

General questions regarding attorney discipline should be directed to the Office of Chief Disciplinary Counsel, 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 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.

RESIGNATIONS

On Nov. 19, 2013, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Ken Anderson** [#01196500], 61, of Georgetown. At the time of Anderson's resignation, Case No. 12-1093-C26, styled *Commission for Lawyer Discipline v. Ken Anderson*, was pending in the 26th District Court of Williamson County, which alleged the following:

In August of 1986, Christine Morton was murdered in Williamson County, Texas. Anderson was the Williamson County district attorney and lead prosecutor in the case against Michael Morton, who was charged with his wife's murder. The

case against Morton went to a jury trial in February of 1987. The defense theory at trial was that the murder was committed by an unknown intruder. The jury found Morton guilty of murder, and he was sentenced to life in prison. In 2011, Morton was exonerated of his wife's murder.

Before, during, and after the 1987 trial, Anderson knew of the existence of evidence that tended to negate the guilt of Morton and failed to disclose that evidence to defense counsel. Further, during a pretrial hearing on Feb. 6, 1987, Anderson told the trial court that he had no evidence favorable to the accused. That statement was false.

Anderson violated Rules 1.102(a)(1), 1.102(a)(5), 7.102(a)(5), and 7.103(b).

On Dec. 10, 2013, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Kennitra M. Foote** [#24029552], 41, of Spring. At the time of Foote's resignation, there were nine disciplinary matters pending against her alleging that she neglected a legal matter entrusted to her; failed to abide by a client's decision whether to accept an offer of settlement; failed to keep a client reasonably informed about the status of his legal matter; failed to provide a contingency fee to the client with a written statement regarding the outcome of the matter; failed to promptly deliver to clients or third persons funds to which they were entitled; failed to refund advance payments of fee that had not been earned; violated a disciplinary judgment; failed to furnish a response to the Office of Chief Disciplinary Counsel; and engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation.

Foote violated Rules 1.01(b)(1), 1.02(a)(2), 1.03(a), 1.03(b), 1.04(d),

1.14(b), 1.15(d), 8.04(a)(3), 8.04(a)(7), and 8.04(a)(8).

On Dec. 10, 2013, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **James A. Endicott Jr.** [#06613800], 74, of Harker Heights. At the time of Endicott's resignation, three disciplinary matters were pending. In one matter, Endicott failed to promptly deliver funds to a client, and in another, he violated a disciplinary judgment. In two of the matters, Endicott neglected the legal matters entrusted to him and failed to return unearned fees. In all of the matters, Endicott failed to promptly comply with reasonable requests for information and failed to furnish written responses to the complaints as directed.

Endicott violated Rules 1.01(b)(1), 1.03(a), 1.14(b), 1.15(d), 8.04(a)(1), 8.04(a)(7), and 8.04(a)(8).

On Dec. 10, 2013, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Joe Anthony Foster Jr.** [#07305300], 63, of Fort Davis. At the time of Foster's resignation, there was one disciplinary matter pending, alleging that Foster violated his fiduciary duties by misapplying client funds, neglected legal matters of a client, represented a person when the representation of that person was adverse to the person's interests, submitted false accountings to a tribunal, and committed criminal and fraudulent acts.

Foster violated Rules 1.01(b)(2), 1.04(a), 1.06(b)(2), 3.03(a)(1), 3.03(a)(2), 3.03(a)(5), 3.04(b), 8.04(a)(2), 8.04(a)(3), and 8.04(a)(4).

SUSPENSIONS

On Nov. 6, 2013, **Ray Galvan Jr.** [#07599300], 51, of Addison, received

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a one-year fully probated suspension effective Nov. 15, 2013. An evidentiary panel of the District 6 Grievance Committee found that in representing complainant in a personal injury case, Galvan neglected the matter entrusted to him, failed to abide by complainant's decision whether to accept an offer of settlement, failed to keep complainant reasonably informed about the status of her matter, failed to promptly comply with her reasonable requests for information, and failed to promptly deliver to a third party the funds that the party was entitled to receive.

Galvan violated Rules 1.01(b)(1), 1.02(a)(2), 1.03(a), and 1.14(b). He was ordered to pay \$5,062.50 in attorneys' fees and \$3,230.53 in direct expenses.

Galvan filed an appeal on Nov. 15, 2013.

On Nov. 25, 2013, **Joe Jesse Ponce III** [#24014329], 55, of San Antonio, received a five-year fully probated suspension effective Dec. 1, 2013. The District 10 Grievance Committee found that Ponce neglected the legal matter entrusted to him, failed to inform his client that he had received \$26,000 from the opposing party, failed to hold client funds separate from his own property, and failed to return funds to his client.

Ponce violated Rules 1.01(b)(1), 1.03(b), 1.14(a), and 1.15(d). He was ordered to pay \$26,000 in restitution and \$5,034.79 in attorneys' fees and direct expenses.

On Nov. 20, 2013, **Sean A. Carey** [#24074001], 29, of Lubbock, agreed to a two-year fully probated suspension effective Oct. 18, 2013. The District 16 Grievance Committee found that Carey neglected three clients' legal matters, failed to communicate with clients, failed to refund unearned fees to two clients, failed to return a client file, and failed to respond to

the grievances.

Carey violated Rules 1.01(b)(1), 1.03(a), 1.15(d), and 8.04(a)(8). He was ordered to pay \$4,700 in restitution and \$400 in attorneys' fees and direct expenses.

On Dec. 4, 2013, **Paul D. Clayton** [#04342400], 54, of Orange, accepted a two-year fully probated suspension effective Dec. 15, 2013. An evidentiary panel of the District 3 Grievance Committee found that Clayton was hired for representation in an uncontested stepparent adoption. Clayton failed to take any action on his client's behalf for two years, until he set a final hearing even though he had not finalized the case. Clayton also failed to communicate with his client.

Clayton violated Rules 1.01(b)(1) and 1.03(a). He was ordered to pay

\$1,500 in restitution and \$500 in attorneys' fees and direct expenses.

Also on Dec. 4, 2013, Clayton accepted a one-year fully probated suspension effective Dec. 15, 2013. An evidentiary panel of the District 3 Grievance Committee found that Clayton was hired for representation in a misdemeanor case, as well as a related uncontested divorce, if necessary. Clayton failed to maintain communication with his client. The client terminated the representation and requested a refund of unearned fees; however, Clayton failed to remit said fees.

Clayton violated Rules 1.03(a) and 1.15(d). He was ordered to pay \$3,750 in restitution and \$500 in attorneys' fees and direct expenses.

Also on Dec. 4, 2013, Clayton accepted another one-year fully probated suspension effective Dec. 15,



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Statewide Representation

2013. An evidentiary panel of the District 3 Grievance Committee found that Clayton previously represented the client in his divorce and was later hired to prepare a QDRO. Clayton failed to prepare and/or file the QDRO and further failed to maintain communication with the client.

Clayton violated Rules 1.01(b)(1) and 1.03(a). He was ordered to pay \$500 in attorneys' fees and direct expenses.

On Nov. 25, 2013, **Triet Minh Phan** [#00797244], 42, of Houston, received a 24-month partially probated suspension effective Dec. 1, 2013, with the first three months actively suspended and the remainder probated. The 133rd District Court of Harris County found that Phan committed professional misconduct by violating

Rule 1.02(a)(2) [requiring a lawyer to abide by a client's decisions whether to accept an offer of settlement of a matter]; Rule 1.03(a) [requiring a lawyer to keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information]; Rule 8.04(a)(3) [prohibiting a lawyer from engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation]; and Rule 8.04(a)(11) [prohibiting a lawyer from 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].

Phan was ordered to pay \$8,881 in restitution and \$1,000 in attorneys' fees and costs.

On Dec. 10, 2013, **Robert L. Hoffman** [#09788000], 68, of Dallas, received a two-year active suspension effective Jan. 1, 2014. The 134th District Court of Dallas County found that Hoffman committed professional misconduct by violating Rule 1.01(b)(1) [prohibiting a lawyer from neglecting a legal matter entrusted to the lawyer], Rule 1.03(a) [requiring a lawyer to keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information], Rule 1.03(b) [requiring a lawyer to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation], Rule 1.04(d) [requiring a contingent fee agreement to be in writing], Rule 1.15(d) [requiring the return of the case file and any unearned portion of the fee upon termination of the representation], and Rule 8.01(b) [requiring a response to any lawful demand for information from a disciplinary authority].

Hoffman was ordered to pay \$7,000 in restitution and \$4,149.50 in attorneys' fees and direct expenses.

Hoffman had until Jan. 9, 2014, to file an appeal.

On Nov. 30, 2013, **Bret Christopher Green** [#24027210], 46, of San Antonio, agreed to a six-month active suspension effective Jan. 29, 2014. The District 10 Grievance Committee found that in a real estate litigation matter, Green neglected the legal matter and falsely represented to his client that a settlement had been negotiated with the opposing party. After the grievance was filed, Green falsely stated that he returned fees to his client when he had not and failed to respond to a request for additional information.

Green violated Rules 1.01(b)(1), 1.03(a), 8.01(b), and 8.04(a)(3). He was ordered to pay \$750 in restitution and \$1,000 in attorneys' fees and direct expenses.

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On Dec. 12, 2013, **Steven Ryan Lafuente** [#24032522], 44, of Dallas, received a three-year partially probated suspension effective Dec. 1, 2014, with the first year actively suspended and the remainder probated. An evidentiary panel of the District 6 Grievance Committee found that Lafuente was hired to represent his client in several pending criminal matters and that, upon termination of the representation, Lafuente failed to surrender papers and property to which his client was entitled. Lafuente also failed to respond to the complaint.

Lafuente violated Rules 1.15(d) and 8.04(a)(8). He was ordered to pay \$1,100 in attorneys' fees and direct expenses.

On Dec. 12, 2013, **James Lucas** [#24011140], 50, of Corpus Christi, accepted a three-month fully probated suspension effective Jan. 1, 2014. The District 11 Grievance Committee found that Lucas neglected a client matter.

Lucas violated Rule 1.01(b)(1). He was ordered to pay \$2,250 in restitution and \$800 in attorneys' fees and direct expenses.

On Dec. 10, 2013, **Juan L. Mendiola** [#24060276], 32, of Brownsville, accepted a one-year fully probated suspension effective Oct. 18, 2013. The District 12 Grievance Committee found that Mendiola failed to carry out the obligations owed to a client and failed to communicate with a client.

Mendiola violated Rules 1.01(b)(2) and 1.03(b). He was ordered to pay \$800 in attorneys' fees and direct expenses.

On Oct. 4, 2013, **John M. Stoneham** [#19309730], 50, of Beaumont, received a six-month fully probated suspension effective Oct. 1, 2013. An evidentiary panel of the District 3 Grievance Committee found that Stoneham was hired for representation

in a divorce but failed to take any action on his client's behalf, failed to communicate with his client, and failed to refund any unearned fees. Stoneham also failed to respond to the grievance.

Stoneham violated Rules 1.01(b)(1), 1.03(a), 1.15(d), and 8.04(a)(8). He was ordered to pay \$600 in restitution and \$335 in direct expenses.

On Dec. 16, 2013, **Ingrid K. Stamps** [#19025050], 53, of Fort Worth, received a 34-month active suspension effective Dec. 31, 2013. An evidentiary panel of the District 7 Grievance Committee found that Stamps violated a disciplinary judgment by practicing law while her right to practice was suspended.

Stamps violated Rules 8.04(a)(7) and 8.04(a)(11). She was ordered to pay \$4,751.25 in attorneys' fees and direct expenses.

Stamps had until Jan. 15, 2014, to file an appeal.

On Nov. 15, 2013, **Gregory Lance Williams** [#24053550], 43, of Frisco, received a four-year partially probated suspension effective Nov. 8, 2013, with the first three years actively served and the remainder probated. The District 6 Grievance Committee found that Williams failed to keep complainant reasonably informed about the status of her legal matters. The contingent fee agreement entered into with complainant failed to state the method by which the fee was to be determined; failed to differentiate the percentage or percentages that would accrue to Williams in the event of settlement, trial, or appeal and the percentage of each; and failed to state the litigation and other expenses to be deducted from the recovery and whether such expenses were to be deducted before or after the contingent fee was calculated. Williams failed to promptly deliver to complainant funds that complainant was entitled to receive. Upon request by complainant,



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Williams failed to promptly render a full accounting regarding such funds. Williams engaged in the practice of law when his right to practice had been administratively suspended for failure to comply with Article XII of the State Bar Rules relating to Mandatory Continuing Legal Education.

Williams violated Rules 1.03(a), 1.04(d), 1.14(b), and 8.04(a)(11). He was ordered to pay \$19,851.62 in resti-

tution and \$2,070.58 in attorneys' fees. Williams filed an appeal on Dec. 17, 2013.

On Dec. 9, 2013, **Charles V. Willette Jr.** [#21509700], 68, of Laguna Vista, accepted a one-year fully probated suspension effective Dec. 1, 2013. The District 12 Grievance Committee found that Willette engaged in an ex parte communication with a judge.

Willette violated Rule 3.05(b). He was ordered to pay \$1,500 in attorneys' fees and direct expenses.

PUBLIC REPRIMANDS

On Nov. 26, 2013, **James Steve Hershberger** [#09543950], 56, of Midland, accepted a public reprimand. The District 16 Grievance Committee found that Hershberger failed to withdraw from representation when representation would result in violation of the Texas Rules of Professional Conduct.

Hershberger violated Rule 1.15(a). He was ordered to pay \$400 in attorneys' fees and direct expenses.

PRIVATE REPRIMANDS

Listed below is a breakdown of Texas Disciplinary Rules of Professional Conduct violations for four attorneys, with the number in parentheses indicating the frequency of violation. Please note that an attorney may be reprimanded for more than one rule violation.

1.01(b)(1)—for neglecting a legal matter entrusted to the lawyer (1).

1.03(a)—for failing to keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information (2).

1.14(a)—for failing to hold funds and other property belonging in whole or in part to clients or third persons in a lawyer's possession separate from the lawyer's own property (1).

1.14(b)—for failing, upon receiving funds or other property in which a client or third person has an interest, to promptly notify the client or third person and render a full accounting upon request (1).

1.14(c)—for failing to keep funds or other property in which both the lawyer and another person claim interests separate until there is an accounting and severance of their interests (1).

1.15(b)(1)—for withdrawing from representation of a client resulting in material adverse effect on the interests of the client (1). **TBJ**

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- ☐ Did the seats deform?
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