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REPRIMANDS

On Nov. 13, 2007, **David L. Solis** [#24009711], 34, of Edinburg, accepted a public reprimand. An evidentiary panel of the District 12-B Grievance Committee found that in a family law representation, Solis failed to keep the client informed about the status of the case or respond to the client's reasonable requests for information. Solis failed to

perform any work on the case and, upon termination, failed to refund the unearned fee.

Solis violated Rules 1.01(b)(1) and (b)(2), 1.03 (a) and (b), and 1.15 (d). He was ordered to pay \$500 in restitution and \$500 in attorney's fees and expenses.

On Oct. 31, 2007, **Steven Jay Rozan** [#17357000], 64, of Houston, received a public reprimand. An evidentiary panel of the District 4-A Grievance Committee found that Rozan was hired for representation in a criminal appeal and to handle Rule 35 proceedings by which the client would receive credits toward his sentence for his cooperation with authorities in a separate matter. Rozan filed the appellant's brief. The client wrote to Rozan regarding the status of his case on numerous occasions, but Rozan failed to respond.

Additionally, the client and his mother made requests for his client file, but Rozan failed and refused to comply with said requests.

Furthermore, Rozan filed a late response to the grievance. Rozan has filed a notice of appeal.

Rozan violated Rules 1.03(a) and (b), 1.15(d), and 8.04(a)(8). He was ordered to pay \$1,000 in restitution and \$1,665.90 in attorney's fees and costs.

On Nov. 11, 2007, **Tshombe Anderson** [#24012218], 39, of Dallas, received a public reprimand after a finding of professional misconduct by a panel of the District 6-A Grievance Committee.

The complainant was assigned to represent the State Office of Risk Management in a workers' compensation matter

pending in the 348th Judicial District Court of Tarrant County. Anderson represented the worker.

While actively suspended, Anderson failed to prevent his signature from being electronically signed to a letter to a physician requesting a medical opinion in the case. The letter stated that Anderson's office represented the worker during the time when Anderson was actively suspended from the practice of law.

Anderson violated Rule 8.04(a)(11). He was ordered to pay \$1,180 in attorney's fees and costs.

On March 30, 2005, **Raul Garcia** [#24029565], 36, of Austin, received a public reprimand in the 261st Judicial District Court of Travis County.

The Court considered motions for summary judgment filed by the petitioner and Garcia and determined that Garcia committed professional misconduct as to three of the four counts alleged.

The Court concluded that Garcia violated the following Texas Disciplinary Rules of Professional Conduct: 5.04(a) — a lawyer or law firm shall not share or promise to share legal fees with a non-lawyer; 5.05(b) — a lawyer shall not assist a person who is not a member of the bar in the performance of activity that constitutes the unauthorized practice of law; and 7.01(a) — a lawyer in private practice shall not practice under a trade name.

The Court found that Garcia's conduct did not constitute forming a partnership with a non-lawyer in violation of Rule 5.04(b) of the TDRPC.

Garcia was ordered to pay \$583.10 in costs.

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SUSPENSIONS

On Oct. 11, 2007, **Ephraim Aberra** [#24043518], 40, of Woodbridge, Va., received a four-year, partially probated suspension effective Oct. 15, 2007, with the first two years actively served and the remainder probated. A panel of the District 6-A Grievance Committee found that the complainant employed Aberra to defend the complainant in a civil suit regarding an automobile accident. Aberra received notice of a trial setting but failed to notify the complainant. On the day of trial, neither the complainant nor Aberra appeared. The court contacted Aberra via telephone and offered to reset the trial for several hours to allow Aberra an opportunity to appear. Aberra told the court to proceed to trial. The court conducted the trial and awarded judgment in favor of the plaintiff and against the complainant.

Aberra violated Rules 1.01(b)(1) and 1.03(a). He was ordered to pay \$1,200 in restitution and \$2,210 in attorney's fees and costs to the complainant.

On Nov. 2, 2007, **Christopher Murray Blanton** [#00796218], 37, of Arlington, accepted a 26-month, partially probated suspension effective Nov. 15, 2007, with the first two months actively served and the remainder probated.

The District 7-A Grievance Committee found in the first matter that Blanton was hired to represent the complainant in the prosecution of a civil matter. Months later, Blanton told the complainant that the defendant had agreed to a \$2,000 settlement, which the complainant approved. Subsequently, Blanton sent a personal check for \$2,000 to the complainant, which was returned due to insufficient funds. The complainant learned through court records that her case had been dismissed the month before Blanton informed the complainant of the settlement offer. A review of settlement documents showed

that Blanton agreed to settle the case for \$1,000. The complainant did not agree to a \$1,000 settlement and was not informed that the case had been dismissed.

In the second matter, Blanton was court appointed to represent the complainant in an appeal of a criminal conviction. Thereafter, Blanton failed to file the notice of appeal and failed to respond to requests for updates from the complainant and her family members.

In the first, second, and in a third matter, Blanton failed to file a response to the complaint.

Blanton violated Rules 1.01(b)(1) and (b)(2), 1.02(a)(1) and (a)(2), 1.03(a), 1.14(a) and (b), and 8.04(a)(3) and (a)(8). He was ordered to pay \$1,750 in attorney's fees and costs.

On Oct. 19, 2007, **Rosalind A. Kelly** [#11237580], 45, of Dallas, received a five-year, partially probated suspension, effective Nov. 16, 2007, with the first two years actively served and the remainder probated.

The District 6-A Grievance Committee found that in March 2003, the complainant employed Kelly to prosecute a lawsuit. A trial was held in March, resulting in a favorable ruling for the complainant, to wit: Complainant was awarded \$8,060 in damages, \$5,500 in attorney's fees, and an additional \$5,000 for appellate attorney's fees. Kelly claimed that she submitted a proposed order to the court on March 10, 2005, but admitted that she did nothing to follow up or ensure that the judge actually signed the order.

In January 2006, the court notified Kelly that the lawsuit had been placed on the dismissal docket. In February 2006, the lawsuit was dismissed for want of prosecution and for failure to furnish the court clerk with a proposed judgment or order disposing of the lawsuit within 30 days after rendition of judgment or

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DISCIPLINARY ACTIONS

announced settlement of the case. Thereafter, Kelly failed to notify the complainant the lawsuit had been dismissed. Kelly failed to reply to the complainant's proper requests for information about the matter and failed to provide the file to the complainant after the complainant made several requests for Kelly to do so. Kelly was directed to provide certain information to the District 6-A Grievance Committee, but failed to do so and asserted no grounds for such failure.

Kelly testified at the August 2007 evidentiary hearing that after the complainant gave a false answer during the March 2005 trial, Kelly allowed the complainant to give at least two additional false answers, knowing all three statements were false. Kelly further testified that she did nothing to correct the false testimony. Kelly also testified that she submitted a proposed order, but did not fill in the awarded amounts because they were based on false testimony. However, Kelly did not withdraw the order or notify the court of the potential perjury.

Kelly violated Rules 1.01(b)(1), 1.03(a), 1.15(d), 3.03(a)(5), 3.03(b), and 8.01(b). She was ordered to pay \$2,466.25 in attorney's fees and \$305.74 in costs.

On Nov. 13, 2007, **Michael W. Gordon** [#08203550], 49, of Corpus Christi, accepted a three-year, fully probated suspension effective Nov. 1, 2007. An evidentiary panel of the District 11-A Grievance Committee found Gordon was hired to appeal a criminal conviction and was paid \$5,000. Gordon filed a motion for new trial but failed to take any further action. Gordon failed to keep his client reasonably informed and, upon termination, failed to refund unearned fees. Gordon violated two prior disciplinary judgments by failing to pay restitution and fees timely. Gordon

failed to respond to the grievance timely.

Gordon violated Rules 1.01(b)(1), 1.03(a) and (b), 1.15(d), and 8.04(a)(7) and (a)(8). He was ordered to pay \$5,000 in restitution and \$1,200 in attorney's fees and expenses.

On Oct. 30, 2007, **Michael W. Sandel** [#17576300], 56, of Houston, received a 10-year, partially probated suspension effective Nov. 1, 2007, with the first year actively served and the remainder probated.

An evidentiary panel of the District 4-F Grievance Committee found that Sandel was retained to represent a client who had been served with a motion to modify in a custody matter. Sandel never filed an answer and did not perform any other legal services. Sandel received written notice of the grievance filed against him as well as a request for additional information. Sandel failed to respond to either.

Sandel violated Rules 1.01(b)(1) and (b)(2), 8.01(b), and 8.04(a)(8). He was ordered to pay \$2,672.20 in attorney's fees and costs and \$274.07 in restitution.

On Sept. 6, 2007, **Thomas P. Hayes IV** [#09280160], 51, of Lake Hills, received a two-year, fully probated suspension effective Nov. 4, 2007. The 216th District Court of Bandera County found Hayes neglected his client's case, failed to communicate with the client, and failed to return the client's file.

Hayes violated Rules 1.01(b)(1) and (b)(2), 1.03(a), and 1.15(d). ❖