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REINSTATEMENTS

Dan Dewitt Simmonds [#24027980], 46, of Houston, filed a petition in the 284th District Court in Montgomery County for reinstatement as a member of the State Bar of Texas.

JUDICIAL ACTIONS

To read the entire public sanctions, go to scjc.texas.gov.

On August 9, 2018, the State Commission on Judicial Conduct issued a public warning and order of additional education to **Fred Buck**, justice of the peace, Precinct 3, Tom Green County.

On August 10, 2018, a Special Court of Review issued its opinion in an *Inquiry Concerning Stacey Bond*, former judge of the 176th Judicial District Court in Harris County, assessing a public admonition against Bond.

On August 16, 2018, the State Commission on Judicial Conduct issued an order of suspension to **Dan A. Gattis**, county judge, Williamson County.

On August 16, 2018, the State Commission on Judicial Conduct issued an order of suspension to **Jenny Hicks**, justice of the peace, Precinct 4, Place 1, Shelby County.

DISBARMENTS

On July 30, 2018, **James Stephen Sustaita** [#24013596], 51, of Austin, was disbarred. An evidentiary panel of the District 9 Grievance Committee found that in one case a complainant hired Sustaita on December 10, 2016, to represent him in a family law matter. On February 2, 2017, the complainant terminated the representation and requested an accounting and return of unearned fees. After the grievance was filed, Sustaita returned the unearned fees but never provided an accounting. In another case, the complainant hired Sustaita to

represent him in a divorce in 2014. The parties read an agreed property division into the record in 2016. The complainant objected to the proposed written divorce decree because it was not reflective of the agreement as stated in open court. Nevertheless, Sustaita signed the complainant's name to the decree without correcting the property division. The disputed provisions resulted in negative tax consequences for the complainant. When the complainant confronted Sustaita about the decree, Sustaita said that he would file a nunc pro tunc motion to correct the errors but failed to do so for almost a year and never set the motion for a hearing or provided a proposed decree reflecting the requested changes. In post-judgment litigation, opposing counsel propounded discovery on Sustaita. Sustaita failed to notify the complainant about the discovery, Texas Rule of Civil Procedure Rule 11 agreements regarding that discovery, or discovery sanctions. The complainant terminated Sustaita's services and requested an accounting, but Sustaita failed to provide one. Sustaita failed to furnish a written response to the complaint as directed.

Sustaita violated Rules 1.01(b)(1), 1.03(a), 1.14(b), and 8.04(a)(8). He was ordered to pay \$10,920 in attorneys' fees and direct expenses.

Sustaita has filed an appeal.

RESIGNATIONS

On August 24, 2018, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Ray Fisher** [#07057400], 65, of Austin. At the time of Fisher's resignation one disciplinary matter was pending in which the complainant hired Fisher in January 2014 to represent her in bankruptcy proceedings. The complainant paid Fisher an advanced fee of \$2,500. Thereafter, the complainant decided not to pursue bankruptcy and requested a refund of unearned fees. Fisher agreed to return the fees but stated that he did not have the money to pay the complainant back quickly. Fisher offered to pay the complainant back at a rate of \$25 a month but acknowledged that there might be months where it would be more or less. Fisher failed to maintain the complainant's funds in a trust account until they were earned.

Fisher violated Rules 1.14(a) and 1.15(d).

On August 24, 2018, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Justin Blake Grant**

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[#24079837], 35, of Austin. This resignation occurs as a result of two disciplinary cases pending against Grant, stemming from missing personal injury settlements. In both cases, Grant failed to keep the clients reasonably informed about the status of the matters, failed to promptly comply with reasonable requests for information, failed to hold settlement funds belonging to his clients separate from his own property, failed to promptly deliver settlement funds to the clients, knowingly made false statements in connection with the disciplinary matters, and engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation.

Grant violated Rules 1.03(a), 1.14(a), 1.14(b), 8.01(a), and 8.04(a)(3).

On August 24, 2018, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Francisco Medina Maldonado** [#24038614], 41, of Temple. At the time of Maldonado's resignation, 10 disciplinary cases were pending against him involving immigration matters and one disciplinary case was pending against him involving a contract. Maldonado neglected his clients' legal matters, failed to keep clients reasonably informed about the status of their matters and failed to promptly comply with reasonable requests for information. He further failed to promptly render full accountings when requested. When terminated, Maldonado failed to surrender papers and property to which the clients were entitled and failed to refund advance payments of fees that had not been earned. Maldonado also failed to timely furnish written responses to the Office of Chief Disciplinary Counsel.

Maldonado violated Rules 1.01(b)(1), 1.03(a), 1.14(b), 1.15(d), and 8.04(a)(8).

SUSPENSIONS

On April 20, 2018, **Richard Joseph Deaguero** [#05623500], 72, of Dallas, received an 18-month fully probated suspension effective April 16, 2018. An evidentiary panel of the District 6 Grievance Committee found that Deaguero was hired by the client for representation in a criminal matter. Deaguero neglected the legal matter entrusted to him by failing to file a notice of appearance and by failing to notify the court and the client's court-appointed attorney that the client had retained his services. Upon termination of representation, Deaguero failed to refund advance payments of fees that had not been earned.

Deaguero violated Rules 1.01(b)(1) and 1.15(d). He was ordered to pay \$1,500 in restitution, \$3,000 in attorneys' fees, and \$200 in direct expenses.

Deaguero filed a notice of appeal on May 21, 2018.

On April 24, 2018, **George Bishop III** [#02353000], 76, of Chappell Hill, received a two-year partially probated suspension effective May 1, 2018, with the first 12 months actively served and the remainder probated. The 21st District Court in Washington County found that Bishop violated Rule 1.01(b)(1) [In representing a client, a lawyer shall not neglect a legal matter entrusted to the lawyer].

Bishop was ordered to pay \$10,000 in attorneys' fees and direct expenses.

Bishop has filed an appeal.

On June 7, 2018, **Angel Ottoniel Cruz** [#24048412], 42, of Irving, received a 36-month partially probated suspension effective June 15, 2018, with the first 12 months actively served and the remainder probated. The 95th District Court in Dallas County found that Cruz committed professional misconduct by violating Rules 1.01(b)(1) [In representing a client, a lawyer shall not neglect a legal matter entrusted to the lawyer], 1.03(a) [A lawyer shall keep a client

reasonably informed about the status of a matter and promptly comply with reasonable requests for information], 1.15(d) [Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled and refunding any advance payments of fees that have not been earned. The lawyer may retain papers relating to the client to the extent permitted by other law only if such retention will not prejudice the client in the subject matter of the representation], and 8.04(a)(8) [A lawyer shall not fail to timely furnish to the Office of Chief Disciplinary Counsel or a district grievance committee a response or other information as required by the Texas Rules of Disciplinary Procedure, unless he or she in good faith timely asserts a privilege or other legal ground for failure to do so].

Cruz was ordered to pay \$1,000 in restitution and \$1,774.97 in attorneys' fees and direct expenses.

On July 1, 2018, **Beauregard Driller**

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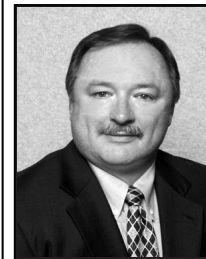
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Fiegel [#24086782], 33, of San Antonio, received a four-year-six-month-16-days partially probated suspension effective July 1, 2018, with the first nine months actively served and the remainder probated. An evidentiary panel of the District 10 Grievance Committee found that Fiegel failed to communicate with clients, failed to return unearned fees, failed to respond to grievances, and engaged in the practice of law while his law license was administratively suspended.

Fiegel violated Rules 1.03(a), 1.03(b), 1.15(d), 8.04(a)(8), and 8.04(a)(11). He was ordered to pay \$1,917.74 in restitution and \$2,492.20 in attorneys' fees and direct expenses.

On May 15, 2018, **Mpatanishi Syanaloli Tayari Garrett** [#24073090], 42, of Dallas, received a 36-month partially probated suspension effective August 20, 2018, with the first 16 months actively served and the remainder probated. An evidentiary panel of the District 6 Grievance Committee found that in the course of a bankruptcy matter, Garrett took a position that unreasonably increased the costs or other bur-

dens of the case or that unreasonably delayed resolution of the matter. In connection with the bankruptcy matter, Garrett knowingly disobeyed an obligation under a ruling by the tribunal.

Garrett violated Rules 3.02 and 3.04(d). She was ordered to pay \$18,640.80 in attorneys' fees and \$1,439 in direct expenses.

Garrett filed a notice of appeal on August 3, 2018.

On September 18, 2017, **Rosalind A. Kelly** [#11237580], 55, of Highland Village, received a 48-month partially probated suspension effective September 14, 2017, with the first nine months actively served and the remainder probated. An evidentiary panel of the District 6 Grievance Committee found that on October 8, 2012, a complainant hired Kelly for representation in a divorce involving children. In representing the complainant, Kelly neglected the legal matter entrusted to her by failing to appear at court hearings.

Kelly violated Rule 1.01(b)(1). She was ordered to pay \$3,161.25 in attorneys' fees and \$535 in direct expenses.

On August 2, 2018, **Rosalind A. Kelly** [#11237580], 55, of Highland Village, agreed to a 48-month partially probated suspension effective May 24, 2018, with the first 12 months actively served and the remainder probated. The 101st District Court in Dallas County found that Kelly committed professional misconduct by violating Rules 1.01(b)(1) [In representing a client, a lawyer shall not neglect a legal matter entrusted to the lawyer], 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], and 8.04(a)(8) [A lawyer shall not fail to timely furnish to the Office of Chief Disciplinary Counsel or a district grievance committee a response or other information as required by the Texas Rules of Disciplinary Procedure, unless he or she in good faith timely asserts a privilege or other legal ground for failure to do so].

Kelly was ordered to pay \$450 in attorneys' fees and direct expenses.

On August 23, 2018, **Jacqueline LeFevre** [#24027947], 42, of Rio Grande City, agreed to a 36-month partially probated suspension effective October 1, 2018, with the first four months actively served and the remainder probated. An evidentiary panel of the District 12 Grievance Committee found that LeFevre failed to keep clients reasonably informed, failed to refund unearned fees, represented two parties that had a conflict of interest, failed to return a client's file, and failed to respond to a grievance in a timely fashion.

LeFevre violated Rules 1.03(a), 1.03(b), 1.06, 1.15(d), and 8.04(a)(8). She was ordered to pay \$1,250 in attorneys' fees and direct expenses.

On August 9, 2018, **Santiago Rangel** [#24004874], 53, of Dallas, agreed to a 90-day fully probated suspension effective July 1, 2018. An evidentiary panel of the District 6 Grievance Committee found that Rangel was suspended from the practice of law for failure to pay required fees. Rangel engaged in the practice of law when his right to practice had been administratively suspended for failure to timely pay required fees or assessments. Rangel 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 Rangel did not in good faith timely assert a privilege or other legal ground for failure to do so.

Rangel violated Rules 8.04(a)(8) and 8.04(a)(11). He was ordered to pay \$1,250 in attorneys' fees and direct expenses.

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On August 7, 2018, **Richard Abram Roman** [#00789595], 55, of El Paso, accepted a two-year fully probated suspension effective August 1, 2018. An evidentiary panel of the District 17 Grievance Committee found that Roman failed to keep clients reasonably informed, acted as an intermediary without the necessary disclosures, failed to properly safeguard a client's property, and failed to return a client's file.

Roman violated Rules 1.03(a), 1.07(a), 1.14(a), and 1.15(d). He was ordered to pay \$3,000 in attorneys' fees and direct expenses.

PUBLIC REPRIMANDS

On September 20, 2017, **Eric Bliss Darnell** [#00783928], 61, of El Paso, received a public reprimand. An evidentiary panel of the District 17 Grievance Committee found that Darnell failed to communicate with clients, asserted a frivolous claim, increased the costs and burdens of a case, violated a court order, and misrepresented facts to the court.

Darnell violated Rules 1.03(a), 1.03(b), 3.01, 3.02, 3.03(a)(1), and 8.04(a)(3).

Darnell has filed for an appeal of this judgment.

On August 2, 2018, **W. Thomas Finley** [#07025500], 70, of Dallas, received a public reprimand. An evidentiary panel of the District 6 Grievance Committee found that on July 7, 2015, the client hired Finley to serve as legal counsel regarding a tax matter. Finley was paid \$2,500 for the legal representation. Finley neglected the legal matter entrusted to him by failing to provide legal services. He also failed to keep the client reasonably informed about the status of the client's tax matter and failed to promptly comply with reasonable requests for information from the client. Finley also failed to file a response to the grievance.

Finley violated Rules 1.01(b)(1), 1.03(a), and 8.04(a)(8). He was ordered to pay \$2,500 in restitution and \$2,000 in attorneys' fees and direct expenses.

PRIVATE REPRIMANDS

Listed here is a breakdown of Texas Disciplinary Rules of Professional Conduct violations for eight attorneys, with the number in parentheses indicating the frequency of the 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 (3).

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).

1.14(a)—for failing to hold funds and other property belonging in whole or in 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 (2).

1.15(d)—upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a

client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled, and refunding any advance payments of fees that have not been earned (2).

8.04(a)(8)—a lawyer shall not fail to timely furnish to the Office of Chief Disciplinary Counsel or a district grievance committee a response or other information as required by the Texas Rules of Disciplinary Procedure, unless he or she in good faith timely asserts a privilege or other legal ground for failure to do so (1). **TBJ**

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