

General questions regarding attorney discipline should be directed to the Office of the Chief Disciplinary Counsel, 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 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.

**DISBARMENTS**

On June 18, 2013, **Elene B. Glassman** [#08016000], 71, of Houston, was disbarred. An evidentiary panel of the District 4 Grievance Committee found that Glassman brought a proceeding that was frivolous and, in the course of litigation, took a position that unreasonably increased the costs and unreasonably delayed the resolution of the matter.

Glassman violated Rules 3.01 and 3.02. She was ordered to pay \$7,550 in attorneys' fees and \$462.50 in direct expenses.

Glassman has appealed.

On Aug. 28, 2013, **Blaine Goins** [#24002147], 41, of Nacogdoches, was disbarred. An evidentiary panel of the District 3 Grievance Committee found that Goins was hired for representation in a child custody case. The client lived out of state but traveled to Orange County for several scheduled hearings, only to be told by Goins that the hearings had been continued. Ultimately, Goins informed his client that the final judgment had been entered against her and that he would file an immediate appeal. Goins subsequently ceased all communication with his client, who later learned that Goins had not filed the docu-

mentation that he indicated had been filed. The client promptly terminated the representation and requested the return of her client file; however, Goins failed to comply. Additionally, Goins failed to file a written response to the grievance.

Goins violated Rules 1.01(b)(1), 1.03(a), 1.15(d), 8.04(a)(3), and 8.04(a)(8). He was ordered to pay \$1,500 in restitution and \$1,875 in attorneys' fees.

**SUSPENSIONS**

On Oct. 29, 2013, **Kevin M. Prendergast** [#24004868], 49, of Friendswood, received a two-year partially probated suspension effective Jan. 1, 2014, with the first year actively suspended and the remainder probated. The 10th District Court of Galveston County found that Prendergast committed professional misconduct by violating Rule 1.03(a) [requiring a lawyer to keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information], Rule 1.14(a) [requiring a lawyer to keep client funds separate from the lawyer's own property], Rule 1.14(c) [requiring a lawyer to keep funds separate until there is an accounting and severance of the interests], and Rule 3.04(d) [forbidding a lawyer from knowingly disobeying a ruling by a tribunal].

Prendergast was ordered to pay \$1,263 in attorneys' fees and direct expenses.

On Oct. 31, 2013, **Alberto Posada** [#24039360], 42, of Eules, received a one-year fully probated suspension effective Jan. 1, 2014. An evidentiary panel of the District 7 Grievance Committee found that Posada neglected the legal matters entrusted to

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him by failing to appear at hearings regarding bond reductions. Posada failed to keep the clients reasonably informed about the status of their criminal matters and failed to promptly comply with reasonable requests for information from the clients about their criminal matters. Upon termination of representation, Posada failed to refund advance payments of fee that had not been earned.

Posada violated Rules 1.01(b)(1), 1.03(a), and 1.15(d). He was ordered to pay \$5,000 in restitution, \$1,912.50 in attorneys' fees, and \$365.87 in direct expenses.

Posada filed an appeal on Nov. 27, 2013.

On Nov. 2, 2013, **Alfred G. Gilbertson Jr.** [#07903200], 53, of Dallas, received a two-year probated suspension effective Nov. 15, 2013. An evidentiary panel of the District 6 Grievance Committee found that on

Dec. 15, 2010, complainant filed a grievance against Gilbertson with the State Bar of Texas. Gilbertson failed to file a response to complainant's grievance.

Gilbertson violated Rule 8.04(a)(8). He was ordered to pay \$1,200 in attorneys' fees and \$2,200 in restitution.

On Aug. 7, 2013, **Bruce A. Rokohl** [#17208800], 57, of Orange Grove, received a three-year partially probated suspension effective Aug. 1, 2013, with the first year actively suspended and the remainder probated. An evidentiary panel of the District 4 Grievance Committee found that in representing his client, Rokohl neglected the legal matter entrusted to him, failed to keep his client reasonably informed about the status of his legal matter, failed to promptly comply with reasonable requests for information, and upon termination of

representation, failed to surrender papers and property to which his client was entitled and failed to refund advance payments of fee that had not been earned. Rokohl also failed to timely furnish to the Office of the Chief Disciplinary Counsel a response or other information as required by the Texas Rules of Disciplinary Procedure.

Rokohl violated Rules 1.01(b)(1), 1.03(a), 1.15(d), and 8.04(a)(8). He was ordered to pay \$3,500 in restitution, \$3,262.50 in attorneys' fees, and \$560 in direct expenses.

On Oct. 17, 2013, **Shirley Sutherland** [#19524550], 63, of Rockwall, agreed to a three-month fully probated suspension effective Oct. 18, 2013. The District 1 Grievance Committee found that Sutherland neglected a legal matter entrusted to her by failing to appear at a court hearing regarding the custody of complainant's child.

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Sutherland failed to advise complainant that court pleadings had been filed, and failed to notify complainant of a set court date on opposing counsel's motions. Sutherland failed to respond to complainant's requests for information about her child custody matter. Sutherland represented complainant's former husband against complainant when complainant sought a protective order against her former husband. The representation of complainant involved a matter adverse to Sutherland's former client, complainant's husband, that was substantially related to the former representation.

Sutherland violated Rules 1.01(b)(1), 1.03(a), 1.09(a)(2), and 1.09(a)(3). She was ordered to pay \$1,344.33 in attorneys' fees.

### PRIVATE REPRIMANDS

Listed below is a breakdown of Texas Disciplinary Rules of Professional

Conduct violations for nine 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).

1.02(a)(2)—for failing to abide by a client's decisions regarding acceptance of an offer of settlement of a matter (1).

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 the representation (1).

1.14(a)—for 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).

1.14(b)—for 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 (1).

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 which belong to the client (1).

3.04(d)—for knowingly disobeying an obligation under the standing rules or of a ruling by a tribunal (1).

5.03(b)(1)—for ordering, encouraging, or permitting the conduct involved of a non-lawyer to be in violation of the rules of the Texas Disciplinary Rules of Professional Conduct (1).

8.04(a)(3)—for engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation (1).

8.04(a)(8)—for failing to timely furnish a district grievance committee a response or other information as required unless he/she timely asserts a privilege or other legal ground for failure to do so (1). **TBJ**

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