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REINSTATEMENT

Robert L. Crill, 54, of Arlington, has petitioned the District Court of Tarrant County for reinstatement as a member of the State Bar of Texas.

BODA ACTIONS

On August 18, the Board of Disciplinary Appeals signed an agreed judgment of disbarment against **George Allen Day**, 77, of Dallas. On Jan. 27, 1995, Day was convicted of conspiracy to commit bank fraud and aiding and abetting in violation of 18 U.S.C. §371, two counts of misapplication of bank funds and aiding and abetting in violation of 18 U.S.C. §656, two counts of bank fraud and aiding and abetting in violation of 18 U.S.C. §1344(a)(1) and (a)(2) and making a false statement to the FDIC and aiding and abetting, intentional crimes as defined in the Texas Rules of Disciplinary Procedure, in Cause No. 6:94-CR-0033-01, styled *United States of America v. George Allen Day*, U.S. District Court, Northern District of Texas, San Angelo Division. Day was sentenced to four years in the federal penitentiary. The sentence was probated for a five-year term. On June 14, 1996, the board entered a final judgment of judgment of suspension, suspending Day during the term of his criminal probation. The order provided that should Day's criminal probation be revoked, he would be disbarred. On May 10, 2000, Day's criminal probation was revoked and he was sentenced to the custody of the U.S. Bureau of Prisons for a term of four years. Day was also ordered to pay \$22,548.25 in restitution and \$30,000 in fines.

On Aug. 18, the Board of Disciplinary Appeals dismissed the petition of reinstatement after disability suspension filed by **Kimberly Kay Kovar**, 44, of De Soto. The board found that the petition for reinstatement did not meet the requirements of Texas Rule of Disciplinary Procedure 12.06B.

On Aug. 18, the Board of Disciplinary Appeals signed an agreed judgment of indefinite disability suspension against **Stuart Edward Kinard**, 67, of Austin, 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.

On Aug. 26, the Board of Disciplinary Appeals affirmed the agreed judgment of fully probated suspension against Paul A. Esquivel, 37, of Dallas, issued by the evidentiary panel of the District 6-A Grievance Committee in Case No. D0090321998, after an appeal by the complainant in the grievance. The board found that Esquivel and the Commission for Lawyer Discipline entered into an agreed judgment, and that the appellant was complaining only of Esquivel's failure to comply with the terms of the agreed fully probated suspension. Esquivel remains on probated suspension until March 31, 2009.

On Aug. 26, the Board of Disciplinary Appeals affirmed the partially probated suspension against **Bruce Mauzy**, 50, of Galveston, signed by the evidentiary panel of the District 5-b Grievance Committee on June 17, 2004, in Cause No. H0060315648. Mauzy remains on probated suspension until July 31, 2006.

On July 29, the Board of Disciplinary Appeals dismissed for want of prosecution the appeal of **Jeffrey J. Sapyta**, 47, of San Antonio, of a judgment of disbarment issued by the evidentiary panel of the District 10-B Grievance Committee in Case No. S0110313102 on Sept. 20, 2004. The board found that Sapyta did not file a reporter's record or a brief. The board issued an order to show cause on June 16, 2005, giving him 30 days to respond and show cause as to why the appeal should not be dismissed for want of prosecution. Sapyta did not respond.

On July 29, the Board of Disciplinary Appeals dismissed for want of prosecution the appeal of **A. Gene Gaines**, 70, of Dallas, of a default judgment of partially probated suspension issued by the evidentiary panel of the District 6-A Grievance Committee in Cause No. D00500320911. The board found that Gaines did not file a reporter's record or brief. The board issued an order to show cause on June 16, 2005, giving him 30 days to respond and show cause as to why the appeal should not be dismissed for want of prosecution. Gaines did not respond.

On Aug. 30, the Board of Disciplinary Appeals, upon the appellant's motion, dismissed the appeal of **Richard R. Atcheson**, 66, of League City, of a default judgment of active suspension issued by the evidentiary panel of the District 5-B Grievance Committee in Case No. H0030417375.

DISBARMENTS

On April 18, **Jerome D. Wurst**, 43, of Arlington, received a default judgment of disbarment. The District 7-A Grievance Committee found that in one matter, Wurst was the attorney of record for the complainant in a case that involved the removal of children by the Department of Protective and Regulatory Services. Wurst failed to appear in court two times on a scheduled final custody trial in the complainant's case. The law requires that the case be finalized within one year; therefore, the case could not be re-set and the complainant was forced to represent herself.

In a second matter, Wurst was retained to represent the complainant in an adoption of her two children. Wurst failed to appear in court on the day of her hearing. He told the complainant that he had gone before the judge and that the judge had already made the decision not to allow the complainant to be granted custody of the children.

Subsequently, the complainant spoke with the judge and the judge told her Wurst's statement was false. In both matters, Wurst failed to respond to notice of the complaint. Wurst violated Rules 1.01(b)(1) and (b)(2) and 8.04(a)(8). He was ordered to pay \$2,035.45.

SUSPENSIONS

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. An evidentiary panel of the district 5-A Grievance Committee found that between December 1999 and October 2002, Estes employed the complainant as a legal assistant. During the complainant's employment, Estes promised to share legal fees with the complainant for any personal injury cases the complainant solicited. During the complainant's employment, Estes did, in fact, share legal fees with the complainant, which were related to clients the complainant solicited. In sharing legal fees with the

complainant, Estes paid the complainant to solicit professional employment and financed the commission of barratry. Estes accepted professional employment obtained through illegal solicitation procedures.

Estes violated Rules 5.04(a), 7.03(b), and 8.04(a)(9). He was ordered to pay \$6,260 in attorney's fees.

On June 13, **Michael W. Williams**, 67, of Corpus Christi, accepted a one-year, partially probated suspension effective Oct. 1, 2005, with the first month actively served and the remainder probated. The 214th District Court of Nueces County found that Williams neglected two legal matters.

Williams violated Rules 1.01(a) and (b)(2). He was ordered to pay \$500 in attorney's fees and costs.

On Aug. 4, **Mark S. Byrne**, 53, of Conroe, agreed to a two-year, fully probated suspension effective Aug. 1, 2005. An evidentiary panel of the District 3-B Grievance Committee found Byrne was retained in a personal injury matter. He failed to carry out completely the obligations owed his client or keep his client reasonably informed about the status of the matter. He failed to promptly comply with his client's reasonable requests for information or explain the matter to the extent reasonably necessary for the client to make informed decisions regarding the representation. He failed to timely respond to notice of the complaint.

Byrne violated Rules 1.01(b)(1) and (2), 1.03(a) and (b), and 8.04(a)(8). Byrne agreed to pay \$500 in attorney's fees and \$250 in costs.

On June 17, **Paul James Weaver, Jr.**, 45, of Plano, received a five-year, active suspension effective June 17, 2005. The District 1-A Grievance Committee found Weaver was hired by the complainant to represent her and her family members in a personal injury matter. The case settled in March 2000 and Weaver withheld funds to pay medical providers. In 2003, the complainant learned from the medical provider that Weaver had not paid the funds. On Aug. 7, 2004, Weaver filed a written response with the District 6-A Grievance Committee in which he advised, "that all medical expenses incurred by Complainant's family had been satisfied." The committee requested that Weaver submit a copy of all checks, front and back, issued from the complainant's settlement funds, a copy of the settlement documents, and a copy of monthly trust account statements from the time the settlement funds were deposited until they were disbursed. Weaver failed to respond to the request.

Weaver violated Rules 1.14(b) and 8.01(a) and (b). He was ordered to pay \$2,346.24 in attorney's fees and \$4,200.45 in restitution.

On April 18, **Jeffrey N. Coffee**, 32, of Buda, received a five-year, partially probated suspension effective April 18, 2005, with the first year actively served and the remainder probated. An evidentiary panel of the District 15-C Grievance Committee found Coffee neglected the complainant's case by failing to respond to discovery. Coffee failed to keep his client reasonably informed about the status of the matter or respond to his client's reasonable requests for information. Upon termination of the representation, Coffee failed to return the complainant's file or refund unearned legal fees. He failed to timely respond to notice of the complaint.

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

PUBLIC REPRIMANDS

On June 13, **Mary Lou Shipley**, 58, of Waxahachie, received an agreed judgment of public reprimand. The District 7-B Grievance Committee found that on Feb. 8, 2000, Shipley was appointed by the court to appeal the conviction of her client. Shipley entered an appearance and filed a motion for new trial, but allowed it to be overruled by operation of law. Shipley failed to file notice of appeal or take remedial measures such as filing an application of writ of habeas corpus seeking authorization to file an out-of-time appeal until April 2005. During the course of the representation, Shipley failed to respond to the complainant's numerous inquiries regarding the status of the matter. Shipley violated Rules 1.01(b)(1) and (b)(2) and 1.03(a) and (b). She was ordered to pay \$1000 in attorney's fees.

On June 24, **Alex Luna**, 59, of Victoria, received a public reprimand. The District 11-C Grievance Committee found Luna was retained to represent clients in two auto accidents. Two years later, Luna filed suit, just within the statute of limitations. In the first suit, Luna neglected the representation by failing to perform any substantive legal work or obtain service of citation. In the second suit, Luna failed to timely respond to discovery requests, appear at a hearing on the defendant's motion to compel, comply with the court's docket control order, appear at a scheduled pre-trial hearing, or file any response to a motion to dismiss, resulting in the case being dismissed. During the course of the representation, Luna failed to return his client's telephone calls or keep his client informed to the extent reasonably necessary to make informed decisions regarding the representations.

Luna violated Rules 1.01(b)(1) and (b)(2) and 1.03(a) and (b).

On June 19, **James R. Chapman, Jr.**, 60, of Fredericksburg, accepted a public reprimand. The District 15-B Grievance Committee found Chapman undertook dual representation of co-defendants in a civil lawsuit and failed to make full disclosure, obtain consent to the joint representation from the clients, or timely withdraw from representation.

Chapman violated Rules 1.06(b) and 1.15(d).

On July 14, **Philip H. Azar II**, 54, of Houston, accepted a public reprimand. The 333rd District Court of Harris County found that Azar failed to explain a matter to the extent reasonably necessary to permit his client to make informed decisions regarding the representation.

Azar violated Rule 1.03(b). He agreed to pay \$750 in restitution to pay attorney's fees.

On July 18, **Craig Edward Enos**, 40, of Maple Grove, Minn., accepted a public reprimand. The court found that in representing a client in a property-loss case, Enos failed to keep his client reasonably informed about the status of the matter or promptly comply with the client's reasonable requests for information. He failed to have a contingency fee agreement in writing or state the method by which the fee was to be determined.

Enos violated Rules 1.03(a) and 1.04(d). He was ordered to pay \$1,059 in attorney's fees and costs.

On July 21, **Cornelius Long, Jr.**, 57, of Houston, accepted a public reprimand. The 157th District Court of Harris County found that Long was retained in a criminal matter. He neglected the legal matter and failed to keep his client reasonably informed about the status of the matter or promptly comply with the client's reasonable requests for information. Upon termination of the representation, Long failed to take steps to the extent reasonably necessary to protect his client's interests, such as giving reasonable notice to the client to seek other counsel, surrendering papers and property to which the client is entitled, or refunding any advance payments of a fee that has not been earned. Long violated Rules 1.01(a)(1) and (b)(1), 1.03(a) and (b), 1.04(a), and 1.15(d). Long agreed to pay \$3,000 in restitution and \$500 in attorney's fees.

On June 9, **Kenneth Neal Price**, 58, of Azle, received a public reprimand. The District 7-A Grievance Committee found that in October 2001, Price was retained in a personal injury matter that resulted from an automobile accident. The complainant's medical bill exceeded \$7,000. The insurance company offered to settle the complainant's claim in the amount of \$7,800, but Price did not accept the offer until after the statute of limitations had run. Price neglected the complainant's case by failing to file a lawsuit before the statute of limitations expired and as a result, the insurance company withdrew the settlement offer. Price failed to advise his client of his failure to file suit until after the statute of limitations had expired or explain matters so that the complainant could make informed decisions regarding the matter.

Price violated Rules 1.01(b)(1) and 1.03(a) and (b). He was ordered to pay \$4004.25 in attorney's fees, \$260.13 in costs, and \$7,803.67 in restitution. He was ordered to take an additional nine hours of continuing legal education in law office management and three hours in ethics.