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DISCIPLINARY ACTIONS

Disbarment

On Nov. 9, 2005, **Jason P. Crowson**, 40, of Houston, was disbarred. The District 4-F Grievance Committee found that in three separate complaints, Crowson was retained to provide legal services but failed to provide the requested legal services, keep his clients reasonably informed about the status of the matter, or explain matters to the extent reasonably necessary to permit the clients to make informed decisions regarding the representation. In each complaint, Crowson also failed to respond to the grievance committee.

Crowson violated Rules 1.01(b)(1) and (b)(2), 1.03 (a) and (b), 1.15 (b)(7), and 8.04 (a) and (b). He was ordered to pay \$2,000 in attorney's fees and \$650 in costs.

On Nov. 17, 2005, **Joseph L. Nealy**, 38, of Houston, was disbarred. An evidentiary panel of the District 4-A Grievance Committee found that in one matter, Nealy, after filing suit on the last day before the statute of limitations ran, failed to serve the defendant or undertake any other act to assist his client.

In a second matter, Nealy settled a personal injury case and withheld funds to pay his client's medical provider from the client's settlement, but failed to pay the medical provider.

In a third matter, Nealy had given a medical care provider a letter of protection, but failed to pay his fees despite receiving sufficient funds to do so following settlement of a personal injury case.

Nealy violated Rules 1.01(b)(1), 1.03(b), 1.14(a), (b), and (c), 1.15(d), 8.01(b), and 8.04(a)(3). He was ordered to pay \$10,194 in restitution and \$5,625 in attorney's fees.

On Oct. 31, 2005, **Sunny L. Kapungu**, 45, of Houston, was disbarred. The 189th District Court of Harris County found that in one matter, Kapungu offered unsolicited legal services, failed to appear for numerous court settings, neglected client matters, and failed to communicate with her client. Kapungu also ignored a subpoena issued by the District 4-D Grievance Committee and made a statement that she knew to be false or with reckless disregard as to its truth regarding the qualifications or integrity of a judge. In a second matter, Kapungu offered a \$1,600 refund from a non-IOLTA account, stating that she would seek criminal charges against her client if the client refused to accept the discounted refund. Kapungu also attempted to limit her malpractice liability to the client. Kapungu violated Rules 1.01(b)(1) and (b)(2), 1.02(a)(1), 1.03(a) and (b), 1.04(d), 1.08(g), 1.14(a), 3.04(c)(1) and (d), 4.04(b)(1), 8.01(b), 8.02(a), and 8.04(a)(4), (a)(8), and (a)(9). She was ordered to pay \$4,794.82 in restitution, \$7,354.32 in attorney's fees, and \$1,143.03 in costs.

SUSPENSIONS

On Nov. 22, 2005, **Rosalind A. Kelly**, 43, of Dallas, agreed to a two-year, partially probated suspension effective Nov. 24, 2005, with the first three months actively served and the remainder probated. The 134th District Court of Dallas County found that in one matter, Kelly was retained to represent the complainant in a wrongful termination

case. After the suit was filed, discovery deadlines were imposed. Kelly failed to comply with the court-ordered deadlines or notify the complainant of the deadlines. She failed to attend a scheduling conference, which resulted in the dismissal with prejudice of the lawsuit. Kelly filed an untimely response to the defendant's motion to dismiss and her attempts to reinstate the case were denied.

In a second matter, Kelly was employed to file a writ of habeas corpus on the complainant's brother's behalf. She failed to communicate with the complainant's brother, visit the complainant's brother in the penitentiary, or file the writ.

Kelly violated Rules 1.01(a)(1), (b)(1), and (b)(2) and 1.03(a) and (b). She was ordered to pay \$3,300 in attorney's fees and \$5,250 in restitution.

On Nov. 22, 2005, **Ronald E. Reynolds**, 31, of Houston, accepted a six-month, partially probated suspension effective March 31, 2006, upon completion of his current active suspension, with the first three months actively served and the remainder probated. An evidentiary panel of the District 4-D Grievance Committee found that Reynolds was retained to represent his client in a personal injury case. In January 2004, Reynolds settled the case without his client's knowledge or consent. Reynolds then received settlement proceeds from the insurer without notifying his client, negotiated the settlement check without distributing the funds to his client, and misrepresented to his client that he was still working on the case after he had successfully negotiated the settlement check.

Reynolds violated Rules 1.01(b)(2), 1.03(a) and (b), 1.14(a) and (b), and 8.04(a)(3). He agreed to pay \$350 in attorney's fees.

On Nov. 21, 2005, **Stephen R. Goetzmann**, 43, of Dallas, received an 18-month, fully probated suspension effective Jan. 1, 2006. The District 6-A Grievance Committee found that in one matter, Goetzmann agreed to represent a client in a civil action. Although Goetzmann filed a lawsuit on the client's behalf, he failed to diligently prosecute the action. Consequently, the case was dismissed. In addition, he failed to keep the client informed about the case.

In a second matter, Goetzmann agreed to represent the client in a claim against the manufacturer of her car stemming from a defective airbag. Although Goetzmann filed a lawsuit in the client's matter, he subsequently did little to no legal work in the case. In addition, he failed to respond to the client's telephone calls regarding the status of her case. The client eventually requested the return of her file, but Goetzmann did not return it until several months after the client filed her grievance.

In a third matter, Goetzmann agreed to represent the client in a products-liability action. After summary judgment was issued, he agreed to represent the client on appeal. Goetzmann failed to file a timely notice of appeal, however. In addition, he failed to comply with the client's requests for information regarding the matter.

In a fourth matter, Goetzmann agreed to assist the client in pursuing a worker's compensation claim. Thereafter, he failed to explain matters to the client to allow him to make informed decisions. Goetzmann eventually withdrew from the representation without good cause. In addition, he failed to respond to the client's grievance.

Goetzman violated Rules 1.01(b)(2), 1.03(a), 1.15(b)(1) and (d), and 8.04(a)(8). He was ordered to pay \$3,000 in attorney's fees.

On Nov. 15, 2005, **Bruce Earl Jordan**, 50, of San Antonio, accepted a two-year, fully probated suspension effective Nov. 1, 2005. An evidentiary panel of the District 10-C Grievance Committee found that in one matter, Jordan was retained in a personal injury

case. He neglected a legal matter entrusted to him, failed to keep his client informed about the status of the case, and failed to timely deliver settlement funds to his client. In a second matter, Jordan was retained in a personal injury matter. He failed to have a written contract reflecting his contingency fee agreement, failed to keep his client informed about the status of the case, and neglected the legal matter entrusted to him. In a third case involving traffic tickets, Jordan neglected the legal matter entrusted to him and failed to keep his client informed about the status of the case. Jordan violated Rules 1.01(b)(1) and (b)(2), 1.03(a) and (b), and 1.14(b). Jordan was ordered to pay \$1,000 in attorney's fees.

On Nov. 14, 2005, **David K. Hoel**, 54, of Tulsa, Okla., received a two-year, fully probated suspension effective Nov. 1, 2005. The 193rd District Court of Dallas County found that in one matter, Hoel was retained to defend the complainant in a criminal prosecution. After the client was convicted and sentenced, Hoel failed to take appropriate measures to ensure that a notice of appeal was filed on the client's behalf. In a second matter, Hoel agreed to defend a client in a criminal aggravated assault case. Hoel failed to adequately and competently represent the client at trial. Hoel violated Rules 1.01(a) and (b)(2) and 1.02(a)(1) and (a)(3). He was ordered to pay \$6,000 in attorney's fees and costs.

On Oct. 25, 2005, **Michael W. Gordon**, 47, of Corpus Christi, received a three-year, partially probated suspension effective Jan. 1, 2006, with the first six months actively served and the remainder probated. The District 11-A Grievance Committee found that Gordon was hired by the client and her husband to probate the will of the client's father-in-law and transfer title of certain real estate to her husband. Gordon neglected the obligations owed his client and, upon termination of the representation, failed to return unearned fees. Gordon violated Rules 1.01(b)(1) and (b)(2) and 1.15(d). He was ordered to pay \$350 in restitution and \$1,660 in attorney's fees.

On Oct. 19, 2005, **Edward Parker**, 53, of Tyler, received an 18-month, active suspension effective Nov. 1, 2005. The District 2-A Grievance Committee found that on Jan. 3, 2000, Parker was retained to represent the complainant in a civil action. On Dec. 12, 2001, Parker filed a petition on the complainant's behalf. However, subsequent to the filing, Parker did little to no legal work on the complainant's matter. The complainant called Parker several times to find out the status of his case, but Parker did not return the calls. In November 2003, the complainant contacted the court to ascertain the status of his case and learned that his case had been dismissed for want of prosecution on April 11, 2003. The complainant then requested the return of his file, but Parker failed to comply with his request. Parker violated Rules 1.01(b)(1), 1.03(a), and 1.15(d). He was ordered to pay \$3,786 in attorney's fees, \$527 in restitution, and \$170 in costs.

On Oct. 14, 2005, **Harold V. Dutton, Jr.**, 60, of Houston, received a 12-month, fully probated suspension effective Dec. 1, 2005. An evidentiary panel of the District 4-E Grievance Committee found that Dutton was retained by the complainant for representation in a civil matter. After summary judgment was entered against the complainant, the complainant made several attempts to contact Dutton by telephone to request the return of his file.

On Sept. 29, 2003, the complainant sent Mr. Dutton a certified letter requesting

that his file be returned to him. Dutton failed to comply with these requests. The complainant was forced to handle the appeal of the summary judgment without the benefit of his file.

Dutton violated Rules 1.03(a) and (b) and 1.15(d). He was ordered to pay \$2,740 in attorney's fees and \$666.77 in costs. He has appealed the decision.

On Oct. 20, 2005, **Tekenari A. Wariboko**, 44, of Houston, received a 66-month, partially probated suspension effective Dec. 1, 2005, with the first six months actively served and the remainder probated. An evidentiary panel of the District 4-A Grievance Committee found that in June 2002, Wariboko settled the complainant's personal injury claim. Thereafter, Wariboko converted funds belonging to the complainant and his medical providers to his own use. During the next two years, Wariboko paid out in increments some monies owed to the complainant. The complainant requested an accounting from Wariboko, but Wariboko failed and refused to completely account to the complainant for all the monies to which he was entitled, and failed to pay the complainant's medical providers upon receipt of the settlement proceeds. Wariboko refused to comply with document requests from the Office of the Chief Disciplinary Counsel.

Wariboko violated Rules 1.03(a), 1.14(a), (b), and (c), 8.01(b), and 8.04(a)(1). He was ordered to pay \$1,400.59 in restitution and \$5,180 in attorney's fees.

On Nov. 3, 2005, an evidentiary panel of the District 4-D Grievance Committee found that in March 2003, Wariboko sent a letter of protection to the complainant to assure payment for medical treatment to Wariboko's client. Wariboko settled the case in July 2004. He converted funds, which should have been paid to the complainant, to his own use. After the settlement, Wariboko's trust account frequently fell below the amount necessary to pay the complainant's bill. Wariboko ignored a certified letter from the complainant and failed to pay until approximately two months after Wariboko was served with the complainant's grievance.

Wariboko violated Rules 1.14(a) and (c). He was ordered to pay \$2,255 in attorney's fees and ordered to complete five additional hours of continuing legal education in the area of law office management and to provide an audit of his trust account along with quarterly reports regarding his trust account.

On Dec. 12, 2005, **Robert L. Wilson III**, 33, of San Antonio, accepted a two-year, fully probated suspension effective Dec. 12, 2005. The 285th District Court of Bexar County found that Wilson failed to inform the appropriate disciplinary authority of the professional misconduct of another lawyer.

Wilson violated Rule 8.03(a). He was ordered to pay \$2,500 in attorney's fees and costs.

On Dec. 12, 2005, **Raymond Mbala**, 33, of Dallas, received an eight-year, active suspension effective Dec. 1, 2005. The 162nd District Court of Dallas County found that, on Sept. 17, 2002, Mbala accepted an agreed order of referral for rehabilitation requiring him to pay \$500 in certified funds to the State Bar Office of the Chief Disciplinary Counsel by Nov. 1, 2002. Mbala failed to pay the funds as ordered.

Mbala violated Rule 8.04(a) (7). He was ordered to pay \$3,023.75 in attorney's fees and \$500 in restitution.

On Aug. 3, 2005, **Jeffrey N. Coffee**, 32, of Buda, received a five-year, partially probated suspension effective April 18, 2005, with the first year actively served and the remainder

probated. The District 15-C Grievance Committee found that Coffee neglected a client's case by failing to respond to discovery, failed to keep his client informed about the status of the case, and failed to respond to his client's reasonable requests for information. Coffee failed to return the client's file or refund unearned legal fees upon termination of the representation. Coffee failed to timely respond to notice of the complaint.

Coffee violated Rules 1.01(b)(1), 1.03(a) and (b), 1.15(d), and 8.04(a) (8). He was ordered to pay \$1,650 in attorney's fees and \$300 in expenses.

On Dec. 9, 2005, **Shelton Sparks**, 47, of Houston, agreed to a one-year, fully probated suspension effective Jan. 1, 2006. The District 4-F Grievance Committee found that Sparks was retained in a personal injury matter, but failed to carry out completely the obligations owed his client. He failed to keep his client reasonably informed about the status of his case or explain the matter to the extent reasonably necessary to permit his client to make informed decisions regarding the representation. Sparks violated Rules 1.01(b) (1) and (2) and 1.03(a) and (b). He was ordered to pay \$2,408.42 in attorney's fees and costs.

PUBLIC REPRIMANDS

On Nov. 2, 2005, **Lawrence D. Tackett** 58, of the Woodlands, accepted a public reprimand. The 359th District Court of Montgomery County found that Tackett sent correspondence to opposing counsel wherein he threatened to present criminal charges solely to gain an advantage in a civil matter.

Tackett violated Rule 4.04(b) (1). He agreed to pay \$2,000 in attorney's fees and \$258 in costs.

On Sept. 30, 2005, **Kenneth D. Cager**, 34, of Houston, accepted a public reprimand. The District 4-B Grievance Committee found that in March 2002, Cager was retained to settle or litigate his client's claims regarding an automobile accident. Cager filed a lawsuit on behalf of his client in the Harris County district court on March 8, 2002. During the pendency of the litigation matter, Cager failed to keep his client reasonably informed about the status of the case. Cager failed to keep and preserve his client's property.

Cager violated Rules 1.03(a) and 1.14(a). He was ordered to pay \$250 in attorney's fees.

On Oct. 31, 2005, **John D. Nation**, 53, of Dallas, accepted a public reprimand. The 14th District Court of Dallas County found that in one matter, Nation was hired to challenge a default judgment in a civil case. Although Nation filed a motion for new trial, he did not pursue the matter and took no other legal action. He did not communicate with the complainant and failed to comply with the complainant's requests for information.

In a second matter, Nation was hired to file appeals of three criminal convictions. Even though the appellate court allowed several extensions of time to file the briefs, Nation failed to comply. The appellate court finally ordered the appeals submitted without briefs and affirmed the trial court's judgment in each case. Nation failed to comply with the complainant's requests for information.

Nation violated Rules 1.01(b)(1) and (b)(2) and 1.03(a) and (b). He was ordered to pay \$5,188 in attorney's fees and costs.

On Nov. 17, 2005, **Oscar M. Telfair**, 45, of Houston, accepted a public reprimand. The 189th District Court of Harris County found that Telfair failed to enter into a written contingency fee agreement with his client.

Telfair violated Rule 1.04(d). He agreed to pay \$2,600 in attorney's fees and \$248 in costs.

On Nov. 10, 2005, **Charles W. McHugh**, 69, of Arlington, accepted a public reprimand. The District 7-A Grievance Committee found that McHugh was retained by the complainant to apply for patents for three inventions. McHugh failed to file the patent applications within the allowable time. He failed to keep the complainant reasonably informed about the status of the patent applications and failed to reply to the complaint.

McHugh violated Rules 1.01(b)(1), 1.03(a), and 8.04(a)(8). He was ordered to pay \$1,000 in attorney's fees and \$8,000 in restitution.

On Sept. 22, 2005, **G. Daniel Mena**, 50, of El Paso, received a public reprimand. The District 17-A Grievance Committee found Mena was hired to represent the client in a personal injury case, which occurred on Nov. 11, 1995. On Nov. 11, 1997, Mena failed to serve any of the three defendants, which resulted in the case being dismissed for want of prosecution on Dec. 1, 2000. Mena filed a motion to reinstate that was denied by the court. Mena misrepresented the status of the lawsuit, which prevented the client from making informed decisions regarding the representation.

Mena violated Rules 1.01(b)(1), 1.03(b), 8.04(a)(3). He was ordered to pay \$750 in attorney's fees.

On Sept. 28, 2005, **Dell Edward James**, 34, of Plano, received a public reprimand. The 296th District Court of Collin County found that James filed a civil action on behalf of the complainant. At the complainant's deposition, she testified that she did not want to sue one of the defendants because she didn't believe that defendant had any liability. When the complainant continued to prosecute the suit against that defendant, two summary judgments, a motion for sanctions, and a final judgment were granted against the complainant. The court found that James failed to keep the complainant reasonably informed or explain matters to the extent reasonably necessary for the complainant to make informed decisions regarding the representation.

James violated Rules 1.03(a) and (b). He was ordered to pay \$16,522.23 in attorney's fees and costs and \$14,483.24 in restitution. James has appealed the decision.

On Nov. 21, 2005, **Jerome Gottesman**, 49, of Houston, accepted a public reprimand. The 334th District Court of Harris County found that Gottesman was retained by the complainant to represent the complainant's minor daughter in a personal injury claim. Throughout the representation, Gottesman failed to properly communicate with the complainant either in response to requests for communication or on his own initiative.

Gottesman violated Rule 1.03(a). He agreed to pay \$1,250 in attorney's fees.

On Nov. 29, 2005, **Rodney W. Sipes**, 40, of Edinburg, accepted a public reprimand. The 370th District Court of Hidalgo County found Sipes failed to make reasonable efforts to ensure that the conduct of a non-lawyer employed by him was compatible with the professional obligations of the lawyer.

Sipes violated Rule 5.03(a). He was ordered to pay \$1,500 in attorney's fees and costs.

On Nov. 25, 2005, **Casey Jon Lambright**, 36, of Houston, accepted a public reprimand. The District 4-E Grievance Committee found that Lambright, in an attempt to serve citations and petitions on homeowners in a civil suit, hired a process server who printed information on the citations that incorrectly referenced a judge's order and incorrectly stated the consequences of being served.

Lambright violated Rule 3.04(c)(1). He agreed to pay \$700 in attorney's fees.

On Oct. 27, 2005, **Mohammed Sajeel Khaleel** 31, of McKinney, received a public reprimand. The District 1-A Grievance Committee found that Khaleel was hired in a workers' compensation case and to defend a civil action. He terminated the representation without notifying the complainant. Khaleel failed to retain a copy of the file, return the file to the complainant, or return the complainant's telephone calls. Khaleel violated Rules 1.01(b)(1), 1.03(a) and (b), and 1.15(d). He was ordered to pay \$2,968 in attorney's fees and costs.

On Dec. 18, 2005, **Arnulfo Guerra, Jr.**, 54, of Harlingen, received a public reprimand. The District 12-B Grievance Committee found that Guerra was hired for criminal representation and collected a fee of \$75,000, a portion of which was to be used for an anticipated bond. The committee found that the fee was unconscionable. Upon termination of the representation, Guerra failed to return the unearned portion of the fee. Guerra violated Rules 1.04(a) and 1.15(d). He was ordered to pay \$1,000 in attorney's fees and \$7,500 in restitution.

On Dec. 14, 2005, **Donald W. Linnenbank**, 51, of SugarLand, accepted a public reprimand. The District 5-A Grievance Committee found that Linnenbank was retained to recover funds used to post a bond. However, he failed to properly communicate the status of the case to his client and failed to respond to requests for information. Linnenbank also failed to timely respond to notice of the complaint. Linnenbank violated Rules 1.03(a) and 8.04 (a)(8). He was ordered to pay \$500 in attorney's fees and \$1,165 in restitution.

On Dec. 19, 2005, **Hugo Rojas**, 41, of Inglewood, Calif., accepted a public reprimand. An evidentiary panel of the District 9-A Grievance Committee found that in representing a client in an immigration matter, Rojas neglected the legal matter entrusted to him, failed to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation, failed to take steps to protect a client's interests upon termination of the representation, and practiced law in a jurisdiction where doing so violated the regulation of the legal profession in that jurisdiction.

Rojas violated Rules 1.01(b)(1), 1.03(b), 1.15(d), and 5.05(a). He was ordered to pay \$650 in attorney's fees.

On Dec. 21, 2005, **Noel R. Cain**, 58, of Austin accepted a public reprimand. The 353rd District Court of Travis County found that Cain represented a client where representation of that person's interests were materially and directly adverse to the interests of another client of the lawyer, and upon his termination of representation, failed to take steps to the extent reasonably practicable to protect a client's interests, such as surrendering papers and property to which the client is entitled. Cain violated Rules 1.06(b) and 1.15(d). He was ordered to pay \$750 in attorney's fees and direct expenses.