



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 Oct. 2, 2007, the Board of Disciplinary Appeals signed an interlocutory order of suspension against **Ted H. Roberts** [#17019705], 51, of San Antonio. On June 12, 2007, Roberts was convicted of three counts of theft under Texas Penal Code 31.03, an intentional

crime as defined in the Texas Rules of Disciplinary Procedure, in Cause No. 2006 CR 6404B styled, *The State of Texas v. Ted H. Roberts*, in the 226th District Court of Bexar County. Roberts was sentenced to five years in prison for each count, with the sentences to run concurrently. Roberts has appealed the conviction. In the event that the conviction becomes final, Roberts will be disbarred. BODA cause number 40196.

On Oct. 2, 2007, the Board of Disciplinary Appeals signed a judgment of disbarment against **Eric Dean Troutt** [#24034787], 41, of Sandoval, Ill. On April 6, 2007, a judgment was entered against Troutt, wherein he pleaded guilty to attempting to evade or defeat tax in violation of 26 U.S.C. §7201 and loan and credit applications (false statement) in violation of 18 U.S.C. §1014, intentional crimes as defined in the Texas Rules of Disciplinary Procedure in Cause No. 3:06CR30106-001-GPM, styled, *United States of America v. Eric Dean Troutt*, in U.S. District Court, Southern District of Illinois. Troutt was sentenced to 15 months in prison. Upon release, Troutt will be placed on supervised release for a term of five years. He was also ordered to pay an assessment in the amount of \$200. BODA cause number 40490.

DISBARMENTS

On Sept. 11, 2007, **John G. Garcia, Jr.** [#07636750], 57, of Houston, was disbarred. An evidentiary panel of the

District 4-C Grievance Committee found that Garcia was administratively suspended from the practice of law but continued to represent several clients. During the representation of a client, Garcia falsely told the Court that he had been retired from the practice of law but was reinstated. Garcia was found guilty of contempt. Additionally, Garcia filed a late response to the grievance.

Garcia violated Rules 3.03(a)(1); 5.05(a); and 8.04(a)(3), (a)(8), and (a)(11). He was ordered to pay \$600 in restitution and \$867 in attorney's fees and costs.

On Sept. 10, 2007, **Thomas P. Hayes IV** [#09280160], 50, of Lake Hills, was disbarred. The 281st District Court of Harris County found that Hayes was retained to represent one complainant in an immigration case. In three other matters, Hayes was retained to prosecute personal injury cases. Hayes neglected all of the cases and failed to respond to numerous telephone calls, letters, and personal visits from clients. Hayes received settlements on the personal injury cases, endorsed the clients' names, and deposited the settlements in his trust account. However, he failed to notify the clients that the cases had been settled. Hayes withdrew the funds and used them for personal expenses. Hayes closed down his office, disconnected the telephone, and did not notify his clients of a new address. After grievances were filed, Hayes sought, drafted, and received releases from his clients, withdrawing their grievances and purporting to release him from any possible breach of contract, tort, or legal malpractice claims and from "commingling" his funds with theirs. Hayes did not advise his clients to seek additional counsel before having them sign the releases. In return for signing the releases, Hayes paid the clients their portions of their settlements.

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Hayes violated Rules 1.01(b)(1), 1.08(g), 1.14(a) and (b), and 8.04(a)(10). He was ordered to pay \$15,507.50 in attorney's fees and \$6,174.90 in costs.

On Oct. 9, 2007, Hayes filed his notice of intent to appeal the judgment of disbarment. Hayes' appeal is currently pending before the 14th Court of Appeals in Houston.

RESIGNATIONS

On Sept. 17, 2007, the Supreme Court of Texas accepted the resignation in lieu of discipline, of **Steven Yu** [#24000821], 37, of Irving. At the time of Yu's resignation, there were seven matters pending against him in a case filed in district court and 13 matters pending against him before evidentiary panels of the District 6-A Grievance Committee.

The allegations in the pending matters include neglect; failure to abide by the client's decision to accept a settlement offer; failure to communicate or respond to reasonable requests for information from the client; failure to explain the matter to an extent to permit the client to make informed decisions; failure to have a contingent fee in writing; conflict of interest; entering into agreement to limit malpractice liability; failure to promptly deliver funds belonging to the client; failure to promptly deliver funds belonging to a third party; failure to return documents to the client; making false statements to a tribunal; making false statements to an investigatory panel; communicating with a person represented by counsel; conduct involving dishonesty, fraud, deceit, or misrepresentation; and failure to comply with grievance committee subpoenas.

Yu violated Rules 1.01(b)(1) and (b)(2), 1.02(a), 1.03(a) and (b), 1.04(d), 1.06(b)(2), 1.08(g), 1.14(a)

and (b), 1.15(d), 3.03(a)(1), 4.02(a), 8.01(a), and 8.04(a)(3) and (a)(8).

SUSPENSIONS

On Oct. 23, 2007, **Barry Len Reno** [#16780750], 60, of Dallas, received a one-year, fully probated suspension effective Nov. 1, 2007. A panel of the District 6-A Grievance Committee found that on Oct. 26, 2006, Reno appeared in district court and entered a plea of guilty on behalf of his client while he was administratively suspended from the practice of law.

Reno violated Rule 8.04(a)(11). He was ordered to pay \$980 in attorney's fees.

On Sept. 7, 2007, **James A. Skrobarcek** [#18475550], 58, of Corpus Christi, received a three-year, fully probated suspension effective Oct. 1, 2007. An evidentiary panel of the District 11-A Grievance Committee found that in his representation of a client seeking to appeal the denial of a building permit, Skrobarcek failed to perfect the appeal, failed to keep his client reasonably informed, failed to respond to the client's reasonable requests for information, and failed to timely return the client's original file and unearned fees.

Skrobarcek violated Rules 1.01(b)(1), 1.03(a) and (b), and 1.15(d). He was ordered to pay \$1,000 in restitution and \$2,000 in attorney's fees and expenses.

On Oct. 18, 2007, **R.S. Clark** [#04298400], 52, of Arlington, received a one-year, fully probated suspension effective May 1, 2007. A panel of the District 6-A Grievance Committee found that on Sept. 4, 2002, Clark's law license was suspended due to his failure to pay State Bar of Texas dues. Clark's license to practice law

remains administratively suspended. While Clark's license to practice law was suspended, he made several appearances in criminal district court on behalf of his clients. Further, Clark obtained continuances and filed a motion for discovery and a motion to suppress during his suspension. In addition, Clark failed to respond to the grievance committee and asserted no grounds for his failure to do so.

Clark violated Rules 8.04(a)(8) and 8.04(a)(11). He was ordered to pay \$500 in attorney's fees.

On Oct. 1, 2007, **Donald T. Smith** [#18568600], 48, of Fort Worth, received a one-year, partially probated

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

PUBLIC REPRIMANDS

On Oct. 31, 2007, **Glenn Talmadge Nix III** [#24010267], 34, of Sherman, agreed to a public reprimand after a finding of professional misconduct by a panel of the District 1-A Grievance Committee. In the first matter, in January 2004, the complainant hired Nix to handle a credit card dispute. Thereafter, Nix failed to carry out completely the obligations owed to the complainant and failed to respond to the complainant's requests for information regarding the status of the matter. The complainant demanded his file and a refund of the attorney's fees, but Nix failed to timely respond to the requests.

In a second matter, in October 2005, the complainant hired Nix to represent him in a matter involving a lawsuit against the City of Sherman. Thereafter, Nix failed to respond to the complainant's reasonable requests for information regarding the status of the matter and failed to carry out completely the obligations owed to the complainant. In August 2006, the complainant sent a certified letter to Nix requesting his file and a refund of unearned attorney's fees, but Nix failed to timely respond to the request.

In a third matter, on April 19, 2007, Nix was served with a copy of the complaint filed but failed to timely respond to the allegations. In addition, Nix failed to respond to the first two complaints.

Nix violated Rules 1.01(b)(2), 1.03(a), 1.15(d), and 8.04(a)(8). He was ordered to pay \$1,090 in attorney's fees and costs and to participate in the Law Practice Management Program.

On Nov. 6, 2007, **Arturo Fuentes** [#24042523], 33, of Houston, accepted a public reprimand. The District 4-C Grievance Committee found that in one matter, prior to the start of a criminal trial, Fuentes requested an identification hearing on behalf of his client, which was denied. During the trial, Fuentes seated a person other than the defendant in the place usually occupied by defendants during trial while instructing the defendant to sit outside the courtroom. When the officer identified the other person as the defendant and Fuentes revealed the deception, the State was granted a mistrial.

In a second matter, Fuentes attended docket call with his client on two criminal complaints involving failure to wear a seat belt and failure to maintain financial responsibility. Fuentes presented his client's insurance card as proof of insurance to the prosecuting attorney, who in turn gave the insurance card to the bailiff. The bailiff determined that the card was fraudulent. Fuentes took the insurance card from the bailiff and gave the insurance card back to his client with instructions to leave the courthouse. Fuentes was informed that if he did not present his client and the insurance card, he could be arrested and charged with tampering with evidence. Fuentes ultimately convinced his client to return the insurance card, which relieved him of any legal ramifications, and his client was subsequently arrested and charged with tampering with a government record.

Fuentes violated Rules 1.01(b)(1), 1.06(b)(2), 3.02, 3.03(a)(2), 4.01(b), and 8.04(a)(3). He agreed to pay \$300 in attorney's fees.

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PRIVATE REPRIMANDS

Listed below is the breakdown of rule violations for 28 attorneys, with the number of attorneys violating the rule in parentheses. Please note that an attorney may be reprimanded for more than one rule violation.

Texas Disciplinary Rules of Professional Conduct: **1.01(b)(1)** — neglecting a legal matter entrusted to the lawyer (12); **1.01(b)(2)** — failing to carry out completely the obligations owed to a client (6); **1.02(a)(1)** — failing to abide by a client's decisions concerning the objectives and general methods of representation (1); **1.02(g)** — failing to take reasonable action to secure the appointment of a guardian or other legal representative for, or seek other protective orders with respect to, a client whenever the lawyer reasonably believes that the client lacks legal competence and that such action should be taken to protect the client (1); **1.03(a)** — failing to keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information (15); **1.03(b)** — failing to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation (6); **1.04(d)** — entering into a contingent fee agreement prohibited by paragraph (e) or other law, and/or failing to enter into a written contingency fee agreement that states the method by which the fee is to be determined (1); **1.06(b)(1)** — representing a person where the representation of that person involves a substantially related matter in which that person's interests are materially and directly adverse to the interests of another client (1); **1.14(c)** — failing to keep funds or other property in which both the lawyer and another person claim interests separate until there is an accounting and sever-

ance of their interests (1); **1.15(a)(1)** — failing to decline or withdraw from representation of a client if the representation will result in a violation of Rule 3.08, other applicable rules of professional conduct, or other law (1); **3.04(d)** — knowingly disobeying an obligation under the standing rules or of a ruling by a tribunal (1); **7.05(b)(4)** — except as provided in paragraph (e) of this Rule, a written solicitation communication to prospective clients for the purpose of obtaining professional employment shall not reveal on the envelope or other packaging or electronic mail subject line used to transmit the communication, or pamphlet, the nature of the legal problem of the prospective client or non-client (1); **7.05(b)(5)** — except as provided in paragraph (e) of this Rule, a written solicitation communication to prospective clients for the purpose of obtaining professional employment shall disclose how the lawyer obtained the information prompting the communication to solicit professional employment if such contact was prompted by a specific occurrence involving the recipient of the communication or a family member of such person (1); **7.07(a)** — except as provided in paragraph (d) of this Rule, a lawyer shall file with the Lawyer Advertisement and Solicitation Review Committee of the State Bar of Texas, either before or concurrently with the mailing or sending of a written solicitation communication (1); **8.01(b)** — knowingly failing to respond to a lawful demand for information from a disciplinary authority (2); **8.04(a)(2)** — committing a serious crime or any other criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects (1); **8.04(a)(3)** — engaging in conduct involving dishonesty, fraud, deceit, or misrepresen-

tation (2); **8.04(a)(8)** — failing to timely furnish a district grievance committee a response or other information as required unless he or she timely asserts a privilege or other legal ground for failure to do so (4); and **8.04(a)(11)** — engaging in the practice of law when the lawyer is on inactive status or when the lawyer's right to practice has been suspended or terminated, including but not limited to situations where a lawyer's right to practice has been administratively suspended for failure to timely pay required fees or assessments or for failure to comply with Article XII of the State Bar Rules relating to Mandatory Continuing Legal Education (3). ★

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