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BODA

On August 7, 2017, the Board of Disciplinary Appeals affirmed the default judgment of disbarment of Richmond attorney **Jay Steven Pearlman** [#15689950], 62, signed on August 15, 2016, by an evidentiary panel of the District 5 Grievance Committee in State Bar of Texas Cause Nos. 201503981 and 20150398. The evidentiary panel found that Pearlman violated Rules 1.03(a), 1.03(b), 1.14(b), 1.15(d), and 8.04(a)(3). BODA Cause No. 58334.

On August 7, 2017, the Board of Disciplinary Appeals signed a judgment of disbarment of Phoenix, Arizona, attorney **T. Anthony Guajardo** [#08561200], 69. Guajardo was disbarred by consent by the Arizona Supreme

Court in a matter styled *In the Matter of a Suspended Member of the State Bar of Arizona, T. Anthony Guajardo, Bar No. 021500, Respondent*, PDJ 2016-9126. Guajardo consented to the disbarment for violations of ethics rules of the State Bar of Arizona in 14 complaints. BODA Cause No. 58730.

On August 7, 2017, the Board of Disciplinary Appeals signed a final judgment of disbarment against Houston attorney **L. Mickle Daniels** [#05374900], 53. On or about January 21, 2015, Daniels pled nolo contendere in *The State of Texas v. Daniels, Leiroy Mickle*, Case No. 139959801010 in the 230th District Court of Harris County to misapplication of funds by fiduciary of between \$20,000 and

\$100,000, a third-degree felony, an intentional crime as defined in the Texas Rules of Disciplinary Procedure. He was placed on community supervision for five years and ordered to pay court costs. Daniels appealed his criminal conviction. On April 29, 2016, the board issued an interlocutory order of suspension against Daniels pending his appeal. On February 22, 2017, the 14th Court of Appeals affirmed his criminal conviction and it is final. BODA Cause No. 57321.

On August 7, 2017, the Board of Disciplinary Appeals signed a default judgment of suspension of Wichita Falls attorney **David W. Knight** [#11597325], 63, suspending his license to practice law for two years and one day, beginning August 9, 2017, and ending August 9, 2019. Knight was suspended from the practice of law for two years and one day by the Supreme Court of Oklahoma in a matter styled *State of Oklahoma ex. Rel. Oklahoma Bar Association, Complainant v. David William Knight, Respondent*, O.B.A.D. No. 2041, S.C.B.D. No. 6262. Knight was found to have violated Oklahoma Rules of Professional Conduct Rule 1.16(a)(1) [declining or terminating representation], Rule 3.3(a)(1) [candor toward the tribunal], Rule 3.4(c) [fairness to opposing party and counsel], Rule 5.5 [unauthorized practice of law], Rule 8.1(b) [bar admission and disciplinary matters] and Oklahoma Rules Governing Disciplinary Proceedings Rule 1.3 [discipline for act contrary to prescribed standards of conduct], Rule 5.2 [investigations], and Rule 9.1 [notice to clients; list of other bars to which admitted]. Knight did not answer or appear. BODA Cause No. 58730.

On August 10, 2017, the Board of Disciplinary Appeals signed an order terminating the agreed order of indefinite disability suspension issued by

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the board on August 28, 2012, and imposing probated disability suspension against Houston attorney **Gina Dawn Patterson** [#24013301], 53, 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. 58517.

RESIGNATIONS

On August 25, 2017, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Kenneth Emeke Bendel** [#24074835], 32, of Sacramento, California. At the time of Bendel's resignation, four disciplinary cases were pending against him. In one case, Bendel neglected his client's matter, failed to keep the client informed about the status of the case, and when terminated, failed to return the client's file and unearned fees. In a second case, Bendel neglected his client's matter and failed to explain the matter to the extent necessary to allow the client to make an informed decision about the representation. In two additional cases, Bendel neglected his client's matters.

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

On August 25, 2017, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **James L. Mitchell** [#14214100], 65, of Boerne. At the time of his resignation, Mitchell had five grievances pending alleging that Mitchell neglected clients' matters, failed to communicate with clients, failed to return unearned fees, misrepresented facts to clients, failed to return a client's file, and failed to respond to grievances.

Mitchell violated Rules 1.01(b)(1), 1.01(b)(2), 1.03(a), 1.03(b), 1.14(a), 1.15(d), 8.01(a), 8.04(a)(3), and 8.04(a)(8).

SUSPENSIONS

On August 1, 2017, **Timothy Edward Baker** [#24050247], 49, of Allen, agreed to a 12-month fully probated suspension effective August 1, 2017. An evidentiary panel of the District 1

Grievance Committee found that in April 2012, Baker failed to abide by the complainant's decisions concerning the objectives and general methods of representation and failed to keep the complainant reasonably informed about the status of a legal matter and failed to promptly comply with reasonable requests for information. In another matter, in March 2013, Baker neglected the legal matter entrusted to him by failing to provide legal services including, but not limited to, Baker's failure to respond to requests for admissions. Baker also failed to keep the complainant reasonably informed about the status of a legal matter and failed to promptly comply with reasonable requests for information. Upon termination of representation, Baker failed to surrender papers and property to which the complainant was entitled.

Baker violated Rules 1.01(b)(1), 1.02(a)(1), 1.03(a), and 1.15(d). He was ordered to pay \$250 in attorneys'

fees and direct expenses.

On August 30, 2017, **William N. Hulsey III** [#10261150], 62, of Austin, received a 30-month fully probated suspension. An evidentiary panel of the District 9 Grievance Committee found that in one matter, the complainant and Hulsey were law partners from January 1, 2014, through January 21, 2015. When the complainant and Hulsey terminated their professional relationship, some of the firm's clients chose to have the complainant continue to represent them. In 2015, Hulsey charged each client a \$225 fee for the administrative costs of transferring the file, in contravention of the fee agreements they signed with Hulsey and the complainant's law firm. Further, Hulsey returned unearned fees to clients using checks that were drawn on his firm's operating account rather than on his firm's trust account. Hulsey received advanced fees for legal services from

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clients but failed to hold the advanced fees in a separate trust account until the fees were earned. In another matter, the complainant hired Hulsey to represent her interests in obtaining patents in several foreign countries. Hulsey failed to hold advanced fees in a separate trust account and failed to promptly deliver funds to foreign attorneys after receiving invoices for legal fees and expenses. Upon termination of representation, Hulsey failed to timely provide the complainant with all documents as requested.

Hulsey violated Rules 1.14(a), 1.14(b), and 1.15(d). He was ordered to pay \$6,700 in attorneys' fees and direct expenses.

On June 26, 2017, **Stephan Dongwhee Hwang** [#24036817], 47, of Lewisville, received a 24-month partially probated suspension effective June 15, 2017, with the first six months actively served and the remainder

probated. An evidentiary panel of the District 6 Grievance Committee found that Hwang failed to hold escrow funds belonging to the complainant separate from Hwang's own property, failed to keep funds belonging to the complainant in a separate trust or escrow account, failed to promptly deliver to the complainant funds that the complainant was entitled to receive, and failed to disburse funds in his account only to those persons entitled to receive the funds by virtue of the representation or by law.

Hwang violated Rules 1.14(a), 1.14(b), and 1.14(c). He was ordered to pay \$20,000 in restitution and \$8,283.25 in attorneys' fees and direct expenses.

On June 29, 2017, **David W. Knight** [#11597325], 63, of Wichita Falls, received an 11-month and 19-day active suspension effective June 12, 2017. An evidentiary panel of the District 14 Grievance Committee

found that Knight failed to keep his client reasonably informed about the status of her matter and promptly comply with her reasonable requests for information.

Knight violated Rule 1.03(a). He was ordered to pay \$500 in attorneys' fees and \$735 in direct expenses.

On August 11, 2017, **Julie Lynn Bulthuis Krenek** [#24065574], 48, of Frisco, agreed to a 24-month active suspension effective August 15, 2017. An evidentiary panel of the District 1 Grievance Committee found that in one matter, Krenek neglected the legal matter entrusted to her and in another matter, Krenek failed to keep the complainant reasonably informed about the status of his legal matter and failed to promptly comply with reasonable requests for information.


Krenek violated Rules 1.01(b)(1) and 1.03(a). She was ordered to pay \$500 in attorneys' fees and direct expenses.

On July 6, 2017, **Joe Jesse Ponce III** [#24014329], 59, of San Antonio, received a two-year partially probated suspension effective December 15, 2017, with the first month actively served and the remainder probated. The 37th Civil District Court of Bexar County found that Ponce committed professional misconduct.

Ponce violated Rule 8.04(a)(7). He was ordered to pay \$7,065 in restitution and \$6,727.97 in attorneys' fees and direct expenses.

On August 12, 2017, **Francisco Steven Tipton** [#24088756], 42, of McAllen, accepted a two-year fully probated suspension effective September 1, 2017. An evidentiary panel of the District 12 Grievance Committee found that Tipton neglected a client's matter, failed to keep clients reasonably informed, failed to hold clients' funds separate from his own property, failed to refund an unearned fee, and failed to comply with the requisite filing requirements of the Advertising Review Committee.

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Tipton violated Rules 1.01(b)(1), 1.03(b), 1.14(a), 1.14(b), 1.15(d), and 7.07(c). He was ordered to pay \$5,350 in restitution.

On August 22, 2017, **Andrew David Vaughn** [#24056764], 36, of Canton, received a 12-month partially probated suspension effective September 15, 2017, with the first month actively served and the remainder probated. Vaughn neglected the legal matters entrusted to him in three cases; failed to keep his clients reasonably informed about the status of their legal matter; failed to promptly comply with reasonable requests for information from his clients; upon termination of representation, failed to surrender papers and property to which his clients were entitled and refund advance payments of fees that had not been earned; and failed to respond to the grievance.

Vaughn violated Rules 1.01(b)(1),

1.03(a), 1.15(d), and 8.04(a)(8). He was ordered to pay \$4,954 in restitution and \$1,800 in attorneys' fees and direct expenses.

PRIVATE REPRIMANDS

Listed here is a breakdown of Texas Disciplinary Rules of Professional Conduct violations for two 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.

1.03(a)—for failing to keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information (1).

8.04(a)(8)—for failing to timely furnish to 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 (1). **TBJ**

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