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DISBARMENTS

On May 17, 2007, **Catherine M. Shelton** [#13902800], 59, of Dallas, was disbarred. An evidentiary panel of the District 4-B Grievance Committee found that in one matter, Shelton filed a motion for new trial on behalf of her client, which was granted. The court later realized that it had mistakenly granted the motion

and that order was set aside. The court set the matter for hearing on two separate occasions; however, Shelton failed to appear. As a result, the court denied the motion for new trial.

In a second matter, Shelton was retained in a criminal appeal matter. Shelton neglected the case when she failed to perform any legal services, and further failed to refund any unearned fees. Moreover, Shelton failed to respond to the client's numerous requests for information concerning the status of his case and failed to maintain adequate communication with her client to enable him to make informed decisions regarding the representation.

In a third matter, Shelton was late to court for jury selection in a criminal trial and had to be brought to court by the sheriff. Notwithstanding earlier admonishments by the court, Shelton appeared late for the next day of trial. The court issued a preliminary order of contempt. Shelton thereafter failed to appear for the contempt hearing. She was arrested and subsequently released on bond. Shelton also failed to appear at the second setting of the contempt hearing. She was arrested and later found guilty of contempt.

Shelton violated Rules 1.01(b)(1) and (b)(2), 1.03(a) and (b), 1.14(a), 1.15(d), 3.04(c)(5) and (d), and 8.04(a)(4). She was ordered to pay \$20,000 in restitution and \$1,505 in attorney's fees and costs.

RESIGNATIONS

On Aug. 27, 2007, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Jerry L. Weinstein** [#21096600], 63, of Dallas. At the time of Weinstein's resignation, there were four disciplinary matters pending against him. In the first matter, the complainant paid Weinstein \$1,824 for representation in a bankruptcy. Thereafter, Weinstein failed to file the bankruptcy petition and failed to respond to the complainant's numerous requests for information regarding the status of the case.

In the second matter, the complainant hired Weinstein in connection with a bankruptcy and paid Weinstein \$1,225 toward the representation. Weinstein failed to perform any legal services.

In the third matter, the complainant contacted Weinstein regarding a pending civil matter. Weinstein instructed the complainant to deposit \$57,428.15 into Weinstein's account, to be held in trust. Later, the complainant demanded the money back, as a result of which in March 2007, Weinstein wrote a check to the complainant in the amount of \$57,428.15. The check was returned for insufficient funds.

In the fourth matter, the complainant hired Weinstein to file a Chapter 7 bankruptcy petition. The complainant paid Weinstein \$1,449. The complainant was told by Weinstein's office on numerous occasions

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that they were working on her case; however, Weinstein failed to file the bankruptcy petition. In addition, Weinstein closed his law office and failed to refund unearned fees to his clients.

Weinstein violated Rules 1.01(b)(1); 1.03(a); 1.14(a), (b), and (c); 1.15(d); and 8.04(a)(3).

SUSPENSIONS

On Aug. 24, 2007, **James L. Guinan** [#08597800], 43, of Dallas, received a three-month, active suspension effective July 9, 2007. A panel of the District 6-A Grievance Committee found that on Jan. 17, 2005, the complainant employed Guinan to appeal the criminal conviction of the complainant's minor son. Guinan filed a notice of appeal on Jan. 19, 2005. Guinan subsequently failed to do any further work on the appeal. Guinan failed to reply to the complainant's proper requests for information regarding the status of the appeal. Guinan also failed to respond to the complaint.

Guinan violated Rules 1.03(a) and 8.04(a)(8). He was ordered to pay \$1,562 in attorney's fees.

On July 24, 2007, **Lanease Dickens-Fuller** [#07522750], 47, of Missouri City, received a 36-month, fully probated suspension effective Sept. 1, 2007. An evidentiary panel of the District 4-A Grievance Committee found that in one matter, Dickens-Fuller was hired to represent a family in a personal injury matter. The cases settled, and even though Dickens-Fuller was directed to pay all medical providers, she failed to do so. Dickens-Fuller later attempted to pay a medical provider, but the payments were made on a closed account. Furthermore, Dickens-

Fuller commingled funds in her trust account when she used those funds, including those belonging to the family, for her own personal use and benefit to make payments for rent, utilities, payroll, and at various stores. Dickens-Fuller also failed to respond to her client's numerous phone calls. Additionally, Dickens-Fuller filed a late response to the grievance.

In the second matter, Dickens-Fuller appeared in court on behalf of a client in a family law matter wherein she filed pleadings and engaged in settlement negotiations; however, Dickens-Fuller was administratively suspended from the practice of law. Dickens-Fuller also filed a late response to the grievance.

Dickens-Fuller violated Rules 1.01(b)(2); 1.03(a); 1.14(a), (b), and (c); 1.15(a)(1); 5.05(a); 8.04(a)(3), (a)(8), (a)(11), and (a)(12); and 15.10. She was ordered to pay \$9,650 in restitution and \$4,469.19 in attorney's fees and costs.

On July 5, 2007, **Eugene X. Mercier** [#13946700], 48, of Corpus Christi, accepted a one-year, active suspension effective July 1, 2007. The 319th District Court of Nueces County found that in six representations, Mercier undertook representations and failed to communicate with the clients, neglected the cases, and failed to render a complete accounting of funds received and disbursed on behalf of a client.

Mercier violated Rules 1.01(b)(1), 1.03(b), and 1.14(b).

On Sept. 7, 2007, **Terry L. Marsaw** [#00786085], 52, of Dallas, accepted a 60-day, active suspension effective Sept. 1, 2007. A panel of the District 6-A Grievance Committee found that in the first matter, in January 2006,

the complainant employed Marsaw to defend a traffic citation. Marsaw neglected the matter, resulting in a warrant being issued. Marsaw failed to take any action to set aside the arrest warrant and subsequently the complainant was contacted by a Texas Department of Public Safety officer with an arrest warrant. The complainant paid a \$408 warrant fee and a \$60 fee to the Texas Department of Public Safety to avoid being arrested.

In the second matter, the complainant employed Marsaw to defend traffic citations in Lindale and Mount Pleasant. In the Lindale matter, a pre-trial hearing was scheduled for May

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31, 2005. The complainant appeared, but Marsaw failed to appear at trial. In the Mount Pleasant matter, Marsaw failed to appear at trial, and the court entered a finding of guilty. Marsaw failed to inform the complainant he had not appeared on his behalf. Marsaw failed to take any action in the matter until he received notice and a copy of the complaint. In both matters, Marsaw failed to file timely responses to the grievances.

Marsaw violated Rules 1.01(b)(1) and (b)(2), 1.03(a), and 8.04(a)(8). He was ordered to pay \$1,180 in attorney's fees and costs and \$618 in restitution.

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On Sept. 6, 2007, **William Clint Barkley** [#24038759], 34, of Dallas, accepted a two-year, fully probated suspension effective Sept. 1, 2007. The District 6-A Grievance Committee found that in the first matter, the complainant hired Barkley to represent him in an immigration matter relating to a deportation notice. The complainant paid a \$5,000 retainer for the representation. At a hearing in December 2005, it was agreed that the complainant would voluntarily depart the United States and that Barkley would file the proper paperwork that would allow for the complainant's return. Thereafter, Barkley failed to prepare the paperwork and failed to respond to the complainant's requests for information regarding the status of his case. The complainant terminated Barkley's services by letter dated Jan. 30, 2006, in which he demanded a return of unearned fees and his file, but Barkley failed to respond.

In the second matter, the complainant hired Barkley to represent her son in the filing of a writ of habeas corpus. Barkley was paid \$5,000 for the representation. Thereafter, Barkley failed to timely file the writ, failed to communicate with the complainant or his client, and failed to return the client file upon demand. Further, Barkley was granted an extension to respond to the grievance, but failed to do so.

In the third matter, the complainant hired Barkley to handle a child custody matter on her behalf. The complainant paid Barkley \$974 for the representation. Thereafter, Barkley failed to perform any significant legal services and failed to communicate with the complainant. The complainant requested a refund of the unearned fees and the return of her

file, but Barkley failed to comply with the request.

Barkley violated Rules 1.01(b)(1) and (b)(2), 1.03(a) and (b), 1.15(d), and 8.04(a)(8). He was ordered to pay \$1,100 in attorney's fees and costs and \$9,100 in restitution.

On Aug. 3, 2007, **Michael E. Harssema** [#24012794], 35, of Dallas, accepted a three-year, partially probated suspension effective immediately upon the conclusion of Harssema's current indefinite disability suspension. The 189th District Court of Harris County found that in several matters, Harssema neglected the representations, failed to communicate with the clients, failed to protect the clients' interests, and failed to return the client files when he closed his office and ceased practice.

Harssema violated Rules 1.01(b)(1), 1.03(a), and 1.15(d).

On Sept. 13, 2007, **Thomas A. Nagler** [#14779800], 59, of Dallas, accepted a five-year, partially probated suspension effective Nov. 1, 2007, with the first two years actively served and the remainder probated. A panel of the District 6-A Grievance Committee found that Nagler represented the independent executor of an estate. Nagler failed to promptly distribute the assets of the estate to the beneficiaries. Nagler further failed to promptly pay a claim on the estate, misrepresenting to the attorney for the claimant that all assets of the estate had already been distributed to the beneficiaries.

Nagler violated Rules 1.14(b) and 8.04(a)(3). He was ordered to pay \$1,312.50 in attorney's fees.

On Aug. 8, 2007, **Edward J. Drake III** [#06106100], 52, of Dallas, received a two-year, fully probated sus-



pension effective Aug. 15, 2007. A panel of the District 6-A Grievance Committee found that Drake was hired to represent the complainant in an unlawful termination claim. The complainant paid Drake \$3,000 to obtain medical and employment records from the complainant's former employer. Thereafter, Drake failed to provide any legal services and failed to keep the complainant informed about the status of the matter. Drake failed to respond to the grievance.

Drake violated Rules 1.01(b)(1), 1.03(a), and 8.04(a)(8). He was ordered to pay \$900 in restitution to the complainant and \$1,075.95 in attorney's fees and costs.

On July 26, 2007, **Michael Papania** [#00795769], 49, of Nederland, received a one-year, partially probated suspension effective Oct. 1, 2007, with the first three months actively served and the remainder probated. An evidentiary panel of the District 3-A Grievance Committee found that the complainant hired Papania for representation in a divorce case. The complainant paid Papania a retainer of \$1,250 and an additional \$1,500 for a trial fee. Papania failed to comply with numerous requests for communication, failed to return the complainant's file in a timely fashion, and failed to respond in writing to the grievance filed by the complainant. Papania asserted no grounds for the failure to respond.

Papania violated Rules 1.03(a) and (b), 1.15(d), 8.01(b), and 8.04(a)(8). He was ordered to pay \$2,750 in restitution to the complainant and \$1,289.95 in attorney's fees and costs.

On Sept. 14, 2007, **Matthew Alan Sharp** [#24004403], 33, of Montgomery, Ala., accepted a two-year, par-

tially probated suspension effective Sept. 15, 2007, with the first three months actively served and the remainder probated. The District 6-A Grievance Committee found that in December 2004, the complainant and her husband hired Sharp to handle a pending lawsuit regarding the sale of their easement. Thereafter, Sharp failed to communicate with the complainant and her husband, failed to answer the defendant's motion for summary judgment, and failed to appear at a hearing on the motion. On July 12, 2006, a final summary judgment was issued and the complainant and her husband were ordered to pay attorney's fees in the amount of \$22,200. Sharp failed to inform the complainant or her husband of the judgment or of the events leading up to the entry of the judgment. Further, Sharp failed to respond to the complaint or assert any grounds for his failure.

Sharp violated Rules 1.01(b)(1) and (b)(2), 1.03(a) and (b), and 8.04(a)(8). He was ordered to pay \$825 in attorney's fees and costs.

On May 29, 2007, **Jeffrey Mark Bragg** [#02859100], 44, of Plano, received a two-year, partially probated suspension effective June 18, 2007, with the first three months actively served and the remainder probated. A panel of the District 1-A Grievance Committee found that on Jan. 12, 2005, the complainant hired Bragg to represent her son in a criminal matter involving three separate charges. The complainant paid a retainer of \$5,000 in February 2005 and the complainant paid Bragg an additional \$3,000 to represent her son in a petition to terminate parental rights. Bragg filed an answer on March 28, 2005. During the period of the representations, Bragg failed to

respond to the complainant's telephone calls and email messages regarding the status of the matters or to communicate with the complainant's son directly.

Bragg violated Rule 1.03(a). He was ordered to pay \$3,146.25 in attorney's fees, \$254.24 in costs, and \$7,000 in restitution.

Bragg has filed a timely appeal and it is currently pending. The Board of Disciplinary Appeals has stayed the suspension.

On Sept. 10, 2007, **David Norman Getz** [#00784123], 50, of Lubbock, agreed to a three-year, partially probated suspension effective Oct. 4, 2007,

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DISCIPLINARY ACTIONS

with the first three months actively served and the remainder probated. An evidentiary panel of the District 16-A Grievance Committee found Getz neglected a client's personal injury case and failed to properly communicate with his client.

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

On Oct. 11, 2007, **Beverly J. Greely** [#08347270], 54, of Houston, accepted a three-month, fully probated suspension effective Oct. 12, 2007. An evidentiary panel of the District 4-E Grievance Committee found that Greely was hired for representation in

a child custody matter and was paid an initial retainer in the amount of \$5,000. Per the contract, Greely was to charge an hourly rate of \$150 for attorney time against this retainer and the client would thereafter be responsible for additional attorney's fees and costs. Greely appeared with her client for mediation. On that same date, the client's ex-wife voluntarily withdrew her request for modification of child custody. The client subsequently attempted to contact Greely by phone and email, but Greely failed to respond to these inquiries. Greely also failed to return the unearned fees to the client.

Greely violated Rules 1.03(a), 1.14(b), and 1.15(d). She agreed to

pay \$2,690 in restitution and \$475 in attorney's fees and costs.

On Sept. 24, 2007, **John Scott Steinberger** [#00791726], 40, of El Paso, accepted a one-year, fully probated suspension effective Sept. 1, 2007. The District 17-A Grievance Committee found that Steinberger neglected the representation and failed to keep his client informed about the status of the case. Steinberger practiced law while administratively suspended and failed to timely respond to the grievance.

Steinberger violated Rules 1.01(b)(1) and (2), 1.03(a) and (b), and 8.04(a)(8) and (a)(11). He was ordered to pay \$500 in attorney's fees and expenses.

On Oct. 1, 2007, **Donald T. Smith** [#18568600], 48, of Fort Worth, received a one-year, partially probated suspension effective Oct. 1, 2007, with the first month actively served and the remainder probated. A panel of the District 7-A Grievance Committee found that in December 2005, the complainant hired Smith to represent her in a post-divorce matter concerning her ex-husband's retirement benefits. Smith represented to the complainant that he could increase the amount that she was receiving in retirement payments from her ex-husband, plus recover money for back payments she had never received. Thereafter, Smith failed to communicate with the complainant. By letter dated Sept. 20, 2006, the complainant terminated Smith's services and requested a refund of the \$1,000 paid to Smith. Smith subsequently failed to respond to the complainant's letter and failed to return the unearned portion of the fee as requested. Smith failed to respond to the complaint.

Smith violated Rules 1.03(a), 1.15(d), and 8.04(a)(8). He was ordered to pay

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\$1,966.04 in attorney's fees and \$1,000 in restitution.

REPRIMANDS

On Sept. 13, 2007, **Carl E. Gaines** [#07570500], 60, of Dallas, accepted a public reprimand. A panel of the District 6-A Grievance Committee found that Gaines provided letters of protection to a medical provider on behalf of three personal injury clients. After one of the cases settled, Gaines failed to promptly provide payment to the medical provider.

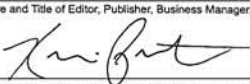
In the second case, Gaines issued payment to the medical provider, although there is no evidence that funds were deposited into Gaines' trust account on behalf of that client.

In the third case, Gaines issued payment to the medical provider, although no funds were deposited into Gaines' trust account on behalf of that client. Gaines failed to respond to the grievance.

Gaines violated Rules 1.14(a) and (b) and 8.04(a)(8). He was ordered to pay \$2,000 in attorney's fees.

On Sept. 13, 2007, **Lauren C. LaRue** [#11960730], 48, of Dallas, accepted a public reprimand. The District 6-A Grievance Committee found that in November 2005, the complainant employed LaRue to represent him in a forcible detainer action. On Sept. 1, 2005, LaRue's license to practice law was suspended for non-payment of bar dues and the Texas Attorney Occupation Tax, and her license was not reinstated until Aug. 3, 2006. During the time LaRue's license to practice law was suspended, LaRue represented the complainant in an eviction matter.

LaRue violated Rule 8.04(a)(11). She was ordered to pay \$695 in attorney's fees and costs. ★

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