial District Court of Travis County.

The Court found that in nine matters, Atchley unlawfully appropriated settlement funds in excess of \$100,000 from complainants between 2006 and 2009. In each case, Atchley settled the case without the complainants' knowledge or consent, affixed the complainants' signatures to settlement checks, and affixed the complainants', witnesses', and notaries' signatures to settlement agreements. Atchley misrepresented the status of cases to the complainants and failed to notify the complainants that their cases had settled and to promptly deliver set-

tlement funds to the complainants or third parties who were entitled to receive funds from the settlements. Further, Atchley sent emails purporting to be from a former employee at a time when the person was not employed by Atchley. In all but two cases, Atchley deposited settlement funds into bank accounts that were not designated as trust accounts. In the two instances in which Atchley did deposit funds into a trust account, he closed the account in March 2007, at least two years before he delivered any settlement funds to either of those complainants. Atchley settled three of the cases during two different time periods when he was suspended from the practice of law. Atchley failed to respond to any of the complaints.

In four other matters, the Court found that Atchley neglected the clients'

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cases. Atchley let the statute of limitations run on one client's cause of action. Further, Atchley failed to respond to requests for information and/or misrepresented the status of the cases to the complainants. In another matter, Atchley billed for services he had not rendered and failed to deposit advanced fees into a trust account. In three of the cases, Atchley failed to return unearned fees and client files as requested by the complainants. During the representation of two of the complainants, Atchley was administratively suspended from the practice of law. Atchley failed to respond to any of the complaints.

Atchley violated Rules 1.01(b)(1); 1.02(a)(2); 1.03(a); 1.14(a) and (b); 1.15(d); 3.04(d); and 8.04(a)(1), (a)(2), (a)(3), (a)(8), and (a)(11).

SUSPENSIONS

On Oct. 14, **Edward P. Fahey, Jr.** [#24009400], 58, of Laredo, accepted a two-year, fully probated suspension effective Oct. 20. An evidentiary panel of the District 12 Grievance Committee found that Fahey neglected client cases and failed to communicate with clients, to abide by his client's decisions concerning general methods of representation, and to respond to two grievances.

Fahey violated Rules 1.01(b)(1) and (b)(2), 1.02(a), 1.03(a), and 8.04(a)(8). He was ordered to pay \$800 in attorney's fees and expenses.

Editor's Note: **Edward P. Fahey** [#06773000], 87, of San Antonio, is not the attorney referred to in this disciplinary action.

On Oct. 29, **Darrell D. Gest** [#07830500], 51, of Austin, agreed to a one-year, active suspension effective Jan. 1, 2011. An evidentiary panel of the District 9 Grievance Committee found that Gest was actively suspended from the practice of law from April 1, 2009, to June 30, 2009, pursuant to a disciplinary judgment. On March 27, 2009, Gest provided to the Office of the Chief Disciplinary Counsel an affidavit stating that he had notified his clients of his disciplinary suspension as well as the courts where his cases were pending. From April 1, 2009, through May 7, 2009, during his disciplinary suspension, Gest represented a client in the 200th Judicial District Court of Travis County. Gest appeared on a motion for continuance for the client on April 30, 2009. Gest failed to furnish a written response to the complaint as directed.

Gest violated Rule 8.04(a)(1), (a)(3), (a)(7), (a)(8), and (a)(11). He was ordered to pay \$1,127.70 in attorney's fees and expenses.

On Oct. 22, **Brice B. Beale** [#24031855], 33, of Houston, accepted a six-month, fully probated suspension effective Nov. 1. An evidentiary panel of

the District 4 Grievance Committee found that Beale was hired to represent his client regarding a family law matter. Beale neglected the client's matter by failing to appear in court for the final disposition of the client's matter. Beale also failed to respond to the client's requests for information and failed to keep the client informed. During his representation of the client, Beale was administratively suspended from the practice of law for noncompliance with the Minimum Continuing Legal Education requirements and for nonpayment of the Texas Attorney Occupation Tax.

Beale violated Rules 1.01(b)(1), 1.03(a), and 8.04(a)(11). He agreed to pay \$273.58 in attorney's fees and costs.

On Oct. 29, **Oscar L. Cantu, Jr.** [#03767448], 47, of San Antonio, accepted a one-year, fully probated suspension effective Dec. 1. The District 10-1 Grievance Committee found that Cantu neglected a client's representation, failed to communicate with his client, and made a false statement regarding his communication with his client.

Cantu violated Rules 1.01(b)(1), 1.03(b), and 8.01(a). He was ordered to pay \$4,000 in attorney's fees and expenses and \$2,000 in restitution.

On Sept. 13, **Gerald L. Bolfling** [#02574850], 48, of Waco, received a one-year, fully probated suspension. An evidentiary panel of the District 8 Grievance Committee found that, in a personal injury matter, Bolfling failed to file suit, to keep the client reasonably informed about the status of the case, and to respond to the client's requests for information. In a probate matter, Bolfling failed to respond to requests for information regarding the status of the client's case. Bolfling filed the will for probate, but failed to satisfy all of the requirements necessary for the court to enter an order in a timely manner. The panel further found that Bolfling was served with notices of the complaints but

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that he failed to furnish responses to the Office of Chief Disciplinary Counsel.

Bolfing violated Rules 1.01(b)(1), 1.03(a), 8.01(b), and 8.04(a)(8). He was ordered to pay \$6,650.33 in attorney's fees and expenses.

On Sept. 21, **David L. Murff** [#24039081], 41, of Houston, received a two-year, fully probated suspension effective Oct. 18. An evidentiary panel of the District 4 Grievance Committee found that Murff neglected his client's probate matter. Murff frequently failed to carry out the obligations owed to the client by failing to perform the services outlined in the employment contract. Murff failed to keep the client reasonably informed about the status of the matter and failed to promptly comply with reasonable requests for information.

Murff violated Rules 1.01(b) and (b)(2) and 1.03(a).

On Sept. 21, **Lisa C. Ross** [#17297950], 49, of Houston, agreed to an interim suspension effective Sept. 21. The 190th District Court of Harris County ordered the suspension pending the final disposition of the current disciplinary proceeding, or any other disciplinary proceedings filed during the pendency of the suspension, including but not limited to a possible compulsory discipline proceeding. Ross may not accept any new client matters, hold herself out as an attorney at law, perform any legal service for others, accept any fee directly or indirectly for legal services, or appear as counsel in a proceeding in any Texas court or before any Texas administrative body.

On Sept. 20, **John L. Fritz** [#00796584], 44, of Dallas, received a three-year, partially probated suspension effective Oct. 1, with the first six months actively suspended and the remainder probated. An evidentiary panel of the District 7-2 Grievance Committee found that in representing his client,

Fritz neglected the legal matter and failed to keep his client reasonably informed about the status of his criminal matter. Fritz failed to timely furnish a response to the grievance.

Fritz violated Rules 1.01(b)(1), 1.03(a), and 8.04(a)(8). He was ordered to pay \$1,701.19 in attorney's fees and costs.

On Sept. 16, **Laura Marie Hilliard** [#24029614], 44, of Dallas, received a one-year, fully probated suspension effective Sept. 15. An evidentiary panel of the District 6-B1 Grievance Committee found that in representing the complainant, Hilliard neglected the legal matter entrusted to her. Hilliard failed to keep the complainant reasonably informed about the status of his child custody matter. Hilliard failed to furnish to the Chief Disciplinary Counsel's office a response to the grievance as required by the Texas Rules of Disciplinary Procedure.

Hilliard violated Rules 1.01(b)(1), 1.03(a), and 8.04(a)(8). She was ordered to pay \$1,718.27 in attorney's fees and \$5,227.50 in restitution.

On Sept. 16, **Hollie Vesla Greene** [#24006564], 35, of Ocala, Fla., received a three-year, active suspension effective June 13, 2011. In representing her client, Greene neglected the legal matter and frequently failed to carry out completely her obligations, to promptly comply with reasonable requests for information from the client, and to explain the parole matters to the extent reasonably necessary to permit the client to make informed decisions. Greene violated a disciplinary judgment by not informing the client of her suspension from the practice of law. Greene failed to timely furnish a response to the grievance.

Greene violated Rules 1.01(b)(1) and (b)(2), 1.03(a) and (b), and 8.04(a)(7) and (a)(8). She was ordered to pay \$2,811.37 in attorney's fees and \$4,000 in restitution.

On Oct. 8, **Terry H. Sears** [#00788379], 44, of Houston, accepted a one-year, fully probated suspension effective Oct. 1. The 55th Judicial District Court in Harris County found that Sears was hired to represent his client regarding a civil matter. Sears and the client entered into a business transaction regarding the conveyance of real estate owned by the client to Sears. At the time the transaction was made, the client did not consent to its terms in writing.

Sears violated Rule 1.08(a). He agreed to pay \$3,532.50 in attorney's fees and costs.

On Oct. 14, **Jesus Miranda** [#14199599], 48, of Dallas, agreed to a one-year, fully probated suspension effective Nov. 1. An evidentiary panel of the District 6 Grievance Committee

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DISCIPLINARY ACTIONS

found that in representing the first complainant, Miranda neglected the legal matter entrusted to him. Miranda failed to keep the complainant informed about the status of her matter, to promptly comply with her requests for information, and to timely furnish the Chief Disciplinary Counsel's Office a response or other information to the complainant required by the Texas Rules of Disciplinary Procedure.

In representing the second complainant, Miranda failed to keep him informed about the status of the matter, to promptly comply with his requests for information, to obtain written contingent fee agreements, to keep the final settlement funds in a separate account designated as a trust or escrow account, and to timely furnish the Chief Disciplinary Counsel's Office a response to the complaint or other information required by the Texas Rules of Disciplinary Procedure.

Miranda violated Rules 1.01(b)(1), 1.03(a), 1.04(d), 1.14(a), and 8.04(a)(8). He was ordered to pay \$1,743.75 in attorney's fees.

REPRIMANDS

On Oct. 12, **Caron D. Avery** [#00789135], 49, of Corsicana, received a public reprimand. An evidentiary panel of the District 2-1 Grievance Committee found that between Oct. 30, 2008, and Nov. 5, 2008, Avery practiced law while she was administratively suspended from the practice of law.

Avery violated Rule 8.04(a)(11).

Avery had until Nov. 11 to file an appeal.

On Nov. 1, **Dawn Elizabeth Kibler** [#90001999], 38, of Houston, accepted a public reprimand. An evidentiary panel of the District 4 Grievance Committee found that in representing three complainants, Kibler failed to promptly comply with reasonable requests for information from the complainants about their legal matters. In representing

two of the complainants, Kibler engaged in the practice of law when her right to practice had been administratively suspended for failure to timely pay required fees or assessments.

Kibler violated Rules 1.03(a) and 8.04(a)(11). She agreed to pay \$500 in attorney's fees and costs.

PRIVATE REPRIMANDS

Listed below is the breakdown of rule violations for eight attorneys, with the number of attorneys violating each rule in parenthesis. Please note that an attorney may be reprimanded for more than one rule violation. Texas Disciplinary Rules of Professional Conduct (TDRPC): 1.01(b)(1) — neglecting a legal matter entrusted to the lawyer (three); 1.03(a) — failing to keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information (four); 1.06(a) — for representing opposing parties to the same litigation (one); 1.06(b)(2) — for representing a person where 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 (one); 1.09(a)(3) — for representing a person in a matter adverse to a former client if it is the same or a substantially related matter (one); 4.02(a) — in representing a client, for communicating, causing, or encouraging 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 (one); and 8.04(a)(1) — violating the TDRPC, counseling or assisting another to violate the Rules, or violating the Rules through the acts of another (one). ❖