



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 July 13, 2007, the Board of Disciplinary Appeals signed an interlocutory order of suspension against **Piper A. Rountree** [#17323050], 47, of Troy, Va. On May 25, 2005, Rountree was sentenced for first-degree murder in violation of §18.2-32 of the Code of Virginia and use of a firearm in the commission of a felony in violation of §18.2-53.1 of the Code of Virginia, intentional crimes as defined in the Texas Rules of Disciplinary

Procedure, in Cause Nos. CR04-5364-00 and CR04-5365-00 styled, *Commonwealth of Virginia v. Piper Ann Rountree*, in the Circuit Court of Henrico County, Va. Rountree was sentenced to life in prison for the count of murder and to three years in prison for the use of a firearm in the commission of a felony and ordered to pay \$3,545 in costs. Rountree has appealed the convictions. In the event that either conviction becomes final, Rountree will be disbarred. BODA cause number 39905.

4:03CR00217-001, styled, *United States of America v. Jamie Olis*, in the United States District Court, Southern District of Texas, Houston Division. Olis was sentenced to 60 months in prison each on counts 1, 3, 4, 5, and 6 and to 72 months in prison on count 2. The terms run concurrently. Upon release, Olis will be placed on supervised release for a term of three years. He was also ordered to pay a fine in the amount of \$25,000 and an assessment in the amount of \$600. BODA cause number 39677.

ATTORNEY GRIEVANCES

DON'T REPRESENT YOURSELF!

How often do you advise clients to represent themselves when accused of wrongdoing?

Why give yourself different advice?

CONSULTATION
OR REPRESENTATION

STEVEN L. LEE

OVER 25 YEARS EXPERIENCE

11 years experience with the State Bar of Texas as Assistant and Deputy General Counsel as well as Acting General Counsel

LIONE & LEE, P.C.

3921 STECK AVENUE
SUITE A-119

AUSTIN, TEXAS 78759

(512) 346-8966

Representing Lawyers & Law Students Since 1991

STATEWIDE REPRESENTATION

On July 13, 2007, the Board of Disciplinary Appeals affirmed the judgment of a partially probated suspension of **David A. Cantu** [#03767030], 43, of McAllen, signed Oct. 18, 2006 by an evidentiary panel of the State Bar of Texas District 12B-2 in Case No. S0080515618. Cantu remains on a partially probated suspension until Dec. 31, 2008. BODA cause number 38895.

On July 13, 2007, the Board of Disciplinary Appeals signed a judgment of disbarment against **Jamie Olis** [#00791373], 41, of Houston. On Sept. 25, 2006, an amended judgment was entered against Olis finding him guilty of conspiracy to commit securities fraud, mail fraud, and wire fraud in violation of 18 U.S.C. §371 (count 1); securities fraud, aiding and abetting in violation of 15 U.S.C. §§78j(b) and 78ff and 18 U.S.C. §2 (count 2); mail fraud, aiding and abetting in violation of 18 U.S.C. §§1341 and 1342 (count 3); and wire fraud, aiding and abetting in violation of 18 U.S.C. §§1343 and 1342 (counts 4 through 6), all intentional crimes as defined in the Texas Rules of Disciplinary Procedure in Cause No.

JUDICIAL ACTIONS

On June 15, 2007, the State Commission on Judicial Conduct issued the following sanction to **Josie Gomez**, justice of the peace for Precinct 2, Crystal City, Zavala County: a public admonition and an order of additional education. The commission found that based on the facts and evidence before it that Gomez failed to comply with the law and demonstrated a fundamental lack of professional competence in the law by (a) privately meeting with witnesses in a criminal case to discuss the merits of the allegations outside the presence of the defendant and a prosecutor, (b) conducting her own independent investigation of the allegations, (c) failing to take a plea from the defendant, (d) failing to advise the defendant of his basic constitutional rights, (e) proceeding to trial in the absence of a prosecutor, (f) finding the defendant guilty when no *prima facie* proof had been presented by a prosecutor, (g) ignoring the defendant's right to a jury trial, his right to confront and cross-examine his accuser and witnesses, and his right against self-incrimination, (h) failing to render her judgment in open court, and (i) failing to reduce the



judgment of conviction to writing. Gomez's actions in this matter constituted willful violations of Canons 2A and 3B(2) of the Texas Code of Judicial Conduct.

Gomez was advised by letter of the commission's concerns and provided a written response. Gomez appeared with counsel before the commission on April 18, 2007, and gave testimony. After considering the evidence before it, the commission issued the order. Pursuant to the order, Gomez must obtain eight hours of instruction with a mentor in addition to her required judicial education. In particular, the commission desires that Gomez receive additional education in pretrial and trial procedures in criminal matters, with particular attention to the constitutional rights a criminal defendant has both before and during trial, and what options are available to judges when a prosecutor does not appear to prosecute a criminal trial. In addition to this training, Gomez should sit through and observe at least two to three criminal trials in a justice of the peace court with the mentor.

Pursuant to the authority contained in §33.036 of the Texas Government Code, the commission authorizes the disclosure of certain information relating to this matter to the Texas Justice Court Training Center to the extent necessary to enable that entity to assign the appropriate mentor for Gomez in this case. Gomez shall complete the additional eight hours of instruction recited above within 90 days from the date of written notification of the assignment of a mentor. It is Gomez's responsibility to contact the assigned mentor and schedule the additional education.

Upon the completion of the eight hours of instruction described herein, Gomez shall sign and return the Respondent Judge Survey indicating compliance with this order. Failure to complete, or report the completion of, the required additional education in a timely manner may result in further commission action.

DISBARMENTS

On May 10, 2007, **Robert James Jablonski** [#24007427], 36, of Austin, was disbarred. An evidentiary panel of the District 9-A Grievance Committee found that although Jablonski's fee was in part contingent upon the outcome of a matter involving a civil fraud case, his fee agreement was not in writing. Jablonski further failed to furnish information demanded by the grievance committee by not fully complying with a subpoena.

In a second matter, involving a personal injury case, the panel found that Jablonski failed to file a lawsuit on behalf of his client and allowed the statute of limitations to expire. Thereafter, he failed to respond to written requests for information from the client regarding the status of the matter and also failed to comply with the client's written demand that he withdraw from the representation and deliver the client file. Jablonski further failed to furnish a written response to the complaint to the Chief Disciplinary Counsel.

In a third matter, involving traffic tickets, the panel found that Jablonski accepted a fee from the client and funds with which to pay a traffic fine, but never took any steps to resolve the pending traffic charges or the outstanding warrant for the client's arrest. Jablonski failed to keep the client informed about the status of the matter and failed to respond to the client's requests for information, resulting in the client being arrested and losing his driver's license. Jablonski further failed to furnish a written response to the complaint to the Chief Disciplinary Counsel.

In a fourth matter, involving a child custody matter, the panel found that Jablonski represented to his client that he had circulated and obtained signatures of approval on his motion to substitute as the client's new counsel when he had not done so. Jablonski never made an appearance as the client's counsel in the case. He further misrepresented to the client that he had reached an

agreement with opposing counsel as to visitation and DNA testing and would obtain a written order from the court in that regard at an already-scheduled hearing. In fact, no such agreement had been reached and there was no such hearing scheduled. Jablonski further failed to respond to repeated written requests for information from the client.

In a fifth matter, involving a discrimination lawsuit, the panel found that Jablonski submitted invoices and was paid for attending two depositions that never occurred. Jablonski performed no meaningful legal services beyond filing a petition on the client's behalf. In response to opposing counsel's eventual motion to dismiss for want of prosecution, Jablonski non-suited the case after the statute of limitations had run in the

GRIEVANCE DEFENSE & LEGAL MALPRACTICE



HASLEY SCARANO, L.L.P.
ATTORNEYS & COUNSELORS

JENNIFER A. HASLEY

BOARD CERTIFIED, CIVIL TRIAL LAW
14 YEARS TRIAL EXPERIENCE,
OVER 8 YEARS WITH THE
STATE BAR OF TEXAS AS
ASSISTANT DISCIPLINARY COUNSEL

**THE FIRM'S STATEWIDE
PRACTICE FOCUSES ON
CIVIL LITIGATION,
ATTORNEY DISCIPLINE AND
DISABILITY LAW, AND
PROFESSIONAL LIABILITY.**

5252 WESTCHESTER, SUITE 125
HOUSTON, TEXAS 77005

P.O. BOX 25371
HOUSTON, TEXAS 77265

713.667.6900
713.667.6904 FAX
jennifer@hasleyscarano.com

www.hasleyscarano.com



matter. Jablonski failed to notify his client that the case had been non-suited and, in fact, misrepresented to the client that the case was ongoing. Upon his discharge from the representation, Jablonski failed and refused to deliver the client's original documents. Jablonski further failed to furnish a written response to the complaint to the Chief Disciplinary Counsel.

In a sixth matter, involving a partnership dispute and dissolution in which he accepted a \$5,000 fee, the panel found that Jablonski performed no meaningful legal services beyond writing a single demand letter on behalf of the client. He thereafter misrepresented to his client that he had filed a lawsuit on her behalf, that the defendant had filed an answer, and that discovery was ongoing in the

case. In fact, Jablonski had never filed the lawsuit. Thereafter, Jablonski stopped responding to the client's requests for information about the status of the case, and he failed to provide either an accounting of the moneys paid by the client or a refund of any unearned portion of the fee. Jablonski further failed to furnish a written response to the complaint to the Chief Disciplinary Counsel.

Jablonski violated Rules 1.01(b)(1) and (b)(2), 1.03(a) and (b), 1.04(d), 1.15(a)(3) and (d), 8.01(b), and 8.04(a)(1), (a)(3), and (a)(8).

On June 14, 2007, **Samuel Hudson III** [#10166000], 66, of Irving, was disbarred. The 116th District Court found that in the nine counts against him, Hudson neglected legal matters entrusted to him; frequently failed to carry out completely the obligations he owed to his clients; failed to respond to reasonable requests for information from clients; failed to keep clients reasonably informed; failed to safeguard property belonging to clients; failed to promptly remit settlement funds to clients and medical providers; failed to properly supervise a non-lawyer; engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation; and failed to respond to grievances.

Hudson violated Rules 1.01(a), (b)(1), and (b)(2); 1.03(a) and (b); 1.14(a) and (b); 5.03(a) and (b)(1); 7.03(a); 8.01(a) and (b); and 8.04(a)(2), (a)(3), and (a)(8). He was ordered to pay \$5,750 in restitution and \$6,726.79 in attorney's fees and costs. Hudson has appealed the judgment.

RESIGNATIONS

On May 25, 2007, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Douglas Michael Stum** [#00798532], 43, of Austin. The court found that Stum was indicted and subsequently pleaded guilty to the charge of possession of materials involving the

sexual exploitation of minors in Case No. 1:07-CR-027, styled *United States of America v. Douglas Michael Stum* in the United States District for the Western District of Texas, Austin Division.

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

On May 25, 2007, the Supreme Court of Texas accepted the resignation, in lieu of compulsory discipline, of **Maria Claudia Montani** [#00786423], 41, of Dallas. On May 4, 2006, Montani entered a plea of guilty to a charge of distribution of methamphetamine and aiding and abetting in the United States District Court for the Northern District of Texas, Fort Worth Division.

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

On May 25, 2007, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Richard W. Paquette** [#15455700], 50, of Houston, regarding five disciplinary proceedings. In three matters, Paquette neglected his clients' matters, failed to correspond or communicate with his clients, and failed to return files when requested.

In one matter, Paquette represented both parties in a business venture to the detriment of the organization. In four of the matters, Paquette practiced law while suspended from the practice of law. In all five matters, Paquette failed to provide the grievance committee with timely responses as required by the Texas Disciplinary Rules of Professional Conduct and the terms of a disciplinary judgment against him.

Paquette violated Rules 1.01(b)(1) and (b)(2); 1.02(a)(1); 1.03(a) and (b); 1.06(a) and (b)(1); 1.12(b); 1.14(b); 1.15(d); 3.03(a)(2); 3.04(c)(1); 5.05(a); 8.01(b); and 8.04(a)(7), (a)(8), (a)(11), and (a)(12).

STATE BAR GRIEVANCE DEFENSE

LEGAL MALPRACTICE

*Over 30 Years
Experience*

WAYNE H. PARIS

Eight Greenway Plaza, Suite 818,
Houston, Texas 77046
(713) 951-9100

Statewide Representation



On June 5, 2007, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Edward W. Roush, Jr.** [#17324600], 50, of Dallas. The court found that on Feb. 2, 2005, Roush pleaded guilty to count 48 of the indictment for tax evasion in violation of 26 U.S.C. §§7201 for failing to report as income approximately \$1.7 million of SEC Rule 144 restricted and non-tradable common stock he had received for professional services in a publicly traded company listed on the NASDAQ small-cap market. Counts 1-47 were dismissed with prejudice on motion of the United States with no factual determination or adjudication being made. As a result of such plea to an intentional and serious crime as defined in Rules 1.06(T) and 1.06(Z), Texas Rules of Disciplinary Procedure, Roush would be subject to compulsory discipline under Part VIII of the Rules.

On June 18, 2007, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Donald C. Driver** [#06127500], 56, of Fort Worth. At the time of Driver's resignation, there was one pending matter against him alleging failure to remit funds to a medical provider after settlement of a personal injury claim.

Driver violated Rules 1.14(a) and (b) and 8.04(a)(3).

SUSPENSIONS

On May 29, 2007, **Sharion Fisher** [#07061100], 57, of Dallas, accepted a one-year, partially probated suspension effective July 1, 2007, with the first six months actively served and the remainder probated. The District 6-A Grievance Committee found that on Oct. 13, 2005, the complainant employed Fisher to represent her in a divorce. Prior to that time, on March 1, 2004, the complainant's husband filed a Chapter 13 bankruptcy petition. By letter dated Dec. 6, 2005, the complainant requested her file from Fisher, but Fisher failed to release the file. Fisher failed to respond to the grievance.

Fisher violated Rules 1.01(b)(1), 1.15(d), and 8.04(a)(8). She was ordered to pay \$1,200 in attorney's fees and costs.

On Feb. 20, 2007, **Mitchell D. Hankins** [#08912700], 50, of Lubbock, received a two-year, fully probated suspension effective Feb. 7, 2007. An evidentiary panel of the District 16-A Grievance Committee found that in June 2004, Hankins neglected his client's civil case and failed to keep his client informed.

In the second matter, in March 2002, Hankins neglected his client's civil case, failed to abide by his client's decisions concerning the objectives and general methods of representation, failed to comply with his client's reasonable requests for information, and failed to keep his client informed.

In the third matter, in May 2003, Hankins neglected his client's case, failed to abide by his client's decisions concerning the objectives and general methods of representation, failed to comply with his client's reasonable requests for information, failed to keep his client informed, misrepresented the status of the case to the client, and failed to timely respond to the grievance.

Hankins 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)(3) and (a)(8). He was ordered to pay \$2,958 in attorney's fees and expenses.

On May 30, 2007, **Lynne Gerganess** [#00793799], 38, of Fort Worth, received a five-year, partially probated suspension effective May 1, 2007, with the first six months actively served and the remainder probated. The District 7-A Grievance Committee found that Gerganess represented herself to personnel at the Mansfield Law Enforcement Center as an attorney for a federal inmate in custody at the center in order to visit him. Gerganess was, in fact, a personal friend of the inmate and not his attorney.

Gerganess violated Rule 8.04(a)(3).

She was ordered to pay \$1,250 in attorney's fees and costs.

On May 11, 2007, **James J. Neel** [#14857500], 60, of Fort Worth, received an 18-month, partially probated suspension effective May 11, 2007, with the first 12 months actively served and the remainder probated. The District 7-A Grievance Committee found that the complainant engaged Neel in August 2005 to handle a traffic ticket. Neel failed to appear in court on behalf of the complainant. Neel further failed to respond to reasonable requests for information by the complainant. Subsequently, the court issued a warrant for the arrest of the complainant.

Neel violated Rules 1.01(b)(1) and 1.03(a). He was ordered to pay \$1,423.67

*With the **NEW PROCEDURAL RULES**,
it is more important than ever to hire
experienced counsel...*

GRIEVANCE DEFENSE

- **Make proper presentation
to avoid a hearing**

But, if necessary:

- **District court trial**
- **Evidentiary panel hearing**

JOHN GLADNEY

FORMER CHIEF OF LITIGATION
OFFICE OF GENERAL COUNSEL,
STATE BAR OF TEXAS

OVER 20 YEARS EXPERIENCE
IN DISCIPLINARY MATTERS

STATEWIDE PRACTICE

6901 CORPORATE DRIVE
SUITE 111
HOUSTON, TEXAS 77036

TEL.: (713) 995-6500 (O)
(713) 995-6503 (F)

NOT CERTIFIED BY
TEXAS BOARD OF LEGAL SPECIALIZATION



DISCIPLINARY ACTIONS

in attorney's fees. Neel has appealed the decision.

On May 31, 2007, **Joseph O. Onwuteaka** [#15291300], 49, of Sugar Land, received a three-year, fully probated suspension effective Aug. 1, 2007. The 151st District Court of Harris County found that in representing two individual clients in the same personal injury matter, Onwuteaka failed to pay his clients their portion of the \$5,000 personal injury protection proceeds. Upon receipt of the final settlement, in the total amount of \$70,000, Onwuteaka paid his clients \$19,500 and also paid himself \$70,000, thereby depleting his trust account of all settlement proceeds with respect to these clients plus additional unrelated funds. Despite instruction

from the clients to do so, Onwuteaka failed to withhold from the proceeds and promptly distribute payment to various medical providers. After the grievance was filed, Onwuteaka made payments from his trust account to some of the medical providers, again with funds unrelated to his clients. Onwuteaka was also found to have made misrepresentations to the grievance committee while under oath. Onwuteaka filed a motion to modify the judgment, motion to stay the judgment, and notice of appeal.

Onwuteaka violated Rules 1.04(a); 1.14(a), (b), and (c); and 8.04(a)(3). He was ordered to pay \$12,497.50 in attorney's fees and \$4,071.01 in costs.

On June 7, 2007, **Wendell Conn Radford, Jr.** [#16455520], 42, of Beaumont, agreed to an interim suspension, effective June 1, 2007, based upon Radford's plea of guilty to federal charges of conspiracy to commit mail fraud. Radford may not accept any new client matters, hold himself out as an attorney at law, perform any legal service for others, accept any fee directly or indirectly for legal services, or appear as counsel in a proceeding in any Texas court or before any Texas administrative body during the duration of the suspension.

On July 3, 2007, **Michael A. John** [#10671650], 56, of Dallas, received a fully probated suspension effective July 1, 2007. The District 6-A Grievance Committee found that on Sept. 28, 2004, the complainant hired John for representation in a child custody case for a \$1,500 fee. During the course of the representation, John failed to keep the complainant informed regarding the status of his case.

In August 2005, the complainant released John from the representation. Acting through his subsequently hired attorney, the complainant transmitted a request on three different occasions to John for his file, but John failed to comply with the request.

John violated Rules 1.03(a) and 1.15(d). He was ordered to pay \$1,500 in attorney's fees.


REPRIMANDS

On May 29, 2007, **Michael H. O'Brien** [#15169000], 67, of Dallas, accepted a public reprimand. The District 6-A Grievance Committee found that the complainant hired O'Brien to represent him in a personal injury matter. O'Brien neglected the matter by allowing the case to be dismissed for want of prosecution on Feb. 12, 2003. Despite the complainant's written and verbal requests for information regarding the status of his case, O'Brien failed to respond. On April 28, 2005, O'Brien was served with notice and a copy of the referenced complaint by certified mail. O'Brien was required to respond, in writing, to the allegations within 30 days of receipt but failed to do so and failed to assert any grounds for his failure to respond.

O'Brien violated Rules 1.01(b)(1), 1.03(a), and 8.04(a)(8). He was ordered to pay \$1,250 in attorney's fees.

On June 29, 2007, **Paul W. Leech** [#12150000], 74, of Grand Prairie, received a public reprimand. The District 6-A Grievance Committee found that Leech was hired to represent the complainant in a family matter. The associate judge ordered Leech to prepare written orders within 20 days of the hearing, but Leech failed to do so. Thereafter, the matter was transferred to another county, where the complainant's former wife filed motions to modify and for enforcement. Leech was notified of a scheduled hearing by the court and by opposing counsel. Leech failed to notify the complainant of the hearing. Neither the complainant nor Leech attended the hearing and a default judgment was entered in favor of the complainant's former wife.

Leech violated Rules 1.01(b)(1) and (b)(2) and 1.03(a). He was ordered to pay \$1,000 in restitution and \$1,500 in attorney's fees and costs. ❖



**NED
BARNETT**

**CRIMINAL
DEFENSE**

*Defending Texans
Since 1994*

Former Assistant United States Attorney
Former Assistant District Attorney
Founding Member of the National College
of DUI Defense
Of Counsel The Williams & Bailey
Law Firm

Law Offices of Ned Barnett
8441 Gulf Freeway, Suite 600
Houston, Texas 77017
713-222-6767
www.houstondwiattorney.com

**Board Certified in Criminal Law by the
Texas Board of Legal Specialization**