



# 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 [txboda.org](http://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.

## DISBARMENTS

On Aug. 3, **Donald G. MacPhail** [#00788757], 44, of Abilene, was disbarred. An evidentiary panel of the District 14 Grievance Committee found that in representing the complainant, MacPhail neglected the legal matter entrusted to him. MacPhail failed to abide by the complainant's decision whether to accept an offer of settlement in his workers' compensation matter. MacPhail failed to keep the complainant reasonably informed about the status of his workers' compensation matter. Upon termination of representation, MacPhail failed to return the client file to the com-

plainant. MacPhail made a false statement of material fact or law to a tribunal.

MacPhail violated Rules 1.01(b)(1), 1.02(a)(2), 1.03(a), 1.15(d), and 3.03(a)(1).

MacPhail has until Nov. 1 to file an appeal.

On Aug. 9, MacPhail was disbarred. An evidentiary panel of the District 14 Grievance Committee found that in representing the complainant, MacPhail neglected the legal matter entrusted to him. MacPhail frequently failed to carry out completely the allegations he owed to the complainant in her employment discrimination case. MacPhail failed to keep the complainant reasonably informed about the status of her employment discrimination matter. In representing the complainant, MacPhail failed to explain the matter to the extent reasonably necessary to permit the complainant to make informed decisions regarding her employment discrimination matter. MacPhail engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation.

MacPhail violated Rules 1.01(b)(1) and (b)(2), 1.03(a) and (b), and 8.04(a)(3). He was ordered to pay \$4,369.33 in attorney's fees and \$1,000 in restitution.

MacPhail has until Nov. 1 to file an appeal.

On May 12, **Marlon Frazier** [#07406380], 46, of Dallas, was disbarred. An evidentiary panel of the District 6 Grievance Committee found that in representing the complainant, Frazier neglected her probate matter. In addition, he failed to keep the complainant reasonably informed about the status of her matter and comply with her reasonable requests for information. Upon termination of the representation, Frazier failed to refund any portion of the complainant's unearned fee upon request and to respond to the complainant's grievance.

Frazier violated Rules 1.01(b)(1), 1.03(a), 1.15(d), and 8.04(a)(8). He was ordered to pay \$1,875.78 in attorney's fees and \$1,600 in restitution.

Frazier did not file an appeal.

On May 27, **Matthew Taylor Morones** [#24039074], 39, of Silsbee, was disbarred. An evidentiary panel of the District 3-B Grievance Committee found that Morones had failed to account for funds belonging in whole or in part to clients or third persons. He falsified evidence and engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation.

Morones violated Rules 1.14(b), 3.04(b), and 8.04(a)(3). He was ordered to pay \$5,957.12 in attorney's fees and costs and \$165,000 in restitution.

Morones filed a notice of appeal on June 13.

On Aug. 29, **Bowen W. Sutton** [#19527800], 64, of San Antonio, was disbarred. The 407th District Court of Bexar County found that Sutton failed to communicate with his client, charged an illegal or unconscionable fee, practiced law while suspended, gave something of value to a person not licensed to practice law to solicit legal employment, committed a criminal act, and misrepresented facts.

Sutton violated Rules 1.03(a) and (b); 1.04(a); 5.05(a); 7.03(b); and 8.04(a)(2), (a)(3), and (a)(11). He was ordered to pay \$8,674.69 in attorney's fees and costs and \$8,500 in restitution.

## RESIGNATIONS

On Aug. 23, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Eric B. Lackshin** [#00786410], 46, of Houston. At the time of Lackshin's resignation, there was one matter pending against him alleging failure to comply with a disciplinary order

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or judgment and failure to provide the Chief Disciplinary Counsel's Office with a response to a grievance.

Lackshin violated Rules 8.04(a)(7) and (a)(8).

On Aug. 23, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Rogelio Ibanez, Jr.** [#10382930], 46, of McAllen. At the time of Ibanez's resignation, there were four disciplinary matters pending against him alleging he committed a serious crime and failed to keep funds belonging to the client separate from his personal property, to timely disburse funds, and to communicate with a client.

Ibanez violated Rules 1.03(a); 1.14(a), (b), and (c); and 8.04(a)(2). He was ordered to pay \$516,707.95 in restitution.

On Aug. 23, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Gary D. Shields** [#18260300], 67, of Dallas. An evidentiary panel of the District 6-A2/6-B1 Grievance Committees found that at the time of Shields' resignation, there were two disciplinary matters pending against him for practicing law while he was administratively suspended. He also failed to respond to the grievances filed against him.

Shields violated Rules 8.04(a)(8) and (a)(11).

## SUSPENSIONS

On June 30, **John-Paul Chidgey** [#24035419], 37, of Fort Worth, received a two-year, fully probated suspension effective June 1. An evidentiary panel of the District 7-3 Grievance Committee found that in one matter, Chidgey neglected the case, failed to keep the complainant reasonably informed about the status of the case and to promptly comply with reasonable requests for information. He failed to explain the case to permit the complainant to make informed decisions. Upon termination of representation, he failed to return any unearned fees and to

surrender papers and property to which the complainant was entitled.

In the second matter, Chidgey neglected the case and failed to keep the complainant reasonably informed about the status of the case, to promptly comply with reasonable requests for information from the complainant, and to explain the matter to the extent reasonably necessary to permit the complainant to make informed decisions. Upon termination of the representation, he failed to take reasonably practicable steps to protect the complainant's interests, to refund unearned fees, and to surrender papers and property to which the complainant was entitled.

In the third matter, Chidgey neglected the case and failed to keep the complainant reasonably informed about the status of the case, to promptly comply with reasonable requests for information, and to explain the case to the extent reasonably necessary to permit the complainant to make informed decisions. Upon termination of the representation, he failed to refund unearned fees and to surrender papers and property to which the complainant was entitled.

In all three matters, Chidgey failed to provide a written response to the allegations and to assert any grounds for such failure.

Chidgey violated Rules 1.01(b)(1), 1.03(a) and (b), 1.15(d), and 8.04(a)(8). He was ordered to pay \$1,271.89 in attorney's fees and costs and \$1,200 in restitution.

*Editor's Note: This action does not refer to **John T. Chidgey** [#04190900], 64, of Fort Worth.*

On Aug. 3, **T.W. Schueller** [#17823200], 63, of Wichita Falls, received a one-year, partially probated suspension effective Aug. 1, with the first month actively served and the remainder probated. An evidentiary panel of the District 14 Grievance Committee found that in representing the complainant, Schueller neglected the legal matter entrusted to him and failed to keep the

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complainant reasonably informed about the status of his criminal matter. Upon termination of representation, Schueller failed to refund advance payments of fee that had not been earned. Schueller engaged in the practice of law when his right to practice had been administratively suspended for failure to timely pay required fees or assessments. Schueller failed to timely respond to the grievance.

Schueller violated Rules 1.01(b)(1), 1.03(a), 1.15(d), and 8.04(a)(8) and (a)(11). He was ordered to pay \$2,000 in attorney's fees and costs and \$1,100 in restitution.

On July 22, **Warren Todd Hoeffner** [#09772750], 47, of Houston, accepted a two-year, active suspension effective Sept. 1. The 152nd District Court of

Harris County found that in connection with the settlement of certain mass tort litigation cases, Hoeffner disbursed client trust funds to persons who were not entitled to receive them.

Hoeffner violated Rule 1.14(c). He agreed to pay \$1,195 in attorney's fees and expenses.

On Aug. 9, **Donald G. MacPhail** [#00788757], 44, of Abilene, received a one-year, active suspension effective Aug. 3. An evidentiary panel of the District 14 Grievance Committee found that MacPhail failed to keep the complainant reasonably informed about the status of his wrongful termination matter.

MacPhail violated Rule 1.03(a). He was ordered to pay \$4,150.50 in attorney's fees and \$1,050 in restitution.

MacPhail has until Nov. 1 to file an appeal.

On Aug. 9, MacPhail received a seven-year, active suspension effective Aug. 3. An evidentiary panel of the District 14 Grievance Committee found that MacPhail failed to keep the complainant reasonably informed about the status of his wrongful termination matter. MacPhail engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation.

MacPhail violated Rules 1.03(a) and 8.04(a)(3). He was ordered to pay \$4,272.59 in attorney's fees and \$750 in restitution.

MacPhail has Nov. 1 to file an appeal.

On July 11, **Anthony Paul Calisi** [#03646570], 58, of Dallas, received a six-year, partially probated suspension effective June 16, with the first three years actively served and the remainder probated. An evidentiary panel of the District 6-C1 Grievance Committee found that in representing a client, Calisi neglected the legal matter entrusted to him and failed to keep the client reasonably informed about the status of his criminal matter. In addition, Calisi failed to timely furnish a response.

Calisi violated Rules 1.01(b)(1), 1.03(a), and 8.04(a)(8). He was ordered to pay \$1,211.91 in attorney's fees and costs and \$6,200 in restitution.

On July 25, **John David Herrick** [#24000478], 41, of San Antonio, accepted a one-year, fully probated suspension effective Aug. 1. An evidentiary panel of the District 10 Grievance Committee found that Herrick neglected a client matter and failed to keep his client reasonably informed and to respond to reasonable requests for information.

Herrick violated Rules 1.01(b)(1) and 1.03(a) and (b). He was ordered to pay \$850 in attorney's fees and direct expenses.

On June 24, **William D. Bonilla** [#02600000], 81, of Corpus Christi, accepted a three-year, fully probated suspension effective Aug. 1. An evidentiary panel of the District 11-1 Grievance Committee found that Bonilla neglected a client matter; engaged in conduct involving misrepresentation; and failed to communicate with a client, to provide a written explanation of the recovery to a client upon settling a contingent fee matter, to promptly surrender a client file, to ensure the conduct of his employee was compatible with a lawyer's professional obligations, and to make reasonable efforts to correct an unrepresented person's misunderstanding of his role in a legal matter.

Bonilla violated Rules 1.01(b)(1), 1.03(a), 1.04(d), 1.15(d), 4.03, 5.03(a), and 8.04(a)(3). He was ordered to pay \$7,500 in attorney's fees and expenses.

*Editor's Note: This action does not refer to **William C. Bonilla** [#24055193], 30, of Corpus Christi.*

On July 15, **Steven L. Rushing** [#00789055], 52, of Longview, received a three-year, partially probated suspension effective Nov. 15, with the first year actively served and the remainder probated. The 124th District Court found

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that the complainant hired Rushing for representation in a medical malpractice case. Although Rushing filed a lawsuit on the complainant's behalf, he failed to file the requisite expert report. As a consequence, the case was dismissed, and Rushing was ordered to pay an attorney's fee sanction. Rushing failed to pay the sanction pursuant to the Court's order, however. In addition, he failed to adequately communicate with the complainant. This included Rushing's failure to inform her about the dismissal of her case. Rather, Rushing misrepresented to the complainant that her case was still pending even after it had been dismissed.

Rushing violated Rules 1.01(b)(1), 1.03(a), 3.04(d), and 8.04(a)(3). He was ordered to pay \$2,500 in attorney's fees and \$3,000 in restitution.

Rushing did not file an appeal.

On July 21, **Michael Joseph Williams** [#24025717], 52, of Dallas, received a three-year, active suspension effective July 7. An evidentiary panel of the District 6 Grievance Committee found that Williams violated a disciplinary judgment and failed to keep the complainant reasonably informed about the status of her immigration matters, to promptly comply with reasonable requests for information from the complainant about her immigration matters, and to respond to the grievance.

Williams violated Rules 1.03(a) and 8.04(a)(7) and (a)(8). He was ordered to pay \$2,004.40 in attorney's fees and costs and \$2,100 in restitution.

On Sept. 6, **E.O. Rick Romero** [#17223950], 50, of Dallas, received a two-year, fully probated suspension effective Sept. 15. An evidentiary panel of the District 6 Grievance Committee found that in representing the complainant, Romero neglected the legal matter entrusted to him. Romero frequently failed to carry out completely the obligations owed to the complainant and failed to keep the complainant reasonably

informed about the status of her family law matter and to promptly comply with reasonable requests for information.

Romero violated Rules 1.01(b)(1) and (b)(2) and 1.03(a). He was ordered to pay \$2,000 in attorney's fees and costs.

On Aug. 31, **Kevin C. Loudon** [#24049812], 54, of Quanah, accepted a two-year, fully probated suspension effective Nov. 20, 2013. An evidentiary panel of the District 10 Grievance Committee found that Loudon failed to hold client funds separate from his own property.

Loudon violated Rule 1.14(a). He was ordered to pay \$400 in attorney's fees and expenses.

On Sept. 6, **John Henry Ivie III** [#24032463], 44, of Dallas, received a one-year, fully probated suspension effective Sept. 1. The 192nd District Court of Dallas County found that while Ivie was employed as an attorney at a law firm, he submitted fabricated billing entries. Specifically, Ivie submitted time entries for work not performed or completed, causing the firm's clients to be billed for legal services that were not performed.

Ivie violated Rule 1.04(a). He was ordered to pay \$7,700 in attorney's fees and costs.

On Aug. 31, **Don L. Jarvis, Jr.** [#90002001], 43, of McKinney, received a five-year, partially probated suspension effective Sept. 1, with the first three years actively served and the remainder probated. The 15th District Court of Grayson County found that after being hired in six separate matters, Jarvis neglected the legal matters and failed to respond to phone calls from the complainants, to keep the complainants reasonably informed as to the status of their matters, and to respond to the grievances.

Jarvis violated Rules 1.01(b)(1), 1.03(a), and 8.04(a)(8). He was ordered to pay \$9,000 in attorney's fees and costs and \$13,285 in restitution. ★

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