



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.

RESIGNATIONS

On Nov. 28, 2006, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Edward L. Parker** [#15482400], 54, of Tyler. At the time of his resignation, there were four grievance matters pending against him for neglecting client matters, failing to fulfill obligations to clients, failing to keep clients reasonably informed, failing to respond

to requests for information from clients, failing to return files to clients, failing to return unearned fees to clients, violating a disciplinary judgment, and failing to respond to grievances.

Parker violated Rules 1.01(b)(1) and (b)(2), 1.03(a), 1.15(d), and 8.04(a)(7) and 8.04(a)(8).

On Nov. 28, 2006, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Fancharm H. Gibson** [#07861800], 51, of Dallas. At the time of Gibson's resignation, there were eight grievance matters pending against her alleging failure to promptly remit settlement funds to clients and medical providers; failure to respond to grievances; failure to respond to reasonable requests for information from clients; failure to properly supervise a non-lawyer; failure to comply with grievance committee subpoenas; settling cases without clients' authorization; and failure to provide an accounting.

Gibson violated Rules 1.01(b)(1) and (b)(2), 1.02(a)(2), 1.03(a) and (b), 1.14(a), (b), and (c), 5.03(a), 8.01(b), and 8.04(a)(1), (a)(2), (a)(3), and (a)(8). Gibson was ordered to pay \$18,545.52 in restitution.

On Nov. 28, 2006, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Clyde W. Howard** [#10083500], 63, of Nacogdoches. On Oct. 4, 2005, Howard was appointed to defend the complainant in his criminal case. Howard subsequently

failed to do any significant legal work on the complainant's behalf. Howard failed to adequately communicate with the complainant by keeping him informed and meeting with him regarding the case. He also failed to respond to the grievance.

Howard violated Rules 1.01(b)(1) and (b)(2), 1.03(a) and 8.04(a)(8).

On Nov. 28, 2006, the Supreme Court of Texas accepted the resignation of **Ronald H. Traver** [#20190500], 69, of Fort Worth. Traver served as trustee of a trust since its creation on Jan. 5, 1995. As part of the trust estate, the trustee owned the home in which the trust beneficiary resides. Traver's trustee duties included being responsible for paying the expenses associated with the home from the trust estate. The beneficiary learned that many of the trust bills were being paid late or with insufficient funds and a lawsuit had been initiated to collect delinquent property taxes. Traver finally paid the taxes and related costs and the lawsuit was dismissed. Subsequently, the beneficiary retained the complainant, an attorney, to assist her in obtaining financial information from Traver regarding assets of the trust. Thereafter, the complainant requested an accounting of the trust's financial activities from inception to the present. The complainant secured the assistance of an accountant to prepare the accounting of the trust's financial records. Based on the accountant's examination of the trust's financial records provided by

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Traver, the complainant determined that Traver, in his capacity as trustee, utilized funds from the trust for his personal benefit. Traver entered into a settlement agreement to repay the beneficiary of the trust a total of \$450,000.

DISBARMENTS

On Nov. 13, 2006, **Kenneth Wayne Brown** [#00796257], 36, of Lake Charles, La., was disbarred. An evidentiary panel of the District 5-C Grievance Committee found that Brown was the attorney for complainant and her leasing business. In 2004, Brown stopped communicating with the complainant. Brown failed to answer a lawsuit, resulting in a default judgment. He forged a check for fees, failed to account for other funds owed to the complainant, and failed to return a number of files that represented valid claims owned by the complainant. He refused to communicate with the complainant despite her many efforts to contact him, including certified letters.

Brown violated Rules 1.01(b)(1) and (b)(2), 1.03(a) and (b), 1.14(a), (b), and (c), 1.15(d), 8.01(b), and 8.04(a)(3) and (a)(8). He was ordered to pay \$36,100 in restitution, \$800 in attorney's fees, and \$200 in costs.

On Nov. 27, 2006, **Jack E. McKeathen, Jr.** [#13695600], 46, of Denton, was disbarred. The District 14-B Grievance Committee found that in one matter, McKeathen was employed by the complainant to transfer her divorce case from Nueces County to Denton County and pursue a motion to enforce against the complainant's ex-husband. The complainant paid McKeathen a \$1,000 retainer fee and provided him with her file. Thereafter, McKeathen failed to complete any meaningful legal work on the case. He moved out of his office and the complainant was unable to find or contact him.

In a second matter, McKeathen agreed to represent the complainant in an action on a debt. The complainant mailed McKeathen a \$500 check for the representation. Thereafter, McKeathen failed to timely file a written answer to a petition filed against the complainant in the action on the debt, resulting in an interlocutory default judgment. In both matters, McKeathen failed to respond to the grievance.

McKeathen violated Rules 1.01(b)(1), 1.03(a), and 8.04(a)(8). He was ordered to pay \$1,500 in restitution and \$2,394.97 in attorney's fees.

SUSPENSIONS

On Nov. 7, 2006, **Tshombe Anderson** [#24012218], 38, of Dallas, received a three-year, partially probated suspension effective Nov. 1, 2006, with the first two months actively served and the remainder probated. The District 7-A Grievance Committee found that Anderson was actively suspended from practicing law from April 1, 2005, through Oct. 1, 2005. On May 6, 2005, Anderson issued an automated Notice of Representation to Traveler's Insurance on behalf of his client, who was signed up in a workers' compensation matter.

Anderson violated Rules 8.04(a)(7) and (a)(11). He was ordered to pay \$1,800 in attorney's fees.

On Nov. 27, 2006, **Bryan L. Walter** [#20811230], 46, of Grapevine, accepted a three-month, fully probated suspension effective Nov. 15, 2006. The 352nd District Court found that in July 2003, Walter began representation in a post-divorce custody modification matter. After the custody issue was resolved, the client and Walter jointly filed an application for turnover order. Walter wanted to pursue the application for turnover but the client did not want to, so Walter filed a motion for withdrawal of counsel. In the

motion, he stated that the client refused to take phone calls from him when Walter attempted to inform the client of the extramarital sexual behavior of the client's wife with the complainant and others.

Walter violated Rule 4.04(a). He was ordered to pay \$3,000 in attorney's fees and costs.

On Sept. 19, 2006, **Marlon W. Frazier** [#07406380], 41, of Carrollton, received a two-year, partially probated suspension effective Sept. 15, 2006, with the first six months actively served and the remainder probated. The District 6-A Grievance Committee found that on Feb. 17, 2005, the complainant employed Frazier to represent her in a

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claim against a pool company. Frazier filed a petition and obtained a default judgment. The court denied the judgment due to defective return of service. Thereafter, Frazier failed to inform the complainant that the default judgment had been denied or return the complainant's proper requests for information about the matter. He failed to respond to the grievance.

Frazier violated Rules 1.01(b)(1) and (b)(2), 1.03(a), and 8.04(a)(8). He was ordered to pay \$5,341 in restitution and \$994.75 in attorney's fees.

On Dec. 7, 2006, **Lauren C. LaRue** [#11960730], 47, of Dallas, accepted a six-month, fully probated suspension

effective Nov. 1, 2006. The District 6-A Grievance Committee found that LaRue represented the defendants and the complainant represented the plaintiffs in a civil matter. On June 15, 2004, the complainant had a telephone conference with LaRue about the case wherein LaRue intimated, but never directly stated, that in exchange for a nonsuit, LaRue's client would not report alleged criminal misconduct by the complainant's client to various prosecutors. On June 29, 2004, LaRue faxed a letter to the complainant in which she stated, "In exchange for your client filing a Motion to Dismiss the above-referenced lawsuit with prejudice, my clients are willing to provide a written statement that they will not initiate any contact with Federal, State, or local authorities." LaRue failed to respond to the grievance.

LaRue violated Rules 4.04(b)(1) and 8.04(a)(8). She was ordered to pay \$1,200 in attorney's fees.

On Dec. 4, 2006, **Marcus Norman** [#24007759], 36, of McKinney, accepted a one-year, fully probated suspension effective Nov. 1, 2006. The District 6-A Grievance Committee found that in one matter, the complainant employed Norman to represent him on a DWI charge. The complainant called Norman several times and left messages with Norman's legal assistant, but Norman failed to return the telephone calls. Based on Norman's failure to communicate with him, the complainant was forced to hire another attorney to go to court with him.

In a second matter, Norman was hired to represent the complainant on an assault charge. Thereafter, the complainant made numerous attempts to contact Norman by telephone and a certified letter. The certified letter was signed for by Norman's legal assistant. Norman failed to return his telephone

calls or respond to the letter. When the complainant's court date arrived, Norman did not appear and the complainant was represented by a court-appointed attorney.

Norman violated Rules 1.03(a) and 5.03(a). He was ordered to pay \$2,247.50 in attorney's fees.

On Dec. 18, 2006, **Alan R. Cervenka** [#04048900], 53, of Richmond, accepted a two-year, partially probated suspension effective Feb. 1, 2007, with the first three months actively served and the remainder probated. An evidentiary panel of the District 5-A Grievance Committee found that Cervenka, while administratively suspended, made numerous court appearances and engaged in the practice of law. An investigation found that Cervenka appeared as attorney of record in at least 72 matters while administratively suspended over a number of years.

Cervenka violated rules 3.03(a)(1), 5.05(a), and 8.04(a)(11). He agreed to pay \$1,508 in attorney's fees.

On Dec. 3, 2006, **John C. LaGrappe** [#11819580], 41, of Houston, accepted a three-year, partially probated suspension effective Nov. 1, 2006, with the first six months actively served and the remainder probated. The District 4-B Grievance Committee found that while LaGrappe was administratively suspended from the practice of law, he continued to practice law. LaGrappe failed to file a response to the grievance.

LaGrappe violated Rules 5.05(a), 8.01(b), and 8.04(a)(8), (a)(11), and (a)(12).

On Nov. 13, 2006, **Lionel Mills** [#14160000], 80, of Houston, received a five-year, fully probated suspension. An evidentiary panel of the District 4-A

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Grievance Committee found that Mills was retained as counsel in a civil matter. Mills, while representing his client, filed pleadings for which there was no factual or legal basis. As such, judges from the bankruptcy court, the Fifth Circuit Court of Appeals, and the Fourteenth Court of Appeals sanctioned Mills for filing frivolous pleadings and failing to comply with reasonable discovery requests.

Mills violated Rule 3.02.

PUBLIC REPRIMANDS

On Nov. 28, 2006, **Martha C. Wright** [#22048800], 48, of Grand Prairie, received an agreed judgment of public reprimand. The District 6-A Grievance Committee found that in December 1999, the complainant employed Wright to represent him in a lawsuit the complainant filed *pro se* regarding a Social Security matter. On Jan. 12, 2001, the court issued an order dismissing the complainant's claim. Shortly thereafter, the complainant contacted Wright regarding an appeal. The complainant believed that Wright agreed to represent him on the appeal. Wright failed to reply to the complainant's numerous telephone calls and written requests about the status of the appeal or advise the complainant that she was not handling an additional appeal of his matter.

Wright violated Rule 1.03(a). She was ordered to pay \$1,225 in attorney's fees.

On Nov. 15, 2006, **Christopher John Cafiero** [#24031784], 42, of Plano, received a public reprimand. The District 1-A Grievance Committee found that Cafiero failed to file a written response to separate complaints or assert a privilege or other legal ground for his failure to do so.

Cafiero violated Rule 8.04(a)(8). He

was ordered to pay \$3,127.50 in attorney's fees and \$180 in costs.

On Nov. 8, 2006, **Thomas P. Hayes IV** [#09280160] 50, of Houston, received a public reprimand. An evidentiary panel of the District 4-C Grievance Committee found that Hayes was hired in a divorce matter and received the requested retainer from his client. A temporary hearing had previously been set; although notified of the hearing date, Hayes failed to appear. Hayes then filed an answer and counterclaim on behalf of the client and requested and was paid additional fees. Hayes did no further work on the divorce matter. Though requested numerous times by his client, Hayes failed to advise the client of the status of the matter. The client demanded the return of his file and all unearned fees. Hayes failed to return the file and unearned fees to his client.

Hayes violated rules 1.01(b)(1) and (b)(2), 1.03(a) and (b), and 1.15(d). He was ordered to pay \$600 in restitution and \$1,950 in attorney's fees and costs.

JUDICIAL ACTION

On Dec. 20, 2006, the State Commission on Judicial Conduct accepted a voluntary agreement to resign from judicial office in lieu of disciplinary action executed by Gary Michael Block, County Court at Law No. 2, Houston, Harris County. Several complaints were filed with the commission alleging that Block engaged in inappropriate and unethical conduct in his chambers at various times between 2004 and 2006, at least one of which received local media attention. The commission also received additional complaints against Block alleging additional acts of judicial misconduct. The allegations of misconduct, if found to be true, could have resulted in disciplinary action against Block. Block agreed to

resign his judicial office, in lieu of disciplinary action by the commission, pursuant to Section 33.032(h) of the Texas Government Code. The commission shall pursue no further disciplinary proceedings against Block in connection with the above-referenced matters. Block is disqualified in the future from sitting or serving as a judge in the State of Texas; standing for election or appointment to judicial office in the State of Texas; or performing or exercising any judicial duties or functions of a judicial officer in the State of Texas, including the performance of wedding ceremonies. The effective date of the agreement shall be at the close of business on Dec. 31, 2006. ✪

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