



DISCIPLINARY ACTIONS

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 Feb. 25, the partially probated suspension of **Jeffrey Mark Bragg** [#02859100], 48, of Dallas, was stayed by the Board of Disciplinary Appeals for 30 days, effective Feb. 25. Bragg asks the Board to stay the judgment of partially probated suspension signed Feb. 17 by an evidentiary panel of the State Bar District 1 Grievance Committee. According to the terms of the judgment, Bragg must comply with certain terms of active suspension by Feb. 24, and he is actively suspended from the practice of law effective Feb. 25. According to Texas Rule of

Disciplinary Procedure 2.25, Bragg has 30 days from the date of the judgment to petition the evidentiary panel for a stay of the judgment and establish by a preponderance of competent evidence that his continued practice of law does not pose a continuing threat to the welfare of Bragg's clients or to the public. The Board finds that the judgment contains no finding by the evidentiary panel that Bragg's continued practice of law poses such a threat. Therefore, Bragg's motion to reconsider first amended emergency motion for stay of suspension filed by Bragg in connection with Case No. D0080938182 is hereby granted in part, and the judgment of partially probated suspension is hereby stayed for a period of 30 days from the date of the judgment to allow Bragg to petition the evidentiary panel for a stay pursuant to Rule 2.25 and, thereafter, until the panel rules on the petition for stay if, and only if, such motion is timely filed. This order is entered on an emergency basis, before Bragg has had an opportunity to file its response, if any, and therefore is without prejudice to a response filed by the Commission for Lawyer Discipline and subsequent reconsideration by the Board.

On July 30, 2010, the Board of Disciplinary Appeals vacated the judgment of disbarment of **Heather Schaefer** [#24027840], 40, of Plano, signed by an evidentiary panel of the State Bar District 1A-2 Grievance Committee in Case Nos. D0050732097, D0080732685, and D0110733526 on March 3, 2009, and remanded the matter to the grievance committee for new hearing on the merits. The Commission for Lawyer Discipline filed a motion for rehearing. Upon rehearing, the Board again found that the grievance committee panel that heard the matter lacked the statutorily

required members, thus rendering the judgment of disbarment void. BODA Cause No. 44292. The opinion and order in this matter is available on BODA's website (www.txboda.org).

On Jan. 28, the Board of Disciplinary Appeals affirmed the judgment of public reprimand of **Joe Marr Wilson** [#21697700], 46, of Amarillo, signed by an evidentiary panel of the State Bar District 13 Grievance Committee in Case No. D01008355970 on Dec. 29, 2009. The Board found that Wilson used a client's funds held by him for a specific purpose for another purpose without the client's consent in violation of Rule 1.14 of the Texas Disciplinary Rules of Professional Conduct. BODA Cause No. 46432. The opinion and order in this matter is available on BODA's website (www.txboda.org).

On Feb. 2, the Board of Disciplinary Appeals dismissed for want of prosecution the appeal of **Tekenari Wariboko** [#00786330], 50, of Houston, from a judgment of disbarment, signed on Feb. 10, 2010, by an evidentiary panel of the State Bar District 4 Grievance Committee in Case No. H0090623126. Wariboko did not file a brief, and the Board issued an order to show cause to Wariboko on Dec. 9, 2010, giving him 30 days to respond and show cause as to why the appeal should not be dismissed for want of prosecution. Wariboko responded on Jan. 11, and the Board found that he failed to show good cause. BODA Cause No. 46281.

On Feb. 2, the Board of Disciplinary Appeals signed an order of suspension against **John E.S. Kramar** [#11703300], 51, of Houston. On Oct. 18, 2006, Kramar pleaded guilty to one count of con-

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spiracy to commit mail fraud, wire fraud, and insurance fraud, in violation of 18 U.S.C. §371, an intentional crime as defined in the Texas Rules of Disciplinary Procedure, in Case No. 8:06-CR-26-T-26TBM, styled, *United States of America v. John E.S. Kramar aka/la "Jes Kramar,"* in the U.S. District Court for the Middle District of Florida, Tampa Division. Kramar was placed on probation for five years and home detention for one year, ordered to perform 100 hours of community service for every year of his probation, ordered to pay an assessment in the amount of \$100, and to forfeit a money judgment in the amount \$73,765.50 to the United States. Kramar is suspended from the practice of law during the term of his criminal conviction as originally assessed. BODA Cause No. 47840.

On Feb. 2, the Board of Disciplinary Appeals signed a final judgment of disbarment against **Barry Joseph Jewell** [#24033546], 51, of Little Rock, Ark. On Oct. 19, 2009, the Board signed an agreed interlocutory order suspending Jewell from the practice of law pending the appeal of his criminal conviction of tax evasion in violation of 26 U.S.C. §7201 and 18 U.S.C. §2, an intentional crime as defined in the Texas Rules of Disciplinary Procedure. Jewell was sentenced to 30 months in the custody of the U.S. Bureau of Prisons, followed by supervised release for three years, and ordered to pay an assessment of \$100 and a fine of \$25,000. Jewell appealed the criminal conviction. The U.S. Court of Appeals for the Eighth Circuit affirmed his criminal conviction on July 30, 2010. On Sept. 16, 2010, the U.S. Court of Appeals for the Eighth Circuit issued its mandate. The State Bar Commission for Lawyer Discipline filed a motion for entry of final judgment on Dec. 7, 2010. Jewell did not answer and failed to appear at the hearing. BODA Cause No. 44743.

On Feb. 2, the Board of Disciplinary Appeals signed an order imposing no

discipline upon **Thomas Matthew Corea** [#24037906], 41, of Dallas. Corea answered and appeared with counsel. On Nov. 19, 2009, the Disciplinary Commission of the Supreme Court of Arizona censured Corea in Case No. 08-1267, styled, *In the Matter of a Member of the State Bar of Arizona, Thomas M. Corea, Bar No. 016431, Respondent.* The Board of Disciplinary Appeals found that the conduct for which Corea was disciplined in Arizona does not constitute professional misconduct in Texas. BODA Cause No. 47269.

On Feb. 2, the Board of Disciplinary Appeals signed an order imposing no discipline upon **Stephen E. Langsdorf** [#11922700], 50, of Augusta, Maine. Langsdorf answered but did not appear at the hearing. On June 29, 2009, the State of Maine Board of Overseers entered a stipulated report of findings and order publicly reprimanding Langsdorf in GCF #08-007, styled, *Board of Overseers of the Bar Petitioner v. Stephen E. Langsdorf, Esq. of Augusta Maine Me. Bar No. 3500 Respondent.* The Board of Disciplinary Appeals found that the conduct for which Langsdorf was disciplined in Maine does not constitute professional misconduct in Texas. BODA Cause No. 47838.

On Feb. 8, the Board of Disciplinary Appeals signed a judgment suspending **Charles Ernest Hill** [#09625300], 62, of Houston, from the practice of law during the term of his criminal deferred adjudication. On Nov. 6, 2009, Hill pleaded nolo contendere to insurance fraud, \$1,500–\$20,000, a state jail felony, an intentional crime as defined in the Texas Rules of Disciplinary Procedure in Case No. 1191626, styled, *The State of Texas v. Charles Ernest Hill*, in the 184th District Court of Harris County. Hill was sentenced to two years deferred adjudication, ordered to pay \$203 in court costs and \$14,862.92 in restitution, and to perform 120 hours of community service. The community service is waived if Hill is disabled. Hill is sus-

pended from the practice of law during the term of his criminal conviction as originally assessed, until Nov. 6. BODA Cause No. 47839.

On Feb. 8, the Board of Disciplinary Appeals signed a judgment suspending **Ronald Leon Sutton** [#19536000], 67, of Lamesa, from the practice of law during the term of his criminal deferred adjudication. On April 12, 2010, Sutton pleaded guilty to two counts of reckless misapplication of fiduciary/financial property, \$20,000–\$100,000, third-degree felonies and intentional crimes as defined in the Texas Rules of Disciplinary Procedure in Cause No. 2009-1851, styled, *The State of Texas v. Ron Sutton*, in the 198th District Court of Kimble County. On May 21, 2010, Sutton was sentenced to two years deferred adjudication for one count of reckless

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misapplication of fiduciary/financial property, \$20,000–\$100,000, and ordered to pay \$342 in court costs and \$20,000 in restitution. Sutton was discharged from the order of deferred adjudication by order of the 198th District Court of Kimble County on Jan. 12. Sutton is suspended from the practice of law during the term of his criminal conviction as originally assessed, until May 21, 2012. BODA Cause No. 47264.

RESIGNATIONS

On Feb. 9, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Kenneth L. Rothery** [#17317100], 71, of Cypress. The Court found that on Aug. 24, 2009, a judgment in criminal case was entered in the U.S. District Court for the Southern District of Texas, Houston Division, wherein Rothery pleaded guilty to con-

spiracy to violate the laws of the United States with respect to encouraging and inducing aliens for the purpose of commercial advantage and private financial gain to come to the United States, making false statements and money laundering (concealment), and was ordered to be committed to the custody of the U.S. Bureau of Prisons to be imprisoned for a total term of time served, which would subject him to compulsory discipline. Rothery was in federal detention for approximately 14 months.

On Feb. 9, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Kelly Gene Kinto** [#00791031], 52, of Houston. At the time of Kinto's resignation, there were four disciplinary matters pending against him alleging neglect and failure to communicate, to return clients' files and unearned fees at the end of representation, and to respond to grievances.

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

SUSPENSIONS

On Jan. 3, **Robert C. Gerringer** [#07826200], 55, of Houston, received a one-year, fully probated suspension effective Feb. 1. An evidentiary panel of the District 4-D Grievance Committee found that in one matter, Gerringer frequently failed to carry out completely the obligations that he owed to his client and failed to keep his client reasonably informed about the status of her legal matter and to promptly comply with reasonable requests for information. In two matters, Gerringer failed to timely furnish to the Chief Disciplinary Counsel's office a response or other information as required by the Texas Rules of Disciplinary Procedure.

Gerringer violated Rules 1.01(b)(2), 1.03(a), and 8.04(a)(8). He was ordered to pay \$3,625 in attorney's fees and \$1,512.39 in restitution.

On Jan. 4, **Jeffrey Harbin Conner** [#04698555], 50, of Lubbock, received a

three-year, partially probated suspension effective Dec. 20, 2010, with the first six months actively served and the remainder probated. The District 16 Grievance Committee found that Conner neglected three client matters and failed to communicate with three clients, to return a client's file, and to respond to the grievance.

Conner violated Rules 1.01(b)(1), 1.03(a), 1.15(d), and 8.04(a)(8). He was ordered to pay \$3,208.75 in attorney's fees and expenses and \$461.50 in restitution.

On Nov. 4, 2010, **Raymond J. Rodgers** [#24054170], 41, of Fort Worth, received a two-year, partially probated suspension effective Jan. 1, with the first year actively served and the remainder probated. An evidentiary panel of the District 6-A1 Grievance Committee found that Rodgers neglected the complainant's legal matters and failed to keep the complainant informed regarding the status of his matters and to promptly comply with his reasonable requests for information. In addition, upon termination of the representation, Rodgers failed to refund any advance payment of fee to the complainant that had not been earned. Rodgers failed to respond to the complainant's grievance.

Rodgers violated Rules 1.01(b)(1), 1.03(a), 1.15(d), and 8.04(a)(8). He was ordered to pay \$1,500 in attorney's fees and \$2,200 in restitution.

Rodgers did not file an appeal.

On Jan. 19, **Donald G. MacPhail** [#00788757], 43, of Abilene, received a four-year, partially probated suspension effective Jan. 21, with the first two years actively served and the remainder probated. An evidentiary panel of the District 14 Panel Grievance Committee found that in the first matter, in representing the complainant, MacPhail neglected the legal matter entrusted to him. MacPhail failed to keep the complainant reasonably informed about the status of her wrongful termination and age discrimination matter.

In the second matter, in representing the complainant, MacPhail neglected

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the legal matter entrusted to him. MacPhail failed to keep the complainant reasonably informed about the status of his breach of employment contract matter. MacPhail engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation.

MacPhail violated Rules 1.01(b)(1), 1.03(a), and 8.04(a)(3). He was ordered to pay \$6,325.82 in attorney's fees.

MacPhail filed an appeal on Feb. 21.

On Feb. 17, **Jeffrey Mark Bragg** [#02859100], 48, of Dallas, received a five-year, partially probated suspension effective Feb. 25, with the first two years actively served and the remainder probated. An evidentiary panel of the District 1 Grievance Committee found that on May 27, 2008, Bragg presented an agreed order to the court for signature. Although opposing counsel had not agreed to the order, Bragg misrepresented to the court that he had. Based upon Bragg's misrepresentation, the judge signed the order. In addition, Bragg failed to timely respond to the grievance.

Bragg violated Rules 3.03(a)(1) and 8.04(a)(3) and (a)(8).

Bragg filed a notice of appeal on Feb. 23, 2011. Note: See page 344.

On Dec. 28, 2010, **Raymond J. Rodgers** [#24054170], 42, of Fort Worth, received a two-year, partially probated suspension effective Jan. 1, with the first year actively served and the remainder probated. An evidentiary panel of the District 1 Grievance Committee found that, in the course of representing the complainant, Rodgers neglected his legal matters. Rodgers failed to keep the complainant informed regarding the status of his matters and to promptly comply with his reasonable requests for information. Upon termination of the representation, Rodgers failed to refund any advance payment of fee to the complainant that had not been earned. Rodgers failed to respond to the complainant's grievance.

Rodgers violated Rules 1.03(a), 1.15(d), and 8.04(a)(8). He was ordered

to pay \$1,000 in attorney's fees and \$2,500 in restitution.

Rodgers did not file an appeal.

On Jan. 19, **Donald T. Smith II** [#18568600], 51, of Fort Worth, received a three-year, partially probated suspension effective Jan. 19, with the first year actively served and the remainder probated. An evidentiary panel of the District 7-2 Grievance Committee found that Smith violated the terms and conditions of a judgment of partially probated suspension, dated Oct. 1, 2007, by engaging in the practice of law when his right to practice had been suspended.

Smith violated Rules 8.04(a)(7) and (a)(11). He was ordered to pay \$1,662.35 in attorney's fees and costs.

On Jan. 19, **Joe Weldon Soward II** [#90001760], 41, of Fort Worth, received a two-year, fully probated suspension effective Jan. 19. An evidentiary panel of the District 7 Grievance Committee found that, in three separate matters, Soward frequently failed to carry out completely the obligations Soward owed to his clients and neglected their legal matters. In addition, upon termination of the representations, Soward failed to refund to the clients advance payments of fees that had not been earned. In two of the matters, Soward failed to keep the clients reasonably informed about the status of their legal matters, to promptly comply with reasonable requests for information from the clients about the matters, and to explain the matters to the extent reasonably necessary to permit the clients to make informed decisions regarding the representations. In two of the matters, Soward engaged in the practice of law when his right to practice had been administratively suspended. Further, in two matters Soward failed to file a timely written response to the complaints.

Soward violated Rules 1.01(b)(1) and (b)(2); 1.03(a) and (b); 1.15(d); and 8.04(a)(8) and (a)(11). He agreed to pay \$2,150 in attorney's fees and costs and \$250 in restitution.

On Jan. 18, **Thomas V. Malorzo** [#12887500], 64, of Dallas, received a four-year, partially probated suspension effective Feb. 1, with the first two years actively served and the remainder probated. An evidentiary panel of the District 6 Grievance Committee found that while acting as a settlement agent in a closing transaction, Malorzo failed to safeguard funds belonging to a third party. In addition, Malorzo failed to promptly deliver to the third party the funds that it was entitled to receive. And, Malorzo engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation.

Malorzo violated Rules 1.14(a) and (b) and 8.04(a)(3). He was ordered to pay \$5,061.72 in attorney's fees and costs and \$2,126.24 in restitution.

Malorzo had until March 27 to file an appeal.

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On Jan. 26, **Carlton Conley** [#04663030], 47, of San Antonio, received a three-year, fully probated suspension effective Jan. 14. An evidentiary panel of the District 10 Grievance Committee found that Conley failed to promptly notify his client when settlement funds were received, to promptly deliver settlement funds to his client, and to hold his client's settlement funds in a trust account.

Conley violated Rules 1.14(a) and (b). He was ordered to pay \$5,550 in attorney's fees and expenses.

On Jan. 26, **Steven Ryan Lafuente** [#24032522], 42, of Dallas, received an 18-month, partially probated suspension effective March 21. An evidentiary panel of the District 6 Grievance Committee found that Lafuente failed to hold funds belonging to a client and a medical

provider that were in Lafuente's possession in connection with the representation separate from Lafuente's own property. Lafuente failed to keep the funds in a separate trust account and to promptly notify the client and the medical provider of the receipt of funds. Further, Lafuente failed to promptly deliver the funds to the client and to the medical provider. Lafuente also failed to respond to the complaint.

Lafuente violated Rules 1.14(a) and (b) and 8.04(a)(8). He was ordered to pay \$4,439.76 in attorney's fees and costs.

On Jan. 27, **Susan D. Romund** [#00786391], 48, of The Woodlands, received a two-year, partially probated suspension effective March 1, with the first six months actively served and the remainder probated. An evidentiary panel of the District 3 Grievance Committee found that while representing a client, Romund neglected the legal matter entrusted to her and failed to keep the client reasonably informed about the status of the matter. Also, Romund failed to make reasonable efforts to ensure that her legal assistant's conduct was compatible with Romund's own professional obligations and encouraged or permitted conduct on the part of the legal assistant that would be a violation of the Rules of Professional Conduct if engaged in by a lawyer.

Romund violated Rules 1.01(b)(1), 1.03(a), and 5.03(a) and (b)(1). She was ordered to pay \$3,630 in attorney's fees and costs.

On Jan. 21, **Kristin D. Wilkinson** [#24037708], 47, of Houston, received a four-year, partially probated suspension effective May 1, with the first two years actively served and the remainder probated. An evidentiary panel of the District 4 Grievance Committee found that Wilkinson neglected her client's case, entered into an agreement for or charged her client an unconscionable fee, and failed to hold funds and other property belonging in whole or in part to the

client in Wilkinson's possession separate from Wilkinson's own property. Upon termination of representation, Wilkinson failed to refund to the client an advance payment of fees that had not been earned, and Wilkinson engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation.

Wilkinson violated Rules 1.01(b)(1), 1.04(a), 1.14(a), 1.15(d), and 8.04(a)(3). She was ordered to pay \$15,458.59 in attorney's fees and costs and \$25,000 in restitution.

Wilkinson has appealed the judgment of a partially probated suspension.

REPRIMANDS

On Feb. 8, **Craig A. Washington, Sr.** [#20901000], 69, of Houston, accepted a public reprimand. The 152nd District Court of Harris County found that Washington failed to keep his client reasonably informed about the status of her legal matter, to promptly comply with reasonable requests for information, and to reduce the contingent fee agreement entered into with his client to writing.

Washington violated Rules 1.03(a) and 1.04(d). He agreed to pay \$750 in attorney's fees.

On Jan. 10, **Kirby J. Roberts** [#17012900], 54, of Brownwood, received a public reprimand. An evidentiary panel of the District 14 Grievance Committee found that Roberts failed to furnish a written response to the complaint.

Roberts violated Rule 8.04(a)(8). He was ordered to pay \$4,961.08 in attorney's fees and costs.

On Feb. 25, **Scottie Allen** [#01058020], 51, of Dallas, received an agreed judgment of public reprimand. An evidentiary panel of the District 6B-2 Grievance Committee found that Allen neglected a client's legal matter.

Allen violated Rule 1.01(b)(1). He agreed to pay \$1,350 in attorney's fees and costs.



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PRIVATE REPRIMANDS

Listed below is the breakdown of rule violations for 32 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) — for neglecting a legal matter entrusted to the lawyer (nine); 1.01(b)(2) — for failing to carry out completely the obligations owed to a client (one); 1.02(a)(2) — for failing to abide by a client's decisions regarding acceptance of an offer of settlement of a matter (two); 1.03(a) — for failing to keep a client reasonably informed about the status of a matter and to promptly comply with reasonable requests for information (17); 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 (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); 1.08(g) — a lawyer shall not make an agreement prospectively limiting the lawyer's liability to a client for malpractice unless permitted by law and the client is independently represented in making the agreement, or settle a claim for such liability with an unrepresented client or former client without first advising that person in writing that independent representation is appropriate in connection therewith (one); 1.14(a) — for 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 (three); 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 (three); 1.14(c) — for failing to keep funds or

other property in which both the lawyer and another person claim interests separate until there is an accounting and severance of their interests (two); 1.15(a)(3) — for failing to decline or withdraw from representation of a client if the lawyer is discharged, with or without good cause (one); 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, or surrender papers and property that belongs to the client (one); 3.04(c)(2) — in representing a client before a tribunal: state or allude to any matter that the lawyer does not reasonably believe is relevant to such proceeding or that will not be supported by admissible evidence, or assert personal knowledge of facts in issue except when testifying as a witness (one); 5.03(a) — for failing to make reasonable efforts to ensure that the nonlawyer's conduct is compatible with the professional obligations of the lawyer (one); 5.03(b)(1) — a lawyer shall be in violation if the lawyer orders, encourages, or permits the conduct involved of a nonlawyer to be in violation of the rules of the Texas Disciplinary Rules of Professional Conduct (two); 5.04(a) — for sharing or promising to share legal fees with a nonlawyer (one); 8.04(a)(3) — for engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation (one); 8.04(a)(8) — for failing to timely furnish a district grievance committee a response or other information as required unless he/she timely asserts a privilege or other legal ground for failure to do so (four); and 8.04(a)(11) — for engaging in the practice of law when the lawyer is on inactive status 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 (two). ★



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