



DISCIPLINARY ACTIONS

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 www.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.

BODA ACTIONS

On Dec. 4, 2009, the Board of Disciplinary Appeals signed an agreed judgment of partially probated suspension from the practice of law of **Gregg Alan Peacock** [#24029765], 40, of Minneapolis, Minn. On Oct. 7, 2009, the State of Minnesota Supreme Court suspended Peacock from the practice of law for 60 days followed by two years of unsupervised probation in case no. A09-1158. In accordance with Part IX of the Texas Rules of Disciplinary Procedure,

Peacock is suspended from the practice of law in the State of Texas for two years and two months effective Dec. 4, 2009. The first two months of the suspension are active and the remaining two years of the suspension is probated. BODA cause number 45700.

On Jan. 17, the Board of Disciplinary Appeals affirmed the judgment of disbarment of **Jasper C. Rowe** [#17333000], 64, of Irving, signed by an evidentiary panel of the District 6-A Grievance Committee in Case No. D01000630711 on June 2, 2008. BODA cause number 42935.

On Jan. 19, the Board of Disciplinary Appeals signed an interlocutory order of suspension against **John Phillip Bender** [#02126500], 54, of Austin. On Aug. 5, 2009, Bender was found guilty by a jury of aggregated theft, a first-degree felony, an intentional crime as defined in the Texas Rules of Disciplinary Procedure, in cause number D-1-DC-08904109, styled, *The State of Texas v. John Bender*, in the 331st District Court of Travis County. Bender was sentenced to 20 years imprisonment in the institutional division of the Texas Department of Criminal Justice and ordered to pay court costs in the amount of \$242.25. Bender has appealed the conviction. The Board retains jurisdiction to enter a final judgment when the criminal appeal is final. BODA cause number 45600.

On Jan. 21, the Board of Disciplinary Appeals signed a corrected order reversing judgment of disbarment and remanding for new trial in the appeal of **Don L. Jarvis, Jr.** [#90002001], 42, of

Sherman, of a judgment of disbarment issued by an evidentiary panel of the District 1-A2 Grievance Committee in Case No. D0090630446 on Oct. 20, 2008. The disbarment is reversed and the matter is remanded to the District 1 Grievance Committee for a new trial on the merits. BODA cause number 43660.

Editor's Note: Donald L. Jarvis [#10586000], 70, of Sherman, is not the attorney referred to in this sanction.

On Jan. 19, the Board of Disciplinary Appeals signed a final judgment disbarring **Chris M. Evans** [#06711500], 60, of Reston, Va. On Oct. 5, 2001, Evans pleaded guilty to one count of money laundering in violation of Title 18 U.S.C. §1956(a)(3)(B), an intentional crime as defined in the Texas Rules of Disciplinary Procedure, in criminal case No. WMN-01-0234, styled, *United States of America v. Chris McKinney Evans*, in the U.S. District Court for the District of Maryland. On Feb. 14, 2003, a judgment was signed sentencing Evans to 27 months imprisonment in the U.S. Bureau of Prisons and ordering supervised release for two years and further ordering him to pay an assessment in the amount of \$100. BODA cause number 45331.

DISBARMENTS

On Nov. 19, 2009, **O. Wayne Crocker** [#05087500], 62, of San Antonio, was disbarred. An evidentiary panel of the District 10 Grievance Committee found that Crocker endorsed and negotiated a personal injury settlement check without his client's consent, failed to maintain the funds in a trust account, converted the settlement funds, failed to communicate with his client, misrepre-

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sented facts to his client, failed to surrender the client file to the client's new attorney, failed to notify the client of his disciplinary suspension in another matter, engaged in the practice of law while his license was suspended, and failed to respond to the grievance.

Crocker violated Rules 1.03(a); 1.04(d); 1.14(a), (b), and (c); and 8.04(a)(2), (a)(3), (a)(7), (a)(8), and (a)(11). He was ordered to pay \$1,885 in attorney's fees and costs and \$75,000 in restitution.

On Dec. 18, 2009, **Antonio Reyes-Vidal** [#16794757], 60, of San Antonio was disbarred. The 285th District Court of Bexar County found that Reyes-Vidal knowingly made a false statement of material fact in connection with a disciplinary matter and engaged in conduct involving dishonesty, deceit, or misrepresentation.

Reyes-Vidal violated Rules 8.01(a) and (a)(3). He was ordered to pay \$18,683.87 in attorney's fees and costs and \$5,000 in restitution.

Reyes-Vidal has filed an appeal.

On Dec. 9, 2009, **Kenny Ray Kirby** [#11498400], 49, of Coppell, was disbarred. An evidentiary panel of the District 6-A2 Grievance Committee found that in representing two complainants, Kirby neglected the legal matters entrusted to him. Kirby failed to keep both of the complainants reasonably informed about the status of their legal matters and failed to promptly comply with reasonable requests for information from the complainants about their legal matters. Kirby 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.

Kirby violated Rules 1.01(b)(1), 1.03(a), and 8.04(a)(8). He was ordered to pay \$2,055.37 in attorney's fees and \$3,750 in restitution.

Kirby has filed an appeal.

SUSPENSIONS

On Dec. 31, 2009, **Joseph Mitchell Brown** [#03148600], 48, of Las Vegas, Nev., received a one-year, fully probated suspension effective Nov. 15, 2009. An evidentiary panel of the District 9 Grievance Committee found that in one matter, the complainant hired Brown to represent her in a pending divorce. Brown failed to keep the complainant reasonably informed about the status of her case. Brown neglected the complainant's divorce matter by failing to file an answer to the original petition and failing to pursue a requested restraining order.

In a second matter, the complainant hired Brown in an adoption. The complainant paid Brown \$2,500 in full. Shortly thereafter, Brown ceased communication with the complainant. The complainant visited Brown's offices and found them empty. Brown abandoned the complainant's case and failed to return unearned fees. Additionally, Brown failed to furnish a response to the complaint.

Brown violated Rules 1.01(b)(1), 1.03(a) and (b), 1.15(d), 8.01(b), and 8.04(a). He was ordered to pay \$1,464.28 in attorney's fees and \$2,500 in restitution.

On Sept. 23, 2009, **Grace Diane Kopacz** [#24044123], 40, of Houston, received an interim suspension effective Sept. 24, 2009. The 334th District Court of Harris County ordered the suspension pending the final disposition of an underlying disciplinary case. Kopacz may not accept any new client matters, hold herself out as an attorney at law, perform any legal service for others, accept any fee directly or indirectly for legal services, or appear as counsel in a proceeding in any Texas court or before any Texas administrative body.

On Dec. 16, 2009, **Cornelius A. Long, Jr.** [#00793182], 61, of Houston, received a six-month, active suspension

effective March 1. An evidentiary panel of the District 4-E Grievance Committee found that Long continued accepting clients and made appearances in criminal court while he was administratively suspended from the practice of law for non-compliance with the Minimum Continuing Legal Education requirements. Long further failed to respond to the grievance.

Long violated Rules 8.04(a)(8) and (a)(11). He was ordered to pay \$2,205 in attorney's fees.

On Nov. 18, 2009, Long received a two-year, active suspension effective Dec. 3, 2009. The 269th District Court of Harris County found that Long represented several clients during a period of active suspension imposed against him in a separate disciplinary proceeding.

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Long violated Rules 8.04(a)(7) and (a)(11). He was ordered to pay \$2,788.17 in attorney's fees and costs.

Long has filed a notice of appeal.

On Jan. 12, **Jason Brian Atchley** [#24004532], 39, of Austin, received an interim suspension effective Feb. 1. The 345th District Court of Travis County entered the order of immediate interim suspension pending the final disposition of 13 underlying disciplinary cases and pending the final disposition of one count of aggregated theft (second-degree felony), one count of aggregated misapplication of fiduciary property (second-degree felony), and two counts of falsely holding oneself out as a lawyer (third-degree felony). Atchley may not accept any client matters, hold himself out as an attorney at law, perform any legal services for others, accept any fee directly or indirectly for legal services, or appear as counsel in a proceeding in any Texas court or before any Texas administrative body.

On Dec. 22, 2009, **Joseph O. Onwuteaka** [#15291300], 51, of Sugar Land, accepted a six-month, partially probated suspension effective Jan. 1, with the first five months probated and the remainder actively served. An evidentiary panel of the District 4-D Grievance Committee found that Onwuteaka signed his client's name to an affidavit filed in support of a response to a motion for summary judgment, attesting that the signature was that of the client and was allegedly sworn to and subscribed before a notary public.

Onwuteaka violated Rules 3.03(a)(5) and 8.04(a)(3).

This judgment replaces another judgment previously reported in the June 2009 *Texas Bar Journal* (p. 501).

On Dec. 15, 2009, **David W. Knight** [#11597325], 55, of Wichita Falls, received a one-year, partially probated suspension effective Jan. 15, with the

first three months actively served and the remainder probated. An evidentiary panel of the District 14 Grievance Committee found that Knight neglected a legal matter that was entrusted to him by the complainant. Knight failed to keep the complainant reasonably informed about the status of the legal matter and failed to comply with her reasonable requests for information regarding the matter. Knight communicated about the subject of the representation with an organization Knight knew to be represented by another lawyer regarding that subject. Knight did not have the consent of the other lawyer to make the communication. Knight was not authorized by law to make the communication.

Knight violated Rules 1.01(b)(1), 1.03(a), and 4.02(a). He was ordered to pay \$3,245 in attorney's fees and \$7,302 in restitution.

Knight did not file an appeal.

On Jan. 8, **Andrea Regnier** [#24002955], 43, of Houston, accepted a one-year, fully probated suspension effective Jan. 4. The District 4-E Grievance Committee found that Regnier exited a store without rendering payment for merchandise. Regnier later made her initial appearance in the U.S. District Court for the Eastern District of Virginia wherein she received deferred adjudication for a period of six months.

Regnier violated Rule 8.04(a)(2). She was ordered to pay \$500 in attorney's fees and expenses.

On Dec. 28, 2009, **Thomas C. Nielson** [#15023150], 49, of Austin, accepted a five-year, active suspension effective Jan. 1. An evidentiary panel of the District 9 Grievance Committee found that Nielson accepted \$25,000 from the complainant as earnest money for a proposed land deal. After two years, Nielson refunded the money and advised the complainant that the land deal had fallen through. Nielson stated in deposition that the earnest money



had been deposited in his trust account and that the original land contract had been valid, when neither assertion proved to be true. In addition, Nielson presented a false document showing that the money had been deposited with a title company.

Nielson violated Rules 1.14(a) and (b), 4.01(a), and 8.04(a)(1) and (a)(3). He was ordered to pay \$5,998.36 in attorney's fees.

On Jan. 13, **William C. Egger, Jr.** [#06480150], 51, of San Antonio, accepted a three-year, fully probated suspension effective Jan. 1, 2010. An evidentiary panel of the District 10 Grievance Committee found that in three representations, Egger neglected the legal matters entrusted to him and failed to keep the clients reasonably informed, to respond to the clients' requests for information, and to file a written response to three grievances. In one of the representations, Egger failed to return unearned fees.

Egger violated Rules 1.01(b)(1) and (b)(2), 1.03(a) and (b), 1.15(d), and 8.04(a)(8). He was ordered to pay \$1,000 in attorney's fees and expenses and \$4,500 in restitution.

On Jan. 21, **Elliott L. Wood** [#21890400], 63, of Carrollton, received an agreed judgment of indefinite disability suspension effective Jan. 21.

On Jan. 25, **Gil Gonzalez** [#08125670], 51, of Henderson, Nev., accepted a three-year, fully probated suspension effective Nov. 30, 2009. The District 17 Grievance Committee found that in the representation of two clients, Gonzalez neglected the representations and failed to communicate with his clients and to respond to the grievances. In a third representation, Gonzalez failed to abide by his client's decision regarding the settlement of a claim.

Gonzalez violated Rules 1.01(b)(1), 1.02(a)(2), 1.03(a), and 8.04(a)(8). He

was ordered to pay \$800 in attorney's fees and expenses.

On Feb. 10, **Kyle B. Collins** [#04613400], 55, of Austin, received a two-year, fully probated suspension effective Feb 15. An evidentiary panel of the District 9 Grievance Committee found that the complainant hired Collins in July 2008 and paid him \$1,200 to represent the complainant in a divorce proceeding. After the initial consultation with Collins, the complainant attempted to contact Collins by telephone without success. Further, Collins failed to make any appearance on the complainant's behalf. The complainant was required to obtain alternate counsel, who also attempted to contact Collins by letter and telephone to no avail.

Collins violated Rules 1.01(b)(1), 1.03(a), and 1.15. He was ordered to pay \$982.50 in attorney's fees and direct expenses.

REPRIMANDS

On Jan. 13, **William T. Engle, Jr.** [#06623300], 52, of Bedford, received a public reprimand. An evidentiary panel of the District 7-A Grievance Committee found that in representing the complainant, Engle failed to keep the complainant reasonably informed regarding the status of the case. Engle failed to return the complainant's file after termination of his representation.

Engle violated Rules 1.03(a) and 1.15(d). He was ordered to pay \$1,912.50 in attorney's fees. ❖

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