

# 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](http://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.

## BODA ACTIONS

On June 8, 2006, the Board of Disciplinary Appeals signed an agreed judgment of indefinite disability suspension against **James Michael O'Donnell** [#15210400], 40, of Houston, 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 number 37214.

*Note: The James Michael O'Donnell named above is not the same person as J. Michael O'Donnell [#15210300], 57, of O'Donnell, Ferebee, Medley & Keiser, P.C. in Houston.*

On June 9, 2006, the Board of Disciplinary Appeals signed an opinion and order in the appeal of **Catherine M. Shelton** [#13902800], 57, of Dallas, of a default judgment of disbarment issued by the evidentiary panel for the District 6-A Grievance Committee in Case No. D0120322949 on Aug. 11, 2005. The board found that the affidavit in support of the Commission for Lawyer Discipline's motion for substituted service was defective, thus service was insufficient to uphold a default judgment. The disbarment is reversed and the matter is remanded for a new trial. BODA cause number 36059.

*Note: The full text of BODA's opinion and order in this matter is available on the BODA website, [www.txboda.org](http://www.txboda.org).*

On June 15, 2006, the Board of Disciplinary Appeals affirmed the disbarment of **Tiffany L. Lewis** [#00795081], 37, of Arlington, by the evidentiary panel for the District 7-A Grievance Committee in Case Nos. D0110322672 and D0120322897 on April 12, 2005. BODA cause number 35370.

On June 15, 2006 the Board of Disciplinary Appeals signed a final judgment of suspension against **Roxane Esther Martinez** [#13144210], 47, of Houston. On April 14, 2005, the board signed an interlocutory order suspending Martinez from the practice of law pending the

appeal of her criminal conviction for Class B misdemeanor theft, an intentional crime as defined in the Texas Rules of Disciplinary Procedure, in Cause No. 1194496 styled *The State of Texas v. Roxane E. Martinez*, in Harris County Criminal Court at Law No. 12. Martinez was sentenced to 90 days confinement, probated for one year. She was also assessed a fine of \$2,000. The interlocutory order provided that in the event Martinez's conviction became final, she would be suspended during the term of her community supervision. On Oct. 13, 2005, the 14th Court of Appeals issued a mandate affirming the judgment in the criminal case. On April 6, 2006, the trial court dismissed the criminal case and terminated her community supervision. In accordance with the Texas Rules of Disciplinary Procedure, the early termination of Martinez's community supervision has no effect upon the term of her compulsory discipline. She is suspended until Oct. 12, 2006. BODA cause number 33736.

On June 15, 2006, the Board of Disciplinary Appeals entered an interlocutory order of suspension against **Kenneth Alan Thomas** [#19857100], 48, of Dallas. On May 13, 2005, Thomas was found guilty of aggravated assault, which, according to the true bill of indictment, was committed with knowledge and intent, a second-degree felony and an intentional crime as defined in the Texas Rules of Disciplinary Procedure, in Cause No. F-2004-1408-C, styled *The State of Texas v. Kenneth Alan Thomas*, in the 211th District Court of Denton County. Thomas was sentenced to eight years of imprisonment in the custody of the Institutional Division of the Texas Department of Criminal Justice. He was also assessed a fine of \$10,000. Thomas has appealed the conviction. In the event that the conviction becomes final, Thomas will be disbarred from the practice of law. BODA cause number 37431.

On June 15, 2006, the Board of Disciplinary Appeals signed a final judgment

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of disbarment against **Randy Dale Jarnigan** [#10575800], 53, of Houston. On July 18, 1997, the board signed an interlocutory order suspending Jarnigan from the practice of law pending the appeal of his criminal conviction for engaging in organized criminal activity, an intentional crime as defined in the Texas Rules of Disciplinary Procedure, in Cause No. 727800 styled *The State of Texas v. Randy Dale Jarnigan*, in the 337th District Court of Harris County. Jarnigan was sentenced to 30 years in the custody of the Institutional Division of the Texas Department of Criminal Justice and assessed a fine of \$10,000. The interlocutory order provided that in the event Jarnigan's conviction became final, he would be disbarred from the practice of law. On June 7, 2002, the 14th Court of Appeals issued a mandate affirming the judgment in the criminal case. BODA cause number 11580.

On June 15, 2006, the Board of Disciplinary Appeals entered an interlocutory order of suspension against **Ronald B. Manning** [#12940990], 53, of Galveston. On Sept. 16, 2005, Manning was found guilty of theft over \$200,000, a first-degree felony and an intentional crime as defined in the Texas Rules of Disciplinary Procedure, in Cause No. 994363, styled *The State of Texas v. Ronald B. Manning*, in the 339th District Court of Harris County. Manning was sentenced to 28 years of imprisonment in the custody of the Institutional Division of the Texas Department of Criminal Justice. He was also assessed a fine of \$10,000 and court costs of \$437. Manning has appealed the conviction. In the event that the conviction becomes final, Manning will be disbarred from the practice of law. BODA cause number 37444.

On June 15, 2006, the Board of Disciplinary Appeals entered an interlocutory order of suspension against **Barry Wayne Brown** [#24045566], 36, of Searcy, Ark. On Jan. 24, 2006, Brown pleaded guilty to three charges in general court martial

order in Cause No. 431-43-9656FR, U.S. Air Force, 37th Training Wing, Lackland Air Force Base, Texas — attempt to commit premeditated murder, conspiracy to commit premeditated murder, and wrongful fraternization with an enlisted person — offenses under the Uniform Code of Military Justice. The crimes of attempt to commit premeditated murder and conspiracy to commit premeditated murder are intentional crimes as defined in the Texas Rules of Disciplinary Procedure. Brown was sentenced to confinement for 18 years in the Air Force Corrections System. The court martial is subject to an automatic appeal. In the event that the conviction becomes final, Brown will be disbarred from the practice of law. BODA cause number 37539.

## RESIGNATIONS

On March 23, 2006, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **J.D. McDonald** [#13551020], 47, of Houston. At the time of McDonald's resignation, there were three pending grievance matters. In the first matter, McDonald was hired to represent a client in a civil suit. McDonald failed to advise his client that a counter-claim had been filed. McDonald failed to respond to the counter-claim, abandoned the case, and relocated without providing his new telephone number or address to the client.

In a second matter, McDonald received payment of a judgment on behalf of a client. McDonald refused to release the judgment although it was paid in full.

In a third matter, McDonald was hired in a personal injury case. McDonald informed his client that he would be associating with a more experienced attorney to assist him in the matter. The assisting attorney advised McDonald that he would not accept the case. McDonald advised his client that that he was going to withdraw, but failed to withdraw, failed to return the client's file, and neglected to pursue the matter. McDonald failed to communicate with his client or provide a new address or telephone num-

ber where he could be reached. In each matter, McDonald failed to timely respond to the grievance committee.

McDonald violated Rules 1.01(b)(1) and (b)(2), 1.03 (a) and (b), 1.14(b), 1.15(d), 3.02, 8.01(b), and 8.04(a)(3) and (a)(8).

On March 29, 2006, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Melissa Shawn Montgomery Jones** [#24038705], 42, of Pinson, Ala. The court found that in June 2004, the complainant employed Jones to file a divorce. The complainant paid Jones \$1,000. In July 2004, Jones moved to Alabama, but failed to provide the complainant with contact information. The complainant located Jones, who informed the complainant that the divorce had been filed in Brazos County.

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Thereafter, Jones again moved and failed to provide the complainant with contact information. The complainant later learned that the divorce had never been filed. Jones failed to timely respond to notice of the complaint.

Jones violated Rules 1.01(b)(2), 1.03(a), 1.15(d), and 8.04(a)(8).

On April 4, 2006, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **James Loyd Shawn, III** [#18162500], 58, of Smithville. The court found that on May 3, 2005, Shawn entered a plea of guilty in Cause Number 5-03-0563, styled *The State of Texas v. James Shawn*, in the 299th District Court of Travis County, pleading guilty to indecency with a child by contact, a second-degree felony. Shawn was placed

on community supervision for a period of eight years beginning July 15, 2005, ordered to pay \$250 in court costs, a \$1,500 fine, and a \$30 Crime Stoppers fee. Shawn was ordered to complete 350 hours of community service restitution, serve 41 days in the Travis County Jail, and to comply with various other sex offender requirements.

## DISBARMENTS

On March 3, 2006, **Kathryn Robertson** [#15582800], 55, of Houston, was disbarred. An evidentiary panel of the District 4-B Grievance Committee found that Robertson allowed her legal assistant, a disbarred attorney, to negotiate an employment contract on her behalf without proper supervision. Robertson shared her legal fees with her assistant, a non-attorney, and allowed her legal assistant to make offers of settlement on the case. Robertson also allowed her assistant to advise the client on legal matters without her supervision. Robertson failed to keep her client reasonably informed about his case, comply with his reasonable requests for information, or explain the legal matter to the extent necessary to permit the client to make informed decisions regarding the representation. She also failed to provide the grievance committee with a timely response.

Robertson violated rules 1.01(a)(1), (b)(1), and (b)(2), 1.03 (a) and (b), 5.03(a) and (b)(1), and 5.04 (a) and (b). She was ordered to pay \$18,975 in restitution, \$5,131.25 in attorney's fees, \$942.61 in costs, and an additional \$1,000 in sanctions.

On April 3, **James Steven Brownhill** [#03218050], 43, of Katy, was disbarred. The 400th District Court of Fort Bend County found that pursuant to an agreed judgment, Brownhill was actively suspended from the practice of law from March 1, 2004, through May 31, 2004, and on probation through Feb. 28, 2007. During the period of Brownhill's active suspension, the complainant

assumed Brownhill's cases. It was expected that Brownhill would continue to work on the cases as the legal assistant; however, while actively suspended, Brownhill continued to practice law when he forged the complainant's name or misrepresented his status as an attorney on certain settlement documents and checks.

Brownhill violated Rules 8.04(a)(1), (a)(2), (a)(3), (a)(7), and (a)(11). He was ordered to pay \$8,600 in attorney's fees and \$6,503.09 in costs as conditions precedent to reinstatement.

On April 19, 2006, **Curtis W. Bannert** [#00789140], 37, of San Antonio, was disbarred. An evidentiary panel of the District 10A-2 Grievance Committee found that in one matter, Bannert was hired in a child custody modification matter for which he was paid \$2,650. After reaching an agreed reset of the hearing for temporary orders, Bannert took no further action and failed to keep his client informed about the status of her case or return her telephone calls. Bannert moved his office without providing new contact information. After termination of the representation, Bannert failed to return unearned fees. Bannert failed to furnish a written response to the grievance committee.

In a second matter, Bannert failed to comply with the terms of a prior disciplinary judgment by failing to pay restitution and attorney's fees as ordered. Bannert failed to furnish a written response to the grievance committee.

Bannert violated Rules 1.01(b)(1), 1.03(a) and (b), and 8.04(a)(2), (a)(3), (a)(7), and (a)(8). He was ordered to pay \$2,650 in restitution and \$1,240 in attorney's fees and costs.

## SUSPENSIONS

On March 24, 2006, **James D. Key** [#11369400], 67, of Dallas, agreed to a four-year, partially probated suspension, with the first two years actively served and the remainder probated. The 95th District Court of Dallas County found

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that in his capacity as a medical doctor, Key treated the complainant for injuries stemming from an automobile accident. The complainant then employed Key's law firm to represent him in his personal injury case stemming from his accident. Key failed to subsequently supervise the newly licensed associate assigned to the complainant's case. At the associate's request, Key testified as a medical expert witness during a mediation of the case. On July 12, 2001, the complainant's case settled and the settlement check was deposited into the firm's trust account. Key issued checks disbursing the complainant's settlement proceeds, including checks written to medical clinics where Key both practiced and provided medical treatment to the complainant. Key collected a fee for testifying as a medical expert at mediation. Key failed to ensure that a written accounting of all disbursements was provided to the complainant and failed to provide the complainant with a copy of his file upon request.

Key violated Rules 1.03(b), 1.04(d), 1.06(b)(2), 1.15(d), and 5.01(a). He was ordered to pay \$3,000 in attorney's fees and costs.

On April 20, 2006, **Paul A.U. Lord, Sr.** [#12574800], 59, 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 District 4-E Grievance Committee found Lord was retained in a child custody case. The complainant made several attempts to check the status of the case, but Lord failed to respond in a timely manner. Additionally, Lord failed to prepare several orders with the court by the requested deadlines.

Lord violated Rules 1.01(b)(1) and (b)(2) and 1.03(a) and (b). He agreed to pay \$800 in restitution and \$800 in attorney's fees.

On March 31, 2006, **Michael W. Gordon** [#08203550], 48, of Corpus

Christi, received a two-year, partially probated suspension effective April 1, 2006, with the first three months actively served and the remainder probated. The District 11-A Grievance Committee found Gordon accepted a retainer of \$3,500 but neglected the representation, resulting in a default judgment being granted against his client. Upon termination, Gordon failed to return the unearned portion of the retainer. After receiving notice of the grievance, Gordon failed to timely respond.


Gordon violated Rules 1.01(b)(1) and (b)(2), 1.15(d), and 8.04(a)(8). He was ordered to pay \$1,000 in attorney's fees and costs and \$1,250 in restitution.


On May 3, 2006, **Gary M. Riebschlager** [#16902200], 49, 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 District 4-C Grievance Committee found that Riebschlager was hired through his office in Roma for representation in separate civil matters on behalf of two clients. Riebschlager failed to take any action on behalf of the clients or return their numerous calls. When Riebschlager closed his office in Roma, he failed to notify the clients of his whereabouts and effectively abandoned his representation of the clients. Riebschlager failed to respond to notice of the grievances.

Riebschlager violated Rules 1.01(b)(1) and (b)(2), 1.03(a) and (b), 1.15(d), and 8.01(b). He agreed to pay \$4,290 in restitution and \$800 in attorney's fees.

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