



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. 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 Oct. 6, 2011, **Yaron Lutfak** [#24002505], 39, of Bellaire was disbarred. An evidentiary panel of the District 4 Grievance Committee found that Lutfak was hired to file a civil suit on his client's behalf. Lutfak neglected the client's matter, failing to perform any work on the matter. Lutfak failed to maintain communication with the client, to keep the client reasonably informed about the status of the matter, and to promptly comply with reasonable requests for information from the client. Upon termination of representation by the

client, Lutfak failed to surrender papers and property to which the client was entitled and to refund any advance payments of fee that had not been earned. Lutfak failed to furnish to the Chief Disciplinary Counsel's office a response to the underlying grievance.

Lutfak violated Rules 1.01(b)(1), 1.03(a), 1.15(d), and 8.04(a)(8). He was ordered to pay \$1,292.01 in attorney's fees and costs and \$2,500 in restitution.

On Oct. 6, 2011, **Philip Thomas Golden** [#08089502], 48, of Bellaire, was disbarred. An evidentiary panel of the District 4-C Grievance Committee found that Golden neglected a legal matter entrusted to him and failed to keep his client reasonably informed about the status of his legal matter, to promptly comply with reasonable requests for information, and to timely furnish to the Office of the Chief Disciplinary Counsel a response or other information as required by the Rules.

Golden violated Rules 1.01(b)(1), 1.03(a), and 8.04(a)(8). He was ordered to pay \$1,055 in attorney's fees and expenses and \$5,000 in restitution.

On Oct. 24, 2011, **Michael Joseph Williams** [#24025717], 52, of Dallas, was disbarred. An evidentiary panel of the District 6 Grievance Committee found that Williams 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. Williams did not in good faith timely assert a privilege or other legal ground for failure to do so. Williams engaged in the practice of law when his right to practice had been administratively suspended for failure to comply with Article XII of the State Bar Rules relating to Mandatory Continuing Legal Education.

Williams violated Rules 8.04(a)(8) and (a)(11). He was ordered to pay \$2,119.60 in attorney's fees and costs and \$1,700 in restitution.

On Oct. 25, 2011, **Kelley Swindle McGaha, Jr.** [#24025522], 47, of San Antonio, was disbarred. An evidentiary panel of the District 10 Grievance Committee found that McGaha practiced law while his law license was suspended and failed to return unearned fees and to respond to the grievance.

McGaha violated Rules 1.15(d) and 8.04(a)(8) and (a)(11). He was ordered to pay \$1,738 in attorney's fees and costs and \$4,000 in restitution.

RESIGNATIONS

On Nov. 15, 2011, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Gerald L. Jones** [#10889300], 67, of Katy. At the time Jones submitted his resignation, there was one grievance pending against him alleging neglect and failure to communicate. Jones was hired for representation in a breach of contract lawsuit filed by his client's business partner. Jones failed to notify his client of the trial setting, but appeared himself. Jones further failed to inform his client of the entry of the judgment against him. The client learned of the judgment from a third party; however, by that time, the deadlines for a motion for new trial and appeal had passed.

Jones violated Rules 1.01(b)(1) and 1.03(a) and (b).

On Nov. 15, 2011, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Grace Diane Kopacz** [#24044123], 42, of Houston. At the time Kopacz submitted her resignation, there was one grievance pending against

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her. The Court found that Kopacz agreed to launder money provided by a Drug Enforcement Administration informant through her trust account in return for 15 percent of the funds as her fee. Kopacz also asked the informant to take her car and abandon it in Mexico. Upon receiving word from the informant that he had completed this task, Kopacz filed a false insurance claim. Kopacz was indicted and sentenced to 10 years' deferred adjudication for felony money laundering. Kopacz was also indicted and sentenced to five years' deferred adjudication for insurance fraud.

SUSPENSIONS

On Nov. 7, 2011, **Suzanne Marie Kramer** [#11707550], 52, of San Antonio, accepted a 15-month, fully probated suspension effective Jan. 1, 2012. An evidentiary panel of the District 10-4 Grievance Committee found that Kramer neglected a client matter and failed to communicate with a client.

Kramer violated Rules 1.01(b)(1) and 1.03(a). She was ordered to pay \$5,000 in attorney's fees and direct expenses.

On Oct. 27, 2011, **Edward Chamberlain Burwell** [#00790402], 44, of Bellaire, accepted a three-year, fully probated suspension effective Nov. 1, 2011. The 113th District Court of Harris County found that Burwell failed to promptly refund an advance payment of a fee that had not been earned.

Burwell violated Rule 1.15(d). He agreed to pay \$1,245 in attorney's fees and expenses.

On Oct. 13, 2011, **Charles L. Thorn** [#19963700], 58, of Roanoke, received a two-year, fully probated suspension effective Oct. 1, 2011. An evidentiary panel of the District 14 Grievance Committee found that in representing the complainant, Thorn neglected the legal matter entrusted to him and frequently failed to carry out completely the obligations Thorn owed the complainant. Thorn failed to keep the complainant reasonably informed about the status of her

divorce case and to promptly comply with reasonable requests for information from the complainant. Thorn 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 and did not in good faith timely assert a privilege or other legal ground for failure to do so.

Thorn violated Rules 1.01(b)(1) and (b)(2), 1.03(a), and 8.04(a)(8). He was ordered to pay \$4,441.63 in attorney's fees and costs and \$500 in restitution.

On Nov. 15, 2011, **Kevin C. Loudon** [#24049812], 54, of Quanah, accepted a 27-month, fully probated suspension effective Nov. 19, 2015. An evidentiary panel of the District 11 Grievance Committee found that Loudon failed to hold client funds separate from his own property and to promptly deliver funds that the client was entitled to receive.

Loudon violated Rules 1.14(a) and (b). He was ordered to pay \$1,100 in attorney's fees and expenses and \$4,315 in restitution.

On Nov. 14, 2011, **William G. Nellis** [#90001643], 42, of Frisco, received a two-year, partially probated suspension effective Nov. 30, 2011, with the first year actively served and the remainder probated. An evidentiary panel of the District 6A-1 Grievance Committee found that while representing the complainant in her divorce matter, Nellis neglected the legal matters entrusted to him. Nellis failed to hold funds paid to him in advance by the complainant in connection with representation of the complainant separate from Nellis' own funds in a trust or escrow account.

Upon request by the complainant, Nellis failed to promptly render a full accounting regarding funds paid to him in advance by the complainant. Upon termination of the representation of the complainant, Nellis failed to refund advance payments of fees that had not been earned.

Nellis failed to timely furnish to the Chief Disciplinary Counsel's office a

response to the complaint filed by the complainant as required by the Texas Rules of Disciplinary Procedure. Nellis did not in good faith timely assert a privilege or other legal ground for failure to do so.

Nellis violated Rules 1.01(b)(1), 1.14(a) and (b), 1.15(d), and 8.04(a)(8). He was ordered to pay \$3,863.89 in attorney's fees and direct expenses and \$1,200 in restitution.

Nellis did not file an appeal.

On Oct. 24, 2011, **Mitchell D. Collins** [#24025301], 42, of Tyler, received a 30-month, fully probated suspension effective Nov. 1, 2011. An evidentiary panel of the District 2-3 Grievance Committee found that Collins neglected the complainant's legal matter and failed to adequately communicate with her during the course of the representation. In addition, Collins failed

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to return the unearned fee to the complainant once the representation ended.

Collins violated Rules 1.01(b)(1), 1.03(a), and 1.15(d). He was ordered to pay \$1,500 in attorney's fees and \$750 in restitution.

Collins did not file an appeal.

On Oct. 24, 2011, Collins received a 30-month, fully probated suspension effective Nov. 1, 2011. An evidentiary panel of the District 2-3 Grievance Committee found that Collins neglected the complainant's legal matter and failed to adequately communicate with her during the course of the representation. He also failed to respond to the complainant's grievance.

Collins violated Rules 1.01(b)(1), 1.03(a), and 8.04(a)(8). He was ordered to pay \$1,500 in attorney's fees and \$5,000 in restitution.

Collins did not file an appeal.

On Nov. 16, 2011, **Arthur Eureste** [#06702250], 57, of Houston, accepted a one-year, fully probated suspension effective Nov. 15, 2011. An evidentiary panel of the District 4-A Grievance Committee found that in one matter, Eureste was hired for representation in a bankruptcy case. However, Eureste failed to supervise his non-lawyer employee, who accepted payment for representation made out to himself. The non-lawyer employee also gave legal advice to the client in the bankruptcy case.

In a second matter, Eureste was hired for representation in a personal injury matter, but failed to communicate with the client during the course of the representation.

Eureste violated Rules 1.03(a) and 5.03(a). He agreed to pay \$700 in attorney's fees and costs.

On Nov. 3, 2011, **Thomas E. Trahan** [#20183250], 49, of Frisco, received a two-year, partially probated suspension effective Nov. 15, 2011, with the first year actively served and the remainder probated. An evidentiary panel of the District 14 Grievance Committee found that Trahan neglected a client's legal matter and failed to keep the client reasonably informed about the status of the matter and to promptly comply with reasonable requests for information. Trahan failed to furnish a response to the complaint.

Trahan violated Rules 1.01(b)(1), 1.03(a), and 8.04(a)(8). He was ordered to pay \$1,376.25 in attorney's fees and \$434.15 in costs.

On Nov. 3, 2011, Trahan received a two-year, partially probated suspension effective Nov. 15, 2011, with the first year actively served and the remainder probated. An evidentiary panel of the District 14 Grievance Committee found that Trahan neglected the client's legal matter and failed to keep the client reasonably informed about the status of the matter and to promptly comply with reasonable requests for information. Upon termination of the representation, Trahan failed to surrender papers, property, and

unearned fees to the client. Trahan failed to furnish a response to the complaint.

Trahan violated Rules 1.01(b)(1), 1.03(a), 1.15(d), and 8.04(a)(8). He was ordered to pay \$1,547.37 in attorney's fees and costs and \$5,000 in restitution.

On Dec. 5, 2011, **Kelly Carlisle Gent** [#24038916], 34, of Dallas, received a one-year, partially probated suspension effective May 26, 2012, with the first six months actively suspended and the remainder probated. An evidentiary panel of the District 1 Grievance Committee found that in representing the complainant in her civil matter, Gent neglected the legal matter and failed to keep the complainant reasonably informed about the status of her case. Gent 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.

Gent violated Rules 1.01(b)(1), 1.03(a), and 8.04(a)(8). He was ordered to pay \$831 in attorney's fees and \$1,250 in restitution.

REPRIMANDS

On Oct. 11, **Steven L. Eason** [#06360990], 51, of Dallas, accepted a public reprimand. The 162nd District Court of Dallas County found that during the course of representing a client in a personal injury case, Eason issued trust account checks in payment of expenses before Eason had received and deposited funds in settlement of the claim into the trust account.

Eason violated Rules 1.14(a) and (c). He was ordered to pay \$3,500 in attorney's fees and costs.

On Nov. 4, 2011, **Yung-Sung Choe** [#04215050], 51, of Duncanville, accepted a public reprimand. An evidentiary panel of the District 6B-2 Grievance Committee found that Choe practiced law while she was administratively suspended from the practice of law.

Choe violated Rule 8.04(a)(11). She was ordered to pay \$1,500 in attorney's fees.

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On Oct. 28, 2011, **Okey Obi Dike** [#00783968], 52, of Houston, accepted a public reprimand. The 164th District Court of Harris County found that Dike failed to return a client's file to the client after the representation ended.

Dike violated Rule 1.15(d). He agreed to pay \$600 in attorney's fees and expenses.

On Nov. 15, 2011, **Phillip W. Garrison II** [#24027179], 42, of Kingwood, accepted a public reprimand. An evidentiary panel of the District 4-E Grievance Committee found that Garrison continued to represent his client in a family matter while administratively suspended from the practice of law for non-compliance with his Minimum Continuing Legal Education requirements.

Garrison violated Rules 5.05(a) and 8.04(a)(11). He agreed to pay \$580 in attorney's fees and expenses.

On Nov. 16, 2011, **Eric James Smith** [#24048807], 37, of Arlington, received a public reprimand. An evidentiary panel of the District 7 Grievance Committee found that in representing the complainant, Smith neglected the legal matter entrusted to him. Smith failed to keep the complainant reasonably informed about the status of her guardianship matter and to promptly comply with reasonable request for information from the complainant about the matter.

Smith violated Rules 1.01(b)(1) and 1.03(a). He was ordered to pay \$1,285 in attorney's fees.

On Nov. 22, 2011, **Jana L. Hunsicker** [#24000244], 47, of Georgetown, agreed to a public reprimand. The 26th District Court of Williamson County found that Hunsicker revealed confidential client information.

Hunsicker violated Rule 1.05.

On Dec. 1, 2011, **David Castillo** [#03984700], 51, of San Antonio, accepted a public reprimand. An evidentiary panel of the District 10 Grievance Committee found that Castillo failed to

respond to his client's requests for information about the status of the representation.

Castillo violated Rules 1.03(a). He agreed to pay \$800 in attorney's fees and direct expenses.

Editor's Note: **David E. Castillo** [#03984800], 60, of San Antonio, is not the person referred to in this action.

PRIVATE REPRIMANDS

Listed below is the breakdown of rule violations for 29 attorneys, with the number of attorneys violating each rule in parentheses. 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 (three); **1.01(b)(2)** — for failing to carry out completely the obligations owed to a client (four); **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 (eight); **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 (five); **1.04(a)** — for entering into an arrangement for, charging or collecting an illegal fee or unconscionable fee (one); **1.04(f)** — a division or agreement for division of a fee between lawyers who are not in the same firm shall not be made unless: (1) the division is: (iii) made, by written agreement with the client, with a lawyer who assumes joint responsibility for the representation (one); **1.04(g)** — every agreement that allows a lawyer or law firm to associate other counsel in the representation of a person, or to refer the person to other counsel for such representation, and that results in such an association with or referral to a different law firm or a lawyer in such a different firm, shall be confirmed by an arrangement conforming to paragraph (f). Consent by a client or a prospective client without knowledge of the information

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DISCIPLINARY ACTIONS

specified in subparagraph (f)(2) does not constitute a confirmation within the meaning of this rule. No attorney shall collect or seek to collect fees or expenses in connection with any such agreement that is not confirmed in that way, except for: (1) the reasonable value of legal services provided to that person; and (2) the reasonable and necessary expenses actually incurred on behalf of that person (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 (one); **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 (one); **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 (five); **3.03(a)(1)** — for making a false statement of material fact or law to a tribunal (one); **3.04(d)** — for knowingly disobeying an obligation under the standing rules or of a ruling by a tribunal (one); **5.03(a)** — for failing to make reasonable efforts to ensure that the non-lawyer's conduct is compatible with the professional obligations of the lawyer (one); **5.05(a)** — for practicing law in a jurisdiction where doing so violates the regulation of the legal profession in that jurisdiction (one); **5.05(b)** — for assisting a person who is not a member of the bar in the performance of activity that constitutes the unauthorized practice of law (one); **7.07(c)** — except as provided in paragraph (e) of this Rule, a lawyer

shall file with the State Bar Advertising Review Committee no later than its first posting on the Internet or other comparable network of computers information concerning the lawyer's or lawyer's firm's website. As used in this Rule, a "website" means a single or multiple page file, posted on a computer server, that describes a lawyer or law firm's practice or qualifications, to which public access is provided through publication of a uniform resource locator (URL). The filing shall include: (1) the intended initial access page of a website; (2) a completed lawyer advertising and solicitation communication application form and; (3) a check or money order payable to the State Bar of Texas for the fee set by the Board of Directors. Such fee shall be for the sole purpose of defraying the expense of enforcing the rules related to such websites (one); **8.04(a)(1)** — for 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 (two); **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); **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 (three). *

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