

General questions regarding attorney discipline should be directed to the Office of 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.

JUDICIAL ACTIONS

On May 15, 2014, the State Commission on Judicial Conduct issued a public reprimand to **Reynaldo Cedillo**, former municipal court judge, Penitas, Hidalgo County. Cedillo violated Canons 2A, 3B(2), 3B(8), and 6C(2) of the Texas Code of Judicial Conduct.

On May 16, 2014, the State Commission on Judicial Conduct issued a public warning to **Imelda "Pinky" Cruz**, former justice of the peace, Precinct 1, Rio Grande City, Starr County. Cruz violated Canons 2A and 4I(2) of the Texas Code of Judicial Conduct, Section 33.001(b)(5) of the Texas Government

Code, and Article V, Section 1-a(6)A of the Texas Constitution.

On May 21, 2014, the State Commission on Judicial Conduct issued a public reprimand to **Stephen R. Tittle Jr.**, 196th Judicial District Court, Greenville, Hunt County. Tittle violated Canons 2A, 2B, 3B(1), 3B(3), 3B(4), 3B(5), and 3B(8) of the Texas Code of Judicial Conduct; and Article V, Section 1-a(6)A of the Texas Constitution.

SUSPENSIONS

On May 23, 2014, **Albert A. Biel Jr.** [#02301300], 63, of El Paso, accepted a one-year fully probated suspension effective June 2, 2014. The District 17 Grievance Committee found that Biel neglected a client matter, failed to communicate with a client, failed to promptly render a full accounting of fees paid, and failed to return the client file and unearned fees.

Biel violated Rules 1.01(b)(1), 1.03(a), 1.03(b), 1.14(b), and 1.15(d) and was ordered to pay \$2,000 in restitution and \$800 in attorneys' fees and direct expenses.

On April 23, 2014, **Kenneth E. Bishop** [#02354850], 65, of Lake Jackson, received a six-month fully probated suspension effective April 22, 2014. An evidentiary panel of the District 5 Grievance Committee found that in representing a client, Bishop neglected the legal matter entrusted to him, failed to keep the client reasonably informed about the status of the client's legal matter, and failed to explain the status of the legal matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation. Upon termination of

representation, Bishop failed to refund advance payments of fee that had not been earned 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.

Bishop violated Rules 1.01(b)(1), 1.03(a), 1.03(b), 1.15(d), and 8.04(a)(8). He was ordered to pay \$100 in restitution and \$1,329 in attorneys' fees and direct expenses.

On April 23, 2014, **Kenneth E. Bishop** [#02354850], 65, of Lake Jackson, received a two-year partially probated suspension effective April 22, 2014, with the first six months actively suspended and the remainder probated. An evidentiary panel of the District 5 Grievance Committee found that in representing a client, Bishop neglected the legal matter entrusted to him. Upon termination of representation, he failed to refund advance payments of fee that had not been earned.

Bishop violated Rules 1.01(b)(1) and 1.15(d). He was ordered to pay \$750 in restitution and \$1,979 in attorneys' fees and direct expenses.

On April 23, 2014, **Kenneth E. Bishop** [#02354850], 65, of Lake Jackson, received a two-year partially probated suspension effective April 22, 2014, with the first six months actively suspended and the remainder probated. An evidentiary panel of the District 5 Grievance Committee found that upon termination of representation, Bishop failed to refund advance payments of fee that had not been earned.

Bishop violated Rule 1.15(d). He was ordered to pay \$300 in restitution and \$1,304 in attorneys' fees and direct expenses.

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STATEWIDE REPRESENTATION

On May 16, 2014, **Theresa Caballero** [#03569625], 47, of El Paso, accepted a nine-month fully probated suspension effective June 1, 2014. The 448th District Court of El Paso County found that Caballero committed professional misconduct by violating Rule 3.04(c)(5) [in representing a client before a tribunal, a lawyer shall not engage in conduct intended to disrupt the proceedings].

Caballero violated Rule 3.04(c)(5) and was ordered to pay \$1,000 in attorneys' fees and direct expenses.

On April 28, 2014, **Ronald W. Danforth** [#05352970], 50, of McKinney, agreed to a 36-month partially probated suspension effective June 1, 2014, with the first two months actively served and the remainder probated. The 296th District Court of Collin County found that Danforth committed professional misconduct by violating Rules 3.02 [in the course of litigation, a lawyer shall not take a position that unreasonably increases the costs or other burdens of the case or that unreasonably delays resolution of the matter], 7.02(a)(3) [a lawyer shall not make or sponsor a false or misleading communication about the qualifications or the services of any lawyer or firm. A communication is false or misleading if it is likely to create an unjustified expectation about results the lawyer can achieve, or states or implies that the lawyer can achieve results by means that violate these rules or other law], and 8.04(a)(4) [a lawyer shall not engage in conduct constituting obstruction of justice].

Danforth was ordered to pay \$3,500 in attorneys' fees and direct expenses.

On May 8, 2014, **Brian A. Hamner** [#24041050], 38, of San Antonio, accepted a two-year fully probated suspension effective March 17, 2015. The District 10 Grievance Committee found that Hamner neglected clients' matters, failed to keep clients reasonably informed, and failed to surrender

papers and property to which clients were entitled.

Hamner violated Rules 1.01(b)(1), 1.03(a), and 1.15(d) and was ordered to pay \$650 in restitution and \$400 in attorneys' fees and direct expenses.

On May 9, 2014, **Steven Daniel Monte** [#24007695], 44, of Dallas, received a 12-month fully probated suspension effective June 1, 2014. An evidentiary panel of the District 6 Grievance Committee found that in representing complainant in the expunction of his criminal record, Monte neglected the legal matter entrusted to him by failing to perform any work on the matter. Monte failed to keep complainant reasonably informed about the status of the legal matter. Upon termination of representation, Monte failed to take steps to the extent reasonably practicable to protect com-

plainant's interests and failed to refund advance payments of fee that had not been earned. Monte engaged in the practice of law when his right to practice had been administratively suspended for failure to pay his guaranteed student loan. Monte 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 and did not in good faith timely assert a privilege or other legal ground for failure to do so.

Monte violated Rules 1.01(b)(1), 1.03(a), 1.15(d), 8.04(a)(8), and 8.04(a)(11). He was ordered to pay \$500 in restitution and \$774.27 in attorneys' fees and direct expenses.

On Oct. 31, 2013, **Alberto Posada** [#24039360], 43, of Harlingen, received a one-year fully probated suspension effective Jan. 1, 2014. An evidentiary



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Statewide Representation

panel of the District 7 Grievance Committee found that Posada neglected the legal matters entrusted to 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 from the clients for information 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.

PUBLIC REPRIMANDS

On May 6, 2014, **Chinyere A. Agomo** [#00786960], 57, of Houston, accepted a public reprimand. An evi-

dentiary panel of the District 4 Grievance Committee found that, in the course of litigation, Agomo took a position that unreasonably delayed resolution of a matter.

Agomo violated Rule 3.02. She was ordered to pay \$500 in attorneys' fees.

PRIVATE REPRIMANDS

Listed below is a breakdown of Texas Disciplinary Rules of Professional Conduct violations for 16 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(a)—for accepting or continuing employment in a legal matter which the lawyer knew or should have known was beyond the lawyer's competence (1).

1.01(b)(1)—for neglecting a legal matter entrusted to the lawyer (5).

1.01(b)(2)—for failing to carry out

completely the obligations owed to a client (1).

1.02(a)(1)—for failing to abide by a client's decisions concerning the objection and general methods of representation (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 (9).

1.03(b)—for failing to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding representation (1).

1.04(d)—for entering into a contingent fee agreement prohibited by paragraph (e) or other law, and/or failing to enter into a written contingency fee agreement that states the method by which the fee is to be determined (1).

1.04(f)—a division or agreement for division of a fee between lawyers who are not in the same firm shall not be made unless: (1) the division is: (iii) made, by written agreement with the client, with a lawyer who assumes joint responsibility for the representation (1).

1.04(g)—every agreement that allows a lawyer or law firm to associate other counsel in the representation of a person, or to refer the person to other counsel for such representation, and that results in such an association with or referral to a different law firm or a lawyer in such a different firm, shall be confirmed by an arrangement conforming to paragraph (f). Consent by a client or a prospective client without knowledge of the information specified in subparagraph (f)(2) does not constitute a confirmation within the meaning of this rule. No attorney shall collect or seek to collect fees or expenses in connection with any such agreement that is not confirmed in that way, except for: (1).

1.09(a)(2)—without prior consent, a lawyer who personally has formerly represented a client in a matter shall not thereafter represent another person in a matter adverse to the former client, in which such other person questions

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the validity of the lawyer's services or work product for the former client (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 (2).

1.14(c)—for failing to keep funds or other property in which both the lawyer and another person claim interests separate until there is an accounting and severance of their interests (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 that belong to the client (2).

8.04(a)(1)—for violating these rules, knowingly assisting or inducing another to do so, or doing so through the acts of another, whether or not such violation

occurred in the course of a client-lawyer relationship (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 or she timely asserts a privilege or other legal ground for failure to do so (3).

8.04(a)(11)—for engaging in the practice of law when the lawyer is on inactive status or when the lawyer's right to practice has been suspended or terminated, including but not limited to situations where a lawyer's right to practice has been administratively suspended for failure to timely pay required fees or assessments or for failure to comply with Article XII of the State Bar Rules relating to mandatory continuing legal education (1). **TBJ**

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