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BODA

On April 4, 2016, the Board of Disciplinary Appeals signed an order dismissing the compulsory discipline petition filed against Austin attorney **Anirudh D. Sarwal** [#24002895], 43. Sarwal pled guilty to one count of conspiracy to commit bank fraud in violation of 18 U.S.C. §§ 1349 and 1344 and on April 3, 2015, was sentenced to 57 months imprisonment and ordered to pay \$13,461,604.31 in restitution in the case styled *United States of America v. Anirudh Sarwal*, Case No. 3:12-CR-193-M (01), U.S. District Court for the Northern District of Texas, Dallas Division. By Misc. Order 16-9029, signed March 22, 2016, the Supreme Court of Texas accepted Sarwal's resignation in lieu of discipline. BODA Cause No. 57003.

On April 4, 2016, the Board of Disciplinary Appeals signed an order dismiss-

ing the compulsory discipline petition against Houston attorney **Gwendolyn F. Climmons** [#04390000], 56. On or about June 13, 2014, Climmons was convicted of one count of conspiracy to commit health care fraud and four counts of health care fraud, aiding and abetting, intentional crimes as defined in the Texas Rules of Disciplinary Procedure, was sentenced to incarceration for 97 months followed by supervised release for three years, and was ordered to pay an assessment of \$500 and restitution in the amount of \$972,132.22 in *United States of America v. Gwendolyn Climmons-Johnson*, in the U.S. District Court for the Southern District of Texas holding session in Houston. She appealed the criminal conviction. On May 4, 2015, BODA suspended Climmons from the practice of law during the appeal of her criminal conviction. On January 14, 2016, a mandate was issued by the U.S. Court of Appeals for the 5th Circuit in Cause No. 14-20392, *United States of America, Plaintiff-Appellee v. Gwendolyn Climmons-Johnson, Defendant-Appellant*, which affirmed the judgment issued by the district court. By Misc. Order 16-9041, signed April 5, 2016, the Supreme Court of Texas accepted Climmons's resignation in lieu of discipline. BODA Cause No. 55907.

On April 11, 2016, the Board of Disciplinary Appeals signed an agreed judgment of indefinite disability suspension against Dallas attorney **Ernesto Maldonado** [#12855100], 81, in accordance with Part XII of the Texas Rules of Disciplinary Procedure and section 8 of the Internal Procedural Rules of the Board of Disciplinary Appeals. BODA Cause No. 57430.

On May 2, 2016, the Board of Disciplinary Appeals affirmed the judgment of partially probated suspension against Dallas attorney **John Hatchett Carney** [#03832200], 61, signed May 21, 2015, by the evidentiary panel of the District 6-1 Grievance Committee in Case No. D0091144006 for violations

of the Texas Disciplinary Rules of Professional Conduct 1.14(a) and 1.14(c) (commingling trust account funds). BODA Cause No. 56562.

Carney appealed BODA's decision to the Texas Supreme Court on May 17, 2016, Case No. 16-0366.

On May 2, 2016, the Board of Disciplinary Appeals affirmed the judgment of disbarment against Houston attorney **Cyril Okey Chukwurah** [#24048394], 60, signed August 21, 2015, by the evidentiary panel of the District 4-6 Grievance Committee in Case No. 201402059, for violations of the Texas Disciplinary Rules of Professional Conduct 1.14(b) (failure to deliver trust account funds to a client or third person) and 8.04 (a)(7) (violation of a disciplinary order). BODA Cause No. 56620.

Chukwurah appealed BODA's decision to the Texas Supreme Court on May 16, 2016, Case No. 16-0357.

On May 2, 2016, the Board of Disciplinary Appeals signed a final judgment of disbarment against Austin attorney **Marc G. Rosenthal** [#17281450], 54. On or about February 13, 2014, Rosenthal was convicted in *United States of America v. Marc Garrett Rosenthal*, Case No. 1:11CR00743-001, U.S. District Court for the Southern District of Texas holding session in Brownsville, of one count of participating in conduct and affairs of a criminal enterprise in violation of 18 U.S.C. § 1962(d), four counts of mail fraud and aiding and abetting in violation of 18 U.S.C. §§ 1341 and 1342, one count of tampering with a witness and aiding and abetting in violation of 18 U.S.C. §§ 1512(b)(1) and 2, one count of tampering with official proceeding by false affidavit in violation of 18 U.S.C. §§ 1512(c)(2) and 2, one count of tampering with official proceeding by perjured testimony in violation of 18 U.S.C. §§ 1512(c)(2) and 2, one count of extortion under color of official right and aiding and abetting in violation of 18 U.S.C. §§ 1951 and 2, and one count of honest

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services mail fraud and aiding and abetting in violation of 18 U.S.C. §§ 1341, 1346, and 2—intentional crimes as defined in the Texas Rules of Disciplinary Procedure. Rosenthal was sentenced to 240 months incarceration on each count, to run concurrently. Rosenthal appealed his criminal conviction, and on April 11, 2014, BODA signed an agreed order of interlocutory suspension, suspending Rosenthal during the pendency of the appeal of his criminal conviction. On November 5, 2015, the U.S. Court of Appeals for the 5th Circuit issued its mandate affirming Rosenthal's conviction. BODA Cause No. 53873.

On May 2, 2016, the Board of Disciplinary Appeals signed an interlocutory order of suspension against Missouri City attorney **Ronald Eugene Reynolds** [#24025610], 42. On or about November 24, 2015, Reynolds was convicted in *The State of Texas v. Ronald Eugene Reynolds*—Case Nos. 15-307888, 15-307889, 15-307890, 15-307891, and 15-307892, in County Court at Law No. 4 in Montgomery County—of barratry and barratry ill obtain employment, intentional crimes as defined in the Texas Rules of Disciplinary Procedure, was sentenced to 365 days of incarceration, and was ordered to pay a fine and court costs. Reynolds has appealed his criminal convictions. BODA retains jurisdiction to enter a final judgment when the criminal appeals are final. BODA Cause No. 57004.

On May 2, 2016, the Board of Disciplinary Appeals signed an interlocutory order of suspension against Houston attorney **L. Mickel Daniels** [#05374900], 52. On or about January 21, 2015, Daniels pled nolo contendere in *The State of Texas v. Daniels, Leiroi Mickle*, Case No. 139959801010 in the 230th District Court of Harris County, to Misapplication/Fiduciary/Finan 20K-100K, a third-degree felony and intentional crime as defined in the Texas Rules of Disciplinary Procedure, and was placed on community supervision for five years and ordered to pay court costs. Daniels has appealed his criminal conviction. BODA retains jurisdiction to enter a final judgment when the criminal

appeal is final. BODA Cause No. 57321.

On May 2, 2016, the Board of Disciplinary Appeals signed a default judgment of disbarment against Mesa, Arizona, attorney **Gary L. Lassen** [#11969500], 68. Lassen was disbarred in a matter styled *In the Matter of a Suspended Member of the State Bar of Arizona, Gary L. Lassen, Bar No. 005259, Respondent*, PDJ-2014-9026, State Bar Nos. 11-3805, 13-0301, 13-1205, 13-2214, and 13-3323. In accordance with the Texas Rules of Disciplinary Procedure, Lassen is disbarred in Texas. BODA Cause No. 57323.

DISBARMENTS

On April 8, 2016, **Adam Thomas Froeschl** [#24076390], 30, of San Antonio, was disbarred. The District 10 Grievance Committee found that the respondent neglected a client matter, failed to communicate with a client, failed to refund unearned fees, and failed to return the client file.

Froeschl violated Rules 1.01(b)(1), 1.03(a), and 1.15(d). He was ordered to pay \$3,500 in restitution and \$1,620 in attorneys' fees and direct expenses.

On April 13, 2016, **Arthur Grimaldo Jr.** [#24002186], 48, of Corinth, was disbarred. An evidentiary panel of the District 14 Grievance Committee found that Grimaldo collected investor funds and used the money for his benefit; failed to promptly deliver the funds to his client upon request; failed to keep the funds separate from his own funds; made a false statement of material fact in connection with a disciplinary matter; engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation; and committed egregious fraud throughout the representation of his client.

Grimaldo violated Rules 1.03(a), 1.14(a), 1.14(b), 1.14(c), 8.01(a), and 8.04(a)(3). He was ordered to pay \$199,000 in restitution and \$3,368.50 in attorneys' fees and direct expenses.

On February 19, 2016, **Kelly Michael Kowis** [#90001781], 48, of The Woodlands, was disbarred. An evidentiary panel

of the District 3 Grievance Committee found that in two separate immigration representations, Kowis neglected the legal matters entrusted to him; failed to promptly comply with reasonable requests for information from his clients; failed to refund unearned fees; and engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation. In a third count, the evidentiary panel found that in a personal injury representation, Kowis neglected the legal matter entrusted to him; failed to have a written contingent-fee agreement; failed to promptly comply with reasonable requests for information from his client; knowingly brought a frivolous proceeding; made a false statement of material fact or law to a tribunal; and engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation. In all three counts, Kowis failed to respond to the grievance filed against him.

Kowis violated Rules 1.01(b)(1), 1.03(a), 1.03(b), 1.04(d), 1.15(d), 3.01, 3.03(a)(1), and 3.03(a)(3). He was ordered to pay \$29,789.03 in restitution and \$2,155 in



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attorneys' fees and direct expenses.
Kowis has not filed an appeal.

RESIGNATIONS

On May 3, 2016, the Supreme Court of Texas accepted the resignation in lieu of discipline of **Douglas Joe Brooks** [#03064000], 72, of Lewisville. At the time of Brooks's resignation, there were 15 pending matters against him alleging that he neglected legal matters; failed to follow a client's instructions regarding settlement; failed to keep clients reasonably informed about the status of their legal matters; failed to promptly comply with reasonable requests for information from clients about their legal matters; failed to explain matters to the extent reasonably necessary to permit clients to make informed decisions regarding the representation; failed to hold funds belonging to clients separate from his own property; failed to promptly deliver to clients funds that clients were entitled to receive; upon termination

of representation, failed to return unearned fees; failed to supervise a nonlawyer assistant to ensure that person's conduct was compatible with professional obligations of a lawyer; shared fees with a nonlawyer; assisted a nonlawyer in the unauthorized practice of law; committed a serious crime; engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation; and failed to respond to grievances.

Brooks allegedly violated Rules 1.01(b)(1), 1.01(b)(2), 1.02(a)(1), 1.03(a), 1.03(b), 1.14(a), 1.14(b), 1.15(d), 5.03(a), 5.03(b)(1), 5.03(b)(2)(i), 5.03(b)(2)(ii), 5.04(b), 5.05(b), 8.04(a)(2), 8.04(a)(3), and 8.04(a)(8).

SUSPENSIONS

On May 13, 2016, **Samuel C. Beale** [#01952380], 60, of Houston, agreed to a one-year probated suspension effective June 1, 2016. An evidentiary panel of the District 4 Grievance Committee found that Beale frequently failed to carry out completely the obligations that he owed to his client and failed to keep his client reasonably informed about the status of his legal matter and to promptly comply with reasonable requests for information.

Beale violated Rules 1.01(b)(2) and 1.03(a). He was ordered to pay \$2,500 in restitution and \$500 in attorneys' fees.

On May 3, 2016, **Jose Angel Becerra** [#24026790], 41, of Laredo, accepted a one-year active suspension effective May 1, 2016. The District 12 Grievance Committee found that Becerra failed to return a client file, failed to provide a full accounting of client funds, failed to hold client funds separate from his own property, failed to deliver promptly client funds that the clients were entitled to receive, failed to return unearned fees, and failed to respond to three grievances in a timely fashion.

Becerra violated Rules 1.14(a), 1.14(b), 1.15(d), and 8.04(a)(8). He was ordered to pay \$5,164.82 in attorneys' fees and direct expenses.

On May 16, 2016, **Cheryl Boone-Delgado** [#02627500], 66, of San Antonio, accepted a 12-month active suspension effective May 16, 2016. The

District 10 Grievance Committee found that Boone-Delgado failed to hold client funds in a trust account separate from her own property, failed to supervise her nonlawyer staff, shared fees with a nonlawyer, and failed to respond to the grievance in a timely fashion.

Boone-Delgado violated Rules 1.14(a), 5.03(a), 5.03(b), 5.04(a), 8.01(b), and 8.04(a)(8). She was ordered to pay \$800 in attorneys' fees and direct expenses.

On May 9, 2016, **Jerry Cole Brooks** [#24055217], 38, of Houston, agreed to a three-year partially probated suspension effective June 1, 2016, with the first 18 months actively suspended and the remainder probated. An evidentiary panel of the District 4 Grievance Committee found that Brooks neglected the legal matters entrusted to him; failed to keep his clients reasonably informed about the status of their legal matters and to promptly comply with reasonable requests for information; failed to explain a legal matter to the extent reasonably necessary to permit his client to make an informed decision regarding his representation; and, upon termination of representation, failed to refund advance payments of fees that had not been earned. Brooks also engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation; failed to respond to grievances; failed to comply with Texas Rule of Disciplinary Procedure 13.01 relating to notification of an attorney's cessation of practice; and engaged in the practice of law when his right to practice had been administratively suspended.

Brooks violated Rules 1.01(b)(1), 1.03(a), 1.03(b), 1.15(d), 8.04(a)(3), 8.04(a)(8), 8.04(a)(10), and 8.04(a)(11). He was ordered to pay \$2,212 in restitution, \$1,500 in attorneys' fees, and \$200 in direct expenses.

On May 23, 2016, **Mark Edwin Brunner** [#24006917], 46, of Round Rock, accepted a one-year probated suspension effective June 1, 2016. An evidentiary panel of the District 8 Grievance Committee found that Brunner was the first assistant district attorney in Williamson County representing the state of Texas in a criminal case involving four counts

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of aggravated bank robbery. Before the acceptance of a plea agreement, when the court specifically asked Brunner in open court whether he had consulted with the victims on the plea, he misrepresented that he had spoken with the listed victims when he had not done so. Brunner made no efforts to correct this misrepresentation.

Brunner violated Rule 3.03(a)(1). He was ordered to pay \$1,169.05 in attorneys' fees and direct expenses and to complete six additional hours of CLE in the area of ethics.

On April 1, 2016, **Gary A. Hinchman** [#09684350], 61, of The Woodlands, received an 18-month partially probated suspension effective June 1, 2016, with the first month actively suspended and the remainder probated. An evidentiary panel of the District 4 Grievance Committee found that Hinchman neglected his client's legal matter and frequently failed to carry out the obligations he owed to his client. Hinchman further failed to keep his client reasonably informed about the status of her case.

Hinchman violated Rule 1.01(b)(1), 1.01(b)(2), and 1.03(a). He was ordered to pay \$675 in restitution and \$1,345 in attorneys' fees and direct expenses.

On April 29, 2016, **Scott K. Huber** [#24013905], 49, of Dallas, received a 30-month active suspension effective April 21, 2016. An evidentiary panel of the District 6 Grievance Committee found that in September 2009, the complainant hired Huber for representation in a contractual matter. In representing the complainant, Huber neglected the legal matter entrusted to him, failed to keep the complainant reasonably informed about the status of his legal matter, and failed to promptly comply with reasonable requests for information from the complainant about the matter. Huber 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 and did not in good faith timely assert a privilege or other legal ground for his failure to do so.

Huber violated Rules 1.01(b)(1), 1.03(a), and 8.04(a)(8). He was ordered

to pay \$3,025 in attorneys' fees and \$1,052.87 in direct expenses.

Huber did not file an appeal.

On May 20, 2016, **Howard S. Jenkins Jr.** [#10619550], 56, of Austin, accepted an 18-month partially probated suspension effective June 15, 2016, with the first three months actively suspended and the remainder probated. An evidentiary panel of the District 9 Grievance Committee found that Jenkins was court-appointed to represent a female client in a DWI criminal case. During the representation, he asked his client a series of inappropriate questions of a sexual nature, some of which were asked under the pretext that Jenkins was conducting a "women's study." In another matter, Jenkins was court-appointed to represent a female client in a criminal case. During that representation, Jenkins asked his client inappropriate questions of a sexual nature and made inappropriate sexual statements to her.

Jenkins violated Rule 1.06(b)(2) in

each case. He was ordered to pay \$500 in attorneys' fees and direct expenses, to complete three additional hours of CLE in the area of client relations, and further agreed not to accept female client court appointments during the term of his probation.

On May 6, 2016, **David W. Knight** [#11597325], 61, of Wichita Falls, received a two-year partially probated suspension effective June 1, 2016, with the first year actively suspended and the remainder probated. An evidentiary panel of the District 14 Grievance Committee found that Knight failed to refund an unearned portion of his client's fee and 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 and did not in good faith timely assert a privilege or other legal ground for his failure to do so.

Knight violated Rules 1.15(d) and

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8.04(a)(8). He was ordered to pay \$2,062.50 in restitution and \$1,842 in attorneys' fees and direct expenses.

On May 6, 2016, **David W. Knight** [#11597325], 61, of Wichita Falls, received a two-year partially probated suspension effective June 1, 2016, with the first year actively suspended and the remainder probated. An evidentiary panel of the District 14 Grievance Committee found that Knight failed to safeguard the advance fee that his client paid him by keeping it in a separate trust or escrow account.

Knight violated Rule 1.14(a). He was ordered to pay \$2,487 in attorneys' fees and direct expenses.

On April 20, 2016, **Nhan Huynh Nguyen** [#24041589], 42, of Houston, accepted a four-month fully probated suspension effective May 1, 2016. An evidentiary panel of the District 4 Grievance Committee found that Nguyen permitted

conduct by a nonlawyer that would be in violation of the rules if engaged in by a lawyer.

Nguyen violated Rule 5.03(b)(1). He was ordered to pay \$1,000 in attorneys' fees.

On May 24, 2016, **Harold Brandon Price** [#24049263], 44, of Dallas, received a two-year partially probated suspension with the first year actively suspended and the remainder probated. An evidentiary panel of the District 6 Grievance Committee found that Price neglected a legal matter entrusted to him, failed to keep his client reasonably informed about the status of his case, and failed to promptly comply with reasonable requests for information from his client. Upon termination of representation, Price did not refund advance payments of fees that had not been earned. Price 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 Pro-

cedure and did not in good faith timely assert a privilege or other legal ground for his failure to do so.

Price violated Rules 1.01(b)(1), 1.03(a), 1.15(d), and 8.04(a)(8). He was ordered to complete three hours of CLE in ethics, in addition to the minimum CLE compliance requirements. He was also ordered to pay \$4,400 in restitution and \$3,032.75 in attorneys' fees and direct expenses.

On May 26, 2016, **Ross A. Rodriguez** [#24025756], 52, of San Antonio, agreed to a 30-month partially probated suspension effective October 1, 2016, with the first three months actively served and the remainder probated. The District 10 Grievance Committee found that Rodriguez failed to hold client funds separate from his own property; failed to promptly deliver client funds that the clients were entitled to receive; failed to withdraw from representation when discharged; and, upon termination, failed to surrender client files and return unearned fees.

Rodriguez violated Rules 1.14(a), 1.14(b), 1.15(a)(3), and 1.15(d). He was ordered to pay \$2,300 in restitution and \$1,000 in attorneys' fees and direct expenses.

On April 27, 2016, **Daniel Armando Sandoval** [#24075521], 35, of San Antonio, accepted a 15-month fully probated suspension effective May 1, 2016. The District 10 Grievance Committee found that Sandoval neglected a client matter, failed to promptly comply with reasonable requests for information, and failed to refund unearned fees.

Sandoval violated Rules 1.01(b)(1), 1.03(a), and 1.15(d). He was ordered to pay \$3,500 in restitution and \$800 in attorneys' fees.

On May 6, 2016, **Paul Andrew Smith** [#24010408], 46, of Westlake Hills, accepted an 18-month probated suspension effective May 1, 2016. An evidentiary panel of the District 9 Grievance Committee found that Smith was hired in August 2014 to represent the complainant in a family law matter. In an email dated February 23, 2015, Smith revealed confidential information to a third party without obtaining the com-

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plainant's consent. On April 8, 2015, the complainant requested that Smith provide her with a copy of Smith's motion to withdraw and return her file. Thereafter, Smith failed to withdraw and failed to return the client file to the complainant.

Smith violated Rules 1.05(b)(1)(i), 1.15(a)(3), 1.15(d), and 8.04(a)(1). He was ordered to pay \$1,124.50 in attorneys' fees and direct expenses.

On March 30, 2016, **Jesus E. Tirrez** [#20076750], 54, of Austin, received a two-year partially probated suspension effective April 18, 2016, with the first three months actively served and the remainder probated. The 419th District Court of Travis County found that Tirrez violated Rules 5.03(b)(1) [a lawyer shall be subject to discipline for the conduct of a person that would be a violation of these rules if engaged in by the lawyer if the lawyer orders, encourages, or permits the conduct involved]; 7.03(a) [a lawyer shall not by in-person contact seek professional employment concerning a matter arising out of a particular occurrence or event from a prospective client or nonclient who has not sought the lawyer's advice regarding employment or with whom the lawyer has no family or past or present attorney-client relationship when a significant motive for doing so is the lawyer's pecuniary gain]; and 8.04(a)(1) [a lawyer shall not violate these rules, knowingly assist or induce another to do so, or do so through the acts of another].

Tirrez was ordered to pay \$18,743.17 in attorneys' fees and direct expenses.

Tirrez has filed a notice of appeal.

PUBLIC REPRIMANDS

On April 26, 2016, **Brian D. Bethune** [#02268315], 62, of Plano, agreed to a public reprimand. The 366th District Court of Collin County found that the parties agreed that Bethune committed professional misconduct by violating Rule 3.04(d) [a lawyer shall not knowingly disobey, or advise the client to disobey, an obligation under the standing rules of or a ruling by a tribunal except for an open refusal based either on an assertion that no valid obligation exists or on the client's willingness to accept any sanctions arising from such disobedience].

Bethune was ordered to pay \$2,000 in attorneys' fees and direct expenses.

On April 19, 2016, **Monique Jurae Bracey** [#24058788], 33, of Plano, received a public reprimand. The District 1 Grievance Committee found that in representing the complainant in a criminal matter, Bracey neglected the legal matter entrusted to her; failed to keep the complainant reasonably informed about the status of his matter; and failed to promptly comply with reasonable requests for information from the complainant about his criminal matter. Bracey 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 and did not in good faith timely assert a privilege or other legal ground for her failure to do so.

Bracey violated Rules 1.01(b)(1), 1.03(a), and 8.04(a)(8). She was ordered to pay \$2,100 in restitution and \$1,262.50 in attorneys' fees and direct expenses.

On April 30, 2016, **Jason Edward Choe** [#24009954], 45, of Dallas, agreed to a judgment of public reprimand. An evidentiary panel of the District 6 Grievance Committee found that Choe failed to keep the complainant reasonably informed about the status of her case and promptly comply with her reasonable requests for information. Choe 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 and did not in good faith timely assert a privilege or other legal ground for his failure to do so.

Choe violated Rules 1.03(a) and 8.04(a)(8). He was ordered to pay \$1,000 in attorneys' fees and direct expenses.

On April 28, 2016, **Gary Churak** [#04245500], 58, of San Antonio, accepted a judgment of public reprimand. The District 10 Grievance Committee found that Churak failed to respond promptly to a client's reasonable requests for information.

Churak violated Rule 1.03(a). He was ordered to pay \$800 in attorneys' fees and direct expenses. **TBJ**

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