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REINSTATEMENT

John T. Burton, 46, of Dallas, has petitioned the district court of Dallas County for reinstatement as a member of the State Bar of Texas.

BODA ACTIONS

On Sept. 21, the Board of Disciplinary Appeals dismissed for want of prosecution the appeal of **Anthony Bernard Gulley**, 42, of Dallas, of a default judgment of disbarment issued by the evidentiary panel of the District 6-A Grievance Committee in Case No.D0010410037 on Feb. 22, 2005. The board found that Gulley did not file a reporter's record or a brief. The board issued an order to show cause to Gulley on July 29, 2005, giving him 30 days to respond and show cause as to why the appeal should not be dismissed for want of prosecution. Gulley did not respond.

On Sept. 21, the Board of Disciplinary Appeals dismissed for want of prosecution the appeal of **Travis M. Hartgraves**, 57, of Abilene, of a default judgment of disbarment issued by the evidentiary panel of the District 14-D Grievance Committee in Case No. D3110322748. The board found that Hartgraves did not file a reporter's record or a brief. The board issued an order to show cause to Hartgraves on July 29, 2005, giving him 30 days to respond and show cause as to why the appeal should not be dismissed for want of prosecution. Hartgraves did not respond.

RESIGNATION

On Sept. 27, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Mark Leonard Sax**, 55, of Houston. The court found that on March 3, 2005, Sax pleaded guilty to misapplication of fiduciary property, a first-degree felony. On March 3, 2005, the criminal court entered judgment placing Sax on community supervision for 10 years. The court further ordered Sax to pay \$419,755.30 in restitution and \$197.25 in costs and serve 90 days in the Harris County jail, beginning April 3, 2005. As a result of such conviction to an intentional and serious crime as defined in Rules 1.06(T) and 1.06(Z), Sax would be subject to compulsory discipline under Part VIII of the Rules.

DISBARMENTS

On Sept. 19, **Amy D. Smith**, 38, of Huntsville, was disbarred. The evidentiary panel of the District 3-B Grievance Committee found that Smith failed to file a qualified domestic relations order, misrepresented that she had filed the qualified domestic relations order, and failed to respond to her client's repeated requests for information. Smith also failed to submit a response to the grievance. In assessing the appropriate sanction, the evidentiary panel considered Smith's significant prior disciplinary history and a period of administrative suspension which occurred during the underlying attorney-client relationship. Smith violated Rules 1.01(b)(1), 1.03(a), 8.01(b), and 8.04(a)(3). She was ordered to pay \$1,800 in attorney's fees and \$260 in costs. Smith has appealed the decision.

On Sept. 9, **William J. Elsenbrock**, 49, of Houston, was disbarred. The District 4-E Grievance Committee found that Elsenbrock settled a personal injury matter without his client's knowledge, cashed the settlement check and failed to remit any settlement monies to the client, and misrepresented the status of the case to the client. Elsenbrock also failed to respond to the grievance.

Elsenbrock violated Rules 1.03(a) and (b), 1.14(b), 8.01(b), and 8.04(a)(3). He was ordered to pay \$6,544.36 in restitution, \$2,000 in attorney's fees, and \$250 in costs.

SUSPENSIONS

On July 6, **Tshombe A. Anderson**, 37, of Dallas, received a default judgment of a two-year, partially probated suspension effective June 2, 2005, with the first six months actively served and the remainder probated. The District 6-A Grievance Committee found that in one matter, Anderson was retained in a civil matter. The complainants requested the return of their file, but Anderson failed to surrender papers and property to which the complainants were entitled. In addition, Anderson failed to provide a written response to the allegations or assert any grounds for his failure to do so. In a second matter, Anderson failed to provide a written response to the allegations or assert any grounds for his failure to do so.

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Anderson violated Rules 1.15(d) and 8.04(a)(8). He was ordered to pay \$2,046.80 in attorney's fees and costs and \$750 in restitution.

On June 23, **Richard W. Paquette**, 48, of Houston, received a 60-month partially probated suspension effective July 1, 2005, with the first 12 months actively served and the remainder probated. The evidentiary panel of the District 4-F Grievance Committee found Paquette was retained in a divorce matter. He failed to completely carry out the obligations owed his client or keep his client reasonably informed about the status of the matter. Upon termination of the representation, he did not take steps to protect the client's interests, such as giving reasonable notice to the client to seek other counsel or surrendering papers or property to which the client was entitled. Paquette failed to refund any advance fees that had not been earned or timely furnish a response to the district grievance committee.

Paquette violated Rules 1.01(b)(1) and (2), 1.02(a)(1), 1.03(a), 1.15(d), and 8.04(a)(8). He was ordered to pay \$2,687.56 in restitution and \$1,465.09 in attorneys' fees and costs.

On Sept. 15, **Jay T. Wilhite**, 41, of Houston, accepted a two-year, fully probated suspension effective Sept. 15, 2005. The evidentiary panel of the District 4-A Grievance Committee found that Wilhite was retained in a child custody matter. He neglected the client's matter, failed to abide by the client's decisions concerning objectives and general methods of representation, and failed to keep his client reasonably informed about the status of a matter.

Wilhite violated Rules 1.01(b)(1) and (b)(2), 1.02(a)(1), and 1.03(a). He was ordered to pay \$722.31 in restitution and \$1,727.79 in attorney's fees and costs. Wilhite also agreed to complete an additional 10 hours of CLE in law office management.

On Aug. 4, **Jerry W. Stone**, 57, of Portland, received a four-year, partially probated suspension effective Sept. 1, 2005, with the first year actively served and the remainder probated. The District 11-A Grievance Committee found Stone was hired to pursue a

claim against a healthcare group and neglected the representation by failing to pursue the claim. Due to the lack of progress, the complainant terminated the representation and requested the return of the file. Stone failed to timely return the file or furnish a required written response to the grievance committee or assert legal ground for failure to respond.

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

On Sept. 20, **Daniel Lee Barnes**, 51, of Dallas, received a modified judgment of a one-year, partially probated suspension effective July 1, 2005, with the first three months actively served and the remainder probated. The District 6-A Grievance Committee found that in July 2003, the complainant retained Barnes to represent her in a divorce. Barnes failed to appear at a pre-trial hearing or inform the complainant of the hearing. As a result of that failure, the court granted the complainant's husband a default judgment. Subsequently, Barnes filed a motion for new trial on behalf of the complainant, which was granted. Barnes failed to have the order granting the new trial reduced to writing and allowed the court's plenary power to expire.

Barnes violated Rule 1.01(b)(1). He was ordered to pay \$2,656.50 in attorney's fees and \$7,500 in restitution.

On Sept. 22, **Norman W. Manning**, 64, of Taylor, accepted a one-year, fully probated suspension effective Sept. 22, 2005. An evidentiary panel of the District 8-C Grievance Committee found that Manning was retained in a real estate matter. He failed to communicate the basis or rate of the fee to the client and engaged in conduct involving dishonesty or misrepresentation.

Manning violated Rules 1.04(c) and 8.04(a)(3). He was ordered to pay \$1,000 in attorney's fees.

On Sept. 30, **Ladis T. Slavik**, 48, of Manchaca, accepted a two-year, fully probated suspension effective Sept. 30, 2005. An evidentiary panel of the District 9-A Grievance Committee found that Slavik failed to take steps reasonably practicable to protect the client's interests and failed to give reasonable notice to his client upon his termination of representation in a criminal matter.

Slavik violated Rule 1.15(d). He was ordered to pay \$900 in attorney's fees.

On Sept. 2, **Lawrence Greenwood** 59, of San Antonio, agreed to a one-year, fully probated suspension effective Sept. 1, 2005. The District 10-A Grievance Committee found that Greenwood was hired by a client accused of being delinquent on his child support payments. Greenwood failed to file a formal appearance in the child support court case, formally advise the child support agency of his involvement on the client's behalf, or ensure that the client received credit for Social Security disability payments paid on behalf of the child. Greenwood failed to keep his client informed or respond to the client's requests for information.

Greenwood violated Rules 1.01(b)(1) and 1.03(a) and (b). He was ordered to pay \$500 in restitution and \$500 in attorney's fees and costs.

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. The District 1-A Grievance Committee found that 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. However,

he failed to pay the bail bonding service. Harden failed to reply to the complainant's proper requests for information about the matter.

Harden violated Rules 1.01(b)(1), 1.03(a), 1.14(b), and 8.04(a)(3) and (a)(8). He was ordered to pay \$1,712.50 in attorney's fees and \$1,500 in restitution.

On Sept. 22, **Philip Lee Reynolds**, 38, of Dallas, accepted an 18-month, fully probated suspension effective Oct. 1, 2005. The District 6-A Grievance Committee found that in one matter, Reynolds was retained on March 29, 2000, to represent the complainant's husband in obtaining shock probation or, alternatively, in the appeal of his criminal conviction. The complainant paid Reynolds a fee of \$2,500. Reynolds neglected to pursue the appeal or do any meaningful legal work on the matter.

In a second matter, on Dec. 16, 1999, the complainant hired Reynolds to defend a traffic ticket. The complainant paid \$45 for the representation. On June 7, 2000, Reynolds informed the complainant that if the complainant paid the probation fee and complied with the terms of the probation, the ticket would be dismissed. However, Reynolds failed to inform the complainant that his terms of probation also required that he take a defensive driving course, resulting in a conviction on the complainant's driving record. In addition, Reynolds failed to return the complainant's numerous telephone calls.

In a third matter, on March 16, 2001, Reynolds' license to practice law was administratively suspended due to nonpayment of State Bar dues. Reynolds continued to practice law while administratively suspended.

In a fourth matter, Reynolds was appointed to represent the complainant in the appeal of a criminal conviction. In August 2000, the complainant requested that Reynolds forward his client's file. Reynolds failed to respond to or comply with the complainant's request. In addition, Reynolds failed to respond to the complaints in all four matters and did not assert any grounds for his failure.

Reynolds violated Rules 1.01(b)(1) and (b)(2), 1.03 (a) and (b), 1.15(d), and 8.04(a)(1), (a)(2), (a)(3), (a)(8), (a)(11) and (b). He was ordered to pay \$2,800 in attorney's fees.

PUBLIC REPRIMANDS

On Aug. 17, **Maria E. Morales-Quintanilla**, 53, of Laredo, accepted a public reprimand. The 406th District Court of Webb County found that Morales-Quintanilla submitted an itemized billing statement entitled "Summary of Services" to the court, which constituted an attempt to collect an unconscionable fee. Morales-Quintanilla violated Rule 1.04(a). She was ordered to pay \$2,063 in attorney's fees and costs.

On Aug. 15, **Mario A. Castillo, Jr.**, 46, of Laredo, accepted a public reprimand. The 341st District Court of Webb County found that Castillo submitted an itemized billing statement entitled "Summary of Services" to the court, which constituted an attempt to collect an unconscionable fee.

Castillo violated Rule 1.04(a). He was ordered to pay \$2,121 in attorney's fees and costs.

On Aug. 25, **David K. Chapman**, 58, of Fort Worth, accepted a public reprimand. The District 7-A Grievance Committee found the complainant hired Chapman in October 2002 to represent him in a criminal matter, for which he paid Chapman \$3,000. On two occasions, the complainant wrote Chapman and asked for an update on his case, but Chapman did not respond.

Chapman violated Rule 1.03(a). He was ordered to pay \$800 in attorney fees.

On Sept. 7, **Rolando C. Andrade**, 43, of San Antonio, accepted a public reprimand. The 224th District Court of Bexar County found Andrade timely failed to promptly return funds to his client at the termination of representation.

Andrade violated Rule 1.14(b). He was ordered to pay \$1,000 in restitution and \$2,813 in attorney's fees and costs.

On Sept. 15, **John J. Lazaroff**, 63, of Dallas, accepted a public reprimand. The District 6-A Grievance Committee found that on Sept. 2, 2003, Lazaroff was suspended from the practice of law for non-payment of State Bar dues and occupational taxes. On Sept. 22, 2003, while administratively suspended, Lazaroff filed a case in County Court at Law No. 4.

Lazaroff violated Rule 8.04(a)(11) of the Texas Disciplinary Rules of Professional Conduct. He was ordered to pay \$800 in attorney's fees.

On Sept. 19, **Alan M. Howard**, 63, of Dallas accepted a public reprimand. The District 6-A Grievance Committee found that on July 31, 2002, Howard was retained to defend a landlord in a lawsuit filed by one of his tenants. On June 17, 2003, the plaintiff filed a motion for summary judgment. Howard failed to respond to the motion or appear at the hearing in conjunction with the motion. In addition, he failed to inform the complainant that the motion had been filed and scheduled for hearing. The court ultimately granted the plaintiff's motion. However, Howard failed to subsequently notify the complainant about the agreement. Howard failed to timely respond to notice of the complaint. Howard violated Rules 1.01(b)(2) and 8.04(a)(8). He was ordered to pay \$2,487 in restitution and \$800 in attorney's fees.

On Oct. 21, Howard accepted a public reprimand. The District 6-A Grievance Committee found that in April 2003, Howard agreed to represent the complainant in a real estate transaction involving the complainant's purchase of a foreclosed residential property. The complainant subsequently paid a \$1,000 fee for his services and \$80,000 to purchase the property. Howard failed to safeguard the funds by putting them in an escrow or trust account. In addition, he failed to keep the complainant informed about the status of the transaction. Howard eventually told the complainant that the house had been sold to another buyer. Howard then provided a check drawn on his operating account to the complainant for approximately \$81,000. The complainant deposited the check, but it was initially returned due to insufficient funds. The check was ultimately honored, and the complainant received the funds owed to him. Howard violated Rules 1.03(a), 1.14(a), and 8.04(a)(3). He was ordered to pay \$1,700 in attorney's fees.