

BODA

On May 22, 2023, the Board of Disciplinary Appeals entered an agreed judgment of probated suspension against San Antonio attorney **DAVID IRWIN** [#24091127]. On June 10, 2022, the Attorney Discipline Probable Cause Committee of the Supreme Court of Arizona entered an order of admonition with probation, (CLE), and costs in the case styled *In the Matter of a Member of the State Bar of Arizona, David Irwin, Bar No. 026278, Respondent*, No. 21-2190. In a criminal matter where he served as a prosecutor, Irwin violated Rules of the Supreme Court of Arizona: Rule 42, ER 4.4(a) (use of means with no substantial purpose other than to embarrass, delay, or burden another person) and ER 8.4(d) (conduct prejudicial to the administration of justice). By agreement, Irwin received an admonition and was placed on probation for 18 months. He is suspended from the practice of law in Texas for 18 months with the suspension fully probated, beginning May 22, 2023, and extending through November

21, 2024. BODA Case No. 67817.

On May 16, 2023, the Board of Disciplinary Appeals entered an agreed judgment of public reprimand against Dallas attorney **JESSICA MICHELLE DEAN** [#24040777]. On April 22, 2022, the Iowa Supreme Court Attorney Disciplinary Board entered an order of public reprimand in the case styled *Iowa Supreme Court Attorney Disciplinary Board, Complainant, v. Jessica Michelle Dean, Respondent*, No. 22-0563. That court found that Dean violated Iowa Rules of Professional Conduct 32:1:3 (diligence), 32:5:1 (responsibilities of a partner or supervisory lawyer), 32:5:3 (responsibilities regarding nonlawyer assistance), and 32:8:4(a), (c), and (d) (misconduct). BODA Case No. 67844.

DISBARMENTS

On May 1, 2023, **YEXENIA GILMET** [#24059821], of Houston, was disbarred. An evidentiary panel of the District 4 Grievance Committee found that Gilmet engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation and failed to timely furnish to the Office of Chief Disciplinary Counsel or a district grievance committee a response or other information as required. Additionally, Gilmet engaged in the practice of law when she was on inactive status, or when her right to practice had been suspended or terminated, including, but not limited to, situations where her right to practice had been administratively suspended for failure to timely pay required fees or assessments.

Gilmet violated Rules 8.04(a)(3), 8.04(a)(8), and 8.04(a)(11). She was ordered to pay \$2,424.16 in attorneys' fees and direct expenses.

On May 1, 2023, **YEXENIA GILMET** [#24059821], of Houston, was disbarred. An evidentiary panel of the District 4 Grievance Committee found that Gilmet entered an arrangement charged or collected an illegal fee or unconscionable fee and that she engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation. Gilmet also failed to timely furnish to the Office of Chief Disciplinary Counsel or a district grievance committee a response or other information as required. Lastly, Gilmet

engaged in the practice of law when she was on inactive status, or when her right to practice had been suspended or terminated, including, but not limited to, situations where her right to practice had been administratively suspended for failure to timely pay required fees or assessments.

Gilmet violated Rules 1.04(a), 8.04(a)(3), 8.04(a)(8), and 8.04(a)(11). She was ordered to pay \$2,370.16 in attorneys' fees and direct expenses.

On May 1, 2023, **YEXENIA GILMET** [#24059821], of Houston, was disbarred. An evidentiary panel of the District 4 Grievance Committee found that Gilmet knowingly disobeyed, or advised her client to disobey, an obligation under the standing rules of a ruling by a tribunal and failed to timely furnish to the Office of Chief Disciplinary Counsel or a district grievance committee a response or other information as required.

Gilmet violated Rules 3.04(d) and 8.04(a)(8). She was ordered to pay \$2,340 in restitution and \$2,370.16 in attorneys' fees and direct expenses.

On May 1, 2023, **YEXENIA GILMET** [#24059821], of Houston, was disbarred. An evidentiary panel of the District 4 Grievance Committee found that Gilmet neglected a legal matter entrusted to her and failed to keep her client reasonably informed about the status of the matter and failed to promptly comply with reasonable requests for information. Gilmet, upon termination of representation, failed to take steps to the extent reasonably practicable to protect her 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 fees that have not been earned. Lastly, Gilmet failed to timely furnish to the Office of Chief Disciplinary Counsel or a district grievance committee a response or other information as required.

Gilmet violated Rules 1.01(b)(1), 1.03(a), 1.15(d), and 8.04(a)(10). She was ordered to pay \$1,500 in restitution and \$2,570.16 in attorneys' fees and direct expenses.

On April 20, 2023, **MARIE GERARD GAETANE HERNANDEZ** [#24061079], of San

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Antonio, was disbarred. An evidentiary panel of the District 10 Grievance Committee found Hernandez neglected a client matter, failed to keep a client reasonably informed, failed to return unearned fees, failed to notify a client of her disciplinary suspension, and failed to respond to the grievance.

Hernandez violated Rules 1.01(b)(1), 1.03(a), 1.15(d), 8.04(a)(7), and 8.04(a)(8). She was ordered to pay \$5,000 in restitution and \$2,176.50 in attorneys' fees and direct expenses.

On April 6, 2023, **LIDIA ALEXANDRA YAR LAWSON** [#24080699], of Broken Arrow, Oklahoma, was disbarred by an evidentiary panel of the District 9 Grievance Committee effective April 5, 2023. The panel found that in the first disciplinary case, the complainant hired Lawson to represent her and two dependents in an immigration matter on or about April 15, 2021. Lawson was to file an extension of stay ("I-539") and submit the documents for a F-1 visa application ("F-1"). Lawson timely filed the extension to stay on July 8, 2021, but failed to timely file the F-1 with the complainant's I-20 certificate (certificate of eligibility for nonimmigrant student status). Lawson misrepresented that she had filed the F-1 on May 24, 2021. During the representation, Lawson frequently failed to respond to the complainant's messages for long periods of time. The complainant notified Lawson of her intent to terminate the representation on September 15, 2021. Only then did Lawson substantively respond, claiming that an amended F-1 application was submitted to the United States Citizenship and Immigration Services ("USCIS") on July 23, 2021. However, the complainant contacted USCIS and was notified that USCIS had no record that an I-20 had been filed on her behalf with the F-1 application. The complainant then sent Lawson an email terminating the representation and requesting her file. Although Lawson replied that she would forward the file to the complainant, she never did. Additionally, Lawson failed to file a response to the complaint as required. In the second case, the complainant hired Lawson, on or about June 29, 2020, to file an adjustment of status ("AOS") to accelerate the processing of his and his family's immigration petition for alien worker ("I-140"). On July 8, 2020, the

complainant paid Lawson \$7,495, which included an advanced payment for filing fees and attorneys' fees. Lawson failed to hold the funds in a trust or escrow account. On July 24, 2020, Lawson told the complainant that he had sent the forms and the required supporting documentation to the USCIS and paid the required fees. In March 2021, when the complainant received no information regarding his application, the complainant insisted that Lawson refile the forms. Again, the complainant never received a receipt from the USCIS for the filing, nor did Lawson ever provide copies of what she claimed to have filed. Subsequently, the complainant requested that Lawson send him a copy of his family's file and return the money he paid her. After requesting the complainant's address on August 2, 2021, Lawson ceased all communication with the complainant, never returned the money, and never provided the complainant with the family's file.

Lawson violated Rules 1.01(b)(1), 1.03(a), 1.14(a), 1.15(d), 8.04(a)(3), and 8.04(a)(8).

She was ordered to pay \$7,495 in restitution to the second complainant and \$5,150.02 in attorneys' fees and expenses.

SUSPENSIONS

On March 30, 2023, **PHILIP E. PARKER** [#15494480], of Cedar Hill, received a two-year fully probated suspension beginning on April 1, 2023, and ending on March 31, 2025. An evidentiary panel of the District 6 Grievance Committee found that Parker represented a potential seller in a sales transaction involving the complainant, who was acting on behalf of the potential buyer. During the representation, Parker accepted \$50,000 from the potential buyer in connection with the proposed sales transaction. Parker failed to hold these funds in an IOLTA or trust account and failed to promptly return these funds to the potential buyer after the proposed sales transaction was terminated.

Parker violated Rules 1.14(a) and 1.14(b). He was ordered to pay \$50,000

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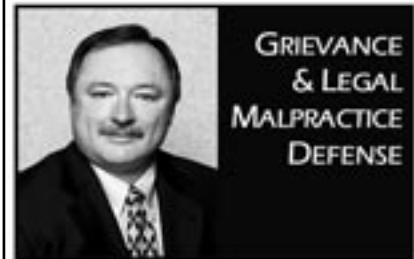
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in restitution and \$900 in attorneys' fees and direct expenses.

On April 21, 2023, **GLEN L. WORK** [#24070881], of Gilbert, Arizona, received a two-year probated suspension beginning May 1, 2023, related to four disciplinary cases. An evidentiary panel of the District 8 Grievance Committee found that in the first case, a couple hired Work, in September 2019, to represent them in a Chapter 13 bankruptcy proceeding. The clients' plan was confirmed by the bankruptcy court on June 9, 2020, and Work remained the attorney of record. In early 2021, the clients needed to update their bankruptcy schedules and "pay order" information, so they attempted to contact Work. Despite numerous attempts to contact Work via telephone and email, Work never responded. Additionally, the bankruptcy trustee was unsuccessful in his attempts to contact Work. At the time the clients were attempting to contact Work,

Work had relocated to Arizona without providing them notice. Work further failed to furnish a written response to the complaint filed by the clients. In the second case, the evidentiary panel found that on or about July 10, 2019, Work was hired by a couple to represent them in a Chapter 7 bankruptcy proceeding. The clients paid Work an advanced fee of \$2,835, which Work failed to maintain in a trust or escrow account. Work also never filed a bankruptcy petition on behalf of the clients and failed to respond to their telephone calls and letters. On January 14, 2022, the clients sent Work a certified letter requesting the return of their \$2,835. The letter was returned unclaimed. Subsequently, the clients went to Work's office and found it locked and unoccupied. The clients later learned that Work had closed his law practice and moved to Arizona without providing them notice and/or returning their documentation. After the clients filed a complaint against

Work, Work finally returned the money. In the third case, the evidentiary panel found that a couple hired Work, on or about January 20, 2021, to represent them in a Chapter 7 bankruptcy proceeding. The clients paid Work an advanced fee of \$2,336, which Work failed to maintain in a trust or escrow account. Work also never filed a bankruptcy petition on their behalf and failed to respond to their telephone calls and letters. In May 2021, the clients hired new counsel to file their bankruptcy petition. Work failed to refund the clients their \$2,336 until after the clients filed a complaint. Work also failed to furnish a written response to the complaint. In the fourth case, the evidentiary panel found a couple hired Work, in August 2019, to represent them in a Chapter 7 bankruptcy proceeding. The clients paid Work an advanced fee of \$1,800, which Work failed to place in a trust or escrow account. After some delay, the clients informed Work, in March 2021, that they wanted to proceed with the filing of their bankruptcy petition. Subsequently, the couple attempted numerous times to contact Work regarding the status of the filing of their bankruptcy petition. However, on January 21, 2022, the couple discovered that Work's email address was no longer valid and that he had never filed the petition. Work returned the \$1,800 to the clients only after they filed a complaint.

Work violated Rules 1.01(b)(1), 1.03(a), 1.14(a), 1.15(d), and 8.04(a)(8). Work was ordered to pay \$4,030.85 in attorneys' fees and expenses.

On January 27, 2023, **LAUREN ASHLEY HARRIS** [#24080932], of Dallas, received a default judgment with a 12-month partially probated suspension beginning February 1, 2023, and ending February 1, 2024, with the active suspension beginning February 1, 2023, and ending July 31, 2023, and the probated suspension to begin on August 1, 2023, and ending on February 1, 2024. An evidentiary panel of the District 14 Grievance Committee found that the complainant hired Harris on or about October 16, 2017, to represent him in a personal injury case. In representing the

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Vice Chairman, 1994-1996, 1998-2000
Member, 1992-1996, 1997-2003

State Bar of Texas
Disciplinary Rules of Professional Conduct Committee
Member, 1993-1996

Disciplinary Review Committee
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complainant, Harris neglected the legal matter entrusted to her by failing to perform work on the case. Harris also failed to promptly comply with reasonable requests from the complainant for information about the personal injury matter.

Harris violated Rules 1.01(b)(1) and 1.03(a). She was ordered to pay \$1,900 in attorneys' fees and \$800 in direct expenses.

Harris filed an appeal on May 8, 2023.

On April 21, 2023, **ROBERT L. STEINDEL** [#24004935], of McAllen, received a 24-month partially probated suspension effective June 1, 2023, with the first 30 days actively served and the remainder probated. An evidentiary panel of the District 12 Grievance Committee found Steindel failed to properly safeguard client funds, failed to promptly deliver client funds to the client, failed to hold client funds separate from his own property, and engaged in conduct involving dishonesty.

Steindel violated Rules 1.14(a), 1.14(b), 1.14(c), and 8.04(a)(3). He was ordered to pay \$5,127.35 in attorneys' fees and direct expenses.

On May 31, 2023, **LEE BARRETT WESTMORELAND** [#24001113], of Nacogdoches, agreed to a 12-month partially probated suspension beginning with an active suspension from July 1, 2023, and ending on July 31, 2023. The probated suspension begins August 1, 2023, and ends on July 1, 2024. An investigatory panel of the District 2 Grievance Committee found that Westmoreland represented the complainant in a criminal case in Nacogdoches. Upon termination of representation, Westmoreland failed to surrender papers and property to which the complainant was entitled. Westmoreland also failed to file a response to the grievance.

Westmoreland violated Rules 1.15(d) and 8.04(a)(8). He was ordered to pay \$500 in attorneys' fees and direct expenses.

On March 6, 2023, **GAYLIA DEE BRUNSON** [#24040593], of Alberton, Montana, received a five-year active suspension effective March 1, 2023. An evidentiary

panel of the District 10 Grievance Committee found that Brunson neglected client matters, failed to properly safeguard client funds, failed to promptly supply an accounting when requested, failed to return unearned fees, and failed to respond to the grievance in a timely manner.

Brunson violated Rules 1.01(b)(1), 1.14(a), 1.14(b), 1.15(d), and 8.04(a)(8). She was ordered to pay \$6,000 in restitution and \$2,707.03 in attorneys' fees and direct expenses.

PUBLIC REPRIMANDS

On May 10, 2023, **BRIAN YUSEF BERNARD** [#24001728], of Austin, accepted an agreed judgment of public reprimand. An investigatory panel of the District 9 Grievance Committee found that while representing two clients in their respective family law matters, Bernard failed to keep his clients reasonably informed about the status of their case and respond to reasonable requests for information. In

addition, after Bernard was terminated, he failed to provide his clients with an accounting and a copy of their files.

Bernard violated Rules 1.03(a), 1.03(b), 1.14(b), and 1.15(d). Bernard was ordered to pay \$500 in attorneys' fees.


On May 2, 2023, **JOSEPH MICHAEL GAGLIARDI** [#24043668], of Houston, received an agreed judgment of public reprimand. An investigatory panel of the District 4 Grievance Committee found that Gagliardi, while representing a client, neglected a legal matter entrusted to him and frequently failed to carry out completely the obligations he owed to his client.

Gagliardi violated Rules 1.01(b)(1) and 1.01(b)(2). He was ordered to pay \$1,000 in attorneys' fees.

PRIVATE REPRIMANDS

Listed here is a breakdown of Texas Disciplinary Rules of Professional Conduct

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violations for 17 attorneys, with the number in parentheses indicating the frequency of the violation. Please note that an attorney may be reprimanded for more than one rule violation.

1.01(b)(1)—In representing a client, a lawyer shall not neglect a legal matter entrusted to the lawyer (5).

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 (5).

1.03(b)—A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation (2).

1.05(b)(1)(ii)—Except as permitted by paragraphs (c) and (d), or as required by paragraphs (e) and (f), a lawyer shall not knowingly reveal confidential information of a client or a former client to anyone else, other than the client, the client's representatives, or the members, associates, or employees of the lawyer's law firm (2).

1.05(b)(3)—Except as permitted by paragraphs (c) and (d), or as required by paragraphs (e) and (f), a lawyer shall not knowingly use confidential information of a former client to the disadvantage of the former client after the representation is concluded unless the former client consents after consultation or the confidential information has become generally known (1).

1.06(b)—Representing a person where the representation of that person involves a substantially related matter in which that person's interests are materially and directly adverse to the interests of another client (1).

1.08(d)—A lawyer shall not provide financial assistance to a client in connection with pending or contemplated litigation or administrative proceedings (1).

1.14(a)—A lawyer shall hold funds and other property belonging in whole or in part to clients or third persons that are in a lawyer's possession in connection with a representation separate from the lawyer's own property. Such funds shall be kept in a separate account, designated as a "trust" or "escrow" account, maintained in the state where the lawyer's office is situated, or

elsewhere with the consent of the client or third person. Other client property shall be identified as such and appropriately safeguarded. Complete records of such account funds and other property shall be kept by the lawyer and shall be preserved for a period of five years after termination of the representation (2).

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 fees that have not been earned. The lawyer may retain papers relating to the client to the extent permitted by other law only if such retention will not prejudice the client in the subject matter of the representation (5).

3.04(e)—A lawyer shall not request a person other than a client to refrain from voluntarily giving relevant information to another party unless (1).

4.04(a)—In representing a client, a lawyer shall not use means that have no substantial purpose other than to embarrass, delay, or burden a third person, or use methods of obtaining evidence that violate the legal right of such a person (1).

5.03—With respect to a non-lawyer employed or retained by or associated with a lawyer:

(a) a lawyer having direct supervisory authority over the non-lawyer shall make reasonable efforts to ensure that the person's conduct is compatible with the professional obligations of the lawyer; and

(b) a lawyer shall be subject to discipline for the conduct of such a person that would be a violation of these rules if engaged in by a lawyer if:

(1) the lawyer orders, encourages, or permits the conduct involved; or

(2) the lawyer:
(i) is a partner in the law firm in which the person is employed, retained by, or associated with; or is the general counsel of a government agency's legal department in which the person is

employed, retained by, or associated with; or has direct supervisory authority over such person; and

(ii) with knowledge of such misconduct by the non-lawyer knowingly fails to take reasonable remedial action to avoid or mitigate the consequences of that person's misconduct (1).

8.02(c)—Failure to comply with the applicable provisions of the Texas Election Code when respondent is a candidate for an elective public office (1).

8.04(a)(3)—A lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation (1).

8.04(a)(8)—A lawyer shall not fail to timely furnish to the Office of Chief Disciplinary Counsel or a district grievance committee a response or other information as required by the Texas Rules of Disciplinary Procedure, unless he or she in good faith timely asserts a privilege or other legal ground for failure to do so (2). **TBJ**

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