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88 Tex.B.J. 72

## REINSTATEMENT

**Paul Lester Dickerson**, 44, of Rockwall has petitioned the district court of Dallas County for reinstatement as a member of the State Bar of Texas.

### BODA Actions

On Nov. 18, 2005, the Board of Disciplinary Appeals signed an order granting a joint motion to reverse and remand for new trial in the appeal of **Joe Robert Love, Jr.**, 39, of Dallas, of a modified judgment of disbarment issued by the evidentiary panel for the District 6-A Grievance Committee in Case No. D0040423469 on June 30, 2005. The disbarment is reversed and the matter is remanded for a new trial.

On Dec. 1, 2005, the Board of Disciplinary Appeals signed an interlocutory order of suspension against **Mikel Peter Eggert**, 32, of Austin. On June 14, 2005, Eggert was found guilty of criminal conspiracy and fabricating physical evidence in violation of Texas Penal Code §15.02 and §37.09(a)(2), intentional crimes as defined in the Texas Rules of Disciplinary Procedure, in Cause No. CR 12119 styled, *The State of Texas v. Mikel Peter Eggert*, in the 266<sup>th</sup> District Court of Erath County. Eggert was sentenced to two years' confinement in state jail, probated for five years; a fine of \$5,000, costs in the amount of \$313, attorney's fees in the amount of \$4,000, 150 hours of community service, and ordered to pay \$25 to Erath County Crimestoppers. As a condition of his probation, Eggert will be confined to the Erath County Jail for 30 days. Eggert has appealed the conviction. In the event that the conviction becomes final, Eggert will be disbarred.

On Oct. 24, 2005, the Board of Disciplinary Appeals dismissed for want of prosecution the appeal of **Edward L. Bramblett**, 45, of Houston, of a default judgment of disbarment issued by the evidentiary panel for the District 4-1 Grievance Committee in Case No. H0030417265 on Feb. 16, 2005. The board found that Bramblett did not file a reporter's record or a brief. The board issued an order to show cause to Bramblett on Sept. 9, 2005, giving him 30 days to respond and show cause as to why the appeal should not be dismissed for want of prosecution. Bramblett did not respond.

On Oct. 14, 2005, the Board of Disciplinary Appeals signed an agreed judgment of active suspension against **Lauren Reitman Weinstein**, 38, of Carrollton. On Sept. 6, 2001, Weinstein pleaded guilty to two counts of obtaining a controlled substance by fraud, an intentional crime as defined in the Texas Rules of Disciplinary Procedure, in Cause No. F-2001-0821-D, styled, *State of Texas v. Lauren Reitman Weinstein* in the 362<sup>nd</sup> District Court of Denton County. On Sept. 26, 2005, Weinstein was placed on community supervision for a period of five years. On Sept. 20, 2001, Weinstein stipulated to two charges of obtaining a controlled substance by fraud, an intentional crime as defined in the Texas Rules of Disciplinary Procedure, in Cause No. 199-80679-01, styled the *State of Texas v. Lauren Reitman Weinstein* in the 199<sup>th</sup> District Court of Collin County. On Sept. 26, 2001, Weinstein was placed on community supervision

without an adjudication of guilt for a period of five years. Weinstein is suspended from the practice of law until Sept. 19, 2006, the term of her criminal probation.

On Oct. 27, 2005, the Board of Disciplinary Appeals signed an agreed interlocutory order of suspension against **Edward Wesley Roush, Jr.**, 48, of Dallas. On Feb. 2, 2005, Roush pleaded guilty to tax evasion, an intentional crime as defined in the Texas Rules of Disciplinary Procedure, in Case No. 3:02-CR-388-N, styled, *United States of America v. Edward Wesley Roush, Jr.*, in the U.S. District Court for the Northern District of Texas, Dallas Division. Roush was sentenced to 27 months in prison followed by two years of supervised release. He was ordered to pay restitution to the Internal Revenue Service in the amount of \$652,000 and an assessment of \$100. Roush has appealed the conviction. In the event that the conviction becomes final, Roush will be disbarred.

On Nov. 7, 2005, the Board of Disciplinary Appeals signed a judgment of disbarment against **Richard Lee Garza**, 53, of Floresville. On March 30, 2005, Garza pleaded no contest to indecency with a child, an intentional crime as defined in the Texas Rules of Disciplinary Procedure, styled, *The State of Texas v. Richard Lee Garza*, in the 81st District Court of Wilson County. Garza was sentenced to four years' incarceration and ordered to pay costs in the amount of \$2,376.50.

#### RESIGNATION

On Aug. 23, 2005, the Supreme Court of Texas accepted the resignation, in lieu of compulsory discipline, of **Richard James Roach**, 56, of Canyon. The court found that on Feb. 4, 2005, Roach pleaded guilty to the charge of addict or unlawful user of narcotics in possession of firearms in the U.S. District Court for the Northern District of Texas, Amarillo Division. On June 2, 2005, Roach was sentenced to 60 months in federal prison followed by a three-year period of supervised released.

#### DISBARMENTS

On Sept. 2, 2005, **Adrian A. McGowan**, 50, of Houston, was disbarred. The District 4-B Grievance Committee found that in four separate complaints McGowan was retained to provide legal services but failed to provide the requested legal services; failed to respond to requests for information; and failed to return unearned monies and client files to the respective clients. In two of the complaints, McGowan failed to timely provide a written response to the original complaint. McGowan violated Rules 1.01(b)(1) and (b)(2), 1.02(a)(1), 1.03(a) and (b), 1.04(c), 1.15(d), 8.01(b), and 8.04(a)(8). He was ordered to pay \$2,726.55 in restitution, \$1,815 in attorney's fees, and \$263.49 in costs.

On Sept. 7, 2005, **J.W. "Johnny" Richards II**, 51, of High Springs, Fla., was disbarred. The 352nd District Court of Tarrant County found that Richards had committed professional misconduct in three separate actions. In one matter, Richards was retained to prepare articles of incorporation. The client gave Richards a check for \$850 to file the articles. However, Richards failed to properly file the articles of incorporation and the check Richards sent to the Secretary of State to cover the filing fee was returned due to insufficient funds in Richards' account. Richards failed to safeguard the funds paid to him. Additionally, Richards agreed to represent the client in a lawsuit that had been filed against the client in Potter County. Richards failed to file an answer to the lawsuit on his client's behalf. As a result, a default judgment was entered against the client. Moreover, Richards failed to respond to the client's telephone

calls requesting information on the status of the matter. Richards' neglect cost his client an additional \$2,150 to hire new counsel and get his legal matters straightened out. In a second matter, Richards was retained to represent his client in a divorce action. The client paid Richards \$825. Richards failed to file the appropriate documents in the client's case, failed to perform any legal work on the case, and failed to safeguard the funds given to him.

In a third matter, Richards' client hired him to represent him in a foreclosure proceeding. The client paid Richards an initial \$1,500 for the foreclosure matter. The foreclosure action progressed and Richards advised his client to file suit against the tenant. The client then paid Richards an additional \$5,000. After expending \$1,000 on filing fees, service of process, and attorney's fees, Richards failed to do any additional work on his client's case. Richards did not retain the \$4,000 balance in his client trust account, nor did Richards reimburse the remaining unearned fee to the client.

Richards violated Rules 1.01(a) and (b), 1.03(a), 1.14(a), and 8.04(a) (1). He was ordered to pay \$3,000 in restitution to the first client, \$825 in restitution to the second client, and \$4,000 in restitution to the third client, as well as \$7,455 in attorney's fees.

On July 20, 2005, **Stephen G. Kennedy**, 47, of San Antonio, was disbarred. An evidentiary panel of the District 10-A Grievance Committee found that in one matter, Kennedy was found to have undertaken representation and accepted fees from grandparents to negotiate an agreement regarding delinquent child support owed by their son without adequate disclosure regarding Kennedy's role as an alleged intermediary, and thereafter represented another party to the negotiations in a position that was adverse to the grandparents. After the terms of the agreement were negotiated with the grandparents, Kennedy made material alterations to the agreement before it was presented to another party for signature. Kennedy advised another party to file a police report for unlawful entry by the grandparents and gave a statement to the police to support the party's report without disclosing that Kennedy had previously advised the grandparents that they had consent to enter. Kennedy had continued legal involvement in the custody and support matters after May 15, 2004, the date he was suspended from the practice of law.

In a second matter, Kennedy was hired for a divorce and custody matter. He failed to appear at the temporary orders hearing and custody was awarded to his client's spouse. Respondent failed to provide his client's negative drug test results to the court and misrepresented that fact to his client. Kennedy was terminated but failed to return unearned fees and client documents as requested by the client. He appeared in court for a hearing on June 3, 2004, when he was suspended from the practice of law.

Kennedy violated Rules 1.01(b), 1.03(b), 1.07(a) and (b), 1.15(d), 3.04(d), and 8.04(a) (3) and (a) (11). Kennedy was ordered to pay \$4,500 in restitution, \$1,800 in attorney's fees, and \$115.60 in expenses.

## SUSPENSIONS

On Sept. 19, 2005, **Raymond Mbala**, 33, of Dallas, received a six-year, active suspension effective Sept. 1, 2005. The District 6-A Grievance Committee found that on April 5, 2001, the complainant hired Mbala to assist the complainant with obtaining legal documentation to work in the United States. The complainant paid Mbala \$1,500 in fees and costs. Thereafter, Mbala failed to communicate with the complainant. Mbala changed office locations several times and the complainant was unable to locate him. Mbala failed to do any meaningful legal work in the complainant's matter. He failed to respond to notice of the complaint.

Mbala violated Rules 1.01(b) (1) and (b) (2), 1.03(a), and 8.04(a) (8). He was ordered to pay \$1,137.25 in attorney's fees and \$152.60 in costs.

On Sept. 20, 2005, **Audwin M. Samuel**, 51, of Beaumont, accepted a 16-day, active suspension effective Sept. 15, 2005. The 172nd District Court of Jefferson County found that Samuel violated the terms of the agreed judgment of fully probated suspension entered into on April 6, 2004. He violated Rule 8.04(a) (11). Samuel agreed to pay \$1,000 in attorney's fees and \$170 in costs.

On Oct. 18, 2005, **Alicia R. Martinez**, 37, of Crystal City, agreed to a one-year, fully probated suspension effective Nov. 1, 2005. An evidentiary panel of the District 12-C Grievance Committee found Martinez was retained by the plaintiff in an ongoing FMLA action and failed to timely file an appearance and request a continuance of the trial date or respond to a motion for summary judgment. Martinez failed to respond to requests from her client for information about the case or inform the complainant that summary judgment had been granted. Martinez failed to timely return the client's file or timely respond to notice of the complaint.

Martinez violated Rules 1.01(b)(1), 1.03(a) and (b), 1.15(d), and 8.04(a)(3) and (a)(8). Martinez was ordered to pay \$1,000 in attorney's fees and \$3,000 in restitution.

On Oct. 31, 2005, **Robert Areche, Jr.**, 50, of San Antonio, received a two-year, fully probated suspension effective Nov. 1, 2005. An evidentiary panel of the District 10-B Grievance Committee found that Areche failed to timely respond to a grievance and failed to assert a privilege or other legal ground for failing to respond.

Areche violated Rule 8.04(a) (8) and was ordered to pay \$1,600 in attorney's fees and costs.

On Sept. 7, 2005, **Imevbore Michael Ojo**, 43, of Pearland received a three-year, partially probated suspension effective Sept. 7, 2005, with the first actively served and the remainder probated. The District 4-C Grievance Committee found that Ojo was retained to process an immigration application for an August 2003 INS hearing. Ojo failed to process the immigration application, failed to apprise his client of the status of his matter, and failed to return communications from his client regarding his matter. Ojo failed to return unearned fees or the client file to his client. Ojo failed to timely provide a written response to the original complaint.

Ojo violated Rules 1.01(b) (1) and (2), 1.03(a) and (b), 1.15(d), 8.01(b), and 8.04(a) (8). He was ordered to pay \$896 in restitution, \$787.50 in attorney's fees, and \$363.49 in costs.

On Nov. 2, 2005, **Jay L. Nye**, 58, of El Paso, agreed to a two-year, fully probated suspension effective Dec. 1, 2005. An evidentiary panel of the District 17-A Grievance Committee found Nye represented his client in both a personal injury and a probate matter and failed to inform the client of the dismissal of the personal injury case and failed to keep the client reasonably informed about the status of the probate case. After receiving notice of the grievance, Nye failed to respond and failed to assert a privilege or other legal ground for failing to respond.

Nye violated Rules 1.03(a), 1.03(b), 8.01(b), and 8.04(a) (8). He was ordered to pay \$1,350 in attorney's fees and \$250 in costs.

On June 27, 2005, the 192nd District Court of Dallas County revoked the probationary portion of a final judgment of partially probated suspension entered against **Frank W. McIntyre**, 54, of Dallas. The court found that McIntyre violated the terms and conditions of the judgment by appearing in the U.S. Bankruptcy Court for the Southern District, Houston Division, by signing pleadings in bankruptcy court, and by failing to associate himself with a bankruptcy specialist contrary to the terms and conditions of McIntyre's probation.

The court imposed a 15-month, active suspension effective June 28, 2005. He was ordered to pay \$5,120 in attorney's fees.

On Oct. 3, 2005, **Elizabeth A. Darnall**, 56, of Dallas, received a two-year, partially probated suspension effective Oct. 15, 2005, with the first six months actively served and the remainder probated. The District 6-A Grievance Committee found that in one matter, Darnall was retained on Aug. 30, 2002, to represent the complainant in a family law matter. Darnall failed to inform the complainant about a visitation order and two scheduled hearings and failed to appear at the hearings. Darnall failed to inform the complainant about a court order to produce the child; therefore, the complainant was ordered to pay \$1,000 in sanctions and \$2,000 in attorney's fees to opposing counsel. In a second matter, Darnall was retained on Dec. 29, 2002, to probate the complainant's husband's estate. Thereafter, Darnall failed to file the probate and failed to surrender the complainant's file and unearned fee as requested.

In a third matter, Darnall was retained on Aug. 6, 2002, to prepare the complainant's will. Thereafter, Darnall failed to prepare the will and failed to refund the \$300 fee. Darnall also failed to respond to the complainant's numerous attempts to contact her.

Darnall violated Rules 1.01(b) (1) and (b) (2), 1.03(a) and (b), and 1.15(d). She was ordered to pay \$6,564 in restitution, \$3,005 in attorney's fees, and \$404.06 in costs. Darnall has appealed the decision.