

DISCIPLINARY ACTIONS

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

DISBARMENTS

On Nov. 21, 2014, **Stephen W. Boyd** [#02777780], 65, of San Antonio, was disbarred. The 225th Judicial District Court of Bexar County found that Boyd committed professional misconduct by violating Rules 1.03(a) [failing to keep a client reasonably informed], 1.03(b) [failing to explain a matter to the extent reasonably necessary to permit the client to make informed decisions], 1.04(a) [entering into an arrangement for charging or collecting an illegal fee or unconscionable fee], 1.05(b) [knowingly revealing confidential information of a client], 1.06(b) [conflict of interest], 1.08(a) [entering into a business transaction with a client], 1.08(b) [preparing an instrument

giving the lawyer any substantial gift from a client], 1.14(a) [failing to hold funds and other property belonging in whole or part to clients or third persons in a lawyer's possession separate from the lawyer's own property], 1.14(b) [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], 3.02 [unreasonably increasing the costs or other burdens of the case or unreasonably delaying resolution of the matter], 3.03(a) [making a false statement of material fact or law to a tribunal], 3.04(d) [knowingly disobeying an obligation under the standing rules or of a ruling by a tribunal], and 8.04(a)(3) [engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation].

Boyd was ordered to pay \$6,607 in attorneys' fees and expenses.

On Oct. 24, 2014, **Michael Edward Harssema** [#24012794], 42, of Dallas, was disbarred. The 14th Judicial District Court of Dallas County found that Harssema committed professional misconduct by violating Rules 1.03(a) [a lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information], 1.14(a) [a lawyer shall hold funds and other property belonging in whole or in part to clients or third persons that are in a lawyer's possession in connection with a representation separate from the lawyer's own property], and 1.15(a) [upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled,

and refunding any advance payments of fees that have not been earned].

Harssema was ordered to pay \$3,454.82 in attorneys' fees and direct expenses.

Harssema did not file an appeal.

RESIGNATIONS

On Dec. 16, 2014, the Supreme Court of Texas accepted the resignation in lieu of discipline of **Ricardo Antonio Baca** [#24048333], 38, of Houston. In the first case, Baca failed to hold client funds separate from his own property in a trust account and further failed to promptly deliver those funds to the client. In the second case, Baca failed to hold client funds separate from his own property in a trust account and further failed to promptly deliver those funds to the client. Baca also failed to keep property in which both he and another claimed an interest separate until there was an accounting and severance of their interest. In the third matter, Baca committed a serious crime that reflected adversely on his honesty, trustworthiness, or fitness as a lawyer; engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation; and further failed to respond to the grievance. In the final matter, Baca failed to hold client funds separate from his own property in a trust account and further failed to promptly deliver those funds to the client. He also engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation. Additionally, on Sept. 8, 2014, in separate cases, Baca pled guilty to misapplication of fiduciary property and to making a false statement in order to obtain credit. In each case, Baca was sentenced to six years' deferred adjudication, with resignation of his Texas law license set as a term and condition of probation.

Baca violated Rules 1.14(a), 1.14(b),

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1.14(c), 1.15(d), 8.04(a)(2), 8.04(a)(3), and 8.04(a)(8).

On Nov. 26, 2014, the Supreme Court of Texas accepted the resignation in lieu of discipline of **Kenneth E. Bishop** [#02354850], 66, of Lake Jackson. At the time of his resignation, respondent had one case pending alleging that he neglected a legal matter entrusted to him, failed to respond to the client's reasonable requests for information, and failed to return advance payments of fees that he had not earned.

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

On Nov. 26, 2014, the Supreme Court of Texas accepted the resignation in lieu of discipline of **Patrick E. Clarke** [#04317000], 72, of San Antonio. At the time of resignation, there were three disciplinary actions pending alleging Clarke failed to keep clients reasonably informed, failed to promptly notify third parties of the receipt of funds, failed to promptly deliver funds to parties entitled to receive funds, failed to hold client funds in a trust account, and failed to respond to a grievance.

Clarke violated Rules 1.03(a), 1.03(b), 1.14(a), 1.14(b), 1.14(c), and 8.04(a)(8).

On Nov. 26, 2014, the Supreme Court of Texas accepted the resignation in lieu of discipline of **Kelly G. Rogers** [#17194020], 56, of Dallas. At the time of Rogers's resignation, a judgment of conviction by jury had been entered in Case No. 380-81033-2012 styled *The State of Texas v. Kelly Gordon Rogers* in the 401st District Court of Collin County, wherein Rogers was found guilty of felony theft and was sentenced to 20 years in the Correctional Institutions Division of the Texas Department of Criminal Justice. Rogers was further ordered to pay a fine in the amount of \$10,000 and court costs of \$481.50.

On Nov. 26, 2014, the Supreme Court of Texas accepted the resignation in lieu of discipline of **Scott M. Tidwell** [#20020730], 54, of Odessa. At the time of Tidwell's resignation, four judgments of conviction by jury had been entered against him. In Case No. 5191, counts one and two, styled *The State of Texas v. Scott Tidwell* in the 109th Judicial District Court of Winkler County, respondent was found guilty of misuse of official information and was committed into the custody of the Correctional Institutions Division of the Texas Department of Criminal Justice to be imprisoned for 10 years. The court suspended the confinement, placed respondent on community supervision for 10 years, and ordered him to pay a \$4,000 fine and court costs of \$305. The court ordered these sentences to run concurrently with counts three and four. In counts three and four, respondent was found guilty of retaliation and was committed into the custody of the Correctional Institutions Division of the Texas Department of Criminal Justice to be imprisoned for a total term of 10 years. The court suspended the confinement and placed respondent on community supervision for 10 years.

SUSPENSIONS

On Nov. 20, 2014, **James M. Balagia** [#00783589], 58, of Manor, accepted a nine-month fully probated suspension effective Dec. 1, 2014. The 288th District Court of Bexar County found that Balagia committed professional misconduct by violating Rules 1.04(d) [failing to have a contingent fee agreement in writing] and 5.03 [failing to supervise a non-lawyer employee to ensure that the person's conduct is compatible with the professional obligations of the lawyer].

Balagia was ordered to pay \$2,500 in attorneys' fees and direct expenses.

On Dec. 16, 2014, **Keith F. Ellis** [#00790642], 58, of Vidor, accepted a six-month fully probated suspension effective Oct. 1, 2014. An evidentiary

panel of the District 3 Grievance Committee found that Ellis neglected the legal matter entrusted to him.

Ellis violated Rule 1.01(b)(1). He was ordered to pay \$1,000 in attorneys' fees and direct expenses.

On Nov. 12, 2014, **Robert C. Geringer** [#07826200], 59, of Houston, received a five-year active suspension effective Nov. 12, 2014. An evidentiary panel of the District 4 Grievance Committee found that in two cases Geringer neglected legal matters, failed to keep his clients reasonably informed about the status of their matters, failed to promptly comply with reasonable requests for information from his clients, failed to promptly deliver funds to the clients' medical providers, and failed to respond to the grievances. In the second case, Geringer was found to have engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation.



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Gerringer violated Rules 1.01(b)(1), 1.03(a), 1.14(b), 8.04(a)(3), and 8.04(a)(8). He was ordered to pay \$9,168.86 in restitution and \$1,955 in attorneys' fees and direct expenses.

On Dec. 1, 2014, **Chadrick Stewart Henderson** [#00797854], 45, of Houston, received a 12-month partially probated suspension effective Dec. 1, 2014, with the first month actively suspended and the remainder probated. An evidentiary panel of the District 4 Grievance Committee found that Henderson failed to supervise a non-lawyer staff member and failed to refund advance payments of fees that had not been earned.

Henderson violated Rules 1.15(d) and 5.03(a). He was ordered to pay \$2,000 in attorneys' fees and direct expenses.

On Nov. 25, 2014, **John Rex Thompson** [#19956150], 49, of Tyler,

received a one-year partially probated suspension effective Jan. 1, 2015, with the first six months actively suspended and the remainder probated. An evidentiary panel of the District 2 Grievance Committee found that Thompson failed to keep complainant informed and failed to respond to her reasonable requests for information. In addition, upon termination of the representation, Thompson failed to refund any unearned portion of the fee and failed to respond to complainant's grievance filed with the State Bar of Texas.

Thompson violated Rules 1.03(a), 1.15(d), and 8.04(a)(8). He was ordered to pay \$1,540 in attorneys' fees and direct expenses.

On Nov. 10, 2014, **Jerry Joel Trevino** [#20211228], 53, of Corpus Christi, accepted a 61-month partially probated suspension effective Dec. 16, 2014, with the first month

actively served and the remainder probated. The 319th District Court of Nueces County found that Trevino committed professional misconduct by violating Rules 1.08(a) [a lawyer shall not enter into a business transaction with a client], 5.03(a) [a lawyer having direct supervisory authority over the non-lawyer shall make reasonable efforts to ensure that the person's conduct is compatible with the professional obligations of the lawyer], 5.03(b)(1) [a lawyer shall be subject to discipline for the conduct of such a person that would be a violation of these rules if engaged in by a lawyer if the lawyer orders, encourages, or permits the conduct involved], and 8.04(a)(1) [a lawyer shall not violate these rules, knowingly assist or induce another to do so, or do so through the acts of another, whether or not such violation occurred in the course of a client lawyer relationship].

Trevino was ordered to pay \$25,000 in attorneys' fees and direct expenses.

On July 23, 2014, **William V. Wade** [#20642300], 62, of Houston, received a 42-month partially probated suspension effective Sept. 1, 2014, with the first 12 months actively suspended and the remainder probated. An evidentiary panel of the District 4 Grievance Committee found that Wade was hired for representation on a contingency fee basis but failed to execute a written contingency fee agreement. Wade also failed to maintain a separate trust account for client monies, failed to remit all of the settlement monies to the client, and failed to provide the client with an accounting of the settlement. Wade further failed to respond to the grievance.

Wade violated Rules 1.04(d), 1.14(a), 1.14(b), and 8.04(a)(8). He was ordered to pay \$11,900 in restitution and \$2,661 in attorneys' fees and direct expenses.

Wade has filed a notice of appeal.

STATE BAR GRIEVANCE DEFENSE

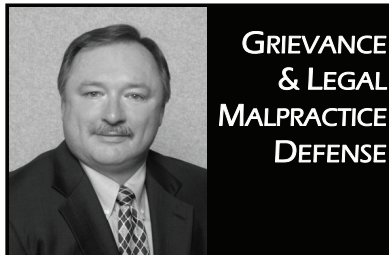
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PUBLIC REPRIMANDS

On Oct. 22, 2014, **James L. Guinan** [#08597800], 50, of Dallas, received an agreed judgment of public reprimand. An evidentiary panel of the District 6 Grievance Committee found that Guinan threatened to present criminal charges solely to gain an advantage in connection with a civil matter. In addition, Guinan threatened to present criminal charges against a complainant in a bar disciplinary proceeding solely to prevent participation by the complainant therein.

Guinan violated Rules 4.04(b)(1) and 4.04(b)(2). He was ordered to pay \$575.92 in attorneys' fees and direct expenses.

On Sept. 30, 2014, **Gerald Allen Tadlock** [#24013603], 47, of Plano, agreed to a judgment of public reprimand. The District 1 Grievance Committee found that Tadlock neglected the legal matter entrusted to him by failing to present a corrected order to the court and failing to attend a court hearing. Tadlock failed to refund advance payments of fees to complainant that had not been earned.

Tadlock violated Rules 1.01(b)(1) and 1.15(d). He was ordered to pay \$1,440.36 in attorneys' fees and \$3,000 in restitution.

PRIVATE REPRIMANDS

Listed below is a breakdown of Texas Disciplinary Rules of Professional Conduct violations for seven 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 (2).

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 (3).

1.03(b)—for failing to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding representation (2).

1.15(d)—for failing, upon termination of representation, to reasonably protect a client's interests, give notice to the client to seek other counsel, or surrender papers and property that belong to the client (5).

8.04(a)(1)—for violating these rules, knowingly assisting or inducing another to do so, or doing so through the acts of another, whether or not such violation occurred in the course of a client-lawyer relationship (2).

8.04(a)(11)—for 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 (1). **TBJ**

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Vice Chairman, 1994-1996; 1998-2000
Member, 1992-1996; 1997-2003

State Bar of Texas
Disciplinary Rules of Professional Conduct Committee
Member, 1993-1996

Disciplinary Review Committee
Member, 1991-1992

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