



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.

JUDICIAL ACTIONS

On July 13, 2007, the Commission on Judicial Conduct issued a public admonition to **Bob Wall**, justice of the peace, Precinct 2, Place 1 in Brownwood, Brown County. The commission found that Wall failed to comply with the law and demonstrated a lack of professional competence in the law by (a) finding one defendant guilty in absentia;

(b) failing to provide adequate notice for the show cause hearing in the contempt case against a second defendant or allowing the defendant the opportunity to find counsel to represent him on such short notice; (c) issuing orders and fines that he had no authority to enforce against the second defendant pursuant to Section 341.037 of the Health and Safety Code; and (d) issuing a subpoena to compel the county judge to appear before Wall when no case or proceeding was pending. Wall's actions in all of these matters constituted willful or persistent violations of Canons 2A and 3B(2) of the Texas Code of Judicial Conduct.

Moreover, the commission concludes that based on the history of resentment that had built up within Wall toward the attorney representing the first defendant, Wall's decision to go forward with the criminal trial and find the defendant guilty in absentia when the judge knew her attorney and the prosecutor were in trial in a courtroom across the hall was a manifestation of the judge's bias or prejudice against the defendant's attorney, who he felt had routinely treated him without proper respect.

As a result of this resentment toward the first defendant's attorney, Wall effectively barred the defendant and her counsel from exercising their legal right to be heard in the criminal case. In this regard, Wall's actions in that case also constituted willful or persistent violations of Canons 3B(5) and (8) of the Texas Code of Judicial Conduct. Wall violated Canons 2A and 3B(2), (5), and (8) of the Texas Code of Judicial Conduct.

RESIGNATIONS

On June 18, 2007, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Cay M. Hughes** [#10209100], 51, of Houston. With regard to a number of clients, Hughes accepted the advance payment of fees, but failed to perform any meaningful legal services in exchange for those fees.

With regard to two clients, Hughes settled their personal injury cases without permission and converted the settlement proceeds to her own use. As to all of her clients, Hughes stopped communicating with the clients. Hughes also practiced law while she was administratively suspended.

Hughes violated Rules 1.01(b)(1) and (b)(2); 1.02(a)(1); 1.03(a) and (b); 1.04(a); 1.14(a) and (b); 1.15(b)(1) and (d); 5.05(a); and 8.04(a)(3), (a)(8), and (a)(11). She agreed to pay \$26,400 in restitution, \$2,000 in attorney's fees, and \$555 in costs.

On June 18, 2007, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Augusta Marie Burney** [#24026748], 36, of Palm Springs, Calif., regarding eight disciplinary proceedings. Burney neglected a legal matter entrusted to her; frequently failed to carry out completely the obligations owed to her clients; failed to keep a client reasonably informed about the status of a matter; failed to promptly comply with reasonable requests for information; failed to explain a matter to the extent reasonably necessary to permit a client to make informed decisions regarding representation; failed to abide by a client's decision concerning the objectives and general methods of representation; charged or collected an illegal or unconscionable fee; engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation; failed to take steps reasonably practicable to protect a client's interests; engaged in the practice of law when she was on inactive status or her right to practice had been suspended or terminated; failed to hold funds and

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other property belonging in whole or part to clients in her possession separate from her own property; committed a serious crime or committed a criminal act that reflected adversely on her honesty, trustworthiness, or fitness as a lawyer; violated other laws of this state relating to the professional conduct of lawyers and the practice of law; knowingly failed to respond to a lawful demand for information from a disciplinary authority; and failed to timely furnish a district grievance committee a response or other information.

Burney violated Rules 1.01(b)(1) and (b)(2); 1.02(a)(1); 1.03(a) and (b); 1.04(a); 1.14(a); 1.15(d); 4.01(a); 8.01(b); and 8.04(a)(1), (a)(2), (a)(3), (a)(8), (a)(11), and (a)(12).

On July 31, 2007, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Richard F. Garza** [#07737300], 48, of Dallas. At the time of Garza's resignation, there were two pending matters. In the first matter, the complainant hired Garza to represent him in a personal injury case on a contingency fee basis. Garza provided the complainant's treating physician with a letter of protection. In December 2003, settlement was reached in the matter. Garza signed the complainant's wife's name without her authority or permission and deposited the check into a bank account that was not designated as a trust account. The complainant received a check from Garza drawn on an account that was not designated as a trust account. Further, Garza failed to provide the complainant with a settlement statement reflecting the distribution of the funds. Garza also failed to remit any of the settlement funds to the complainant's treating physician pursuant. When the treating physician filed suit against the complainant for non-payment of medical services, Garza misrepresented to the complainant that he would take care of the matter. A judgment was obtained against the complainant in the amount

of \$4,397 plus court costs. In the second matter, the complainant hired Garza to assist her in obtaining a home loan. Thereafter, Garza failed to perform any legal services on behalf of the complainant and relocated his office without providing the complainant a means of contacting him. In addition, Garza failed to reply in writing to the complaint and asserted no grounds for his failure.

Garza violated Rules 1.01(b)(1); 1.03(a); 1.14(a), (b), and (c); and 8.04(a)(3) and (a)(8).

On July 31, 2007, the Supreme Court of Texas accepted the resignation, in lieu of compulsory discipline, of **Gregory Bryan McDonald** [#13462420], 42, of Roanoke. On Dec. 4, 2006, McDonald pleaded guilty in federal court to tax evasion.

On July 31, 2007, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Robert M. Bandy** [#01670000], 68, of Tyler. At the time of Bandy's resignation, there were five grievance matters pending against him for neglecting client matters; failing to communicate; failing to safeguard client funds; failing to promptly disburse funds; engaging in a conflict of interest; failing to return client files and unearned fees; engaging in conduct that involved dishonesty, fraud, deceit, or misrepresentation; and failing to respond to grievances filed against him.

Bandy violated Rules 1.01(a) and (b)(1); 1.03(a); 1.06(b)(2); 1.14(a) and (b); 1.15(d); and 8.04(a)(3) and (a)(8).

On July 31, 2007, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Amber L. Severtson** [#24027846], 35, of Plano. In the fall of 2004, the complainant hired Severtson to research and negotiate the amount of back taxes owed on multiple tracts of real estate that the complainant owned. On March 23, 2005, the com-

plainant wired \$33,000 directly to Severtson's title company's bank account at Severtson's directive for payment of back taxes owed. On June 29, 2005, the complainant wired \$18,568 to Severtson's title company's bank account again at Severtson's directive for back taxes owed. Severtson failed to subsequently pay the back taxes in total with the funds that the complainant provided. In addition, Severtson failed to respond to the complainant's inquiries and requests for information regarding the situation. Furthermore, Severtson failed to return the unused funds to the complainant and/or render an accounting regarding the funds. Finally, Severtson failed to respond to the complainant's grievance.

Severtson violated Rules 1.01(b)(1), 1.03(a), 1.14(a)(b), and 8.04(a)(3) and (a)(8).

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On Aug. 9, 2007, the Supreme Court of Texas accepted the resignation of **Michael L. Langley** [#11922300], 53, of Richardson. At the time of Langley's resignation, there were four matters pending against him in a case filed in district court. The allegations in the four pending matters include continuing to practice while actively suspended; neglect; failure to communicate or respond to reasonable requests for information from clients; failure to explain matter to extent to permit the client to make informed decisions; making false statements to a tribunal; conduct involving dishonesty, fraud, deceit, or misrepresentation; obstruction of justice; and failure to comply with grievance committee subpoenas.

Langley violated Rules 1.01(b)(1) and (b)(2); 1.03(a) and (b); 3.03(a)(1);

and 8.04(a)(1), (a)(3), (a)(4), (a)(8), and (a)(11).

On July 31, 2007, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Mitchell D. Hankins** [#08912700], 50, of Lubbock. At the time of Hankins' resignation, there were five disciplinary matters pending against him alleging neglect; failure to communicate with his clients; failure to provide an accounting; settling the client's case without permission; failure to keep client's funds separate; conduct involving dishonesty, fraud, deceit, or misrepresentation; and failure to respond to grievances.

Hankins violated Rules 1.01(b)(1) and (b)(2), 1.02(a)(2), 1.03(a) and (b), 1.14(a) and (b), 1.15(d), and 8.04(a)(3) and (a)(8).

On July 31, 2007, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Arnulfo M. Acosta** [#00785648], 44, of Edinburg. At the time of his resignation, there was a disciplinary action pending against Acosta and an interim suspension had been imposed by the Hidalgo County District Court. Acosta engaged in a criminal act and committed conduct involving fraud or misrepresentation. Acosta violated Rules 8.04(a)(2) and (a)(3).

SUSPENSIONS

On June 14, 2007, **Frank David Stone** [#00785062], 48, of Dallas, received a five-year, partially probated suspension effective June 6, 2007, with the first two years actively served and the remainder probated. An evidentiary panel of the District 6-A Grievance Committee found that in the first matter, the complainant referred a personal injury claim to Stone in May 2002. The personal injury claim settled on June 14, 2005, for \$15,000. Thereafter, Stone failed to timely disburse the settlement funds or return the file. By letter dated Nov. 14, 2005, Stone was directed to

provide certain information regarding the matter to the District 6-A Grievance Committee on or before Dec. 2, 2005. Stone failed to provide the information and asserted no grounds for such failure.

In the second matter, in the spring of 2002, the complainant employed Stone to represent her in a personal injury claim. Around March 2004, the complainant agreed to accept a settlement, and on March 26, 2004, the insurance carrier provided Stone a check for \$4,273. Stone negotiated the check but failed to provide the settlement documents to the complainant. Also, Stone failed to reply to the complainant's numerous requests for information about the matter. On Sept. 9, 2005, notice and a copy of the complaint were sent to Stone by certified mail, return receipt requested, and delivered on Sept. 14, 2005. Stone was directed to reply, in writing, within 30 days of receipt but failed to do so and asserted no grounds for such failure.

Stone violated Rules 1.01(b)(1), 1.03(a), 1.14(b), 1.15(d), 8.01(b), and 8.04(a)(8). He was ordered to pay \$2,925 in attorney's fees and \$639.11 in costs.

Stone did not file an appeal.

On July 7, 2007, **Leandro David Martinez** [#13142710], 48, of Pharr, accepted a one-year, fully probated suspension effective July 1, 2011. An evidentiary panel of the District 12-B Grievance Committee found Martinez violated the terms of a prior disciplinary judgment by practicing law while his law license was suspended.

Martinez violated Rule 8.04(a)(11). He was ordered to pay \$500 in attorney's fees and expenses.

On May 25, 2007, **John H. Whitaker** [#21277000], 83, of El Paso, received a one-year, active suspension effective July 1, 2007. The District 17-A Grievance Committee found Whitaker was hired in a personal injury case in which he neglected the representation and

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failed to communicate with his client. Whitaker failed to file suit before the statute of limitations expired. Whitaker failed to file a written response to the grievance.

Whitaker violated Rules 1.01(b)(1) and (b)(2), 1.03(a) and (b), and 8.04(a)(8). He was ordered to pay \$2,570 in attorney's fees and expenses.

On June 1, 2007, **Rene Segundo** [#17996999], 45, of McAllen, received a five-year, partially probated suspension effective July 1, 2007, with the first three months actively served and the remainder probated. The District 12-B Grievance Committee found that Segundo settled personal injury cases for 34 clients and withheld money from the settlement proceeds to pay the medical providers pursuant to letters of protection. Segundo failed to disburse settlement funds timely. Segundo failed to respond to the grievance timely.

Segundo violated Rules 1.14 (a) and (b) and 8.04(a)(8). He was ordered to pay \$3,730 in attorney's fees and expenses.

On June 25, 2007, **John Walter Washington, Jr.** [#00795709], 62, of Dallas, received a two-year, fully probated suspension effective July 1, 2007. An evidentiary panel of the District 6-A Grievance Committee found that in one matter, Washington was hired to handle a traffic ticket. After receiving deferred adjudication probation, the complainant delivered a money order for the required fee to Washington's office. Washington's office failed to forward the money order to the county clerk. Thereafter, the complainant was arrested for the unpaid fee.

In two other matters, Washington was hired to handle traffic tickets. Washington neglected the matters and failed to perform any legal services. Washington failed to keep the complainants reasonably informed and failed to comply with the complainants' reasonable requests for information. Washington failed to supervise his employees. Wash-

ington failed to provide certain information requested by the grievance committee and asserted no grounds for such failure.

Washington violated Rules 1.01(b)(1), 1.03(a), 1.14(b), 5.03(a) and (b)(1), and 8.01(b). He was ordered to pay \$500 in attorney's fees and \$418.62 in costs.

Washington did not file an appeal.

On April 24, 2007, **Robert M. Bandy** [#01670000], 68, of Tyler, received a two-year, partially probated suspension effective June 1, 2007, with the first six months actively served and the remainder probated. An evidentiary panel of the District 2-A Grievance Committee found that in the first matter, the complainant hired Bandy to file a motion to lift stay in a bankruptcy matter and paid Bandy a fee of \$600. Bandy subsequently did little or no work on the complainant's behalf and failed to respond to the complainant's telephone calls and letters requesting information regarding the matter. The complainant terminated Bandy's representation, and Bandy refunded the complainant's attorney's fees.

In the second matter, the complainant hired Bandy to represent him in recovering money expended by the complainant on real property owned by the complainant and his brothers. A partition suit by the complainant's brothers was pending at the time the complainant retained Bandy. The complainant paid Bandy a \$1,250 fee for the representation. Bandy did little or no work on the complainant's behalf and failed to respond to the complainant's telephone calls regarding the matter. The complainant had to hire another attorney to obtain the release of his funds from the court.

Bandy violated Rules 1.01(b)(1) and (b)(2) and 1.03(a). He was ordered to pay \$1,250 in restitution and \$2,469.50 in attorney's fees.

Bandy filed a motion for new trial on May 23, 2007, and the motion was denied.

On Aug. 3, 2007, **John Mann**, [#12926500], 60, of Shamrock, received a three-month active suspension effective Sept. 5, 2007. An evidentiary panel of the District 13-A Grievance Committee found that Mann was hired to represent plaintiffs in a civil matter. After special exceptions were granted for the defendants, Mann filed a non-suit without notice or explanation to the plaintiffs. The complainant terminated Mann's services and retained new counsel. Upon demand of the files from the complainant's new counsel, Mann turned over the files and a partial refund of the retainer, which was erroneously computed. Upon being informed as to the correct amount of the unearned fee, Mann delayed in paying that amount.

Mann violated Rules 1.03(a) and (b) and 1.15(d). He was ordered to pay \$1,550 in attorney's fees and costs.

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On June 28, 2007, **Ronald B. Sefrna** [#17987400], 60, of Tyler, received a two-year, active suspension effective July 1, 2007. An evidentiary panel of the District 2-A Grievance Committee found that the complainant's company hired Sefrna for a \$3,000 fee to both research and obtain trademark information for various other companies and to eventually file applications to register the trademarks for these companies.

Sefrna subsequently informed the complainant that the applications had been approved, and the complainant's company advertised on behalf of these companies using the respective trademarks. The complainant later learned that possible infringement problems existed stemming from her company's use of these trademarks.

Sefrna subsequently assured the com-

plainant that he would correct the problem, but he failed to do so. He also subsequently misrepresented information to the complainant regarding his efforts to re-file the applications. The complainant's company thereafter fired Sefrna and requested a return of its previously paid fee. Sefrna failed to respond to the request.

Sefrna violated Rules 1.01(b)(1), 1.03(a), 1.15(d), and 8.04(a)(3). He was ordered to pay \$3,000 in restitution and \$1,000 in attorney's fees.

On Aug. 2, 2007, **Elaine Watson** [#20945900], 51, of Wimberley, received a six-month, active suspension effective Aug. 1, 2007. An evidentiary panel of the District 15-C Grievance Committee found Watson failed to respond to two grievances.

Watson violated Rule 8.04(a)(8). She was ordered to pay \$350 in attorney's fees and expenses.

REPRIMANDS

On June 29, 2007, **Melody Hartman Cooper** [#04780950], 46, of Corpus Christi, accepted a public reprimand. An evidentiary panel of the District 11-A Grievance Committee found that in connection with her representation of maternal grandparents seeking custody of their infant grandchild, Cooper dismissed the initial custody case in which the father had filed a special appearance and re-filed the case approximately one hour later without notice to the father's attorney. Cooper violated the local rules by failing to file the second case in the same court where the first case had been filed. When Cooper had difficulty obtaining personal service on the father in the second case, Cooper requested service by publication and failed to have an ad litem appointed for the father.

Cooper violated Rules 3.03(a)(1) and 3.04(c)(1). She was ordered to pay \$1,000 in attorney's fees and expenses.

PRIVATE REPRIMANDS

Listed below is the breakdown of rule violations for 28 attorneys, followed by the number of attorneys that violated each rule. Please note that an attorney may be reprimanded for more than one rule violation.

Texas Disciplinary Rules of Professional Conduct: 1.01(b)(1) — 15; 1.01(b)(2) — 7; 1.03(a) — 14; 1.03(b) — 8; 1.04(d) — 2; 1.06(b)(2) — 1; 1.08(a)(2) — 1; 1.09(a)(3) — 1; 1.14(a) — 1; 1.14(b) — 1; 1.14(c) — 1; 1.15(a)(1) — 1; 1.15(a)(3) — 1; 1.15(d) — 5; 3.01 — 1; 5.03(a) — 1; 5.03(b)(1) — 1; 8.01(a) — 1; 8.01(b) — 3; 8.04(a)(1) — 3; 8.04(a)(3) — 2; 8.04(a)(8) — 4; and 8.04(a)(11) — 1. ❖

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