



DISCIPLINARY ACTIONS

General questions regarding attorney discipline should be directed to the Chief Disciplinary Counsel's Office, toll-free (877)953-5535 or (512)453-5535. The Board of Disciplinary Appeals may be reached at (512)475-1578. Information and copies of actual orders are available at www.txboda.org. The State Commission on Judicial Conduct may be contacted toll-free, (877)228-5750 or (512)463-5533. Please note that persons disciplined by the Commission on Judicial Conduct are not necessarily licensed attorneys.

BODA ACTIONS

On May 10, 2007, the Board of Disciplinary Appeals vacated and remanded the judgment of a partially probated suspension of **Christopher John Cafiero**, [#24031784], 43, of Plano, signed April 26, 2006, by an evidentiary panel for the State Bar of Texas District 6-A in Case Nos. D0010525697, D0110425311, and D0030526191. The board found that because the record showed that the evidentiary panel lost its statutory quorum during the hearing, the judgment is void. The judgment of the evidentiary panel is vacated, and the matter is remanded to a statewide grievance committee panel for a full hearing on the merits and, if necessary, a hearing on the sanctions. BODA cause number 37811. The full text of BODA's opinion and order in this matter can be found on BODA's website: www.txboda.org.

On May 14, 2007, the Board of Disciplinary Appeals dismissed for want of prosecution the appeal of **Cornelius A. Long**, [#00793182], 58, of Houston, of a default judgment of partially probated suspension signed by an evidentiary panel for the State Bar of Texas District 4-E Grievance Committee in Case No. H0060520290 on Dec. 8, 2006. The board found that Long did not file a reporter's record or a brief. The board signed an order to show cause to Long on March 28, 2007, giving him 30 days to respond and show cause as to why the appeal should not be dismissed for want of prosecution. Long did not respond. BODA cause number 39158.

belonging to client; failure to supervise non-attorney employees; conduct involving dishonesty, fraud, deceit, or misrepresentation; failure to comply with grievance committee subpoenas; and violation of other laws relating to the practice of law.

Phelps violated Rules 1.01(b)(1) and (b)(2), 1.04(d), 1.14(a), 5.03(a), and 8.04(a)(3), (a)(8), and (a)(12).

On April 25, 2007, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Richard N. Schreiber** [#17814100], 51, of Missouri City. Schreiber had been administratively suspended from the practice of law since Sept. 1, 1996. However, during his suspension, Schreiber was retained to represent a client in two different matters, accepting both matters on a contingent fee basis but failing to execute a written contract with his client. Although requested, Schreiber failed to apprise his client of the status of each claim. Schreiber also failed to provide the grievance committee with a timely response.

Schreiber violated Rules 1.03(a) and (b), 1.04(c) and (d), 1.15(d), 8.01(b), and 8.04(a)(8) and (a)(11).

On May 23, 2007, the Supreme Court of Texas accepted the resignation, in lieu of compulsory discipline, of **Wintford E. Verkin II** [#20548500], 61, of Sugar Land. On May 28, 2001, Verkin participated in a scheme to defraud both clients and non-clients. Verkin pleaded guilty to securities fraud on April 18, 2007.

Verkin violated Rules 1.06(b)(2), 1.08(a), 1.14(a), (b), and (c), 1.08(b), 5.03(b)(1) and (b)(2), and 8.04(a)(2) and (a)(3). He agreed to pay \$4 million in restitution to clients, \$4,000 in attorney's fees, and \$2,674.08 in costs.

On May 14, 2007, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Shad W. Howell**

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RESIGNATIONS

On June 22, 2006, the Supreme Court of Texas accepted the resignation, in lieu of compulsory discipline, of **Jay E. Riggins** [#00794529], 37, of Bulverde. On March 30, 2006, Riggins pleaded guilty to three counts of sexual assault of a child in Cause No. 06-CR-0360-B in the 117th District Court of Nueces County. Riggins was sentenced to 10 years' deferred adjudication.

Riggins violated Rule 8.04(a)(2).

On May 14, 2007, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Rodney M. Phelps** [#15906000], 64, of Flower Mound. At the time of Phelps's resignation, there were three matters pending against him alleging neglect; failure to have a written contingent fee agreement; failure to safeguard funds



[#00790923], 40, of Granbury. In August 2005, Howell was court appointed to represent the complainant in an appeal of a criminal conviction. Thereafter, Howell failed to communicate with the complainant to keep her informed as to the status of her case. Howell also failed to timely file the complainant's notice of appeal. Howell was requested to provide the State Bar of Texas with additional information regarding the complaint by Aug. 10, 2006. Howell failed to do so and asserted no grounds for such failure.

Howell violated Rules 1.01(b)(1), 1.03(a), and 8.01(b).

On May 14, 2007, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Todd P. Lindley** [#12367550], 44, of Dallas. On Oct. 10, 2006, Lindley pleaded guilty in federal court to mail fraud. On April 5, 2007, Lindley was found guilty and sentenced to five years' probation. As a condition of probation, Lindley was ordered to serve 90 days in custody and ordered to pay a fine of \$50,000 and an MSA of \$100. At the time of resignation, there was one pending matter relating to the criminal charge.

Lindley violated Rules 8.04(a)(1), (a)(2), and (a)(3).

DISBARMENTS

On April 4, 2007, **Andrew Piekalkiewicz** [#00789766], 40, of Lawrence, Kan., was disbarred. An evidentiary panel of the District 4-C Grievance Committee found that in one matter, Piekalkiewicz was hired to represent the complainant in a personal injury case. After the complainant authorized Piekalkiewicz to settle the case, he failed to perform any further work on the complainant's behalf. Additionally, he failed to withdraw from the case and failed to respond to requests for information from the complainant and the State Bar of Texas.

In a second matter, Piekalkiewicz was hired to represent a complainant in a personal injury case. An employee of Piekalkiewicz solicited the case of the complainant. After the complainant hired Piekalkiewicz, he failed to respond to requests for information regarding the case

from the complainant and the State Bar of Texas.

In a third matter, Piekalkiewicz was hired to represent a complainant in a personal injury case. Piekalkiewicz agreed to represent complainant using a contingency fee agreement but failed to prepare a written contract. After the complainant hired Piekalkiewicz, he failed to respond to requests for information regarding the case from the complainant and the State Bar of Texas.

Piekalkiewicz violated Rules 1.01(b)(1) and (b)(2), 1.03(a) and (b), 1.15(d), 7.03(b), 8.01(b), and 8.04(a)(1) and (a)(8). He was ordered to pay \$1,524.62 in attorney's fees and costs.

On April 3, 2007, **Robert Calvin Mason** [#13158150], 47, of Newark, was disbarred. A panel of the District 14-B Grievance Committee found that on Jan. 23, 2003, a judgment of partially probated suspension was entered by an evidentiary panel of the District 7-A Grievance Committee against Mason for violations of the Texas Disciplinary Rules of Professional Conduct. Mason was notified of his suspension. Thereafter, Mason failed to comply with the terms and conditions of the judgment. In addition, Mason failed to file a response to the complaint and asserted no grounds for his failure to respond.

Mason violated Rules 8.04(a)(7) and 8.04(a)(8). He was ordered to pay \$1,717.50 in attorney's fees and \$933.18 in costs.

SUSPENSIONS

On May 10, 2007, **Ronald D. Cross** [#00787305], 39, of Garland, accepted an 18-month, partially probated suspension, effective July 1, 2007, with the first month actively served and the remainder probated. A panel of the District 6-A Grievance Committee found that on April 19, 2005, the complainant employed Cross to represent him in a commercial lease matter. Cross failed to provide any meaningful legal service and failed to reply to the complainant's numerous proper requests for information. Cross failed to respond to the grievance.

Cross violated Rules 1.01(b)(1), 1.03(a), and 8.04(a)(8). He was ordered to

pay the complainant \$750 in restitution and \$1,000 in attorney's fees.

On May 9, 2007, Cross accepted a two-year, fully probated suspension effective May 15, 2007. A panel of the District 6-A Grievance Committee found that in 2003, Cross was hired to defend the complainant in a lawsuit. On Sept. 3, 2004, without the complainant's knowledge or consent, Cross entered into an agreed judgment obligating the complainant to pay the plaintiff \$10,000 plus \$10,500 in attorney's fees. On Dec. 6, 2004, the complainant became aware of the agreed judgment. Subsequently, Cross misrepresented to the complainant that the agreed judgment was an appeal. On Sept. 2, 2003, Cross's license to practice law was suspended due to his failure to pay bar dues and the attorney occupation tax. On Sept. 16, 2003, Cross filed the complainant's responses to requests for disclo-

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sure while he was administratively suspended from the practice of law. Cross failed to reply to the complaint and failed to assert any grounds for such failure.

Cross violated Rules 1.02(a)(1) and 8.04(a)(3), (a)(8), and (a)(11). He was ordered to pay \$2,547.34 in attorney's fees.

On April 12, 2007, **Matthew Alan Sharp** [#24004403], 32, of Montgomery, Ala., received a two-year, partially probated suspension effective May 1, 2007, with the first three months actively served and the remainder probated. A panel of the District 6-A Grievance Committee found that on March 18, 2005, the complainant hired Sharp to represent her in a pending child custody suit. The complainant signed a contract and paid Sharp a retainer fee. Thereafter, Sharp failed to perform any significant legal services in the legal

matter and failed to respond to the complainant's requests for information and for a return of unearned attorney's fees and the client file.

Sharp violated Rules 1.01(b)(1) and (b)(2), 1.03(a), and 1.15(d). He was ordered to pay \$2,400.21 in attorney's fees and costs and \$1,250 in restitution.

On April 12, 2007, **Robert Paul Woodliff** [#00789788], 53, of Dallas, received a five-year, fully probated suspension effective April 5, 2007. A panel of the District 6-A Grievance Committee found that in December 2001, Woodliff was hired to represent his client in a pending civil matter. Thereafter, Woodliff failed to return the client's telephone calls and subsequently moved his office without notice. Upon locating Woodliff, the client was told that Woodliff would write a letter to the defendant and send the client a copy, but he failed to do so. On Oct. 22, 2002, a notice of dismissal for want of prosecution was issued in the matter. Further, Woodliff failed to respond to the grievance committee.

Woodliff violated Rules 1.01(b)(1) and (b)(2), 1.03(a), and 8.04(a)(8). He was ordered to pay \$550 in restitution, \$1,554.75 in attorney's fees, and \$599 in costs.

On April 6, 2007, **Francisco Jimenez** [#24004162], 35, of Houston, received a one-year, partially probated suspension effective May 1, 2007, with the first six months actively served and the remainder probated. An evidentiary panel of the District 4-B Grievance Committee found that the complainant hired Jimenez for representation in a contract dispute. The complainant paid Jimenez \$500 for the representation. Jimenez failed to perform any substantial work and failed to comply with numerous requests for information.

Jimenez violated rules 1.01(b)(1), 1.03(a), and 8.04(a)(8). He was ordered to pay \$500 in restitution and \$2,323.20 in attorney's fees.

On April 6, 2007, **Mark Barthou** [#00798053], 43, of Houston, received a three-year, partially probated suspension effective May 1, 2007, with the first year

actively served and the remainder probated. An evidentiary panel of the District 4-B Grievance Committee found that the complainant hired Barthou for representation in a criminal case. The complainant paid Barthou \$500 for the representation. Barthou accepted the complainant's case while administratively suspended and failed to comply with numerous requests for information from the complainant and the State Bar of Texas. During Barthou's representation of the complainant, he was arrested and was granted a deferred adjudication for a felony drug charge. Later, the deferred adjudication was revoked and a judgment of conviction entered.

Barthou violated Rules 1.01(b)(1) and (b)(2), 1.03(a) and (b), 8.01(b), and 8.04(a)(2), (a)(10), and (a)(11). He was ordered to pay \$4,583.11 in attorney's fees and costs.

On April 30, 2007, **Sharon D. Evans** [#06728040], 41, of Houston, accepted a one-year, fully probated suspension effective May 15, 2007. An evidentiary panel of the District 4-B Grievance Committee found that Evans neglected a divorce matter, failing to appear at trial or withdrawing from her client's matter. Further, the evidentiary panel found that Evans did not effectively communicate with her client and failed to return the client file when requested.

Evans violated rules 1.01(b)(1) and (b)(2), 1.02(a)(1), 1.03(b), and 1.15(d). She agreed to pay \$1,500 in attorney's fees and costs.

On April 20, 2007, **John L. Plant** [#24027619], 35, of Dallas, received a five-year, active suspension effective May 1, 2007. An evidentiary panel of the District 1-A Grievance Committee found that in December 2004, Plant was hired by co-defendants in defense of a charge of shoplifting. Each client paid Plant \$500 for the representation. Plant then stopped returning their phone calls and disappeared. The court was forced to appoint, and pay, new counsel to represent both clients in the criminal matter. Further, Plant failed to respond to the grievance and asserted no grounds for such failure.

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Plant violated Rules 1.01(b)(1), 1.03(a) and (b), and 8.04(a)(8). He was ordered to pay \$1,504.75 in attorney's fees and \$638.75 in costs.

On April 19, 2007, **Jerry L. Weinstein** [#21096600], 63, of Fort Worth, received a six-month, fully probated suspension effective May 1, 2007. A panel of the District 7-A Grievance Committee found that Weinstein failed to respond in writing to a grievance filed by the complainant. Weinstein asserted no grounds for his failure to respond.

Weinstein violated Rule 8.04(a)(8). He was ordered to pay \$500 in attorney's fees.

On May 10, 2007, **Christopher M. Blanton** [#00796218], 36, of Houston, received a six-month, fully probated suspension effective May 1, 2007. A panel of the District 7-A Grievance Committee found that on June 22, 2005, the complainant hired Blanton to represent him in a criminal matter as well as two other matters, specifically, a child custody matter and three traffic tickets.

At the time, Blanton was administratively suspended due to his failure to obtain the requisite number of MCLE hours. In addition, Blanton failed to do any significant legal work on the complainant's behalf, and he failed to communicate with the complainant regarding his cases. On July 25, 2005, the complainant sent Blanton a letter releasing him from the representation and requesting the return of various documents as well as any unearned fee. Blanton failed to respond to the complainant's request.

Blanton violated Rules 1.01(b)(1), 1.03(a), 1.15(d), and 8.04(a)(11). He was ordered to pay \$1,250 in attorney's fees.

On April 30, 2007, **Gaylyn Cooper** [#04774700], 54, of Beaumont, accepted a two-year, fully probated suspension effective May 1, 2007. An evidentiary panel of the District 3-A Grievance Committee found that Cooper failed to timely respond to lawful requests for information from the State Bar of Texas in several disciplinary matters. The evidentiary panel also found that in one matter, Cooper failed to return

a client file.

Cooper violated rules 1.15(d), 8.01(b), and 8.04(a)(8). He agreed to pay \$4,500 in attorney's fees and costs to resolve this and two other disciplinary matters.

On Jan. 10, 2007, **Donald L. Jarvis, Jr.** [#90002001], 39, of Sherman, received a three-year, fully probated suspension effective Jan. 15, 2007. A panel of the District 1-A Grievance Committee found that in the first matter, on June 8, 2004, the complainant engaged Jarvis to file an expunction action on his behalf. The complainant paid Jarvis's fee of \$5,000. Jarvis filed a petition for expunction on Sept. 30, 2004. Jarvis failed to communicate with the complainant regarding the status of his case. The matter was dismissed for want of prosecution on Sept. 20, 2006.

In the second matter, in July of 2003, the complainant engaged Jarvis to file an action to modify a divorce decree. The complainant paid Jarvis's fee of \$1,500. Jarvis filed a petition to modify parent-child relationship on Oct. 2, 2003. Despite placing numerous telephone calls to Jarvis's office to inquire about the status of her case, Jarvis did not respond to the complainant's requests for information or keep her informed of the status of her case. The matter was dismissed for want of prosecution on June 18, 2006.

Jarvis violated Rules 1.01(b)(1) and 1.03(a). He was ordered to pay \$4,000 in restitution to the complainants, \$2,848.75 in attorney's fees, and \$178.95 in costs. He has appealed the decision.

On May 14, 2007, **Mark S. Byrne** [#03566400], 54, of The Woodlands, accepted a one-year, partially probated suspension effective June 1, 2007, with the first month actively served and the remainder probated. The 221st District Court in Montgomery County found that on March 10, 2000, the complainant retained the legal services of Byrne. The complainant and Byrne entered into a contingency fee contract.

On March 8, 2002, Byrne filed a lawsuit on behalf of the complainant in Montgomery County. Thereafter Byrne failed to exercise due diligence in serving the origi-

nal petition on the defendant in the complainant's personal injury case.

On June 23, 2002, the court notified Byrne that the matter was moved to the dismissal docket and would be dismissed for want of prosecution on July 17, 2003, unless Byrne filed a motion to retain. Byrne failed to file a motion to retain the complainant's lawsuit. On July 17, 2003, the complainant's case was dismissed by the court. Although duly notified of the dismissal, Byrne failed to advise the complainant. Byrne also failed to pursue any post-dismissal actions to reinstate the complainant's case.

On Jan. 10, 2006, Byrne was provided a copy of the complainant's grievance complaint and was directed to file a written response within 30 days of receipt. Byrne failed to file a written response to the complaint.

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Byrne violated Rules 1.01(b)(1) and (b)(2), 1.02(a)(1), 1.03(a) and (b), 8.01(b), and 8.04(a)(8). He agreed to pay \$1,350 in attorney's fees.

On Jan. 18, 2007, **Richard Paquette** [#15455700], 50, of Houston, received a three-year, active suspension effective Jan. 22, 2007. An evidentiary panel of the District 4-B Grievance Committee found that Paquette was retained to modify a family law judgment. After filing the petition, Paquette failed to perform any additional work on the case. Paquette failed to respond to his client's numerous requests for information regarding the matter. Paquette failed to carry out completely the obligations owed to his client, failed to abide by his client's decisions concerning the objectives and general methods of representation, failed to keep his client reasonably informed about the status of the

matter, failed to promptly comply with reasonable requests for information, and failed to explain the matter to the extent reasonably necessary to permit his client to make informed decisions regarding the representation. Paquette accepted the complainant's case while administratively suspended from the practice of law and failed to inform his client that he was actively suspended.

Paquette violated Rules 1.01(b)(1) and (b)(2), 1.02(a)(1), 1.03(a) and (b), 1.04(a), 8.01(b), and 8.04(a)(7) and (a)(8). He was ordered to pay \$2,605.10 in restitution, \$2,161.25 in attorney's fees, \$389.04 in costs, and \$150 in witness and travel expenses.

REPRIMANDS

On April 23, 2007, **H. Tati Santiesteban** [#17644000], 73, of El Paso, accepted a public reprimand. An evidentiary panel of the District 17-A Grievance Committee

found that on Feb. 25, 2006, the complainant hired Santiesteban for criminal representation and paid \$1,200. No work had been performed. After two weeks, the complainant terminated Santiesteban and requested the fee be returned.

Santiesteban violated Rule 1.15(d). He was ordered to pay \$1,200 in restitution and \$300 in attorney's fees.

On March 15, 2007, **Jose Salvador Tellez** [#19764760], 53, of Laredo, received a public reprimand. An evidentiary panel of the District 12-A Grievance Committee found Tellez was hired by the client to challenge a prior criminal conviction. Tellez failed to keep his client reasonably informed of the status of his case and failed to explain the matter to the client to the extent necessary to permit the client to make an informed decision.

Tellez violated Rules 1.03(a) and (b). He was ordered to pay \$1,000 in fees and expenses.

On May 3, 2007, **Todd Ray Durham** [#24001239], 36, of Richardson, accepted a public reprimand. The District 6-A Grievance Committee found that on Dec. 2, 2004, the complainant employed Durham to represent him in a civil matter. On April 29, 2005, Durham's license to practice law was suspended for failure to comply with MCLE requirements. On July 8, 2005, while Durham's license to practice law was suspended, Durham represented the complainant in a matter.

Durham violated Rule 8.04(a)(11). He was ordered to pay \$1,108.55 in attorney's fees.

On April 24, 2007, **Don Lewis** [#12275235], 54, of Houston, accepted a public reprimand. An evidentiary panel of the District 4-C Grievance Committee found that Lewis failed to attend a trial setting on behalf of his client and, because of his absence, a default judgment was entered against his client.

Lewis violated Rules 1.01(b)(1), (b)(2), and (c), and 1.03(a) and (b). He agreed to pay \$900 in restitution and \$500 in attorney's fees and costs. ❖

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