

DISCIPLINARY ACTIONS

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

REINSTATEMENT

Allen Landerman [#11863400], 57, of Plano, has petitioned the district court of Collin County for reinstatement as a member of the State Bar of Texas.

CLARIFICATION

J. Michael O'Donnell [#15210300], 57, of O'Donnell, Ferebee, Medley & Keiser, P.C. in Houston, is not the attorney

whose disciplinary sanction appeared in the April 2005 *Texas Bar Journal*, p. 346.

JUDICIAL ACTION

On March 6, the State Commission on Judicial Conduct issued a public admonition to **Manuel Ramos**, former municipal court judge, Pearsall, Frio County. The commission found that Ramos' inappropriate and offensive statement to a new police officer after her investiture demonstrated more than a mere lapse of judgment. As a public official charged with upholding the honor and integrity of the judiciary, Ramos knew or should have known that his behavior lacked dignity and would be perceived as offensive, disrespectful, and discourteous not just to the officer, but to her supervisor and the court employee who witnessed the incident.

Ramos' actions constituted a willful violation of Canons 2A and 3B(4) of the Texas Code of Judicial Conduct.

RESIGNATIONS

On March 23, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Richard Todd** [#20098620], 43, of Amarillo. At the time of Todd's resignation, he had 13 disciplinary matters pending, alleging that he neglected his clients' legal matters and failed to communicate with clients, promptly disburse settlement funds to clients or to third persons, return unearned fees to clients upon termination of the representation, or respond to the complaints. Todd disobeyed a ruling of a tribunal and habitually violated an established rule of procedure.

Todd violated Rules 1.01(b)(1), 1.03(a),

1.14(b), 1.15(d), 3.02, 3.04(c)(1) and (d), 5.03(a) and (b)(1), 5.05(b), and 8.04(a)(8).

On March 23, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Juan M. Pena** [#15737600], 54, of Pharr. The court found that on April 6, 2005, Pena pleaded guilty to conspiracy to commit bribery and bank fraud, as charged in Case No. SA-02-CR-527-RF(02), styled *The United States of America v. Juan Pena*, in the U.S. District Court for the Western District of Texas, San Antonio Division, and was committed to 30 months in the custody of the U.S. Bureau of Prisons and ordered to pay a \$200 assessment and a \$1,000,000 fine.

On Dec. 15, 2005, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **John L. Lesly** [#12232500], 57, of Amarillo. At the time of Lesly's resignation, there was one disciplinary matter pending against him, alleging that he failed to maintain settlement funds in a trust account as required. Upon receipt of settlement funds, Lesly failed to notify a medical provider who he knew maintained an interest in the settlement funds pursuant to a valid assignment of benefits or remit the funds to the provider.

Lesly violated Rules 1.14(a) and (b).

On March 23, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Christina C. Wedding** [#00792909], 40, of Marshall. At the time of Wedding's resignation, there were five grievance matters pending against her for neglecting a legal matter, failing to return unearned fees or provide an accounting of unearned fees, failing to pursue a legal matter, failing to keep clients reasonably informed, failing to appear at hearings, engaging in conduct involving misrepresentation, failing to perform any meaningful legal work, failing to respond to client requests for information, and failing to respond to grievances.

Wedding violated Rules 1.01(b)(1)

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and (b)(2), 1.03(a), 1.15(d), and 8.04(a)(8).

DISBARMENT

On Dec. 20, 2005, **Steven C. Simmons** [#18373300], 52, of Houston, was disbarred. The 333rd District Court of Harris County found that, in several matters, Simmons continued to practice law, accepted retainer fees, misrepresented his attorney status to clients, opposing attorneys, and the courts, and forged another attorney's name on documents filed with the court while on an active disciplinary suspension.

Simmons violated Rules 1.04(a), 1.15(a)(1), 5.05(a), and 8.04(a)(1), (a)(2), (a)(3), (a)(7), (a)(10), (a)(11), and (a)(12). He was ordered to pay \$3,750 in restitution, \$11,450 in attorney's fees, and \$10,473 in costs. Simmons filed a motion for new trial on Jan. 18, 2006, which was overruled by operation of law.

SUSPENSIONS

On March 17, **William E. May, Jr.** [#13271600], 55, of Corpus Christi, agreed to a two-year, fully probated suspension effective April 1, 2006. The District 11-A Grievance Committee found May accepted \$7,500 to appeal the denial of a bond reduction and provide representation through trial in a criminal matter. May filed a notice of appearance but took no further action on the bond appeal or the criminal case and failed to communicate with his client. After the representation was terminated, May failed to refund unearned fees or respond to requests for the refund of unearned fees.

May violated Rules 1.03(b) and 1.15(d). He was ordered to pay \$7,500 in restitution and \$4,115.77 in attorney's fees and expenses.

On March 3, **Frederick J. Deyeso, Jr.** [#05797000], 62, of San Antonio, received a one-year, fully probated suspension effective April 1, 2006. The District 10-A Grievance Committee found Deyeso neglected a divorce case, charged

and collected an unconscionable fee for services provided, and failed to provide information requested by the Office of the Chief Disciplinary Counsel.

Deyeso violated Rules 1.01(b)(2), 1.04(a) and (c), and 8.04(a)(8). He was ordered to pay \$15,000 in restitution and \$1,748.00 in attorney's fees.

On Feb. 3, **Robertson M. Ekwem** [#00790055], 43, of Houston, accepted a two-year, fully probated suspension effective Feb. 1, 2006. An evidentiary panel of the District 4-B Grievance Committee found that Ekwem failed to properly supervise a non-lawyer employee and permitted the non-lawyer employee to engage in conduct inconsistent with the professional obligations of Ekwem.

Ekwem violated Rules 5.03(a) and (b)(1). He agreed to pay \$2,600 in attorney's fees.

On March 3, **Dane Alan Barham** [#01738000], 62, of Dallas, received a one-year, active suspension effective Feb. 23, 2006. The District 6-A Grievance Committee found that in one matter, the complainant hired Barham on Nov. 11, 2003, to obtain an emergency custody hearing regarding the complainant's minor daughter. Thereafter, Barham failed to file any pleadings, perform any meaningful legal services, or reply to the complainant's proper requests for information about the matter.

In a second matter, the panel found that on Nov. 30, 2004, Barham's law license was suspended due to his failure to comply with the MCLE requirements. On April 15, 2005, Barham accepted employment to defend the complainant in a criminal prosecution while his law license was suspended.

Barham violated Rules 1.01(b)(1), 1.03(a), and 8.04(a)(11). As part of his sanction, Barham was ordered to pay \$1,450 in restitution and \$1,650 in attorney's fees.

On Feb. 14, **Jack M. Terry III**

[#19798500], 45, of Houston, accepted a two-year, partially probated suspension effective June 1, 2006, with the first three months actively served and the remainder probated. The 55th District Court of Harris County found that Terry failed to keep his client reasonably informed about the status of a matter or promptly comply with reasonable requests for information. Terry also failed to provide the grievance committee with a timely response to the grievance.

Terry violated Rules 1.03(a) and 8.04(a)(8). He was ordered to pay \$1,800 in attorney's fees and costs.

On March 7, **David Norman Getz** [#00784123], 48, of Lubbock, received a one-year, partially probated suspension effective April 1, 2006, with the first

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month actively served and the remainder probated. The District 16-A Grievance Committee found that on Jan. 10, 2005, the complainant filed a complaint against Getz. Getz was served with a copy of the complaint on Feb. 9, 2005, and was requested to file a response within 30 days of receipt. Getz failed to respond and asserted no grounds for his failure to respond.

Getz violated Rule 8.04(a)(8). He was ordered to pay \$2,926 in attorney's fees and \$873.77 in costs.

On April 4, **Jim Moore** [#14348575], 60, of Dallas, accepted a two-year, fully probated suspension effective March 15, 2006. The District 6-A Grievance Committee found that on Feb. 5, 2000, the complainant employed Moore to represent her in a personal injury matter that

settled in August 2001. The settlement agreement provided that out of the settlement proceeds, Moore was to pay \$52,855.81 to Parkland Memorial Hospital for medical expenses. Moore issued a check to the hospital, but after it was not presented for collection for several months, Moore stopped payment on it. Despite repeated demands from Parkland and the complainant, Moore failed to pay Parkland until after the grievance was filed. Throughout the time Moore represented the complainant and prior to the time he received funds in settlement of her case, Moore paid expenses related to the complainant's case and provided advances to the complainant from his trust account.

Moore violated Rules 1.14(a), (b), and (c) and 8.04(a)(1) and (a)(3). He was ordered to pay \$2,000 in attorney's fees.

On April 17, 2006, **Robert M. Jones** [#10951000], 61, of Dallas, accepted a six-month, fully probated suspension, effective Feb. 1, 2006.

The District 6-A Grievance Committee found that Jones was administratively suspended for failure to comply with the minimum continuing legal education requirements of the State Bar of Texas on Feb. 27, 2004, and remained administratively suspended until Feb. 28, 2005. During the period of suspension, Jones engaged in the practice of law.

Jones violated Rule 8.04(a)(11). He was ordered to pay \$1,040 in attorney's fees and costs.

On March 13, **Charlie Jack Dean** [#00790008], 54, of Houston, received a four-year, partially probated suspension effective June 1, 2006, with the first two years actively served and the remainder probated. The District 1-B Grievance Committee found that in one matter, the complainant hired Dean in August 2003 to represent her pending workers' compensation case. The complainant provided Dean with a medical report in early December 2003 to send to the Texas

Workers' Compensation Commission (TWCC) to dispute a maximum medical improvement rating. Dean failed to forward the report, which delayed the issuance of the complainant's benefits.

In a second matter, the complainant hired Dean in January 2004 for representation in his pending workers' compensation case. Impairment benefit checks were subsequently sent to Dean on the complainant's behalf. Dean failed to notify the complainant about his receipt of the money. In addition, Dean deposited the checks into his account without the complainant's authorization. Dean delayed returning the complainant's monies and attempted to retain a portion of the complainant's monies as payment for Dean's attorney's fees.

Dean violated Rules 1.01(b)(1), 1.03(a)(b), 1.14(a), (b), and (c), and 8.04(a)(3). He was ordered to pay \$3,245 in attorney's fees and \$202.76 in costs.

On March 31, 2006, **Linda Irene Perez** [#00798427], 46, of San Antonio, agreed to a four-year, active suspension. The District 10-B Grievance Committee found that on Nov. 20, 2003, Perez agreed to a partially probated suspension of her law license in case number S0060312350. The period of active suspension ran from Jan. 1, 2004, through Jan. 31, 2004. The agreed judgment required Perez to notify all of her clients in writing of her suspension within 30 days of her signing of the judgment, pursuant to Texas Rule of Disciplinary Procedure 13.01. At the time of her agreed suspension, Perez was acting as the attorney in an active child support case. Perez failed to notify the complainant in writing of her impending suspension. During the same time period, Perez was acting as the attorney for another complainant in an immigration case. Perez failed to notify the complainant in writing of her impending suspension. Perez's failure violated the terms of her disciplinary judgment.

Perez violated Rules 8.04(a)(7) and

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8.04(a)(10). She was ordered to pay \$500 in attorney's fees.

On Jan. 11, 2006, **Gordon, M. White** [#20303100], 46, of Richmond, received a 42-month, partially probated suspension effective Jan. 13, 2006, with the first 18 months actively served and the remainder probated. An evidentiary panel of the District 5-A Grievance Committee found White was hired on two separate criminal expungement matters. In each matter, White neglected to communicate with his clients or perform any legal services on their behalf. White also failed to timely respond to the grievance committee on each matter.

White violated Rules 1.01(b)(1) and (b)(2), 1.02(a)(1), 1.03(a), 8.01(b), and 8.04(a)(8). He was ordered to pay \$60 in restitution and \$4050.62 in attorney's fees.

PUBLIC REPRIMANDS

On April 7, **William L. Smith** [#18708500], 84, of Corsicana, accepted a public reprimand. The District 2-C Grievance Committee found that in one matter, the complainant hired Smith to represent him in a real estate contract matter. Approximately three months later, Smith filed a motion to withdraw in the complainant's matter. Smith failed to advise the complainant that he was withdrawing from the case, however, and he failed to notify the complainant about the hearing scheduled in conjunction with the motion. In addition, Smith failed to provide opposing counsel with a copy of the signed order granting withdrawal. Consequently, the opposing attorney continued to send all correspondence to Smith, who failed to forward the information to the complainant.

In the second matter, the complainant received a notice of foreclosure due to the non-payment of his mortgage. On June 2, 2004, the complainant hired Smith to negotiate the mortgage arrearage to prevent foreclosure. On June 15, 2004, an original petition for forcible detainer was filed against the com-

plainant. Smith then filed an untimely answer on the complainant's behalf. On July 8, 2004, a hearing was held in conjunction with the matter. Smith failed to appear at the hearing or notify the complainant about the hearing. Consequently, a judgment of restitution and writ of possession was issued against the complainant ordering him, among other things, to vacate the property. Smith then agreed to pursue an appeal on the complainant's behalf, but he subsequently failed to file a timely notice of appeal.

Smith violated Rules 1.01(b)(2), 1.03(a), and 1.15(b)(1). As part of his sanction, Smith was ordered to pay \$500 in restitution and \$1,700 in attorney's fees.

On April 19, 2006, **W. Stacey Mooring** [#14412000], 53, of Conroe, accepted a public reprimand. The District 3-B Grievance Committee found that Mooring was hired for representation in pursuing appellate remedies in a criminal matter as detailed in a written agreement between Mooring and the complainant. After the motion for new trial was denied, Mooring failed to file the appellant's brief. Additionally, Mooring failed to respond to the numerous requests for information made by the complainant and further failed to return documentation or a refund fees to the complainant upon request.

Mooring violated Rules 1.01(b)(1) and (b)(2), 1.03(a) and (b), and 1.15(d). He agreed to pay \$12,937.50 in restitution and \$1,050 in attorney's fees.

On April 7, **Terry Levoy Marsaw** [#00786085], 50, of Dallas, accepted a public reprimand. The District 6-A Grievance Committee found that the complainant employed Marsaw in March 2002 to represent him in connection with an automobile accident. Although the fee was to be contingent on the outcome of the matter, Marsaw failed to reduce the contingency fee agreement to writing. Marsaw failed to keep the complainant informed about the status of the

case or comply with the complainant's reasonable requests for information.

Marsaw violated Rules 1.01(b)(2), 1.03(a), and 1.04(d). He was ordered to pay \$1,500 in attorney's fees.

On March 8, **Deborah K. Bailey** [#01520400], 52, of Missouri City, received a public reprimand. The District 5-A Grievance Committee found that Bailey was hired for representation in a divorce matter, but failed to comply with the client's requests for an accounting of the services rendered by Bailey.

Bailey violated Rule 1.03(a). She was ordered to pay \$2,225 in attorney's fees and \$286.12 in costs. She was also ordered to complete an additional six hours of continuing legal education in law office management.

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