

April 2006

69 Tex. B.J. 370

## DISCIPLINARY ACTIONS

### RESIGNATION

On Jan. 12, 2006, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Stephen Paul Glover**, 53, of Houston. The court found that on April 18, 2005, Glover pleaded guilty to theft over \$200,000, a first-degree felony, and the court entered an order deferring adjudication of guilt in Cause Number 994950, styled *The State of Texas v. Stephen Paul Glover*, in the 177th District Court of Harris County. Also on April 18, 2005, Glover pleaded guilty to unauthorized use of a motor vehicle, a state jail felony, and the court entered an order deferring adjudication of guilt in Cause Number 996560, styled *The State of Texas v. Stephen Paul Glover*, in the 177th District Court of Harris County.

As a result of such plea to intentional and serious crimes as defined in Rules 1.06(T) and (Z) of the Texas Rules of Disciplinary Procedure, Glover would be subject to compulsory discipline under Part VIII of the Rules.

On Jan. 12, 2006, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Robert Michael Thomas**, 40, of Dallas.

At the time of Thomas's resignation, there were two pending grievance matters against him. In the first matter, the complainant hired Thomas on April 15, 2003, to represent the complainant's wife in an immigration matter. Thereafter, Thomas failed to perform any meaningful legal services on the case. Thomas failed to return phone calls or answer written correspondence requesting the status of the case. Thomas's non-attorney employees worked on the complainant's case without Thomas's supervision. Finally, Thomas failed to promptly comply with the complainant's request for return of the case file.

In a second matter, between 1998 and 2004, Thomas represented the complainant and her family in a variety of legal matters. The complainant's contact with Thomas was through Thomas's non-lawyer employee, whom the complainant believed to be a lawyer, and more specifically, Thomas's associate. During the course of Thomas's representation, Thomas's employee gave legal advice to the complainant and her family. Thomas failed to respond to notice of the complaint.

Thomas violated Rules 1.01(b)(1), 1.03(a), 1.15(d), 5.03(a) and (b)(1), 5.05(b), and 8.04(a)(8).

On Jan. 12, 2006, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Stephen Charles Bowes**, 56, of Dallas. At the time of Bowes's motion for resignation, there was one grievance matter pending against him. In February 1998, the complainant hired Bowes to represent him in a personal injury matter. In November 2000, the matter settled and Bowes withheld \$546 to pay a medical provider. Thereafter, Bowes failed to provide the funds to the medical provider. Bowes paid restitution to the complainant in the sum of \$546.

Bowes violated Rules 1.14(b) and 8.04(a)(2) and (a)(3).

On Jan. 19, 2006, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Donald J. Large**, 30, of Houston.

On Dec. 15, 2005, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Thomas E. Mayes**, 65, of Dallas. The court found that in one matter, in March 2000, the complainant employed Mayes to represent him in a personal injury case. On Feb. 14, 2002, Mayes filed an original petition in the case, but he thereafter failed to make a diligent effort to have the defendant served. In addition, Mayes failed to respond to the complainant's numerous requests for information regarding the case. Mayes failed to return the complainant's file upon request. In a second matter, on Nov. 21, 2001, the complainant hired Mayes to represent her in a wrongful termination matter.

The complainant paid Mayes a \$1,000 fee and provided him with various case-related documents. The complainant subsequently learned that Mayes was administratively suspended from practicing law for nonpayment of both his bar dues and attorney occupation tax. The complainant subsequently requested the return of her fees as well as her documents. Mayes failed to comply with the complainant's request until after the complainant filed a grievance against him. Mayes failed to timely respond to the complaint.

Mayes violated Rules 1.01(b)(1), 1.03(a), 1.15(d), and 8.04(a)(3), (a)(8), and (a)(11).

## DISBARMENTS

On Dec. 4, 2005, **Paul James Weaver, Jr.**, 46, of Plano, received a judgment of disbarment nunc pro tunc. The District 1-A Grievance Committee found that in one matter, Weaver was hired by four of the complainants to recover funds invested in a corporation. Weaver failed to reply to the complainants' proper requests for information and failed to provide an accounting of the retainer fee, as requested. Weaver failed to provide information requested by the State Bar. Weaver promised to refund the retainer paid if the complainants agreed to withdraw all grievances filed against Weaver. Upon the complainants' agreement, Weaver sent two checks drawn on his IOLTA account to two of the complainants. One check was returned NSF. Weaver failed to refund any portion of the retainer to the other complainants.

In a second matter, Weaver was hired to provide representation in a civil lawsuit. Weaver filed the lawsuit but failed to take any further action in the matter and failed to communicate with his client.

In a third matter, Weaver was hired to represent the plaintiff in a civil lawsuit. The lawsuit settled in mediation, requiring the defendant to make monthly payments to the complainant. The defendant wrote checks payable to the complainant and forwarded them to Weaver, who forged the complainant's signature on six checks and deposited them in his IOLTA account. Weaver failed to respond to the complainant's requests for information about the payments and failed to respond to a written demand for an accounting of the funds.

Weaver violated Rules 1.01(b)(1), 1.03(a), 1.14(b) and (c), 8.01(b), and 8.04(a)(3) and (a)(8). Weaver was ordered to pay \$3,522.25 in attorney's fees and costs and \$28,929.50 in restitution.

On Dec. 9, 2005, **R. Scott Hogarty**, 52, of Houston, was disbarred. The 157th District Court of Harris County found that Hogarty repeatedly engaged in the practice of law when his right to practice law had been suspended for failure to timely pay required fees or assessments.

Hogarty violated Rule 8.04(a)(11). He was ordered to pay \$3,040 in attorney's fees and \$713.59 in costs.

On Dec. 1, 2005, **Lucinda M. Juarez**, 45, of Corpus Christi, was disbarred. An evidentiary panel for the District 11-A Grievance Committee found that in one case, Juarez was hired regarding a family dispute over the ownership of inherited real property and was paid \$1,500. Juarez failed to return phone calls and keep the client informed of the status of his case, failed to respond to discovery, disregarded court orders, and failed to appear for court settings. Juarez also failed to safe keep the client's original documents and client file and misrepresented that she had taken legal action on the client's case when she had not.

In a second case, Juarez failed to respond to her client's requests for information and neglected the case. When terminated, Juarez failed to withdraw from the case and failed to return unearned fees.

In a third case, Juarez was hired to collect child support, but failed to pursue the matter, failed to keep her client informed, and misrepresented to the client that the hearing had been conducted and resolved in his favor. In all three matters, Juarez failed to respond to notice of the complaint.

Juarez violated Rules 1.01(b)(1) and (b)(2), 1.03(a) and (b), 1.14(a), 1.15(d), 8.04(a)(3) and (a)(8). Juarez was ordered to pay restitution of \$1,500 to the client in the first case, \$500 to the client in the second case, and \$300 to the client in the third case, and \$1,787 in attorney's fees and expenses.

On Dec. 9, 2005, **Frank W. McIntyre**, 55, of Dallas, received a judgment of disbarment from the 160<sup>th</sup> District Court. The jury found that the respondent received funds in which a client or third person had an interest and failed to promptly notify the client or third party. The jury also found that McIntyre knowingly disobeyed a ruling of a tribunal when he failed to forward a check drawn from the registry of the court to the U.S. Treasury Department for payment of his client's tax bill.

McIntyre violated Rules 1.14(b) and 3.04(d). He was ordered to pay \$7,500 in attorney's fees and costs.

On July 1, 2005, **Harvey Stephens**, 36, of Irving, received a default judgment of disbarment. The 44th District Court found that Stephens was employed in a non-attorney position as a claims representative for a utility company. He settled a claim, representing himself as the attorney for the company, and instructed the payor to issue a check in his name. He deposited the check into his bank account and did not pay any of the proceeds to the utility company. Stephens attempted this scheme with two other claims he was handling for the company, but was unsuccessful in completing the plan. Stephens violated Rules 8.04(a)(2) and (a)(3). He was ordered to pay \$1,750 in attorney's fees and \$301 in costs.

## SUSPENSIONS

On Dec. 13, 2005, **Randall E. Johnston**, 60, of Rowlett, received a two-year, partially probated suspension effective Jan. 1, 2006. The suspension shall be probated from the completion date of the following conditions: 1) the filing of a written psychological evaluation stating that Johnston is competent to practice law; 2) payment of \$1,000 in restitution and return of a client's file; and 3) payment of \$2,323.75 in attorney's fees and \$357.35 in costs.

The District 1-A Grievance Committee found that in one matter, on June 7, 2002, the complainant employed Johnston in connection with a divorce. The complainant paid Johnston a \$1,000 retainer and signed an employment contract. Thereafter, Johnston failed to file a petition for divorce or to provide any other legal services on the complainant's behalf. Despite the complainant's numerous attempts to contact Johnston, he failed to reply to the complainant's reasonable requests for information. Further, Johnston closed his law office and failed to provide any information to the complainant regarding his new location or how the complainant could contact him.

In a second matter, on July 29, 2003, the complainant employed Johnston to defend a barking dog complaint in violation of a city ordinance. The complainant paid Johnston \$150 and Johnston provided the legal services. Johnston notified the complainant on Oct. 22, 2003, that if the dogs remained quiet through Dec. 13, 2003, the matter would be resolved. On Dec. 15, 2003, the complainant attempted to contact Johnston, but found that his office had been closed. The complainant was unsuccessful in her attempts to contact Johnston to obtain the return of her file. On Jan. 14, 2004, the complainant sent a certified letter to Johnston requesting the return of her file, which was returned as unclaimed, although the regular mail letter was not returned. In both matters, Johnston failed to respond to notice of the complaint.

Johnston violated Rules 1.01(b)(1) and (b)(2), 1.03(a), 1.15(d), and 8.04(a)(8).

On Jan. 18, 2006, **Teddy L. Potter**, 63, of Belton, accepted a two-year, fully probated suspension effective Feb. 1, 2006. An evidentiary panel of the District 8-C Grievance Committee found that in a criminal law matter, Potter failed to keep his client reasonably informed about the status of the case or withdraw from representation when he became ill and unable to represent the client.

In a family law matter, Potter failed to explain matters to the extent reasonably necessary for the client to make an informed decision about the case. In both matters, Potter failed to make reasonable efforts to ensure that his non-lawyer staff's conduct was compatible with the obligations of the lawyer.

Potter violated Rules 1.03(a) and (b), 1.15(a)(2), and 5.03(a). He was ordered to submit to an attorney monitor and to pay \$1,600 in attorney's fees.

On Dec. 23, 2005, **Randall A. Parker**, 57, of San Antonio, received a two-year, fully probated suspension effective Dec. 1, 2005. An evidentiary panel of the District 10-C Grievance Committee found that the complainant retained Parker in January 1999 to pursue a Federal Torts Claim Act claim involving the death of his wife while she was a patient at Brooke Army Medical Center in San Antonio. After the U.S. Army Claims Service denied the complainant's administrative claim in 1999 and the reconsideration request in January 2004, Parker failed to proceed and file suit in federal court within the prescribed time period to protect the complainant's interest. Parker failed to advise the complainant that he was not going to file a federal suit, failed to withdraw from the representation, and failed to give reasonable notice to the complainant that he was not going to file suit. Parker failed to return telephone calls from the complainant attempting to determine the status of the matter and failed to advise the complainant that he had moved his office.

Parker violated Rules 1.01(b)(1), 1.03(a) and (b), and 1.15(d). He agreed to pay \$4,000 in attorney's fees and costs.

On Jan. 18, 2006, Thomas R. Cox

On Jan. 18, 2006, **Thomas R. Cox III**, 41, of Dallas, received a three-year, fully probated suspension effective Feb. 1, 2006. The District 6-A Grievance Committee found that Cox defended the complainant in a criminal prosecution. On April 11, 2003, the complainant entered an open plea bargain. The court found the complainant guilty and sentenced him to 10 years' confinement in the Texas Department of Criminal Justice. The court instructed Cox to cause the complainant to be returned to Dallas within 150 days for consideration of shock probation. Cox failed to have a bench warrant issued for the complainant to return to Dallas within the statutory 180-day period. As a result of that failure, the court was prevented from considering shock probation for the complainant. Cox violated Rules 1.01(b)(1) and 3.04(d). He was ordered to pay \$1,800 in restitution to the complainant and \$1,625 in attorney's fees.

On Dec. 22, 2005, **Jeffrey N. Coffee**, 32, of Buda, received a judgment of active suspension. The District 15-C Grievance Committee found that on Nov. 11, 2002, Coffee was retained regarding a civil matter. Coffee failed to prosecute the case after defense counsel, due to venue, transferred the case on May 15, 2003. Coffee failed to provide the client copies of requested court documents and failed to answer or return calls. Coffee failed to timely respond to notice of the complaint. Coffee violated Rules 1.01(b)(1), 1.03(a) and (b), and 8.04(a)(8). He was ordered to pay \$1,500 in attorney's fees, \$225 in court costs, and \$450 in restitution.

On Jan. 31, 2006, **Milenia I. Soto**, 50, of Houston, accepted a 16-month partially probated suspension effective Feb. 1, 2006, with the first three months actively served and the remainder probated. The District 4-D Grievance Committee found that Soto was hired for representation in an immigration matter; however, the case was issued an abandonment denial based on Soto's failure to respond to requests for information. Soto also failed to maintain communication with her client. Soto violated Rules 1.01(b)(1) and (b)(2) and 1.03(a) and (b). She agreed to pay \$4,768.75 in restitution and \$900 in attorney's fees.

On Jan. 27, 2006, **James A. Nolen**, 41, of Houston, accepted a two-year, fully probated suspension effective Feb. 1, 2006. The District 4-E Grievance Committee found that in one matter, Nolen was retained to represent his client on criminal charges. Nolen failed to attend scheduled hearings. Nolen's client attempted to contact him on numerous occasions but was unsuccessful. In a second matter, Nolen was retained to represent his client on criminal charges but failed to reasonably communicate with his client. Nolen also failed to timely file a written response to the allegations or assert any grounds for his failure to do so. Nolen violated Rules 1.01(b)(1) and (b)(2), 1.02(a)(1), 1.03(b), 8.01(b), and 8.04(a)(8). He was ordered to pay \$2,107.65 in attorney's fees and costs and \$500 in restitution.

On Jan. 3, 2006, **J. Esequiel Ramos, Jr.**, 46, of Corpus Christi, received a one-year, fully probated suspension effective Jan. 1, 2006. The evidentiary panel of the District 11-A Grievance Committee found Ramos failed to keep his client informed of the trial date and failed to appear at trial, resulting in a default judgment being granted against the client. During the representation, Ramos failed to return telephone calls or respond to letters from the client seeking information on the status of his case. He failed to inform the client that he was leaving the law firm.

Ramos violated Rules 1.01(b)(1) and 1.03(a). He was ordered to pay \$1,750 in attorney's fees and \$750 in restitution.

On Oct. 24, 2005, **A. Gene Gaines**, 70, of Dallas received a three-year, partially probated suspension effective Jan. 1, 2006, with the first three months actively served and the remainder probated.

The 298th District Court of Dallas County found that in one matter, the complainant hired Gaines in January 2002 to represent him in an eviction action. Gaines failed to subsequently provide the complainant with a signed copy of their employment contract, keep the complainant informed about the status of his case, and respond to the complainant's reasonable requests for information. Gaines failed to appear at a scheduled hearing on complainant's behalf and failed to adequately represent the complainant in the corresponding appeal. Gaines failed to respond to notice of the complaint.

In a second matter, the complainant hired Gaines in July 1999 to represent her in a medical malpractice suit on a contingency fee basis. Although the complainant subsequently made numerous efforts to contact Gaines about her matter, Gaines failed to respond to the complainant's efforts to contact him and failed to keep the complainant reasonably informed about the status of her case. In addition, he failed to explain case matters to the complainant to enable her to make informed decisions regarding the representation. On Dec. 19, 2003, Gaines rejected a settlement offer issued by the opposition without having first informed the complainant about the offer and without obtaining her consent to decline the offer.

Gaines violated Rules 1.01(b)(1)(2), 1.02(a)(2), 1.03(a)(b), and 8.04(a)(8). He was ordered to pay \$7,650 in attorney's fees and costs.

On Feb. 16, 2006, **Todd J. Broussard**, 37, of Houston, accepted a five-year, active suspension effective March 1, 2006. The District 4-A Grievance Committee found that Broussard was hired for representation in a personal injury matter. During the course of the representation, the client passed away and her son was designated as the representative for the surviving children. Broussard thereafter settled the case without the client's knowledge or consent, and further forged or caused the client's name to be forged on the release. Broussard failed to inform the client of the settlement and after deducting his attorney's fees, failed to properly disburse the remaining settlement proceeds. Broussard also failed to respond to the grievances.

Broussard violated Rules 1.03(a) and (b), 1.14(b), 5.03(b)(1), 8.01(b), and 8.04(a)(1), (a)(2), and (a)(3). He agreed to pay \$11,635.30 in restitution and \$2,000 in attorney's fees.

On Feb. 16, 2006, **Edward P. Black**, 60, of Houston, accepted a two-year, fully probated suspension effective Feb. 16, 2006. An evidentiary panel of the District 4-A Grievance Committee found that on March 29, 2004, the complainant retained Black to prepare a will for the complainant's wife. The complainant paid a flat fee of \$500 to the respondent for the will. Although the will was executed, neither the executed will, nor a copy of the will, were delivered to the complainant or his wife despite their repeated requests. In addition, Black did not effectively respond to requests for communication by the complainant. Black failed to timely respond to notice of the complaint.

Black violated Rules 1.01(b)(1), 1.03(a) and (b), and 8.04(a)(8). Black agreed to pay \$500 in restitution to the complainant and \$1,200 in attorney's fees.

On Jan. 25, 2006, **Jeffrey D. Sasser**, 44, of Houston, received a two-year, partially probated suspension effective Feb. 1, 2006, with the first month actively served and the remainder probated. The 295th District Court of Harris County found that Sasser was hired to complete an adoption, but failed to finalize the adoption order, failed to respond to his client's repeated requests for information on the case, and failed to return the file to the client upon termination of the representation. Sasser failed to timely respond to the grievance.

Sasser violated Rules 1.01(b)(2), 1.03(a), 1.15(d), and 8.04(a)(8). He was ordered to pay \$14,350 in attorney's fees and \$2,075.50 in costs.

On Jan. 12, 2006, **Elaine Watson**, 50, of Wimberley, received a two-year, partially probated suspension effective Feb. 1, 2006, with the first six months actively served and the remainder probated. An evidentiary panel of the District 15-C Grievance Committee considered two complaints against Watson. In the first case, Watson neglected a probate case by failing to file the application for six months, failed to prepare for a court hearing, canceled a hearing on the morning that it was to be held, and failed to ever secure another setting. Watson failed to return her client's telephone calls and failed to keep her client informed about the status of the case. Watson failed to withdraw from the representation when her physical condition impaired her ability to represent her client.

In the second case, the evidentiary panel found that Watson was appointed appellate counsel in a criminal matter in November 2003. Despite repeated requests for information, Watson did not contact her client until March 2004. Watson withdrew from the representation in October 2004. During the course of the representation, Watson performed no substantive work on the case and failed to communicate with her client. Watson failed to withdraw from the representation when her physical condition impaired her ability to represent her client.

Watson violated Rules 1.01(b)(1) and (b)(2), 1.03(a) and (b), and 1.15(a)(2). Watson was ordered to pay \$340 in restitution and \$1,050 in attorney's fees.

Also on Jan. 12, 2006, Watson received a public reprimand. The District 15-C Grievance Committee found that in July 2003, Watson was retained to pursue a health-care liability claim. During the representation, Watson and her staff failed to ensure that her intention to disengage from the representation was communicated to the client and failed to return telephone calls inquiring about the status of his claim. Watson violated Rules 1.03(a) and (b) and 5.03. She was ordered to pay \$750 in attorney's fees.

#### PUBLIC REPRIMANDS

On Dec. 30, 2005, **Meridel S. Solbrig**, 63, of Fredericksburg, accepted a public reprimand. The District 15-B Grievance Committee found that Solbrig undertook the representation of a client in a medical malpractice case. Solbrig permitted non-lawyer third parties to draft, sign, and file pleadings and to request the issuance and service of citation on the defendants without proper supervision. Solbrig failed to take reasonable remedial action to avoid or mitigate the consequences of the misconduct by the non-lawyers.

Solbrig violated Rules 5.03(a) and (b) and 5.05(b). Solbrig was ordered to pay \$700 in attorney's fees.

On Jan. 16, 2006, **Douglas L. Haynes**, 42, of Houston accepted a public reprimand. The District 4-F Grievance Committee found that in one matter, Haynes was hired to

prosecute certain claims on behalf of an independent physicians association as related to its contractual relations with a management company. During the course of the representation, Haynes failed to communicate with his client and failed to file a lawsuit on its behalf. Instead, the management company sued the clients individually and Haynes accepted service without permission.

In a second matter, Haynes was hired for representation in an immigration matter and continued the representation while on administrative suspension from the practice of law.

Haynes violated Rules 1.01(b)(1) and (b)(2), 1.02(a)(1), 1.03(a) and (b), 3.02, and 8.04(a)(3) and (a)(11). He agreed to pay \$500 in attorney's fees.

On Jan. 23, 2006, **James B. Behan**, 75, of Grand Prairie, received an agreed judgment of public reprimand. The District 6-A Grievance Committee found that on Aug. 27, 2003, Behan entered into a disciplinary judgment with the State Bar of Texas. Behan's license to practice law had been administratively suspended due to non-payment of the Texas Attorney Occupation Tax and noncompliance with the Minimum Continuing Legal Education requirement. The disciplinary judgment required Behan to correct the deficiencies that caused his law license to be suspended, bring his law license current by Dec. 1, 2003, and to pay restitution to the complainant in the amount of \$2,100. Behan made restitution to the complainant, but failed to correct the deficiencies that caused his law license to be administratively suspended or bring his law license current. Behan violated Rule 8.04(a)(7). He was ordered to pay \$1,057.50 in attorney's fees.

On Jan. 30, 2006, **James W. Myart, Jr.**, 51, of San Antonio, accepted a public reprimand. The District 10-B Grievance Committee found that on Sept. 15, 2004, Myart was retained in an employment law case and failed to render candid advice to the client and failed to advise the client of possible adverse consequences of certain actions. Myart violated Rule 2.01. He was ordered to pay \$500 in attorney's fees and costs.

On Feb. 3, 2006, **Troy J. Wilson**, 44, of Houston, accepted a public reprimand. The District 4-C Grievance Committee found that Wilson was retained to provide legal services in connection with an appeal. After filing the notice of appeal, Wilson failed to ensure the timely filing of the clerk's record with the court of appeals by failing to pay the required fees. As a result of Wilson's failure to pay, his client's appeal was dismissed. Wilson also failed to apprise his client that the appellate matter was dismissed. Additionally, Wilson failed to file a timely written response to the grievance committee.

Wilson violated rules 1.01(a)(1) and (b)(1), 1.03(a) and (b), and 8.04(a)(8). He was ordered to pay \$500 in attorney's fees and costs.

On Feb. 13, 2006, **Brenda Vickers**, 48, of Weatherford, accepted a public reprimand. The District 14-B Grievance Committee found that Vickers failed to respond to the complaint and failed to assert any grounds for her failure to respond.

Vickers violated Rule 8.04(a)(8). She was ordered to pay \$506 in restitution to the complainant and \$1,000 in attorney's fees.

On Feb. 17, 2006, Anita L.P. Miller, 62, of Houston, accepted a public reprimand. The District 4-A Grievance Committee found that Miller made court filings while administratively suspended from the practice of law in Texas.

Miller violated rule 8.04(a)(11). She was ordered to pay \$450 in attorney's fees.