

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

George R. Neely [#14861750], 62, of Houston, will be filing a petition on June 19, 2013, in the District Court of Harris County for reinstatement as a member of the State Bar of Texas.

DISBARMENTS

On Feb. 8, 2013, **William Gary Nellis** [#90001643], 43, of Frisco, was disbarred. An evidentiary panel of the District 1 Grievance Committee found that Nellis failed to keep his client reasonably informed about the status of his criminal matter. In representing another client in real estate and business litigation matters,

Nellis neglected the real estate matter entrusted to him by failing to respond to discovery and a settlement letter from opposing counsel. Nellis failed to keep complainant reasonably informed about the status of his real estate matter. Nellis failed to hold funds belonging in whole or in part to complainant that were in Nellis's possession in connection with the representation separate from Nellis's own property. Upon termination of representation, Nellis failed to refund advance payments of fee to complainant that had not been earned.

Nellis violated Rules 1.01(b)(1), 1.03(a), 1.14(a), and 1.15(d). He was ordered to pay \$1,859.63 in attorneys' fees and direct expenses and \$9,500 in restitution.

8.04(a)(3), and 8.04(a)(8). He was ordered to pay \$2,000 in restitution, \$1,598.75 in attorneys' fees, and \$273.12 in direct expenses.

On Feb. 13, 2013, **Richard C. Frasco** [#07391900], 66, of Dallas, was disbarred. An evidentiary panel of the District 6 Grievance Committee found that in representing complainant in two civil matters, Frasco neglected the legal matters entrusted to him. Frasco failed to abide by complainant's decisions concerning the objectives and general methods of representation. Frasco failed to keep complainant reasonably informed about the status of the civil matters and failed to promptly comply with reasonable requests for information from complainant, failed to explain the civil matters to the extent reasonably necessary to permit complainant to make informed decisions regarding the representation. Frasco failed to promptly deliver to complainant funds that complainant was entitled to receive. Frasco engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation. Frasco 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.

Frasco violated Rules 1.01(b)(1), 1.02(a)(1), 1.03(a), 1.03(b), 1.14(b), 8.04(a)(3), and 8.04(a)(8). He was ordered to pay \$5,740 in restitution, \$1,827.50 in attorneys' fees, and \$291.40 in direct expenses.

SUSPENSIONS

On Feb. 4, 2013, **C. Bruce Abraham** [#00819800], 62, of Marshall, received a three-year fully probated suspension effective Feb. 1, 2013. An

On Feb. 13, 2013, **Richard C. Frasco** [#07391900], 66, of Dallas, was disbarred. An evidentiary panel of the District 6 Grievance Committee found that in representing complainant in two civil matters, Frasco neglected the legal matters entrusted to him. Frasco failed to keep complainant reasonably informed about the status of the civil matters and failed to promptly comply with reasonable requests for information from complainant. Frasco's representation of complainant was adverse to the representation of another client of Frasco's. Frasco knowingly made a false statement of material fact to a third person and engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation. Frasco 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.

Frasco violated Rules 1.01(b)(1), 1.03(a), 1.06(b)(1), 1.06(b)(2), 4.01(a),

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evidentiary panel of the District 1 Grievance Committee found that Abraham failed to keep the client reasonably informed about the status of her case. Abraham failed to promptly comply with reasonable requests for information from the client about her legal matter. Abraham 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. Abraham did not in good faith timely assert a privilege or other legal ground for failure to do so.

Abraham violated Rules 1.03(a) and 8.04(a)(8). He was ordered to pay \$2,879.03 in attorneys' fees and direct expenses.

Abraham did not file an appeal.

On Feb. 7, 2013, **Crystal K. Stahl** [#24046898], 32, of San Antonio, received a two-year partially probated suspension effective Feb. 1, 2013, with the first six months actively served and the remainder probated. An evidentiary panel of the District 15 Grievance Committee found Ms. Stahl unreasonably increased costs of the case and unreasonably delayed resolution of the matter, knowingly disobeyed a ruling by a tribunal and failed to respond to the grievance.

Stahl violated Rules 3.02, 3.04(d), 8.04(a)(1), and 8.04(a)(8). She was ordered to pay \$1,953 in attorneys' fees and direct expenses.

On Feb. 28, 2013, the Board of Disciplinary Appeals entered a judgment of indefinite disability suspension against **Albert A. Pena III** [#15741000], 70, of Corpus Christi, in accordance with Part XII of the Texas Rules of Disciplinary Procedure and Section 8 of the Internal Procedural Rules of the Board of Disciplinary Appeals. BODA Cause No. 51898.

On March 4, 2013, **Lee R. Hernandez** [#09518800], 55, of San Antonio,

received an agreed judgment of a one-year fully probated suspension effective March 1, 2013. An evidentiary panel of the District 10 Grievance Committee found Hernandez failed to promptly render a full accounting for the advance fee paid, failed to place client funds in a trust account, and failed to return unearned fees.

Hernandez violated Rules 1.14(a), 1.14(b), and 1.15(d). He was ordered to pay \$1,162.50 in restitution and \$1,250 in attorneys' fees and expenses.

On March 4, 2013, **David William Pellenz** [#07788177], 65, of Dunbarton, New Hampshire, received a three-year active suspension effective April 1, 2013. An evidentiary panel of the District 9 Grievance Committee found that Pellenz was convicted of the crime of hindering apprehension or prosecution, a Class A misdemeanor, in *State of New Hampshire v. David Pellenz*, Case No. 10-CR-862 in the Merrimack County Superior Court and that the conviction was based on his plea of guilty.

Pellenz violated Rules 8.04(a)(2), 8.04(a)(3), 8.04(a)(4), and 8.04(a)(1). He was ordered to pay \$431.50 in attorneys' fees and direct expenses.

On March 5, 2013, **Brian Anthony Hamner** [#24041050], 36, of San Antonio, received an agreed judgment of an eight-month fully probated suspension effective March 15, 2013. An evidentiary panel of the District 10 Grievance Committee found Hamner neglected two clients' legal matters and failed to communicate with two clients.

Hamner violated Rules 1.01(b)(1) and 1.03(a). He was ordered to pay \$800 in attorneys' fees and expenses.

On March 7, 2013, **Cassandra Fox Charles** [#24040675], 37, of Austin, received a six-month fully probated suspension effective April 1, 2013. An evidentiary panel of the District

9 Grievance Committee found that Charles failed to make reasonable efforts to persuade a client to take corrective action when she had confidential information clearly establishing that the client committed a criminal or fraudulent act, and that she ordered, encouraged, or permitted conduct by a nonlawyer that violated the disciplinary rules.

Charles violated Rules 1.02(e), 5.03(b)(1), and 8.04(a)(1). She was ordered to pay \$1,283.36 in attorneys' fees and direct expenses and to complete three additional hours of continuing legal education in the area of ethics.

On March 12, 2013, **Charles D. Septowski** [#18032325], 58, of St. Louis, received an agreed judgment of a two-year partially probated suspension effective May 1, 2013, with the first three months actively sus-



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pendent and the remainder probated. An evidentiary panel of the District 9 Grievance Committee found that complainant entered into escrow agreements with Septowski, as the attorney escrow agent, to hold three separate sets of historic bonds pending a possible sale to an undisclosed buyer. Pursuant to the escrow agreement, Septowski was required to return the bonds to complainant within 10 days but he failed to promptly return the bonds. Septowski refused to negotiate with complainant and complainant's legal counsel was also unsuccessful in negotiating the return of the bonds. Septowski then filed suit against complainant seeking monetary compensation and damages, which he later dismissed. Three months after complainant first attempted to retrieve his bonds and without obtaining com-

plainant's prior written authorization, Septowski delivered the bonds to a third party, who returned the bonds to complainant.

Septowski was actively suspended from the practice of law from Dec. 1, 2011, through Dec. 30, 2011. While suspended, Septowski sent an invoice to a client in which he held himself out as an attorney.

Septowski violated Rules 4.04(a), 8.04(a)(1), and 8.04(a)(7). He was ordered to pay \$3,674.19 in attorneys' fees and costs.

On March 18, 2013, **John L. Minor** [#14186200], 62, of Houston received an agreed judgment of a 12-month active suspension beginning March 8, 2013. An evidentiary panel of the District 4 Grievance Committee found that Minor failed to comply with one or more terms and

conditions of a previously entered disciplinary judgment. Minor failed to make full restitution to two former clients and failed to pay attorneys' fees and costs as ordered in the previous disciplinary judgment.

Minor violated Rule 8.04(a)(7). He was ordered to pay restitution to his former clients in the amounts of \$7,312.50 and \$3,928.76. Minor was also ordered to pay \$1,452.50 in attorneys' fees and costs. Minor was ordered to reimburse the Client Security Fund in the amount of \$885.25.

On March 20, 2013, **Anthony P. Griffin** [#08455300], 58, of Galveston, accepted an agreed judgment of a one-year fully probated suspension effective Aug. 30, 2013. The 10th District Court of Galveston County found that Griffin violated Rule 1.03(a) [a lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information], Rule 1.04(d) [a contingent fee agreement shall be in writing and shall state the method by which the fee is to be determined], and Rule 1.15(d) [upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled, and refunding any advance payments of fee that has not been earned].

Griffin was ordered to pay \$2,350 in restitution and \$2,500 in attorneys' fees and direct expenses.

RESIGNATIONS

On March 26, 2013, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Jim Moore** [#14348575], 67, of Dallas.

At the time of Moore's resignation there was one matter pending. In representing a client in a personal injury

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DISCIPLINARY ACTIONS

matter, Moore failed to reduce the contingent fee agreement into writing until after receipt of settlement funds, failed to hold client funds separate from his own property, failed to promptly notify the client that funds had been received, failed to promptly deliver the funds, and failed to promptly render a full accounting.

Moore violated Rules 1.04(d), 1.14(a), and 1.14(b).

PUBLIC REPRIMANDS

On Feb. 20, 2013, **Margil Garza Sanchez** [#17570800], 63, of Rio Grande City, received a public reprimand. The 381st Judicial District Court of Starr County found that Sanchez committed professional misconduct by violating Rule 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].

Sanchez was ordered to pay \$1,000 in attorneys' fees and expenses.

On Feb. 26, 2013, **Matthew C. McClinton** [#00787995], 46, of Waco, received an agreed judgment of public reprimand. An evidentiary panel of the District 8 Grievance Committee found that complainant hired McClinton in June 2010 to assist in collecting the outstanding balance on a promissory note owed by her ex-husband. McClinton prepared a petition for suit on note and received a counterclaim response from the opposing party asserting that he filed a frivolous lawsuit. McClinton proceeded with discovery, at which time opposing counsel filed a motion for contempt. The court entered an order holding

McClinton in contempt and striking his contemptuous pleadings in total. McClinton failed to notify complainant of the order. Between Aug. 2, 2011, and Jan. 23, 2012, complainant requested information regarding the status of her case on numerous occasions. McClinton failed to respond to complainant's requests until February 2012, when he informed her that the case had been "dismissed."

McClinton violated Rules 1.03(a), 3.01, and 8.04(a)(1). He was ordered to pay \$1,391.10 in attorneys' fees and costs.

On March 8, 2013, **Virginia K.C. Gorman** [#08218400], 61, of El Paso, received an agreed judgment of a public reprimand. An evidentiary panel of the District 17 Grievance Committee found Gorman failed to return the unearned portion of a fee timely.

Gorman violated Rule 1.15(d).



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