



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.

JUDICIAL ACTIONS

On March 28, the State Commission on Judicial Conduct issued a public admonition to Judge **J. Kent Adams** [#00863500], 74, of Spring. The Commission concluded that Adams, Harris County Justice of the Peace for Precinct 4, Place 1, failed to comply with the law and demonstrated a lack of professional competence in the law by failing to promptly forward a motion to recuse to the presiding administrative judge for resolution. While attorney Henry Nguyen's allegations of bias against the judge may have offended the judge, who disputed the events described in Nguyen's affidavit, the judge's attempts

to negotiate the contents of the motion with Nguyen, coupled with his efforts to have Nguyen prosecuted for perjury, created such a perception of bias and partiality as to warrant Judge Adams' recusal. In addition, the judge acknowledged being angry and impatient with Nguyen, using an expletive during a hearing to express his frustration and impatience with Nguyen, and demonstrating a lack of patience, dignity, and courtesy expected of a judicial officer. The Commission concludes that Judge Adams' conduct constituted willful or persistent violations of Canons 2A and 3B(2), (4), and (5) of the Texas Code of Judicial Conduct and Article V, Section 1-a(6)A of the Texas Constitution.

On June 21, a Special Court of Review ordered, adjudged, and decreed that the public admonition issued by the Commission is affirmed.

On July 3, a Special Court of Review publicly admonished Judge Adams to maintain order and decorum in his courtroom and to be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, and others with whom Adams deals with in an official capacity.

On May 25, the State Commission on Judicial Conduct accepted a voluntary agreement to resign from judicial office in lieu of disciplinary action from Judge **R.G. Bowers**, judge of the Diboll Municipal Court in Diboll. On April 27, 2011, a complaint was filed with the Commission alleging that Judge Bowers had engaged in unethical and/or illegal conduct by providing false testimony in a probate court proceeding, by signing a false affidavit in that proceeding, and/or by encouraging another individual to provide false testimony in that same proceeding. Bowers did not file a formal response to the Commission's letter of inquiry in this matter and generally denied that he had any criminal intent

when he engaged in the conduct under consideration herein.

On May 8, the State Commission on Judicial Conduct accepted a voluntary agreement to resign from judicial office in lieu of disciplinary action from Judge **Mike Wiggins**, Guadalupe County judge in Seguin. Wiggins was arrested in his hotel room on Feb. 5, while attending a judicial conference in College Station, for a misdemeanor offense of possession of marijuana (less than two ounces). As a result of the arrest, which was reported in the media, the Commission initiated a complaint, and approximately 22 additional complaints were filed against Wiggins. Wiggins resigned on April 30.

DISBARMENTS

On May 16, **Jose L. Gutierrez** [#08642450], 55, of Houston, was disbarred. An evidentiary panel of the District 4-F Grievance Committee found that Gutierrez was hired for representation in a divorce, but failed to take any action on his client's behalf. Gutierrez also failed to respond to his client's numerous calls. Furthermore, Gutierrez failed to file a written response to the grievance.

Gutierrez violated Rules 1.01(b)(1), 1.03(a), and 8.04(a)(8). He was ordered to pay \$1,095 in attorney's fees and costs and \$650 in restitution.

On June 11, **Thomas E. Trahan** [#20183250], 49, of Lewisville, was disbarred. An evidentiary panel of the District 14-2 Grievance Committee found that Trahan, in representing clients in a personal injury matter, neglected the legal matter entrusted to him by failing to complete the settlement of their case. Trahan failed to keep the clients reasonably informed about the status of the matter and to promptly comply with reasonable requests for information from

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the clients. In addition, Trahan failed to file a response with the Office of the Chief Disciplinary Counsel.

Trahan violated Rules 1.01(b)(1), 1.03(a), and 8.04(a)(8). He was ordered to pay \$2,180.06 in attorney's fees and costs.

On May 23, **Stephen James Frost** [#24002112], 40, of Austin, was disbarred. An evidentiary panel of the District 9 Grievance Committee found that in October 2007, the complainant hired Frost to file a lawsuit in connection with a tractor-trailer accident. Frost neglected the legal matter and failed to perform any legal services for the complainant. Frost failed to file a lawsuit in the case prior to the expiration of the statute of limitations, although he misrepresented to the complainant that a lawsuit had been filed. Frost also failed to keep the complainant reasonably informed about the status of the matter. In March 2011, Frost's law firm advised the complainant that Frost was no longer working as an attorney.

Frost violated Rules 1.01(b)(1), 1.03(a), and 8.04(a)(1) and (a)(3). He was ordered to pay \$3,828.55 in attorney's fees and expenses.

RESIGNATIONS

On June 19, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Behzad Saffary-Khozani** [#24041846], 40, of Houston. An evidentiary panel of the District 4-B Grievance Committee found that at the time of Saffary-Khozani's resignation, there were seven disciplinary matters pending against him alleging that he neglected the legal matters entrusted to him and failed to keep his clients reasonably informed about the status of their legal matters, to promptly comply with reasonable requests for information, to refund advance payments of fee that had not been earned, and to respond to certain grievances.

On June 26, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Joe Valle** [#20435450], 55,

of Harlingen. The Court found that Valle pleaded guilty to a serious criminal act reflecting adversely on Valle's honesty or trustworthiness as a lawyer.

Valle violated Rule 8.04(a)(2).

SUSPENSIONS

On May 5, **Mark Evetts** [#00793709], 55, of The Woodlands, received a 10-year, partially probated suspension effective June 1, with the first six months actively served and the remainder probated. An evidentiary panel of the District 3-B Grievance Committee found that Evetts was hired to defend a civil suit and was paid \$100,000 for the representation. Evetts thereafter failed to respond to requests for admissions and, as a result, summary judgment was entered against his client. Evetts also failed to return his client's file and was found in contempt. Furthermore, Evetts failed to file a written response to the grievance.

Evetts violated Rules 1.01(b)(1), 1.15(d), and 8.04(a)(8). He was ordered to pay \$1,100 in attorney's fees and costs and \$94,000 in restitution.

On May 8, **Lyle Wilkerson** [#21478300], 54, of Irving, received a two-year, fully active suspension effective May 3. An evidentiary panel of the District 6-A1 Grievance Committee found that Wilkerson engaged in the practice of law when his right to practice had been administratively suspended for failure to timely pay required fees and that he failed to respond to the grievance.

Wilkerson violated Rules 8.04(a)(8) and (a)(11). He was ordered to pay \$2,478.24 in attorney's fees and costs.

On June 4, **Charles P. Jones** [#10866900], 64, of Poteet, accepted a two-year, partially probated suspension effective June 1, with the first month actively served and the remainder probated. An evidentiary panel of the District 10-4 Grievance Committee found that Jones neglected a legal matter and failed to keep his client reasonably informed, to promptly respond to his client's reasonable requests for informa-

tion, and to provide written notice to a client of his suspension from the practice of law.

Jones violated Rules 1.01(b)(1), 1.03(a) and (b), and 8.04(a)(11). He was ordered to pay \$1,000 in restitution.

On June 4, **Don D. Becker** [#02012888], 58, of Houston, accepted a two-year, partially probated suspension effective Sept. 1, with the first six months actively served and the remainder probated. An evidentiary panel of the District 4-B Grievance Committee found that Becker neglected the client's legal matter and failed to keep the client reasonably informed about the status of the legal matter and to promptly comply with the client's reasonable requests for information. Upon termination of the representation, Becker failed to refund any advance payments of fee that Becker had not earned.

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DISCIPLINARY ACTIONS

Becker violated Rules 1.01(b)(1), 1.03(a) and 1.15(d). He agreed to pay \$1,319.36 in attorney's fees and costs and \$2,175 in restitution.

On June 4, Becker accepted a two-year, partially probated suspension effective Sept. 1, with the first six months actively served and the remainder probated. An evidentiary panel of the District 4-B Grievance Committee found that upon termination of representation, Becker failed to surrender papers and property to which the client was entitled.

Becker violated Rule 1.15(d). He agreed to pay \$1,000 in attorney's fees and costs.

On June 11, **David Norman Getz** [#00784123], 54, of Lubbock, accepted a one-year, fully probated suspension effective June 1. An evidentiary panel of the District 16-2 Grievance Committee found that Getz failed to return a client file and unearned fees upon termination.

Getz violated Rule 1.15(d). He was ordered to pay \$800 in attorney's fees and direct expenses and \$500 in restitution.

On June 18, **William V. Wade** [#20642300], 60, of Houston, accepted a two-year, fully probated suspension effective June 1. An evidentiary panel of the 4-A Grievance Committee found that Wade failed to keep a client reasonably informed about the status of a legal matter and to promptly comply with the client's reasonable requests for information. Upon termination of the representation of a client, Wade failed to surrender all papers to which the client was entitled and to refund any portion of the advance payment of fees that Wade had not earned. Wade failed to promptly respond to the grievance.

Wade violated Rules 1.03(a), 1.15(d), and 8.04(a)(8). Wade agreed to pay \$250 in attorney's fees and costs and \$978 in restitution.

On June 13, **Charles D. Septowski** [#18032325], 57, of St. Louis, Mo., entered into a six-month, fully probated suspension effective Dec. 1. An evidentiary panel of the District 8 Grievance

Committee found that Septowski was administratively suspended from the practice of law on Jan. 31, 2011, for failure to comply with continuing legal education requirements. Between Feb. 1, 2011, and March 18, 2011, while still suspended, Septowski represented a client in an application to determine heirship in county court at law in Bell County.

Septowski violated Rules 8.04(a)(1) and (a)(11). Septowski was ordered to pay \$596.23 in attorney's fees and expenses.

On June 5, **Richard A. Wagner** [#20661050], 59, of Bulverde, received a 39-month, partially probated suspension effective July 5, with the first three months actively served and the remainder probated.

Wagner violated Rules 3.01, 3.02, 3.04(d), and 8.04(a)(3) and (a)(8). He was ordered to pay \$7,800 in attorney's fees and expenses.

Wagner has filed an appeal.

On May 31, **C. Bruce Abraham** [#00819800], 61, of Jefferson, received a four-year, partially probated suspension effective Feb. 1, with the first six months actively served and the remainder probated. An evidentiary panel of the District 1-3 Grievance Committee found that in representing the complainant, Abraham neglected the legal matter entrusted to him and failed to keep the complainant reasonably informed about the status of her real estate matter, to promptly comply with reasonable requests for information from the complainant about her matter, and to refund advance payments of fee that had not been earned. Abraham failed to respond to the grievance.

Abraham violated Rules 1.01(b)(1), 1.03(a), 1.15(d), and 8.04(a)(8). He was ordered to pay \$4,541.33 in attorney's fees and costs and \$1,500 in restitution.

On July 2, **Blaine Goins** [#24002147], 39, of Orange, accepted a five-year, partially probated suspension effective July 1, with the first six months actively served and the remainder probated. An evidentiary panel of the District 3-A



Grievance Committee found that in three separate cases, Goins neglected legal matters and failed to keep clients reasonably informed about the status of legal matters, to promptly comply with the clients' reasonable requests for information, and to explain matters to the extent reasonably necessary to permit his client to make informed decisions. Upon termination of the representation of a client, Goins failed to give reasonable notice to the client and to refund advance payments of fee that were not earned. Goins further engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation and also implied his ability to improperly influence a government official. Furthermore, Goins failed to promptly respond to the grievances.

Goins violated Rules 1.01(b)(1); 1.03(a) and (b); 1.15(d); and 8.04(a)(3), (a)(5), and (a)(8). He agreed to pay \$3,716.18 in attorney's fees and costs and \$6,500 in restitution.

On June 7, **Mustafa Engin Derkunt** [#00785818], 59, of Austin, received a one-year, fully active suspension effective June 5. The 261st District Court of Travis County found that Derkunt violated disciplinary rules and a disciplinary judgment and engaged in the practice of law when his right to practice had been suspended.

Derkunt violated Rules 8.04(a)(1), (a)(7), and (a)(11). He was ordered to pay \$9,813.83 in attorney's fees and costs.

Derkunt did not file an appeal.

On June 25, **Humberto Saldana III** [#24026460], 42, of San Antonio, accepted a one-year, fully probated suspension effective June 15. An evidentiary panel of the District 10-4 Grievance Committee found that Saldana failed to communicate to his client the basis or rate of the fee to be paid, to keep his client reasonably informed, and to respond to reasonable requests for information from his client.

Saldana violated Rules 1.03(a) and 1.04(c). He was ordered to pay \$1,000 in attorney's fees and direct expenses.

On June 18, **Michael Matthew Machado** [#12760475], 54, of San Antonio, accepted a six-month, fully probated suspension effective July 1. An evidentiary panel of the District 10-2 Grievance Committee found that Machado neglected a client matter and failed to respond to a client's request for information, to return an unearned fee, and to respond to the grievance timely.

Machado violated Rules 1.01(b)(1), 1.03(a), 1.15(d), and 8.04(a)(8). He was ordered to pay \$500 in attorney's fees and direct expenses and \$2,000 in restitution.

On June 18, Machado accepted a six-month, fully probated suspension effective July 1. An evidentiary panel of the District 10-2 Grievance Committee found that Machado neglected a client matter and failed to respond to a client's request for information and to return an unearned fee.

Machado violated Rules 1.01(b)(1), 1.03(a), and 1.15(d). He was ordered to pay \$800 in attorney's fees and direct expenses and \$1,400 in restitution.

On June 18, Machado accepted a six-month, fully probated suspension effective July 1. An evidentiary panel of the District 10-2 Grievance Committee found that Machado neglected a client matter and failed to respond to a client's request for information, to return an unearned fee, and to respond to the grievance timely.

Machado violated Rules 1.01(b)(1), 1.03(a), 1.15(d), and 8.04(a)(8). He was ordered to pay \$800 in attorney's fees and direct expenses and \$3,210 in restitution.

On June 11, **Billy L. Fisher** [#07049200], 68, of Abilene, received a six-month, fully probated suspension effective May 23. An evidentiary panel of the District 14-6 Grievance Committee found that Fisher engaged in the practice of law by filing pleadings when his right to practice has been administratively suspended for failure to comply with Article XII of the State Bar Rules relating to Minimum Continuing Legal Education.

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

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On June 20, **Don L. Jarvis, Jr.** [#90002001], 44, of McKinney, received a three-year, partially probated suspension effective Oct. 1, 2014, with the first six months actively served and the remainder probated. The 15th Judicial District Court in Sherman found that Jarvis violated a disciplinary judgment by failing to pay restitution and attorney's fees and costs and by failing to complete five additional hours of Continuing Legal Education as ordered. Jarvis failed to respond to the grievance.

Jarvis violated Rules 8.04(a)(7) and (a)(8). He was ordered to pay \$4,077.11 in attorney's fees and costs under a prior judgment, \$7,290.39 in attorney's fees and costs in this matter, and \$3,366.32 in restitution.

REPRIMANDS

On May 15, **Stephen James Frost** [#24002112], 40, of Austin, received a public reprimand. An evidentiary panel of the District 1-4 Grievance Committee found that in representing the complainant in a family law matter, Frost neglected the legal matter entrusted to him and failed to keep the complainant informed and to promptly comply with requests for information from the complainant.

Frost violated Rules 1.01(b)(1) and 1.03(a). He was ordered to pay \$1,500 in attorney's fees and costs.

Frost did not file an appeal.

On June 11, **William Gary Nellis** [#90001643], 42, of Frisco, agreed to a public reprimand. An evidentiary panel of the District 1-2 Grievance Committee found that in representing the complainant in a criminal matter, Nellis failed to keep the complainant reasonably informed about the status of his matter and to promptly comply with reasonable requests for information from the complainant about his matter. Nellis practiced law in a jurisdiction where doing so violated the regulation of the legal profession in that jurisdiction. Nellis engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation.

Nellis violated Rules 1.03(a), 5.05(a),

and 8.04(a)(3). He was ordered to pay \$2,000 in attorney's fees and costs.

On May 10, **Gregory Lance Williams** [#24053550], 41, of Dallas, received a public reprimand. An evidentiary panel of the District 6-B2 Grievance Committee found that Williams neglected the legal matter entrusted to him by failing to respond to discovery requests, to attend hearings resulting from his failure to respond to the discovery requests, and to appear for trial. Williams failed to keep the complainant reasonably informed about the status of the case and to explain the case to the extent reasonably necessary to permit the complainant to make informed decisions regarding the representation.

Williams violated Rules 1.01(b)(1) and 1.03(a) and (b). He was ordered to pay \$1,944.41 in attorney's fees and direct expenses.

On June 26, **Jack L. Paris, Jr.** [#15461500], 63, of Greenville, accepted a public reprimand. An evidentiary panel of the District 1-1 Grievance Committee found that Paris neglected the legal matter entrusted to him and failed to keep the complainants reasonably informed about the status of their matter.

Paris violated Rules 1.01(b)(1) and 1.03(a). He was ordered to pay \$1,300 in attorney's fees and costs.

On July 6, **Jessie Aranda Herrera** [#00784261], 47, of El Paso, accepted a public reprimand. An evidentiary panel of the District 17-2 Grievance Committee found that Herrera's website advertisement contained inaccurate information and failed to comply with the requisite filing requirements of the Advertising Review Committee. Herrera violated Rules 7.02(a)(1) and 7.07(c). He agreed to pay \$850 in attorney's fees and direct expenses.

REINSTATEMENT

Kevin S. Wiley (#21470700), 63, of Dallas filed a petition in the 134th Judicial District Court of Dallas County for reinstatement as a member of the State Bar of Texas. ★