

DISCIPLINARY ACTIONS

General questions regarding attorney discipline should be directed to the Office of Chief Disciplinary Counsel toll free at (877) 953-5535 or (512) 453-5535. The Board of Disciplinary Appeals may be reached at (512) 475-1578. Information and copies of orders are available at txboda.org. The State Commission on Judicial Conduct may be contacted toll free at (877) 228-5750 or (512) 463-5533. Please note that persons disciplined by the commission are not necessarily licensed attorneys.

BODA

On Feb. 13, 2015, the Board of Disciplinary Appeals signed an order dismissing the compulsory discipline petition filed against Warsaw, Kentucky, attorney **Meredith L. Lawrence** [#12049680], 64. On or about Nov. 15, 2012, Lawrence was convicted of three counts of filing a false tax return, an intentional crime as defined in the Texas Rules of Disciplinary Procedure, and sentenced to serve 27 months on each count (concurrently) in *United States of America v. Meredith L. Lawrence*, Cause No. 2:11-CR-0052-DCR-CJS, U.S. District Court for the Eastern District of Kentucky. On Jan. 18, 2013, the Board of Disciplinary

Appeals signed an agreed interlocutory order of suspension against Lawrence pending the outcome of his appeal. By Misc. Order 15-9001, signed Jan. 27, 2015, the Supreme Court of Texas accepted Lawrence's resignation in lieu of discipline. BODA Cause No. 51566.

On Aug. 15, 2014, the Board of Disciplinary Appeals dismissed for want of prosecution the appeal of Austin attorney **Lester L. Hood III** [#09943410], 51, from a judgment of partially probated suspension signed on Dec. 20, 2013, by the evidentiary panel of the District 9-1 Grievance Committee in Case Nos. A0011214264, A0041214472, A0041214473, and A0111114139. Hood did not file a brief, and the board issued an order to show cause to Hood on July 3, 2014. The show cause order gave him 30 days to respond and show cause as to why the appeal should not be dismissed for want of prosecution. Hood did not respond. BODA Cause No. 53654.

DISBARMENTS

On Oct. 2, 2014, **Charles C. Davis** [#05465900], 62, of Argyle, was disbarred. An evidentiary panel of the District 14 Grievance Committee found that Davis brought a proceeding and asserted an issue or controverted an issue affecting the complainants that was frivolous. In addition, Davis took positions that unreasonably increased the costs or other burdens of the case or that unreasonably delayed the resolution of the matter. Furthermore, Davis knowingly made a false statement of material fact or law to a tribunal and engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation.

Davis violated Rules 3.01, 3.02,

3.03(a)(1), and 8.04(a)(3).

Davis filed a notice of appeal on Jan. 12, 2015.

RESIGNATIONS

On Jan. 27, 2015, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Anthony Paul Griffin** [#08455300], 60, of Galveston. At the time of his resignation, there were multiple pending disciplinary actions alleging that Griffin neglected a legal matter entrusted to him; failed to keep clients reasonably informed about the status of their cases, which prohibited the opportunity of the client to make informed decisions regarding the representation; failed to have a contingent fee agreement in writing and clarify the determination of the fee; knowingly revealed confidential information of a former client that was not generally known; entered into a business transaction with a client without the client being reasonably informed about the arrangement of the transaction; failed to hold client funds separate from his own property in a trust account; failed to promptly deliver those funds to the client; failed to keep separate property in which both he and another person claimed interest until there was an accounting and severance of their interest; failed to give client adequate notice upon termination of representation to allow time to seek other counsel; failed to surrender papers and property of client; failed to refund any advance unearned fee; and engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation.

Griffin violated Rules 1.01(b)(1), 1.03(a), 1.03(b), 1.04(d), 1.05(b)(3), 1.08(a), 1.14(a), 1.14(b), 1.14(c), 1.15(d), and 8.04(a)(3).

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STATEWIDE REPRESENTATION

On Jan. 27, 2015, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Meredith L. Lawrence** [#12049680], 64, of Warsaw, Kentucky. At the time of Lawrence's resignation, a judgment in a criminal case had been entered in the U.S. District Court for the Eastern District of Kentucky wherein Lawrence was found guilty of three counts of filing false tax returns and was sentenced to 27 months in the Federal Bureau of Prisons. Lawrence was further ordered to pay \$128,253.26 in restitution and \$300 in attorneys' fees. This conviction would subject Lawrence to compulsory discipline.

SUSPENSIONS

On Feb. 23, 2015, **Adelqui Jesus Boue** [#24063811], 44, of Houston, received a two-year fully probated suspension effective March 1, 2015. An evidentiary panel of the District 4 Grievance Committee found that in the course of representing his client, Boue knowingly made a false statement of material fact to a third person and engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation.

Boue violated Rules 4.01(a) and 8.04(a)(3). He was ordered to pay \$500 in attorneys' fees.

On Jan. 26, 2015, **Norman A. Desmarais Jr.** [#00795925], 64, of Nederland, received a six-month fully probated suspension effective Feb. 1, 2015. An evidentiary panel of the District 3 Grievance Committee found that Desmarais neglected the legal matter entrusted to him and upon termination of the representation, failed to refund advance payments of fees that had not been earned. Furthermore, Desmarais failed to file a response to the grievance.

Desmarais violated Rules 1.01(b)(1), 1.15(d), and 8.04(a)(8). He was ordered to pay \$1,250 in restitution and \$950 in attorneys' fees and direct expenses.

On Feb. 9, 2015, **James Steven Hershberger** [#09543950], 51, of Midland, accepted a 14-month fully probated suspension effective Feb. 1, 2015. The District 16-3 Grievance Committee found that Hershberger neglected a client matter and failed to keep a client reasonably informed.

Hershberger violated Rules 1.01(b)(1) and 1.03(b) and was ordered to pay \$800 in attorneys' fees and direct expenses.

On Jan. 28, 2015, **Clyde E. Lee** [#12113300], 61, of Texarkana, received a 60-month partially probated suspension effective Feb. 8, 2015, with the first two months actively suspended and the remainder probated. An evidentiary panel of the District 1 Grievance Committee found that on July 28, 2013, complainant hired Lee for representation in a family law matter. In representing complainant, Lee neglected the legal matter entrusted to him by failing to provide any legal services for complainant. Lee failed to keep complainant reasonably informed about the status of her family law matter and failed to promptly comply with reasonable requests for information from complainant about her family law matter. Lee 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. Respondent did not in good faith timely assert a privilege or other legal ground for failure to do so.

Lee violated Rules 1.01(b)(1), 1.03(a), and 8.04(a)(8). He was ordered to pay \$1,442.50 in attorneys' fees and \$794.20 in direct expenses.

Lee did not file an appeal.

On Jan. 20, 2015, **Daniel Charles Little** [#24047534], 56, of Hurst, received an 18-month probated suspension effective Feb. 1, 2015. The District 7 Grievance Committee

found that Little failed to promptly render a full accounting of the attorneys' fees complainant had paid.

Little violated Rule 1.14(b). He was ordered to pay \$3,894.52 in attorneys' fees and direct expenses.

On Feb. 6, 2015, **Arlene Gay McKinney** [#24011660], 54, of San Antonio, accepted a two-year fully probated suspension effective April 1, 2015. The District 10 Grievance Committee found that McKinney neglected a client matter, failed to communicate with a client, and failed to respond to the grievance.

McKinney violated Rules 1.01(b)(1), 1.03(a), 1.03(b), and 8.04(a)(8) and was ordered to pay \$800 in attorneys' fees and direct expenses.

On Feb. 20, 2015, **Joe Weldon Soward II** [#90001760], 45, of Fort Worth, agreed to a four-year active



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suspension effective March 10, 2015. The District 7 Grievance Committee found that in the course of representing complainant in a personal injury matter, Soward settled the lawsuit for \$7,228 without the knowledge or consent of complainant. Soward signed complainant's name to the settlement check without the knowledge or consent of complainant. He failed to withhold any of the settlement funds to pay complainant's medical bills. After Soward settled complainant's lawsuit, Soward issued a \$2,500 check to complainant and misrepresented that the check was an advance payment against the future settlement of her lawsuit. Soward failed to hold complainant's funds in an IOLTA account and failed to return complainant's file after she made a written request. Soward failed to provide to complainant information on the progress

and outcome of the lawsuit as well as an accounting of how settlement funds were spent by Soward. He offered complainant \$3,000 if she agreed to release Soward from all liability regarding his legal representation in the personal injury case. Soward failed to respond to the complaint in writing and failed to provide good cause for his failure to do so.

Soward violated Rules 1.02(a)(2), 1.03(a), 1.04(d), 1.08(g), 1.14(a), 1.14(b), 1.14(c), 1.15(d), 8.04(a)(1), 8.04(a)(3), and 8.04(a)(8). He was ordered to pay \$2,200 in attorneys' fees and \$4,728 in restitution.

Soward agreed to a concurrent four-year active suspension effective March 10, 2015. The District 7 Grievance Committee found that in representing complainant, Soward was paid \$3,000 to substitute into an ongoing probate matter pending in Tarrant County Probate Court No. 1.

Soward failed to do any meaningful legal work on behalf of the estate in the probate matter. Upon request from complainant, Soward failed to return unearned attorneys' fees and failed to respond to complainant's refund request. Soward failed to respond to the complaint in writing and failed to provide good cause for his failure to do so.

Soward violated Rules 1.01(b)(1), 1.01(b)(2), 1.15(d), and 8.04(a)(8). He was ordered to pay \$1,200 in attorneys' fees and \$3,000 in restitution.

PUBLIC REPRIMANDS

On Jan. 21, 2015, **Robert W. Bush** [#03496420], 67, of Fort Worth, received a judgment of public reprimand. An evidentiary panel of the District 7 Grievance Committee found that Bush failed to keep complainant informed and respond to his reasonable requests for information. Furthermore, Bush failed to respond to complainant's grievance filed with the State Bar of Texas.

Bush violated Rules 1.03(a) and 8.04(a)(8). He was ordered to pay \$1,686.23 in attorneys' fees and direct expenses.

Bush did not file an appeal.

On Feb. 26, 2015, **Teresa Garcia** [#07646580], 49, of El Paso, accepted a public reprimand. The District 17 Grievance Committee found that Garcia engaged in the practice of law while her license was administratively suspended.

Garcia violated Rule 8.04(a)(11) and agreed to pay \$850 in attorneys' fees and direct expenses.

On Feb. 16, 2015, **James Edward Millan** [#24031569], 43, of San Antonio, accepted a public reprimand. The District 10 Grievance Committee found that Millan neglected a client matter, failed to communicate with a client, and failed to return unearned fees.

Millan violated Rules 1.01(b)(1), 1.03(a), 1.03(b), and 1.15(d). He

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agreed to pay \$4,000 in restitution and \$800 in attorneys' fees and direct expenses.

On Feb. 2, 2015, **Johnny Rodriguez** [#24045311], 41, of San Antonio, accepted a public reprimand. The 407th District Court of Bexar County found that Rodriguez neglected a legal matter entrusted to the lawyer, failed to communicate with a client, and failed to protect a client's interest upon withdrawal.

Rodriguez violated Rules 1.01(b)(1), 1.03(a), 1.03(b), and 1.15(b)(1). He was ordered to pay \$1,800 in attorneys' fees and direct expenses.

On Feb. 16, 2015, **Kyle C. Steele** [#00791722], 47, of Dallas, received an agreed judgment of public reprimand. An evidentiary panel of the District 6 Grievance Committee found that, in connection with a

civil suit involving complainant as a plaintiff and Steele as legal counsel for the opposing party, Steele knowingly made a false statement of material fact or law to a tribunal.

Steele violated Rule 3.03(a)(1). He was ordered to pay \$1,760 in attorneys' fees and direct expenses.

On Feb. 12, 2015, **Harry Joseph Van Deilen** [#20439800], 65, of Houston, accepted a judgment of public reprimand. The District 4 Grievance Committee found that although Van Deilen was not licensed to practice law in Louisiana, he filed a petition in district court in that state, thus practicing law in a jurisdiction where doing so violated the regulation of the legal profession in that jurisdiction.

Van Deilen violated Rule 5.05(a). He was ordered to pay \$750 in attorneys' fees and direct expenses. **TBJ**

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