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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.

REINSTATEMENT

J. Robert Love [#00791139], 45, of Houston, has filed a petition in the 113th District Court of Harris County for reinstatement as a member of the State Bar of Texas.

BODA ACTIONS

On Jan. 31, the Board of Disciplinary Appeals signed a final judgment of disbarment against **Ted H. Roberts** [#17019705], 55, of San Antonio. On Oct. 2, 2007, the Board of Disciplinary Appeals signed an interlocutory order of suspension against Roberts because on June 12, 2007, he was found guilty by a jury of three counts of theft under Texas Penal Code 31.03, an intentional crime as defined in the Texas Rules of Disciplinary Procedure, in Cause No. 2006CR6404B styled, *The State of Texas v. Ted H. Roberts*, in the 226th District Court of Bexar County. He was sentenced to five years in the Institutional Division of the Texas Department of Criminal Justice. Roberts appealed the conviction and on Dec. 18, 2010, the Court of Appeals for the Fourth District of Texas issued its mandate affirming the conviction. BODA Cause No. 40196.

On Jan. 26, the Board of Disciplinary Appeals signed an agreed interlocutory order of suspension against **Luther Jones** [#10928000], 65, of El Paso. On Aug. 22, 2011, Jones was found guilty of conspiracy to commit wire fraud and deprivation of honest services and of conspiracy to commit mail fraud and deprivation of honest services, intentional crimes as defined in the Texas Rules of Disciplinary Procedure, in Case No. EP-09-CR-1567-FM(1), styled, *The United*

States of America v. Luther Jones, in the U.S. District Court for the Western District of Texas, El Paso Division. Jones was sentenced to six years in the custody of the U.S. Bureau of Prisons for each count, the sentences to run concurrently. Jones was also ordered to pay a fine in the amount of \$50,000 and an assessment in the amount of \$200. The Board retains jurisdiction to enter a final judgment when the criminal appeal is final. BODA Cause No. 49601.

Editor's Note: **Luther G. Jones III** [#10973200], of Dallas, is not the attorney referred to in this action.

On Jan. 30, the Board of Disciplinary Appeals signed an interlocutory order of suspension against **Scott M. Tidwell** [#20020730], 51, of Odessa. On Oct. 13, 2011, Tidwell was found guilty by a jury of two counts misuse of official information and two counts of retaliation, third-degree felonies and intentional crimes as defined in the Texas Rules of Disciplinary Procedure, in Case No. 5191, styled, *The State of Texas v. Scott Tidwell*, in the 109th District Court of Winkler County.

Tidwell was sentenced to 10 years in the custody of the Institutional Division of the Texas Department of Criminal Justice. The court suspended the confinement and placed Tidwell on community supervision for 10 years. Tidwell was also ordered to pay a fine in the amount of \$4,000 and court costs of \$305. The Board retains jurisdiction to enter a final judgment when the criminal appeal is final. BODA Cause No. 49518.

On Jan. 31, the Board of Disciplinary Appeals signed a final judgment of disbarment against **James Joseph Everett**



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[#06742100], 56, of Scottsdale, Ariz. On Aug. 18, 2009, the Board of Disciplinary Appeals signed an interlocutory order of suspension against Everett because on Jan. 23, 2009, Everett was found guilty of violating Title 18 U.S.C. §152(3), false declaration in bankruptcy proceedings; Title 18 U.S.C. §157, bankruptcy fraud; and Title 18 U.S.C. §1956(a)(1)(B)(i), money laundering/concealment, intentional crimes as defined in the Texas Rules of Disciplinary Procedure, in Cause No. CR 06-00795-001-PHX-JAT, styled, *United States of America v. James Joseph Everett*, in the U.S. District Court for the District of Arizona.

Everett was sentenced to 13 months in the custody of the U.S. Bureau of Prisons, followed by supervised release for three years, and ordered to pay a fine of \$7,500 and an assessment of \$3,300.

On Nov. 8, 2010, the U.S. Court of Appeals for the Ninth Circuit affirmed his conviction and issued its mandate. Everett answered, but failed to appear at the hearing. BODA Cause No. 44745.

On Jan. 31, the Board of Disciplinary Appeals signed a final judgment disbarring **Robert Leonadis "Pete" McKinney** [#13723400], 61, of Houston. On May 12, 2011, McKinney was sentenced to prison for four months, followed by supervised release for three years, and ordered to pay a fine of \$250,000 and an assessment of \$100 in Cause No. 1:11CR00059-001 styled, *United States of America v. Robert L. McKinney*, in the U.S. District Court for the Northern District of Ohio, Eastern Division, after McKinney pleaded guilty to conspiracy to commit bribery in federally funded programs in violation of 18 U.S.C. §371 (18 U.S.C. §666), an intentional crime as defined in the Texas Rules of Disciplinary Procedure.

The criminal judgment is final. BODA Cause No. 48984.

Editor's Note: **Robert McKinney** [#00784572], of Austin, is not the attorney referred to in this action.

On Jan. 30, the Board of Disciplinary Appeals signed a final judgment suspending **Patrick H. Cordero, Jr.** [#00787286], 43, of Midland, from the practice of law for the term of his criminal probation. On July 15, 2011, Cordero was placed on probation for five years, including home confinement with electronic monitoring for one year and ordered to complete 300 hours of community service; to pay a fine of \$10,000, an assessment of \$100, and restitution of \$170,101.80; and to forfeit to the United States a money judgment in the amount of \$245,718.75 in Cause No. 7:11-CR-060-02 RAJ styled, *United States of America v. Patrick Cordero*, in the U.S. District Court for the Western District of Texas, Midland Division, after Cordero pleaded guilty to aiding and abetting wire fraud in violation of 18 U.S.C. §1343 and 18 U.S.C. §2, an intentional crime as defined in the Texas Rules of Disciplinary Procedure. The criminal judgment is final. BODA Cause No. 49554.

On Feb. 1, the Board of Disciplinary Appeals affirmed the judgment of disbarment of **Beatrice E. Oliver** [#00789847], 57, of Webster, signed by an evidentiary panel of the District 4-D Grievance Committee on Feb. 12, 2011, in Case No. H0090520967. BODA Cause No. 48339.

On Feb. 1, the Board of Disciplinary Appeals affirmed the judgment of disbarment of **David Robertson** [#17052600], 58, of Longview, signed by an evidentiary panel of the District 4-2 Grievance Committee on March 7, 2011, in Case No. D0011039322. BODA Cause No. 48769.

Editor's Note: **David W. Robertson** [#17053500], of Austin, is not the attorney referred to in this action.

On Feb. 1, the Board of Disciplinary Appeals affirmed the judgment of partially probated suspension of **Kristin Diane Wilkinson** [#24037708], 48, of

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DISCIPLINARY ACTIONS

Houston, signed by an evidentiary panel of the District 4-E Grievance Committee on Jan. 21, 2011, in Case No. H0080827321. Wilkinson remains on active suspension until April 30, 2013, with the remainder probated until May 1, 2015. BODA Cause No. 48195.

On Feb. 1, the Board of Disciplinary Appeals affirmed in part and reversed in part the judgment of active suspension of **Daniel A. Bass** [#01875695], 55, of San Antonio, signed by an evidentiary panel of the District 10-2 Grievance Committee, on March 10, 2011, in Case No. S0100922631.

The Board affirmed the finding that Bass violated Texas Disciplinary Rule of Professional Conduct 8.04(a)(11) and reversed the finding that he did not violate Rule 8.04(a)(3), concluding that it

was a violation of Rule 8.04(a)(3) to issue a subpoena over his name and bar card number while administratively suspended from the practice of law.

The Board rendered the same sanction as the evidentiary panel: a 60-day active suspension served from Feb. 16, 2011, to April 17, 2011. BODA Cause No. 48195.

On Feb. 1, the Board of Disciplinary Appeals signed a judgment of public reprimand of **Peggy J. Lee** [#12130500], 63, of Memphis, Tenn. Lee entered an appearance but did not answer or appear. On Feb. 16, 2011, the Supreme Court of the State of Tennessee at Nashville issued a public censure against Lee in a matter styled: PEGGY J. LEE, BPR #009013. An Attorney Licensed to Practice Law in Tennessee (Shelby County), No. M2011-00331SC-BPO-BP, BOPR no. 2005-1531-9-LC. In accordance with Part IX of the Texas Rules of Disciplinary Procedure, Lee is publicly reprimanded. BODA Cause No. 48981.

JUDICIAL ACTION

On Jan. 3, the State Commission on Judicial Conduct issued a public admonition against Bobby R. Nicholds, justice of the peace, Precinct 3, Trinity County. The Commission found that Nicholds allowed his relationship with a criminal defendant and her mother to influence his conduct and judgment, causing him to repeatedly intercede in a pending criminal matter on behalf of the defendant. The judge's activities on behalf of the defendant lent the prestige of his judicial office to advance her and her mother's interests, particularly when he contacted the prosecutor and the district judge in an attempt to influence them to discharge her second bond and to release her from custody on her first bond and attempted to influence law enforcement officials to curtail any investigation into possible ongoing criminal activities by the criminal defendant. The Commission concludes that Judge Nicholds' conduct in this matter consti-

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tuted willful and/or persistent violation of Canon 2B of the Texas Code of Judicial Conduct.

SUSPENSIONS

On Nov. 23, 2011, **Charles Dee Septowski** [#18032325], 57, of St. Louis, Mo., received a one-year, partially probated suspension effective Dec. 1, 2011, with the first month actively served and the remainder probated. The 126th District Court of Travis County found that Septowski was suspended from the practice of law from Sept. 1, 2009, to Jan. 7, 2010, for failure to pay State Bar dues and that on Oct. 23, 2009, while suspended, Septowski filed a divorce on behalf of his client in Williamson County. The Court further found that on Nov. 2, 2009, while suspended, Septowski appeared in court in an attempt to finalize the divorce.

Septowski violated Rules 8.04(a)(1) and (a)(11). He was ordered to pay \$11,000 in attorney's fees and costs.

On Dec. 15, **Kennitra M. Foote** [#24029552], 39, of Houston, accepted a two-year, partially probated suspension effective Dec. 15, with the first three months actively served and the remainder probated. An evidentiary panel of the District 4-A Grievance Committee found that in connection with representation in a personal injury matter, Foote failed to explain an offer of settlement to the extent reasonably necessary to permit the client to make an informed decision regarding the offer of settlement and to abide by the client's decision of whether to accept the settlement offer. Upon receiving settlement funds in which the client had an interest, Foote failed to promptly notify the client of her receipt of the funds and to promptly deliver settlement funds the client was entitled to receive.

Also, Foote failed to withdraw from representing the client after she had been discharged.

Foote violated Rules 1.02(a)(2), 1.03(a) and (b), 1.14(b), and 1.15(a)(3).

She agreed to pay \$1,100 in attorney's fees and expenses.

On Jan. 11, **Juan Antonio Vega** [#00795697], 43, of San Antonio, accepted a 15-month, fully probated suspension effective March 1, 2013. An evidentiary panel of the District 10-1 Grievance Committee found that Vega neglected a client representation and failed to respond to the grievance.

Vega violated Rules 1.01(b)(1) and 8.04(a)(8). He was ordered to pay \$800 in attorney's fees and expenses and \$1,000 in restitution.

On Jan. 11, Vega accepted a 15-month, fully probated suspension effective March 1, 2013. An evidentiary panel of the District 10-1 Grievance Committee found that Vega failed to return a client file and to respond to the grievance.

Vega violated Rules 1.15(d) and 8.04(a)(8). He was ordered to pay \$800 in attorney's fees and expenses.

On Jan. 27, **John S. Chase, Jr.** [#04149100], 59, of Houston, accepted a three-year, partially probated suspension effective Jan. 31, with the first six months actively served and the remainder probated. An evidentiary panel of the District 4-E Grievance Committee found that in representing a client, Chase failed to maintain communication with the client. Upon Chase's settlement of the client's matter, Chase failed to notify the client of his receipt of settlement funds and to promptly forward any funds to the client. Chase converted the funds for his own use, but repaid the funds prior to a scheduled disciplinary hearing. Chase commingled his own funds with the client's settlement funds. Chase failed, upon the conclusion of a contingent fee matter, to provide the client with a written statement describing the outcome of the matter and showing the remittance to the client and the method of its determination.

Chase violated Rules 1.03(a), 1.04(c), and 1.14(a) and (b). He agreed to pay \$1,384.04 in attorney's fees and costs. ⚡

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