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REINSTATEMENT

Daniel Quirino Longoria, 50, of Edinburg has petitioned the 139th District Court of Hidalgo County for reinstatement as a member of the State Bar of Texas.

BODA ACTIONS

On May 4, 2005, the Board of Disciplinary Appeals revised the permanent disciplinary record of **Jack Wendell Frieze**, 60, of Port Aransas.

On May 7, 1996, Frieze was convicted of indecency with a child younger than 17 years, a third-degree felony and an intentional crime as defined in the Texas Rules of Disciplinary Procedure, in Cause No. F-9531267-HQ styled, *The State of Texas v. Jack W. Frieze*, in the 204th District Court of Dallas County. On Oct. 18, 1996, the board ordered that Frieze serve an interlocutory suspension during the appeal of the conviction in BODA Cause No. 10146. The Fifth District Court of Appeals, in Cause No. 05-96-01381-CR, reversed his criminal conviction and remanded the matter for a new trial on July 17, 1998. As a result, the board terminated Frieze's interlocutory suspension of 21 months.

As a result of the new trial, Frieze was placed on two years' deferred adjudication on July 15, 2004, Frieze completed the two years of community supervision and was discharged from deferred adjudication. Frieze's disciplinary and membership records will be revised to reflect the prior active suspension from the practice of law from Oct. 19, 1996 until July 22, 1998.

On June 26, the Board of Disciplinary Appeals affirmed a judgment of partially probated suspension against **Booker T. Morris III**, 51, of Houston, on May 26, 2004. Morris is serving a probated suspension until May 31, 2006.

On June 26, the Board of Disciplinary Appeals affirmed the default judgment of disbarment against **Joseph A. Mohr**, 39, of Houston, by an evidentiary panel of the District 4-C Grievance Committee in Case Nos. H0050315590, H0060315903, H0070315972, H0080316069, H0080316070, H008031316163, and H0090316352 after an appeal by the complainant in Case No. 0060315903. The board found that the evidentiary panel did not err in declining to award the complainant restitution and the judgment was affirmed.

On June 26, the Board of Disciplinary Appeals signed an interlocutory order of suspension against **Sheila D. Latham**, 53, of Glendale, Ariz. On Jan. 30, 2004, Latham was found guilty of theft (Cause No. 886873), misapplication of fiduciary property (Cause No. 949495), and misapplication of fiduciary property (Cause No. 949496), all third-degree felonies and intentional crimes as defined in the Texas Rules of Disciplinary Procedure, all styled *The State of Texas v. Sheila Denise Latham*, in the 180th District Court of Harris County. Latham was sentenced to 10 years' confinement on each conviction, probated for 10 years. She was ordered to serve 180 days in jail as a special condition of probation in Cause No. 886873. She was assessed a fine of \$10,000. Latham has appealed the conviction. In the event that the conviction becomes final, Latham will be disbarred. Latham did not answer or appear at the hearing.

On June 28, the Board of Disciplinary Appeals affirmed in part and reversed in part the order of disbarment against **Robert Areche, Jr.**, 50, of San Antonio. The board found that there was not substantial evidence to find that Areche had violated Rules 1.01(b) (1) (neglect), 1.03(a) (communication), or 1.15(d) (termination of representation). The board found that there was substantial evidence to find a violation of Rule 8.04(a) (8) (failure to respond to the grievance committee). The disbarment and all sanctions were reversed and the case remanded to the District 10-B evidentiary panel for a hearing on sanction.

On June 30, the Board of Disciplinary Appeals signed a judgment of disbarment against **Thomas Ronald Adkins**, 59, of Houston. On Nov. 30, 2004, Adkins pleaded guilty to "theft under \$50," a Class C misdemeanor and an intentional crime as defined in the Texas Rules of Disciplinary Procedure, styled. *The State of Texas v. Thomas Ronald Adkins*, in the Justice of the Peace Court, Precinct 4, Place1, of Harris County. Adkins was fined \$492. Adkins' sentence was not fully probated, although probation was available. Adkins did not appear at the hearing.

On June 30, the Board of Disciplinary Appeals issued an opinion and order reversing the judgment of fully probated suspension against **Cindy Renea Weir**, 43, of Odessa, on Feb. 4, 2004. The board found that the Commission for Lawyer Discipline failed to prove as a matter of law that Weir had charged an unconscionable fee in violation of Rule 1.04(a).

DISBARMENTS

On Feb. 25, **Diane M. Given**, 50, of Dallas was disbarred. On Sept. 19, 2001, Given was retained to represent the complainant in suits for termination of parental rights regarding two children fathered by different men. In the first matter, Given filed an original petition for termination of parental rights on Nov. 19, 2001. The child's father submitted an affidavit of voluntary relinquishment and waiver of service. The matter was subsequently placed on an April 15, 2002 dismissal docket. Given failed to take any action and the matter was dismissed for want of prosecution. Given failed to inform the complainant that the matter had been dismissed.

In the second matter, a hearing was scheduled for October 10, 2002. A Rule 11 agreement was entered on October 10, 2002, that granted the child's father standard visitation. Given represented to the court and the parties that she would file a motion to modify, but she failed to do so. She failed to respond to notice of the complaint. Given violated Rules 1.01(b) (1) and (b) (2), 1.03(a), and 8.04(a) (8).

On April 12, **Tiffany L. Lewis**, 37, of Arlington was disbarred. In February 2000, Lewis was retained to represent the complainant and her daughter in a probate matter. An agreed judgment declaring heirship was issued on July 18, 2003. Pursuant to the judgment, the City of Dallas Retirement Fund issued a check in the amount of \$78,082.23, payable to the complainant's daughter. On Aug. 3, 2003, Lewis deposited the check in her IOLTA account. She failed to pay in full the funds due the complainant's daughter, specifically the \$68,775.78, which is net of attorney's fees and expenses totaling \$9,326.45. Lewis made payments to the complainant's daughter in the amount of \$500 in 2004 and \$10,000 on April 7, 2005. Lewis violated Rules 1.14(a) and (b). She was ordered to pay \$58,255.78 in restitution, \$3,517.25 in attorney's fees, and \$587.69 in costs.

On June 10, **Leonard A. Cruse**, 64, of Galveston was disbarred. Cruse settled a client's case for \$127,000 in January 2004. After depositing \$100,000 of the client's money into his trust account, Cruse drew his trust account down to approximately \$27,000 without accounting to the client or paying any funds to the client or on behalf of the client. No accounting of division of interest between Cruse, the client, and others entitled to the funds was made until March 17, 2004, when Cruse gave his client a check on his trust account in the amount of \$80,000, which was returned for insufficient funds. Cruse did not make the check good until April 28, 2004. Cruse's trust account records disclosed significant irregularities and misapplication of funds.

Cruse violated Rules 1.14(a), (b), and (c), 8.01(a), and 8.04(a) (2) and (a) (3).

On May 19, **Oscar E. Noriega**, 42, of San Antonio was disbarred. In one case, Noriega undertook the representation of heirs in a wrongful death case that was beyond his competence. He failed to associate with another competent lawyer or seek the assistance of competent bankruptcy counsel when the defendants filed for bankruptcy. Noriega failed to carry out completely the obligations owed his clients, provide itemized billing or otherwise account for the sums he retained as his fees and expenses, follow his clients' decisions regarding the representation, or obtain his clients' informed consent to accept a settlement. He neglected a legal matter entrusted to him and failed to keep his clients reasonably informed about the status of the matter so that they could make informed decisions regarding the representation. He advised his clients not to sign the formal documents after entering into a written agreement at mediation to settle the case and collected an unconscionable fee for the work performed. Noriega failed to promptly inform his clients of his receipt of settlement funds and deposited settlement funds directly into his operating account without accounting for his receipt and distribution of the funds received. He failed to return unearned fees, negotiated a settlement check that was payable only to his clients, and converted client funds to his own use.

In a second case, Noriega undertook representation for Medicaid planning for nursing home care costs, which was beyond his competence. He failed to complete the Medicaid application, abide by his clients' decisions regarding the representation, keep his clients reasonably informed about the matter, or explain the matter to the extent reasonably necessary for them to make informed decisions regarding the representation. Noriega collected an unconscionable fee for the work performed and represented both of his clients as petitioner and respondent in an action to obtain a QDRO. He utilized a limited power of attorney to obtain client funds from third parties, which he represented would accomplish the Medicaid planning, but then retained the funds and claimed they were owed as fees. He failed to promptly inform his clients of receipt of their funds from third parties. He deposited the clients' funds directly into his operating account and failed to account for his receipt and distribution of the funds received. Noriega failed to return unearned fees, converted client funds to his own use, and engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation. He failed to respond to a demand for information from a disciplinary authority.

Noriega violated Rules 1.01(a) (1), (a) (2), (b) (1), and (b) (2), 1.02(a) (1) and (a) (2), 1.03(a) and (b), 1.04(a) and (c), 1.06(a), 1.08(a) (1), (a) (2), and (a) (3), 1.09(a), 1.14(a), (b), and (c), 1.15(d), 3.04(c) (1) and (d), 8.01, and 8.04(a) (1), (a) (2), and (a) (3).

On June 30, **Joe Robert Love, Jr.**, 38, of Dallas was disbarred. Love disbursed funds from his IOLTA account without permission of the client. He withdrew \$441,000 from the IOLTA account for his personal use. He later re-deposited the exact amount into his IOLTA account. Love failed to refund other monies to the client and failed, after both

verbal and written requests, to give a timely and proper accounting of the client's funds that were deposited into Love's IOLTA account.
Love violated Rules 1.14(b) and (c) and 8.04(a) (3).

SUSPENSIONS

On Feb. 1, The 191st District Court of Dallas County revoked the probationary portion of a final judgment of partially probated suspension issued against **Michael L. Langley**, 51, of Richardson on Feb. 26, 2004. The court found that Langley violated the terms and conditions of the judgment by engaging in professional misconduct and imposed a four-year, active suspension, effective Feb. 1, 2005.

On April 29, **Michael W. Gordon**, 47, of Corpus Christi agreed to a four-month, fully probated suspension effective April 15, 2005. The 94th District Court of Nueces County found that in one case, Gordon was hired to represent the complainant in the modification of an existing divorce decree and to stop the monthly withdrawal of money from his paycheck for child support because the child supported was then living with the complainant instead of his former wife. Gordon took other action in the case, but failed to address the immediate issue of stopping the child support withdrawals. In a second case, Gordon was hired to handle the probate of the complainant's estate. He quoted a fee of \$1000 retainer and \$200 in expenses to handle the matter. It was agreed that no work would be done on the probate until the entire fee was paid. The complainant paid \$750 on Jan. 21, 2003, and \$460 on June 8, 2003. Eventually, the complainant terminated the legal representation and requested that the money she paid be returned. Gordon failed to return the unearned fees and expenses. Gordon violated Rules 1.01(b) (1) and 1.15(d).

On April 17, **James C. Schlecht**, 45, of Chickasha, Okla., received a one year, partially probated suspension effective May 1, 2005, with the first six months actively served and the remainder probated. On May 11, 2002, Schlecht was retained in a probate matter. He allowed his legal assistant to file pleadings on his behalf and failed to notify the complainant of his new office address and phone number. Schlecht failed to keep the complainant reasonably informed about the status of the matter or promptly comply with the complainant's reasonable requests for information. Schlecht failed to return the complainant's file, refund unearned fees, or respond to notice of the complaint. Schlecht violated Rules 1.03(a), 1.15(d), and 8.04(a) (8).

On April 4, **Jeffrey T. Hubbard**, 48, of Dallas received a six-month, fully probated suspension effective April 15, 2005. Hubbard was retained to obtain patents for devices relating to the oil and gas industry. Hubbard filed applications for the patents, but six of the patents were denied. On Nov. 4, 2002, Hubbard agreed to file a request for reconsideration on the denied applications. He failed to file the request and the time to do so expired. The complainant twice asked Hubbard by letter to return the file, but Hubbard failed to do so. He failed to respond to notice of the complaint. Hubbard violated Rules 1.01(b) (1), 1.15(d), and 8.04(a) (8).

On May 16, **Gerald P. Denisco**, 62, of Houston accepted a three-year, partially probated suspension effective Aug. 1, 2005, with the first year actively served and the remainder probated. Denisco failed to keep his client reasonably informed about the status of the legal matter or promptly comply with the client's requests for information. He failed to explain the matter to the extent reasonably necessary for the client to make

informed decisions regarding the representation. Denisco failed to keep funds in which he and the client claimed separate interest until there was an accounting and severance of their interests.

Denisco violated rules 1.03(a) and (b) and 1.14(c).

On June 7, **Robert B. Peltier**, 51, of Crystal Beach accepted a five-year, active suspension effective June 1, 2005. In one matter, Peltier initiated divorce proceedings but failed to respond to discovery requests or maintain communication with the client. Peltier failed to appear in court for trial and a default judgment was entered against the client.

In a second matter, Peltier was hired for representation in a child-custody matter. Peltier failed to maintain communication with the client or provide any meaningful legal services. He practiced law while administratively suspended and failed to respond to notice of the complaint.

Peltier violated rules 1.01(b) (1) and (b) (2), 1.03(a) and (b), 1.04(a) and (b) (4), and 8.04(a) (1), (a) (8), and (a) (11).

On March 3, **Tshombe Ali Anderson**, 37, of Dallas received a one-year, partially probated suspension effective April 1, 2005, with the first six months actively served and the remainder probated. On July 23, 2003, Anderson was retained to represent the complainant in a divorce action. The complainant's husband filed an original petition for divorce on July 24, 2003. On September 23, 2003, the complainant was served with the divorce petition. On December 1, 2003, Anderson filed an answer and counter-petition for divorce. Despite the fact that a default judgment was taken, Anderson took no remedial action on behalf of the complainant. Anderson failed to timely reply to the complainant's proper requests for information about the status of the matter. Anderson failed to respond to notice of the complaint.

Anderson violated Rules 1.01(b) (1), 1.03(a), and 8.04 (a) (8).

On June 15, **Steven W. Keng**, 54, of Giddings accepted a two-year, fully probated suspension effective June 15, 2005. Keng was retained to represent a client in a property damage matter. Keng neglected the legal matter entrusted to him, failed to carry out completely the obligations owed his client, failed to keep the client reasonably informed about the status of the matter, failed to have a contingent fee agreement in writing, and engaged in conduct involving dishonesty or misrepresentation.

Keng violated Rules 1.01(b) (1) and (b) (2), 1.03(a), 1.04(d), and 8.04(a) (3).

On April 4, **Jesse R. Molina**, 60, of Fort Worth received a six-month, fully probated suspension effective May 1, 2005. In August 2003, Molina was court-appointed to represent the complainant in a criminal matter. Molina failed to communicate with the complainant or keep him reasonably informed about the status of his case. Molina failed to timely respond to notice of the complaint.

Molina violated Rules 1.03(a) and (b) and 8.04(a) (8).

On June 30, **William F. Estes**, 58, of Richmond received a two-year, partially probated suspension effective July 1, 2005, with the first month actively served and the remainder probated. Between December 1999 and October 2002, Estes employed a legal assistant. During the legal assistant's employment with Estes, he promised to share legal fees with her for any personal injury cases she solicited. Estes did, in fact, share legal fees with the legal assistant, which were related to clients she solicited. In sharing

legal fees with his legal assistant, Estes financed the commission of barratry. He accepted a professional employment obtained through illegal solicitation procedures. Estes violated Rules 5.04(a), 7.03(b), and 8.04(a) (9).

On April 28, **Richard Kent Livesay**, 36, of Edinburg accepted a one-year, fully probated suspension effective April 28, 2005. Livesay, upon termination of a case, failed to timely return the client's file. Livesay violated Rule 1.15(d).

On June 15, **Terry D. McEachern**, 55, of Plainview accepted a two-year, fully probated suspension effective June 15, 2005. McEachern made a false statement of material fact or law to a tribunal. He failed to disclose a fact to a tribunal when disclosure was necessary to avoid assisting a criminal or fraudulent act. McEachern offered or used evidence that he knew to be false and falsified evidence or counseled or assisted a witness to testify falsely. He failed to refrain from prosecuting or threatening to prosecute a charge that he knew was not supported by probable cause or make timely disclosure to the defense of all evidence or information known to him that tended to negate the guilt of the accused or mitigate the offense. In connection with sentencing, he failed to disclose to the defense and to the tribunal all unprivileged mitigating information known to him. McEachern engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation and engaged in conduct constituting obstruction of justice.

On June 30, **Ronald Evans Harden**, 55, of Terrell received a two-year, partially probated suspension effective Aug. 1, 2005, with the first three months actively served and the remainder probated. Harden was employed to defend the complainant in a criminal prosecution. The complainant's bond was set at \$30,000 and Harden was provided \$3,000 to post the bond. Harden failed to pay the bail bonding service or reply to the complainant's reasonable requests for information regarding the matter. Harden violated Rules 1.01(b) (1), 1.03(a), 1.14(b), and 8.04(a) (3) and (a) (8).

On July 9, **Theodore Haynes, Jr.**, 48, of Houston received a six-month, active suspension effective Oct. 1, 2005. Haynes accepted employment from the complainant regarding a probate matter but admittedly had to take courses to learn how to perform the task for which he contracted. Haynes failed to diligently pursue the legal matter he was hired for by waiting until almost four years post-employment to file any instrument with the court on behalf of the complainant. He consistently failed to communicate with the complainant or keep her informed about the status of her case in spite of her requests. Haynes violated Rules 1.01(a) (1), (b) (1), and (b) (2) and 1.03(a) and (b).

On June 23, **David Norman Getz**, 47, of Lubbock received an 18-month, fully probated suspension effective May 15, 2005. Getz was retained in May 1996 in a personal injury matter. Getz failed to pursue the complainant's case or carry out the obligations owed his client, which resulted in the case being dismissed on Oct. 3, 2001, for lack of prosecution. Getz failed to return the complainant's numerous requests for information or respond to notice of the complaint. Getz violated Rules 1.01(b) (1) and (b) (2), 1.02(a), 1.03(a) and (b), and 8.04(a) (8).

On June 30, **Brooks William Conover III**, 45, of Cleburne received a six-month, fully probated suspension effective July 1, 2005. On June 10, 2002, Conover undertook the handling of a claim under the Texas Lemon Law on behalf of the complainant. On Aug.

9, 2002, Conover was paid \$230 to handle the claim. Conover neglected the legal matter entrusted to him when he failed to follow the required statutory procedures, causing the complainant's case to be disqualified from any type of claim under the Texas Lemon Law. Conover failed to provide proper notice to the state commission with the required filing fee. Conover failed to keep the complainant reasonably informed regarding the status of the matter or promptly comply with the complainant's reasonable requests for information. Conover failed to explain the matter to the extent reasonably necessary to permit the complainant to make informed decisions regarding the representation. Conover violated Rules 1.01(b) (1) and 1.03(a) and (b).

PUBLIC REPRIMANDS

On June 3, **Donald W. Shelton II**, 31, of Hurst received a public reprimand. Shelton was scheduled to attend an oral deposition in Austin on behalf of a client in May 2003. Shelton missed his flight and decided not to go to Austin. He did not inform his firm that he did not attend the deposition. He stated to the firm that he attended the deposition and submitted a billing statement that resulted in the client's being falsely billed for Shelton's time. Shelton violated Rule 8.04(a) (3).

On June 17, **Everardo Abrego**, 53, of Pharr received a public reprimand. Abrego failed to timely respond to the District 12-B Grievance Committee or assert any ground for his failure to do so. Abrego violated Rule 8.04(a) (8).

On April 21, **Clyde E. Lee**, 51, of Texarkana received a public reprimand. On March 2, 2003, the complainant hired Lee to represent her in an attempt to obtain legal guardianship of her nephew. The complainant paid Lee a fee of \$475. On Dec. 19, 2003, the complainant sent Lee a letter terminating Lee's representation and requesting that he refund the unearned fee paid by the complainant. Lee failed to timely respond to this request. Lee violated Rule 1.15(d).