

► Contact the Office of Chief Disciplinary Counsel at (512) 453-5535, the Board of Disciplinary Appeals at (512) 475-1578 or txboda.org, or the State Commission on Judicial Conduct at (512) 463-5533.

JUDICIAL ACTIONS

To read the entire public sanctions, go to scjc.texas.gov.

On October 26, 2016, the State Commission on Judicial Conduct issued a public warning to **Kenneth Bryan Jeanes**, county judge in Quitman, Wood County. Jeanes violated Canon 2A of the Texas Code of Judicial Conduct and Article V, Section 1-a(6)A of the Texas Constitution.

On October 11, 2016, the State Commission on Judicial Conduct issued a public reprimand and order of additional education to **Yolanda Uresti**, justice of the peace of precinct 4, place 2 in San Antonio, Bexar County.

Uresti violated Canons 2A, 2B, and 3B(2) of the Texas Code of Judicial Conduct and Article V, Section 1-a(6) of the Texas Constitution.

BODA

On October 10, 2016, the Board of Disciplinary Appeals signed an agreed judgment of indefinite disability suspension against Stafford attorney **Randolph Michael Nacol II** [#24042408], 41, in accordance with Part XII of the Texas Rules of Disciplinary Procedure and Section 8 of the Internal Procedural Rules of the Board of Disciplinary Appeals. BODA Cause No. 58211.

On October 20, 2016, by agreement the Board of Disciplinary Appeals revoked the probation of Tyler attorney **John Rex Thompson** [#19956150], 51, and suspended him from the practice of law for 18 months, beginning November 1, 2016, and ending April 30, 2018, stayed conditioned upon his compliance with the terms and conditions in the agreed judgment. On or about December 8, 2015, Evidentiary Panel 2-4 of the District 2 Grievance Committee signed two judgments of partially probated suspension in causes 201402358 and 201403357 against Thompson. The judgments found that Thompson committed professional misconduct by violating the Texas Disciplinary Rules of Professional Conduct and suspended him from the practice of law for 19 months with the last 18 months of the suspension probated on certain terms and conditions. The Board of Disciplinary Appeals found that Thompson materially violated the terms and conditions of both judgments of probated suspension. BODA Cause No. 58071.

On October 18, 2016, the Board of Disciplinary Appeals signed an order

dismissing as moot the petition for revocation of probation of Ruidoso, New Mexico, attorney **Michelle Rene'e Mladek** [#24046455], 51. On or about February 18, 2015, Mladek received a two-year fully probated suspension from the practice of law and a public censure from the Supreme Court of New Mexico in No. 32,554, *In the Matter of Michelle Renee Mladek, Esquire, An Attorney Licensed to Practice Law Before the Courts of New Mexico*. On May 4, 2015, the Board of Disciplinary Appeals suspended her from the practice of law in Texas for two years, beginning May 4, 2015. The suspension was deferred, and she was placed on probation for two years in BODA Case No. 55906. On May 9, 2016, the Supreme Court of New Mexico entered an order revoking her deferred suspension and indefinitely suspended her from the practice of law in New Mexico for a minimum of 12 months. The Supreme Court of Texas accepted Mladek's resignation in lieu of discipline by Misc. Docket No. 16-9149. BODA Cause No. 58072.

DISBARMENTS

On October 31, 2016, **Jose Angel Becerra** [#24026790], 42, of Laredo, accepted his disbarment effective November 1, 2016. The District 12 Grievance Committee found that Becerra failed to respond to a grievance in a timely fashion.

Becerra violated Rule 8.04 (a)(8). He was ordered to pay \$6,500 in restitution and \$9,000 in attorneys' fees and direct expenses.

On September 13, 2016, **Gerald L. Bolfig** [#02574850], 54, of Waco, received a default judgment of disbarment. An evidentiary panel of the District 8 Grievance Committee found that Bolfig was hired to defend a client in a personal injury

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lawsuit. After filing an answer, Bolfig performed no legal services in the case and did not communicate sufficiently with his client. Due to Bolfig's neglect, a \$2 million default judgment was entered against the client. In a second matter, Bolfig was hired to represent his client in a wrongful death lawsuit. After filing an answer, he neglected the case and did not communicate sufficiently with the client. Bolfig was given notice of the complaint by the Office of Chief Disciplinary Counsel but failed to furnish a written response to the complaint as directed.

Bolfig violated Rules 1.01(b)(1), 1.03(a), and 8.04(a)(8) and Article X, Section 9 of the State Bar Rules. He was ordered to pay \$9,892.33 in restitution and \$3,542.77 in attorneys' fees and direct expenses.

On September 20, 2016, the Supreme Court of Texas accepted the resignation in lieu of discipline of **Stephen M. Jackson** [#10496450], 61, of Irving. At the time of Jackson's resignation, there were nine pending complaints against him that alleged neglect of legal matters; failure to keep clients reasonably informed about the status of their legal matters and to promptly comply with reasonable requests for information; failure to explain a matter to the extent reasonably necessary to permit the client to make informed decisions about the legal matter; failure to hold a client's funds separate from his own property; failure to promptly deliver funds or property that the client or third party was entitled to receive; failure to refund advance payments of fees that had not been earned; engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation; failure to respond to grievances; and engaging in the practice of law when his right to practice had been suspended.

Jackson allegedly violated Rules 1.01(b)(1), 1.03(a), 1.03(b), 1.14(a), 1.14(b), 1.15(d), 8.04(a)(3), 8.04(a)(8),

and 8.04(a)(11).

RESIGNATIONS

On October 18, 2016, the Supreme Court of Texas accepted the resignation in lieu of discipline of **Michelle Rene'e Mladek** [#24046455], 51, of Ruidoso, New Mexico. At the time of Mladek's resignation, a disciplinary matter was pending against her. Mladek accepted employment in an immigration matter that she knew or should have known was beyond her competence and then frequently failed to carry out obligations to her client in that matter. Mladek further failed to furnish a written response to the complaint as directed.

Mladek violated Rules 1.01(a), 1.01(b)(2), and 8.04(a)(8).

On September 20, 2016, the Supreme Court of Texas accepted the resignation in lieu of discipline of **Houston C. Munson III** [#14672300], 57, of Gonzales. At the time of resignation, there were two disciplinary actions pending alleging Munson failed to keep a client reasonably informed, failed to return unearned fees, violated the terms of a prior disciplinary judgment, and improperly represented a client in a matter adverse to a former client.

Munson violated Rules 1.03(a), 1.09(a)(2), 1.15(d), and 8.04(a)(7).

SUSPENSIONS

On September 12, 2016, **Edgardo Rafael Baez** [#24048334], 46, of San Antonio, accepted a five-year fully probated suspension effective September 1, 2016. The District 10 Grievance Committee found that Baez failed to keep clients reasonably informed, failed to hold client's funds in trust, failed to promptly notify and deliver trust funds to third parties, failed to return client's files, and engaged in conduct involving misrepresentation.

Baez violated Rules 1.03(a), 1.14(a), 1.14(b), 1.15(d), and 8.04(a)(3). He was ordered to pay \$58,891.83 in


restitution and \$10,000 in attorneys' fees and direct expenses.

On September 1, 2016, **Jose Angel Becerra** [#24026790], 42, of Laredo, accepted a one-year active suspension effective September 1, 2016. The District 12 Grievance Committee found that Becerra neglected a client's matter.

Becerra violated Rule 1.01(b)(1). He was ordered to pay \$500 in attorneys' fees and direct expenses.

On September 22, 2016, **Maria Damisela Chavira-Brown** [#24045190], 51, of San Antonio, accepted a nine-month fully probated suspension effective January 1, 2017. The District 10 Grievance Committee found that Chavira-Brown failed to communicate with her client.

Chavira-Brown violated Rule 1.03(b). She was ordered to pay \$1,000 in



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attorneys' fees and direct expenses.

On October 20, 2016, **Elizabeth A. Darnall** [#18577100], 67, of Dallas, received a 30-month partially probated suspension effective November 1, 2016, with the first year actively served and the remainder probated. An evidentiary panel of the District 6 Grievance Committee found that Darnall was administratively suspended from the practice of law as of November 30, 2004. Since 2004, Darnall has filed nine separate personal bankruptcies that have all been dismissed because of her failure to properly prosecute the cases in one form or another. In her ninth personal bankruptcy case, Darnall failed to disclose to the court any of her previous bankruptcies.

Darnall violated Rule 3.03(a)(1). She was ordered to pay \$500 in attorneys'

fees and direct expenses.

On July 29, 2016, **Frank A. Denena II** [#00785815], 58, of Franklin, received a six-year partially probated suspension, with the first five years actively served and the remainder probated. An evidentiary panel of the District 8 Grievance Committee found that the complainant hired Denena to represent him in connection with a child support enforcement matter. During the representation, Denena failed to notify the complainant that requests for production had been propounded on him and failed to file any response to the discovery request. Denena also failed to notify the complainant of three scheduled depositions. As a result of Denena's failure to respond to discovery or appear for depositions, death penalty sanctions and monetary sanctions in the amount of \$4,073.73 were imposed against the complainant. During the representation, Denena failed to promptly comply with reasonable requests for information from the complainant and failed to keep the complainant reasonably informed about the status of his case. Subsequently, the complainant sent Denena an email wherein the complainant fired Denena and requested the return of his file. Denena failed to return the file. Denena did not inform the complainant of a June 23, 2014, hearing. Neither Denena nor the complainant appeared at the hearing where a judgment confirming medical arrears, attorneys' fees, and for security was signed by the judge. Denena then failed to inform the complainant of the judgment. Denena also failed to furnish a written response to the complaint as directed.

Denena violated Rules 1.01(b)(1), 1.03(a), 1.15(d), 8.04(a)(1), and 8.04(a)(8). He was ordered to pay \$12,009.04 in attorneys' fees and direct expenses.

On September 6, 2016, **David C. Fleming-Hughes** [#07134500], 63,

of Dallas, received an agreed judgment of fully probated suspension. An evidentiary panel of the District 14 Grievance Committee found that on February 1, 2014, the complainant hired Fleming-Hughes to represent him in a personal injury matter. The complainant signed a contingency-fee agreement. On or about September 2, 2014, Fleming-Hughes settled the complainant's case for approximately \$50,000. Fleming-Hughes failed to promptly notify the complainant upon receiving a settlement check in which the complainant had an interest. Furthermore, Fleming-Hughes failed to promptly deliver to the complainant the funds that the complainant was entitled to receive under the settlement.

Fleming-Hughes violated Rule 1.14(b). He was ordered to pay \$2,000 in attorneys' fees and direct expenses.

On September 13, 2016, **Gina Lynn Giblin** [#00787532], 49, of Dallas, received a one-year fully probated suspension effective September 1, 2016. Giblin failed to respond to three grievances. Additionally, Giblin neglected the legal matters entrusted to her and failed to communicate with the clients. Additionally, in the third grievance, Giblin failed to withdraw from representing the complainant after becoming administratively suspended from the practice of law.

Giblin violated Rules 1.01(b)(1), 1.03(a), 1.15(a)(1), and 8.04(a)(8). She was ordered to pay \$1,500 in restitution and \$1,000 in attorneys' fees and direct expenses.

On September 13, 2016, **Jesus Gabriel Hernandez** [#24054437], 36, of Austin, accepted a judgment of two-year partially probated suspension effective October 1, 2016, with the first five months actively served and the remainder probated. An evidentiary panel of the District 9 Grievance Committee found that while representing a client in a criminal case, Hernandez requested a personal bond from the complainant,

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a municipal court magistrate. The complainant granted the personal bond but included pre-trial conditions. Hernandez altered the bond form by scratching out the box checked. He then submitted the altered document, without the conditions order form, so that the client was allowed out on bond without the conditions.

Hernandez violated Rules 8.04(a)(2) and 8.04(a)(3). He was ordered to pay \$1,050 in attorneys' fees and direct expenses.

On September 1, 2016, **Gary W. Inmon** [#00789393], 49, of Schertz, accepted a one-year active suspension effective November 1, 2016. The District 10 Grievance Committee found that Inmon failed to carry out completely the obligations owed to a client, failed to keep the client reasonably informed, and upon termination, failed to return unearned fees.

Inmon violated Rules 1.01(b)(2), 1.03(a), 1.03(b), and 1.15(d). He was ordered to pay \$1,500 in attorneys' fees and direct expenses.

On October 13, 2016, **Rayshun Jackson** [#00797754], 47, of Dallas, agreed to a 24-month partially probated suspension effective November 15, 2016, with the first six months actively served and the remainder probated. An evidentiary panel of the District 6 Grievance Committee found that on July 30, 2011, the complainants hired Jackson to represent them in connection with a civil matter. Jackson failed to keep the complainants reasonably informed about the status of their civil matter and failed to promptly comply with reasonable requests for information from the complainants about the matter. During representation of the complainants, Jackson engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation by knowingly signing the complainants' and a notary public's signatures on discovery responses and affidavits without

their knowledge or permission.

Jackson violated Rules 1.03(a) and 8.04(a)(3). He was ordered to pay \$2,600 in attorneys' fees and direct expenses.

On October 17, 2016, **David Allan Krueger** [#24025940], 48, of Oklahoma City, Oklahoma, agreed to a 24-month partially probated suspension effective October 15, 2016, with the first 18 months actively served and the remainder probated. An evidentiary panel of the District 1 Grievance Committee found that Krueger engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation.

Krueger violated Rule 8.04(a)(3). He was ordered to pay \$4,000 in attorneys' fees and direct expenses.

On August 9, 2016, **Denver G. McCarty** [#13376570], 70, of Corinth, received a three-year partially probated suspension effective September 1, 2016, with the first five months actively served and the remainder probated. An evidentiary panel of the District 14 Grievance Committee found that in representing the complainant, McCarty failed to appear at a plea hearing, failed to inform the complainant that his attendance was necessary at the plea hearing, and failed to respond to the grievance.

McCarty violated Rules 1.01(b)(1), 1.03, and 8.04(a)(8). He was ordered to pay \$1,500 in restitution and \$1,450 in attorneys' fees and expenses.

On September 20, 2016, **Laura Gayle Nelson** [#14903550], 57, of Seguin, accepted a 186-day fully probated suspension. The District 15 Grievance Committee found that Nelson failed to communicate with a client.

Nelson violated Rule 1.03(a). She was ordered to pay \$1,200 in attorneys' fees and direct expenses.

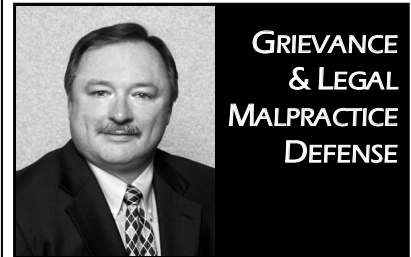
On October 4, 2016, **Fidelis Chiemezie Nwaozuzu** [#24038035], 53, of Dallas, agreed to a one-year

fully probated suspension effective October 1, 2016. The District 6 Grievance Committee found that on May 9, 2012, the complainant hired Nwaozuzu in connection with a personal injury matter. After the case settled, Nwaozuzu failed to hold funds belonging to the complainant separate from Nwaozuzu's own property.

Nwaozuzu violated Rule 1.14(a). He was ordered to pay \$700 in attorneys' fees and direct expenses.

On August 30, 2016, **James Stephen Sustaita** [#24013596], 49, of Austin, received a one-year fully probated suspension. An evidentiary panel of the District 9 Grievance Committee found that Sustaita was hired in August 2008 to represent the complainant on charges of minor in possession and minor in consumption. Sustaita neglected the case and,

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beginning in late 2013, repeatedly failed to respond to the complainant's requests for information regarding the status of his case. In June 2014, Sustaita spoke to an assistant city attorney who proposed a plea offer that was agreeable to the complainant. The paperwork was sent to Sustaita to complete, but Sustaita failed to return the paperwork to the prosecutor. Sustaita also failed to furnish a written response to the complaint as directed.

Sustaita violated Rules 1.01(b)(1), 1.03(a), 8.04(a)(1), and 8.04(a)(8). He was ordered to pay \$2,956.24 in attorneys' fees and expenses.

On September 2, 2016, **Brent Marshall Wasserstein** [#24039234], 41, of Houston, accepted a two-year partially probated suspension effective October 1, 2016, with the first three months actively served and the remainder pro-

bated. An evidentiary panel of the District 4 Grievance Committee found that Wasserstein neglected his client's matter, failed to keep his client reasonably informed about her case, and further failed to promptly comply with his client's reasonable requests for information. Wasserstein also failed to respond to the grievance.

Wasserstein violated Rules 1.01(b)(1), 1.03(a), and 8.04(a)(8). He was ordered to pay \$1,000 in attorneys' fees and direct expenses.

PUBLIC REPRIMANDS

On October 4, 2016, **Timothy Edward Baker** [#24050247], 49, of Allen, received an agreed judgment of public reprimand. An evidentiary panel of the District 1 Grievance Committee found that on January 5, 2015, the complainant hired Baker to handle a real property matter. Baker

frequently failed to carry out the obligations he owed to the complainant in that he continually failed to file a disclaimer of grant of real property in her matter for close to a year. During the course of the representation, Baker failed to keep the complainant reasonably informed about the status of her legal matter and failed to promptly comply with reasonable requests for information from the complainant.


Baker violated Rules 1.01(b)(2) and 1.03(a). He was ordered to pay \$488.25 in attorneys' fees and direct expenses.

On October 6, 2016, **Fernando Dubove** [#06145150], 56, of Dallas, received an agreed judgment of public reprimand. An evidentiary panel of the District 6 Grievance Committee found that in 2011, the complainant hired Dubove to represent him in an immigration matter. In representing the complainant, Dubove neglected the legal matter entrusted to him by failing to file the filing fee receipt with complainant's Form I-601 (waiver for ground of inadmissibility) as ordered by the immigration court.

Dubove violated Rule 1.01(b)(1). He was ordered to pay \$2,500 in restitution and \$488.25 in attorneys' fees and direct expenses.

On September 6, 2016, **David C. Fleming-Hughes** [#07134500], 63, of Dallas, received an agreed judgment of public reprimand. An evidentiary panel of the District 14 Grievance Committee found that in November 2013, two of Fleming-Hughes' clients were involved in an automobile accident and signed a contract for legal services with Fleming-Hughes' law firm. During the course of the representation, Fleming-Hughes' clients communicated with Fleming-Hughes' non-lawyer assistant regarding the status of their respective personal injury cases. During this time, Fleming-Hughes' non-lawyer assistant failed to inform Fleming-Hughes of his clients'

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concerns regarding the representation. Fleming-Hughes, having direct supervisory authority over his non-lawyer assistant, had the obligation to make reasonable efforts to ensure that the non-lawyer's conduct was compatible with the professional obligations of Fleming-Hughes. Fleming-Hughes permitted his non-lawyer assistant's conduct and failed to take reasonable remedial action to avoid or mitigate the consequences of the conduct. Fleming-Hughes' non-lawyer assistant's conduct would be a violation of the rules of professional conduct if engaged in by a lawyer.

Fleming-Hughes violated Rule 5.03. He was ordered to pay \$2,000 in attorneys' fees and direct expenses.

On September 22, 2016, **Taft Lavon Foley** [#24039890], 43, of Houston, received an agreed judgment of public reprimand. The 157th District Court of Harris County found that Foley committed professional misconduct by failing to fulfill the requirements for a contingent fee agreement and failing to ensure that the conduct of a non-lawyer under his direct supervisory authority was compatible with his professional obligations.

Foley violated Rules 1.04(d) and 5.03(a). He was ordered to pay \$2,984.12 in attorneys' fees and direct expenses.

On October 18, 2016, **Kelly Lee Newman** [#14961000], 73, of The Woodlands, received an agreed judgment of public reprimand. An evidentiary panel of the District 3 Grievance Committee found that in representing a client, Newman neglected the legal matter entrusted to him.

Newman violated Rule 1.01(b)(1). He was ordered to pay \$500 in attorneys' fees.

On October 5, 2016, **Jason Michael Sweny** [#24072380], 41, of Houston, received an agreed judgment of public reprimand. An evidentiary panel of

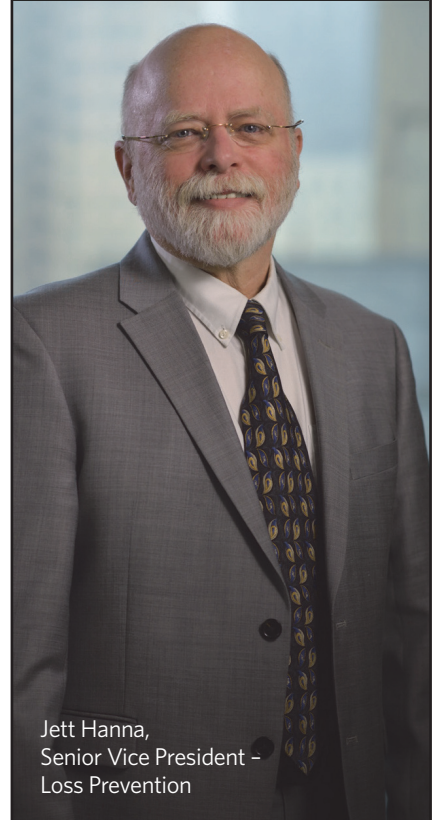
the District 4 Grievance Committee found that in representing his client, Sweny neglected the legal matter entrusted to him, failed to keep his client reasonably informed about the status of the legal matter and to comply with reasonable requests for information, and failed to timely furnish to the Office of Chief Disciplinary Counsel a response or other information as required by the Texas Rules of Disciplinary Procedure.

Sweny violated Rules 1.01(b)(1), 1.03(a), and 8.04(a)(8). He was ordered to pay \$750 in restitution and \$610 in attorneys' fees and direct expenses.

On September 8, 2016, **Derek Robert Van Gilder** [#20494900], 66, of Bastrop, accepted a public reprimand. An evidentiary panel of the District 8 Grievance Committee found that while representing a client in her personal affairs, Van Gilder also represented her company. In January 2009, the client set up a trust for the benefit of her only child. In mid-July 2014, at the client's request, Van Gilder drafted a second amendment to the trust. In the summer of 2014, disputes about the client's mental condition arose and an application for appointment of guardian of the person and estate was filed. On August 5, 2014, the client executed the second amendment to the trust. This amendment appointed Van Gilder co-trustee of the trust and also appointed Van Gilder successor trustee should the client become incapacitated. Then, on August 26, 2014, Van Gilder drafted, at the client's request, and the client executed a new power of attorney naming Van Gilder her power of attorney and revoking her former power of attorney. On November 11, 2014, a medical doctor diagnosed the client with dementia and determined that she is without capacity to care for herself or to manage her property.

Van Gilder violated Rule 1.06(b)(2). He was ordered to pay \$5,000 in attorneys' fees and direct expenses. **TBJ**

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