

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.

REINSTATEMENTS

H. J. Pytel Jr., [#16421800], 67, of San Antonio, has filed a petition in the 407th District Court of Bexar County for reinstatement as a member of the State Bar of Texas.

DISBARMENTS

On Nov. 16, 2012, **Mark Evetts** [#00793709], 55, of The Woodlands, was disbarred. Evetts was paid \$10,000 to research Texas law for a Georgia company and to provide a legal memorandum, but thereafter failed to perform any work on behalf of his client. Evetts failed to communicate with his client and further failed to refund any unearned fees upon his client's termi-

nation of the representation. Evetts also failed to respond to the grievance.

Evetts violated Rules 1.01(b)(1), 1.03(a), 1.15(d), and 8.04(a)(8). He was ordered to pay \$10,000 in restitution and \$990 in attorney's fees and costs. Evetts has filed a notice of appeal.

On Nov. 9, 2012, **Steven L. Rushing** [#00789055], 54, of Longview, was disbarred. The 124th District Court of Gregg County found that Rushing violated Rule 1.01(b)(1), which prohibits a lawyer from neglecting a client's legal matter; Rule 1.03(a), which requires that a lawyer keep his client reasonably informed about the status of the legal matter; Rule 1.15(d), which

requires that a lawyer surrender the client file upon request; and Rule 8.04(a)(8), which requires that a lawyer respond in writing to a grievance.

Rushing was ordered to pay \$2,756.10 in attorney's fees and costs. Rushing did not file an appeal.

RESIGNATIONS

On Dec. 21, 2012, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Richard Alan Mintz** [#14198800], 61, of Houston. At the time of Mintz's resignation, there were three disciplinary matters pending against him alleging that he neglected a legal matter entrusted to him, failed to keep his client reasonably informed about the status of a legal matter, failed to promptly comply with reasonable requests for information, failed to hold funds belonging in whole or in part to a client separate from his own property, failed to promptly notify a client that funds or other property were received in which the client had an interest, failed to surrender papers and property to which the client was entitled, and failed to refund advance fee payments that had not been earned. Mintz also failed to respond to one grievance.

Mintz violated Rules 1.01(b)(1), 1.03(a), 1.14(a), 1.14(b), and 1.15(d). He was ordered to pay \$36,373 in restitution and \$1,225 in attorney's fees as a condition for reinstatement.

On Dec. 21, 2012, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **John William Sparks** [#24033089], 49, of Houston. At the time of Sparks' resignation, there was one disciplinary matter pending against him alleging that he neglected a legal matter entrusted to him, failed to keep his client reasonably informed about the status of a matter, failed to promptly

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ly comply with reasonable requests for information, and failed to withdraw from the representation of his client when Sparks' physical, mental, or psychological condition materially impaired his fitness to represent the client.

Sparks violated Rules 1.01(b)(1), 1.03(a), and 1.15(a)(2). He was ordered to pay \$400 in attorney's fees and \$70 in expenses.

SUSPENSIONS

On Nov. 5, 2012, **Michael Brinkley** [#03004300], 59, of Fort Worth, received a 66-month, fully probated suspension, effective Nov. 1, 2012. An Evidentiary Panel of the District 7-A Grievance Committee found that in representing a client in a civil matter, Brinkley neglected the legal matter by failing to respond to discovery requests and by allowing the case to be dismissed for want of pros-

ecution. Brinkley failed to keep the client reasonably informed about the status of the matter, and upon termination of the representation, failed to surrender papers and property to which the client was entitled to.

Brinkley violated Rules 1.01(b)(1), 1.03(a), and 1.15(d). He was ordered to pay \$2,659.87 in attorney's fees and costs.

On Dec. 13, 2012, **Simeon Olumide Coker** [#24049013], 36, of Dallas, agreed to a 24-month, fully probated suspension, effective Dec. 15, 2012.

The 44th District Court of Dallas County found that Coker violated Rule 1.01(b)(1), which prohibits a lawyer from neglecting a legal matter entrusted to the lawyer, and Rule 1.03(a), which requires a lawyer to keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.

Coker was ordered to pay \$7,000 in attorney's fees and costs.

On Dec. 26, 2012, **Audwin M. Samuel** [#00791595], 58, of Beaumont, accepted a one-year, fully probated suspension, effective Jan. 1, 2013. Samuel was hired to file for modification of custody and, after several hearings, the parties reached an agreement, which included custody arrangements and real property that was to be placed with an appointed receiver. The former marital home was sold by the receiver resulting in funds for division between the parties. After Samuel failed to reschedule the final hearing, the opposing party filed a motion to divide the funds, which were held in safekeeping and obtained a hearing date. However, Samuel failed to inform his client of the hearing, and further failed to appear on his client's behalf.

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Samuel violated Rules 1.01(b)(1) and 1.03(a). He was ordered to pay \$700 in attorney's fees and direct expenses.

On Nov. 20, 2012, **Alfredo A. Soza** [#00785018], 46, of Ector, received a two-year, partially probated suspension, effective Jan. 1, 2013, with the first 90 days actively served and the remainder probated. The District 15 Grievance Committee found Soza neglected the representation of a client, failed to keep a client reasonably informed, failed to return an unearned fee, and failed to timely respond to two grievances.

Soza violated Rules 1.01(b)(1), 1.03(a), 1.15(d), and 8.04(a)(8), and was ordered to pay \$5,000 in restitution and \$1,720 in attorney's fees and expenses.

On Nov. 27, 2012, **Barbara L. Wylie** [#22096500], 61 of Weather-

ford, agreed to a six-month, fully probated suspension, effective Dec. 1, 2012. The District 14 Grievance Committee found that in representing Complainant in his divorce case, Wylie neglected the legal matter entrusted to her by failing to file the divorce petition. Wylie frequently failed to carry out completely the obligations owed to Complainant by failing to file the divorce petition.

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

On Dec. 11, 2012, **John Shii Wong** [#24042185], 36, of Houston, accepted a two-year probated suspension, effective Dec. 15, 2012. The District 11-1 Grievance Committee found that Wong failed to keep his clients reasonably informed, failed to respond to reasonable requests for information, neglected two clients' cases, and failed to

respond to the grievances.

Wong violated Rule 1.01(b)(1), 1.03(a), 1.15(d), and 8.04(a)(8), and he was ordered to pay \$1,000 in attorney's fees, and \$1,250 in restitution.

On Dec. 4, 2012, **Mario A. Rodriguez** [#00784866], 45, of McAllen, accepted a six-month probated suspension, effective Oct. 1, 2012. The District 12-2 Grievance Committee found that Rodriguez failed to keep client funds separate from his personal property.

Rodriguez violated Rule 1.14(a), and he was ordered to pay \$800 in attorney's fees and direct expenses.

REPRIMANDS

On Dec. 7, 2012, **Damiane A. Curvey Banieh** [#24048102], 41, of Houston, accepted a public reprimand. Banieh neglected a legal matter entrusted to her, failed to keep her client reasonably informed about



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DISCIPLINARY ACTIONS

the status of his matter, and failed to promptly comply with reasonable requests for information.

Banieh violated Rules 1.01(b)(1) and 1.03(a). She was ordered to pay \$1,000 in restitution and \$475 in attorney's fees.

On Nov. 25, 2012, **Anthony P. Griffin** [#08455300], 58, of Galveston, accepted a public reprimand. Griffin was hired to file a breach of contract suit on behalf of his clients. The case was ordered to arbitration; however, Griffin later filed a nonsuit. Griffin failed to maintain communication with his clients and did not timely return their file. Griffin ultimately refunded his fee to his clients.

Griffin violated Rules 1.01(b)(1) and 1.03(a). He agreed to pay \$500 in attorney's fees.

On Nov. 21, 2012, **John Rex Thompson** [#19956150], 47, of Tyler, received an agreed judgment of public reprimand. An Evidentiary Panel of the District 2 Grievance Committee found that in representing the complainant, Thompson neglected the legal matter entrusted to him. Thompson failed to keep the complainant reasonably informed about the status of the matter. In addition, Thompson failed to refund advanced payments of unearned fees.

Thompson violated Rules 1.01(b)(1), 1.03(a), and 1.15(d). He agreed to pay \$992.65 in attorney's fees and costs, and \$1,500 in restitution.

PRIVATE REPRIMANDS

Listed below is the breakdown of rule violations for six 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: **1.03(a)** for failing to keep a client reasonably informed about the status of a matter and promptly com-

ply with reasonable requests for information (three); **1.04(c)** for failing to communicate to the client the basis or rate of the fee before or within a reasonable time after commencing the representation (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 (two); **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); **8.04(a)(7)** for violating any disciplinary or disability order or judgment (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 (one).

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