



DISCIPLINARY ACTIONS

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 Aug. 30, 2006, the Board of Disciplinary Appeals entered an agreed judgment of suspension against **Howard Aaron Gross** [#08532050], 45, of Cherry Hill, N.J. On March 7, 2006, Gross was suspended from the practice of law in New Jersey for three months and probated for three months by the Supreme Court of New Jersey in the

matter styled, *In the Matter of Howard A. Gross, an Attorney at Law*, (Attorney No. 035181992). In accordance with Part IX of the Texas Rules of Disciplinary Procedure, Gross was on a probated suspension from the practice of law in Texas for a period of three months effective March 8, 2006. BODA cause number 37812.

On Sept. 19, 2006, the Board of Disciplinary Appeals dismissed for want of prosecution the appeal of the complainant of the default judgment of disbarment of **Garry L. Washington** [#00785188], 53, of Houston, issued by an evidentiary panel of the District 4-B Grievance Committee in Case Nos. H0110112114 and H0040212968. The board found that the complainant did not file a reporter's record or a brief. The board issued an order to show cause to the complainant on July 13, 2006, giving him 30 days to respond and show cause as to why this appeal should not be dismissed for want of prosecution. The complainant did not respond. BODA cause number 36378.

On Nov. 3, 2006, the Board of Disciplinary Appeals signed a judgment of indefinite disability suspension against **Michael E. Harssema** [#24012794], 34, of Dallas, 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 number 36745.

On Nov. 3, 2006, the Board of Disciplinary Appeals affirmed the partially probated suspension of **Timothy W. Sorenson** [#18848400], 60, of Dallas, by an evidentiary panel of the District 6-A Grievance Committee in Case No. D0120425404 on March 6, 2006. Sorenson's stay of suspension is dissolved, and he shall be suspended from the practice of law for 58 and one-half months effective Nov. 3, 2006, with the first four and one-half months actively served and the remainder probated. BODA cause number 37595.

On Nov. 2, 2006, the Board of Disciplinary Appeals signed a final judgment disbaring **Ronald B. Manning** [#12940990], 53, of Galveston. On June 9, 2006, the board signed an interlocutory order suspending Manning from the practice of law pending the appeal of his criminal conviction for theft over \$100,000, an intentional crime as defined in the Texas Rules of Disciplinary Procedure, in Cause No. 994363 styled, *The State of Texas v. Ronald Manning*, in the 339th District Court of Harris County. Manning was sentenced to 28 years in the custody of the Institutional Division of the Texas Department of Criminal Justice. He was assessed a fine of \$10,000 and ordered to pay \$437 in court costs and \$1,236,823.95 in restitution. The interlocutory order provided that in the event Manning's conviction became final, he would be disbarred. On Sept. 8, 2006, the 14th Court of Appeals issued a mandate affirming the judgment in the criminal case. BODA cause number 37444.

On Nov. 3, 2006, the Board of Disciplinary Appeals entered an interlocutory order of suspension against **Eugene X. Mercier** [#13946700], 47, of Corpus Christi. On May 26, 2006, Mercier was found guilty of conspiracy to commit barratry, a state jail felony, an intentional

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crime as defined in the Texas Rules of Disciplinary Procedure, in Cause No. CR-3680-01-F styled, *The State of Texas v. Eugene X. Mercier*, in the 332nd District Court of Hidalgo County. Mercier was sentenced to six months confinement, which was suspended, and Mercier was placed on community supervision for two years. He was assessed a fine of \$7,500 and ordered to attend and complete a 15-hour drug education program, work 240 community service hours, and surrender his law license. Mercier has appealed the conviction. In the event that the conviction becomes final, Mercier will be disbarred. BODA cause number 38020.

The full text of BODA's opinion and order in this matter can be found at BODA's website, www.txboda.org.

DISBARMENT

On Sept. 6, 2006, **Roy R. Jeffers** [#10602700], 60, of Dallas, was disbarred. An evidentiary panel of the District 6-A Grievance Committee found that on May 6, 2002, the complainant hired Jeffers to represent the defendant in a criminal matter. The complainant paid Jeffers \$715 for the representation. On June 5, 2002, Jeffers was not permitted into the courtroom for the defendant's hearing because his license was administratively suspended and had been suspended at the time the complainant hired him. The defendant then represented himself pro se at the hearing. Jeffers failed to respond to the complainant's telephone calls regarding the status of the matter.

Jeffers violated Rules 1.01(b)(1), 1.03(a), and 8.04(a)(11). He was ordered to pay \$715 in restitution, \$1,755 in attorney's fees, and \$389.99 in costs.

SUSPENSIONS

On Oct. 10, 2006, **Keith Brian Kozura** [#24015150], 35, of Denton,

received a two-year active suspension effective Oct. 1, 2006. An evidentiary panel of the District 14-B Grievance Committee found that in the first matter, on Feb. 10, 2005, the complainant hired Kozura to represent her in a divorce. Kozura failed to keep the complainant adequately informed about the status of her case and subsequently failed to complete her divorce. Kozura failed to inform the complainant of her first court date, and consequently, the complainant missed appearing in court. Kozura failed to prepare the complainant for a court hearing and failed to represent her interests in court by not presenting any evidence as to her fitness as a parent. When Kozura owed the complainant money due to an overpayment, Kozura paid the complainant by a check in the amount of \$332, which was returned for insufficient funds. Kozura failed to return the complainant's phone calls regarding her case and failed to file a response to the complaint.

In a second matter, on May 24, 2002, the complainant hired Kozura in a child custody matter involving the complainant's daughter. The complainant paid Kozura a \$2,500 retainer for the representation. For three years, Kozura failed to contact the complainant by telephone or mail. Additionally, the complainant received no information in reference to her case. The complainant requested information from Kozura by certified mail, but received nothing. The complainant was unsuccessful in her repeated attempts to contact Kozura. Kozura failed to file a response to the complaint.

Kozura violated Rules 1.01(b)(1) and (b)(2), 1.03(a), and 8.04(a)(8). He was ordered to pay \$332 in restitution to the first complainant, \$1,368.75 in attorney's fees, and \$260.02 in costs.

On Oct. 18, 2006, **David A. Cantu** [#03767030], 42, of McAllen, received a

two-year partially probated suspension effective Jan. 1, 2007, with the first month actively served and the remainder probated. The District 12-B Grievance Committee found Cantu neglected the obligations owed to the client by allowing the case to be dismissed for want of prosecution and failing to inform the client of the dismissal. Cantu failed to timely file a response to the grievance.

Cantu violated Rules 1.01(b)(2) and 8.04(a)(8). He was ordered to pay \$2,100 in attorney's fees and \$355 in direct expenses. Cantu has appealed the decision.

On Sept. 19, 2006, **Jeremy C. Nutt** [#00793010], 43, of Fort Worth, received a two-year active suspension effective Sept. 15, 2006. An evidentiary panel of the District 6-A Grievance

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Committee found that on May 26, 2005, the complainant employed Nutt to incorporate a business and to prosecute a lawsuit against a former tenant. Nutt obtained a tax identification number but failed to provide any other legal services relating to the incorporation. Nutt filed a lawsuit against the former tenant but failed to take any other action, causing the lawsuit to be dismissed. Nutt failed to reply to the complainant's proper requests for information. Nutt failed to respond to the grievance.

Nutt violated Rules 1.01(b)(1) and (b)(2), 1.03(a), and 8.04(a)(8). He was ordered to pay \$2,100 in restitution and \$994.75 in attorney's fees.

On Oct. 16, 2006, **Bill Lance Fitzgerald** [#00796550], 37, of Lub-

bock, accepted a two-year fully probated suspension effective Nov. 1, 2006. The District 16-A Grievance Committee found that Fitzgerald was hired to expunge a client's records for criminal charges that had been dismissed. Fitzgerald neglected the representation, failed to return telephone calls from his client, and canceled several appointments with his client. Fitzgerald failed to respond to the grievance.

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

On Sept. 6, 2006, **Veryl E. Brown** [#03177050], 49, of Seguin, received a 30-month partially probated suspension effective July 31, 2006, with the first three months actively served and the remainder probated. The District 11-C Grievance Committee found that Brown failed to keep his client informed about the status of the case and settled the personal injury case without his client's authorization. After settling the case and depositing the settlement funds into his trust account, Brown failed to promptly notify his client of the receipt of funds, failed to promptly disburse the funds, and used a portion of the funds for his personal benefit.

Brown violated Rules 1.01(b)(1), 1.02(a)(2), 1.03(a) and (b), 1.04(d), 1.14(a) and (b), and 8.04(a)(3). He was ordered to pay \$1,404 in restitution and \$3,621 in attorney's fees.

On Sept. 1, 2006, **Bobbie Marie Guerra-Cavazos** [#24007284], 33, of El Paso, received a fully probated suspension. The District 17-A Grievance Committee found that Guerra-Cavazos neglected a legal matter, failed to keep her client informed about the status of the case, and failed to return her client's file upon termination.

Guerra-Cavazos violated Rules 1.01(b)(1), 1.03(a) and (b), and 1.15(d). She was ordered to pay \$3,360.80 in attorney's fees and \$400 in restitution.

On Oct. 30, 2006, **Thomas A. Zakes** [#22243420], 44, of Houston, received a two-year fully probated suspension. An evidentiary panel of the District 4-F Grievance Committee found that Zakes was retained to handle a child support issue with the Attorney General of Texas Child Support Division. After accepting his client's matter and a fee of \$500 for his legal services, Zakes failed to perform any substantive legal services on behalf of his client. The client made several attempts to communicate with Zakes, and Zakes failed to keep his client reasonably informed about the status of the matter. Zakes also failed to timely provide a written response to the grievance committee.

Zakes violated Rules 1.01(b)(1) and (b)(2), 1.02(a)(1), 1.03(a) and (b), 8.01(b), and 8.04(a)(8). He was ordered to pay \$1,377.50 in attorney's fees and \$324.16 in costs.

On Oct. 6, 2006, **John C. Lagrappe** [#11819580], 41, of Houston, received a 36-month partially probated suspension effective Nov. 1, 2006, with the first six months actively served and the remainder probated. An evidentiary panel of the District 4-B Grievance Committee found that Lagrappe was retained to represent his client in a family law matter. Lagrappe then failed to file an answer, resulting in a default judgment being rendered against his client. Lagrappe then filed a motion to set aside judgment; however, he repeatedly passed the hearings due to conflicts with his schedule until the court lost plenary power to rule on the post-judgment motion.

Lagrappe violated Rules 1.01(b)(1) and (b)(2), 1.02(a)(1), and 1.03(a). He

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was ordered to pay \$431.94 in restitution and \$3,000 in attorney's fees and costs.

REPRIMANDS

On Nov. 4, 2006, **John F. Taylor II** [#19732000], 67, of Fort Worth, accepted a public reprimand. An evidentiary panel of the District 7-A Grievance Committee found that Taylor was hired to represent a corporation regarding various real estate transactions, including filing of deeds, foreclosures, and liens. Taylor neglected several of the matters for which he was hired and failed to respond to his client's requests for copies of documents that he had prepared. Taylor failed to keep the client informed as to the status of the matters. Taylor failed to respond to the complaint.

Taylor violated Rules 1.01(b)(1) and (b)(2), 1.03(a), and 8.04(a)(8). He was ordered to pay \$1,200 in attorney's fees.

On Oct. 30, 2006, **Danny Barfield** [#01726000], 64, of Houston, accepted a public reprimand. An evidentiary panel of the District 4-D Grievance Committee found Barfield was retained to litigate a divorce matter. During his representation, a loan agreement for the amount of \$15,000 was executed between Barfield and the complainant, with a deed of trust on the complainant's property to serve as security for the loan. Before allowing the complainant to complete the loan agreement, Barfield did not advise the complainant to seek an independent legal opinion regarding the loan or get the complainant's consent in writing.

Barfield violated Rule 1.08(a)(3). He agreed to pay \$600 in attorney's fees.

On Oct. 26, 2006, **Joseph C. Wiener, Jr.** [#21432700], 56, of Austin, accepted a public reprimand. An evidentiary panel of the District 8-C Grievance Committee found that in representing a client in a divorce matter, Wiener neglected a legal matter entrusted to him; failed to keep the client reasonably

informed about the status of a matter; failed to explain the matter to the extent reasonably necessary to allow the client to make an informed decision; and failed to timely furnish a response to the Office of the Chief Disciplinary Counsel.

Wiener violated Rules 1.01(b)(1), 1.03(a) and (b), and 8.04(a)(8). He was ordered to pay \$540 in attorney's fees.

On Oct. 13, 2006, **Carmen A. Elias** [#06889200], 47, of Richardson, received a public reprimand. An evidentiary panel of the District 7-A Grievance Committee found that in February 2003, Elias was appointed to serve as a special assistant to the U.S. Attorney's Office for the Eastern District of Arkansas to handle Social Security related matters. On Feb. 13, 2003, Elias submitted a signed statement to the Executive Office for the U.S. Attorney's Office declaring that she was active and in good standing with the State Bar of Texas, although her license was administratively suspended due to non-payment of bar dues from 1993 to 2003.

Elias violated Rule 8.04(a)(11). She was ordered to pay \$1,100 in attorney's fees and costs.

On Oct. 17, 2006, **Patricia Harrison** [#24001311], 38, of Houston, accepted a public reprimand. An evidentiary panel of the District 8-A Grievance Committee found that while acting as an attorney ad litem for a minor child in a personal injury case, Harrison communicated ex parte with a judge for the purpose of influencing him concerning the pending matter.

Harrison violated Rule 3.05(b). She was ordered to pay \$400 in attorney's fees.

On Oct. 17, 2006, **C. Randall Michel** [#14009450], 57, of College Station, accepted a public reprimand. An evidentiary panel of the District 8-A Grievance Committee found that he engaged in a series of ex parte emails with

an attorney in a matter over which he was presiding as the trial judge, with the intent to influence the outcome of the case.

Michel violated Rule 8.04(a)(1). He was ordered to pay \$400 in attorney's fees.

On Oct. 9, 2006, **Gary D. Shields** [#18260300], 62, of Dallas, received a public reprimand. An evidentiary panel of the District 6-A Grievance Committee found that in September 2003, the complainant hired Shields to represent her in a divorce matter. The complainant signed a retainer agreement and paid Shields \$2,000 for the representation. On Feb. 16, 2004, Shields filed a motion for a protective order on behalf of the complainant and the complainant paid Shields \$750 to file the motion. A hearing was held in June 2004, and the judge granted the protective order. However, Shields failed

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to diligently pursue entry of the order, which was not signed until Jan. 15, 2005.

Shields was administratively suspended from the practice of law on Sept. 1, 2004, for non-payment of dues. Shields was reinstated on Nov. 1, 2004. During the period of suspension, Shields engaged in the practice of law.

Shields violated Rules 1.01(b)(1) and (b)(2) and 8.04(a)(11). He was ordered to pay \$1,250 in attorney's fees and costs.

RESIGNATIONS

On Jan. 12, 2006, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Jeffrey Joseph Neppl** [#14914800], 42, of Rock Island, Ill. The court found that on Nov. 22, 2005, the Supreme Court of Illinois

entered an order striking Neppl's name from the roll of attorneys licensed to practice law in Illinois pursuant to Supreme Court Rule 762(a).

The Illinois Attorney Registration and Disciplinary Commission found that on Feb. 23, 2005, Neppl was charged with one count of conspiracy to distribute cocaine, in violation of Title 21 U.S.C., §841 and §846 (Count I); one count of distribution and possession with intent to distribute cocaine, in violation of Title 21 U.S.C., §841 (Count II); and one count of attempt to distribute cocaine, in violation of Title 21 U.S.C., §846 (Count III).

On July 7, 2005, Neppl pleaded guilty to Counts I and II. The factual basis for the guilty plea indicates that in early 2004, Neppl began purchasing cocaine from one of his clients on a regular basis. Neppl also received cocaine in exchange for providing legal services. Neppl's criminal conduct involved at least 400 grams of cocaine. On Oct. 17, 2005, Neppl was committed to the custody of the Bureau of Prisons for 46 months on each of Counts I and II to run concurrently. Upon release, he will be placed on supervised release for five years on each of Counts I and II to run concurrently.

As a result of such plea to an intentional and serious crime as defined in Rules 1.06(T) and 1.06(Z), Texas Rules of Disciplinary Procedure, Neppl would

be subject to Reciprocal Discipline under Part IX of the Rules.

On Sept. 25, 2006, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Lauren Reitman Weinstein** [#00791898], 39, of Carrollton. On Jan. 20, 1999, Weinstein was designated power of attorney over her mother's estate. Weinstein misappropriated funds in the amount of \$1,214,367 from her mother's estate for personal gain. A guardianship battle ensued. On March 4, 2003, Weinstein was ordered by the probate court to produce an accounting relative to the funds. Weinstein failed to produce the accounting.

Weinstein violated Rules 3.04(d) and 8.04(a)(3).

On Sept. 25, 2006, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Charles Gilman Lowry** [#12641000], 74, of Lynchburg, Va. The court found that on Feb. 24, 2006, a summary order was entered in VSB Docket #06-000-2270, *In the Matter of Charles Gilman Lowry, Respondent*, before the Virginia State Bar Disciplinary Board revoking Lowry's license to practice law in the Commonwealth of Virginia.

As a result of such discipline by the Virginia State Bar Disciplinary Board, Lowry would be subject to Reciprocal Discipline under Part IX of the Rules. ★

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