

March, 2005

68 Tex. B.J. 264

REINSTATEMENT

Ralph Wayne Nichols, 59, of Fort Worth has petitioned the 17th District Court of Tarrant County for reinstatement as a member of the State Bar of Texas.

RESIGNATIONS

On Oct. 1, 2004, the Supreme Court accepted the resignation, in lieu of discipline, of **Simeon Wyckliffe Hebert**, 51, of Garland. The court found that on July 12, 2002, Hebert was convicted of indecency with a child... As a result of such conviction to an intentional and serious crime as defined in Rules 1.06(O) and 1.06(U), Hebert would be subject to compulsory discipline under Part VIII.

On Nov. 30, 2004, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **James A. Gieseke**, 47, of Pearland. At the time of his motion to resign, five complaints had been filed against him for accepting a case and receiving compensation, but failing to follow through with the legal matter. He violated Rules 1.01(b)(1) and (b)(2), 1.013(a) and (b), 1.115(d), 8.01(b), and 8.04(a)(8).

DISBARMENT

On Oct. 6, 2004, **Bonnie F. Sims**, 60, of Dallas was disbarred. The District 6-A Grievance Committee found Sims was retained in a divorce matter. During the course of the representation, Sims retained shares of a stock that were the subject of a stock buyback as set forth in the final decree of divorce. On Dec. 22, 2000, the complainant's ex-husband forwarded a check to Sims in the amount of \$13,944, made payable to the complainant, for an installment made pursuant to the buyback. Sims signed the complainant's name on the check and deposited the proceeds into Sims' account without the complainant's knowledge or consent. Sims failed to transfer the shares to the complainant's ex-husband and a motion to compel was filed in December 2001 to secure the transfer. The complainant had previously written Sims a letter in which she terminated Sims as her attorney. Sims failed to provide a proper accounting of all monies received and disbursed in the complainant's case, provide the complainant with a detailed billing statement, or return the complainant's complete file despite oral and written requests from both the complainant and her new counsel. Sims failed to file a written response to the grievance committee.

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

SUSPENSIONS

On Nov. 8, 2004 **Booker T. Morris III**, 50, of Pearland received a five-year, partially probated suspension effective Dec. 1, 2004, with the first three months actively served and the remainder probated... He neglected legal matters entrusted to him. Morris violated Rules 1.01(b)(1) and (b)(2), 1.03(a) and (b), 1.14(a), (b), (c), and 8.04(a)(1).

On Dec. 6, 2004, **Adrian Antonio Chavez**, 36, of Odessa received a one-year, fully probated suspension effective Nov. 15, 2004... Chavez failed to maintain the complainant's unearned retainer in a trust escrow account... The fee Chavez collected was unconscionable considering he performed no legal services.

Chavez violated Rules 1.04(a), 1.14(a), (b), (c), 1.15(d), and 8.04(a)(3) and (a)(8).

On Dec. 15, 2004, **Curtis W. Bannert**, 36, of San Antonio received a five-year, active suspension effective Oct. 1, 2004. He failed to perform legal services for which he was retained.

Bannert violated Rules 1.01(a), (b)(1), and (b)(2), 1.02(c), 1.03(a) and (b), 8.03(a)(3), and 8.04(a)(3) and (a)(8).

On Nov. 3, 2004, **A. Gene Gaines**, 69, of Dallas received a nine-month, partially probated suspension effective Nov. 15, 2004. He neglected legal matters. Gaines violated Rules 1.01(b)(1), (b)(2), and 1.03(a).

On Jan. 4, **Samuel L. Childs**, 54, of Houston accepted a six-year partially probated suspension effective March 1, 2005 with the first two years actively served and the remainder probated. He neglected a legal matter entrusted to him and failed to carry out completely the obligations owed his clients or keep the complainants reasonably informed about the status of their respective matters.

Childs violated Rules 1.01(b)(1), 1.02(a)(1), 1.03(a) and (b), 1.15(d), and 8.04(a)(7).

On March 31, 2004, **Anna L. Cavazos**, 50, of Laredo received a one-year, partially probated suspension effective May 1, 2005 with the first 45 days actively served and the remainder probated. Cavazos was retained in a divorce matter which she concluded but failed to follow through with the qualified domestic relations order or obtain the necessary information to follow through with the order.

Cavazos violated Rules 1.03(a) and 8.04(a)(8).

On Dec. 1, 2004, **Beth Fielding Siever**, 54, of Austin received a three-year, active suspension effective Dec. 1, 2004. Siever, without prior consent, represented another person in a matter adverse to a former client. She failed to surrender papers to which the client was entitled upon termination of the representation or timely respond to notice of the complaint.

Sievers violated Rules 1.09(a)(3), 1.15(d), and 8.04(a)(1) and (a)(8).

PUBLIC REPRIMANDS

On Nov. 16, 2004, **Javier J. Campos Davila**, 52, of Austin accepted a public reprimand. He neglected a legal matter entrusted to him. Davila violated Rule 1.01(b)(1).

On Aug. 12, 2004, **Michael Robert Believeau**, 46, of San Antonio accepted a public reprimand. Believeau was retained on a contingent fee basis to collect long-term disability benefits. He sent a DTPA notice letter to the insurer, but failed to pursue the legal matter or carry out completely the legal obligations owed his client.

Believeau violated Rules 1.01(b)(1), 1.03(a) and (b), and 1.15(d).

On Dec. 6, 2004, **Orlando S. Mata**, 62, of Austin accepted a public reprimand. Mata was retained in a personal injury matter. He failed to explain the legal matter to the extent reasonably necessary to permit his client to make informed decisions regarding the representation or surrender papers to which the client was entitled upon termination of representation.

Mata violated Rules 1.15(d) and 1.03(b).

On Nov. 29, 2004, **Jaime L. Capelo, Jr.**, 42, of Corpus Christi accepted a public reprimand. Capelo accepted a fee without a written agreement in a contingency fee case. Capelo violated Rule 1.04(d).

On Sept. 20, 2004, **Michael A. John**, 54, of Irving received a public reprimand. John violated Rule 5.03(b)(1).