



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.

REINSTATEMENTS

Chester Lee Wheless, Jr. [#21264000], 62, of Dallas, has petitioned the 401st District Court of Collin County for reinstatement as a member of the State Bar of Texas.

McCuller C. Stephens III [#19158750], 50, of Houston, has

petitioned the 80th District Court of Harris County for reinstatement as a member of the State Bar of Texas.

JUDICIAL ACTION

On Dec. 13, 2007, the State Commission on Judicial Conduct issued a public admonition to **Bob Wall**, justice of the peace for Precinct 2, Place 1, in Brownwood, Brown County. The commission concluded that based on the facts and evidence before it, Judge Wall failed to comply with the law and demonstrated a lack of professional competence in the law by *sua sponte* dismissing traffic cases filed by Constable Donnie Barnum without a motion to dismiss from the prosecutor and by refusing to accept citations or complaints written by Constable Barnum in Precinct 2. Although Judge Wall may have had a valid concern about Barnum's credibility as a witness, his prior relationship with Barnum and his personal opinion that Barnum lacked credibility, good judgment, or the appropriate temperament for a peace officer raised legitimate questions as to the judge's impartiality in cases where Barnum would be a witness. Rather than dismiss cases and refuse to accept filings, the appropriate remedy would have been for Judge Wall to recuse himself from those cases. Judge Wall's actions in this matter constituted willful or persistent violations of Canons 2A and B and 3B(1),

(2), and (5) of the Texas Code of Judicial Conduct.

BODA ACTIONS

On Nov. 29, 2007, the Board of Disciplinary Appeals dismissed for want of prosecution the appeal of **Bonnie F. Sims** [#18415700], 63, of Dallas, of a judgment of partially probated suspension signed by an evidentiary panel of the District 6-A Grievance Committee in Case No. D0070321415 on Feb. 20, 2007. The board found that Sims did not file a reporter's record or a brief. The board signed an order to show cause to Sims on Oct. 2, 2007, giving her 30 days to respond and show cause as to why the appeal should not be dismissed for want of prosecution. Sims did not respond. BODA cause number 39727.

On Jan. 10, 2008, the Board of Disciplinary Appeals dismissed for want of prosecution the appeal of **Randall B. Miller** [#24009092], 36, of Arlington, of a judgment of private reprimand signed by an evidentiary panel of the District 7-A Grievance Committee in Case No. D0070527257 on April 11, 2007. The board found that Miller did not file a reporter's record or a brief. The board signed an order to show cause to Miller on Nov. 29, 2007, giving him 30 days to respond and show cause as to why

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the appeal should not be dismissed for want of prosecution. Miller responded but did not adequately show cause to continue his appeal. BODA cause number 39950.

On Jan. 28, 2008, the Board of Disciplinary Appeals dismissed for want of prosecution the appeal of **Donald L. Jarvis, Jr.** [#90002001], 40, of Sherman, of a judgment nunc pro tunc of fully probated suspension signed by an evidentiary panel of the District 1-A Grievance Committee in Case Nos. D0030526163 and D0030526182 on Jan. 19, 2007. The board found that Jarvis did not file a reporter's record or a brief. The board signed an order to show cause to Jarvis on Nov. 29, 2007, giving him 30 days to respond and show cause as to why the appeal should not be dismissed for want of prosecution. Jarvis did not respond. BODA cause number 39338.

On Jan. 28, 2008, the Board of Disciplinary Appeals dismissed for want of prosecution the appeal of **Thomas Alan Owen** [#15372450], 48, of Arlington, of a default judgment of disbarment signed by an evidentiary panel of the District 7-A Grievance Committee in Case Nos. D0120528485 and D0020628907 on March 21, 2007. The board found that Owen did not file a reporter's record or a brief. The board signed an order to show cause to Owen on Nov. 29, 2007, giving him 30 days to respond and show cause as to why the appeal should not be dismissed for want of prosecution. Owen did not respond. BODA cause number 39837.

On Jan. 24, 2008, the Board of Disciplinary Appeals signed an agreed judgment of suspension against **David Alan Cole** [#00783854], 41, of Dallas. On April 2, 2007, a judgment was entered against Cole wherein he pleaded guilty to tax evasion in violation of 26 U.S.C. §7201, an intentional crime as defined in the Texas Rules of Disciplinary Procedure in Cause No. 3:07-CR-107-K(01) styled, *United States of America v. David Cole*, in U.S. District Court, Northern District of Texas, Dallas Division. Cole was placed on probation for a term of 18 months. He was also ordered to pay an assessment in the amount of \$100 and a fine of \$5,000. The Commission for Lawyer Discipline agreed to the suspension of Cole's law license for the term of the criminal probation. BODA cause number 40956.

On Jan. 23, 2008, the Board of Disciplinary Appeals signed an interlocutory order of suspension against **Yali Huang** [#00795433], 44, of Houston. On July 18, 2007, Huang was convicted of conspiracy to commit visa fraud and induce or encourage immigrants to enter and reside in the United States for commercial advantage and private financial gain in violation of 18 U.S.C. §371, and four counts of visa fraud, aiding and abetting in violation of 18 U.S.C. §§1546(a) and 2 — intentional crimes as defined in the Texas Rules of Disciplinary Procedure, in Case Number 4:05CR00392-004 styled, *United States of America v. Yali Huang*, in U.S. District Court for the Southern District of Texas, Houston Division. Huang was sentenced to 51 months in

prison for each count, with the sentences to run concurrently. Upon release, Huang will be under supervised release for three years. In addition, she was ordered to pay a fine in the amount of \$10,000 and an assessment of \$500. Huang has appealed the conviction. The board retains jurisdiction to enter a final judgment when the criminal appeal is final. Huang did not answer the petition for compulsory discipline or appear at the hearing. BODA cause number 40220.

On Jan. 24, 2008, the Board of Disciplinary Appeals signed a judg-

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ment of disbarment against **James W. Demik** [#05654500], 69, of Dallas. On Oct. 13, 2005, a judgment was signed against Demik finding him guilty of conspiracy to commit offenses against the United States in violation of 18 U.S.C. §371 [18 U.S.C. §1344(2)] (count 1), bank fraud and aiding and abetting in violation of 18 U.S.C. §1344(2) and 2 (count 2), and money laundering and aiding and abetting in violation of 18 U.S.C. §§1956(a)(1)(B)(i) and 2 (counts 3–10), intentional crimes as defined in the Texas Rules of Disciplinary Procedure in Cause No. 3:04-CR-289-

H(01) styled, *United States of America v. James Demik*, in U.S. District Court, Northern District of Texas, Dallas Division. Demik was sentenced to 60 months in prison for each count, with the sentences to run concurrently. He was also ordered to pay restitution in the amount of \$8,884,253 and an assessment in the amount of \$1,000. Demik did not answer the petition for compulsory discipline or appear at the hearing. BODA cause number 40503.

RESIGNATION

On Jan. 15, 2008, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Robert Charles Brown** [#03164200], 58, of Dallas. At the time of Brown's resignation, there were two disciplinary matters pending against him. In the first matter, acting under a power of attorney from the complainant, Brown withdrew funds from the complainant's financial accounts for Brown's personal use and obtained credit cards in the complainant's name that Brown used for his own personal use, without the complainant's knowledge or approval. After receiving a notice of revocation of the power of attorney, Brown continued to withdraw funds from the accounts and continued to use the credit cards. Brown committed the criminal offenses of theft and misapplication of fiduciary property.

In the second matter, Brown was hired to appeal an adverse judgment in a personal injury suit. Brown filed a notice of appeal, but the appellate court dismissed the appeal for want of prosecution, noting that Brown, on behalf of the complainant, had not

filed the clerk's record or the reporter's record. Brown failed to keep the complainant reasonably informed and failed to promptly comply with reasonable requests for information.

Brown violated Rules 1.01(b)(1), 1.03(a), and 8.04(a)(1), (a)(2), and (a)(3). He was ordered to pay \$108,000 in restitution.

SUSPENSIONS

On Nov. 27, 2007, **Dennis Lance Higgins** [#00796753], 38, of San Antonio, accepted a 52-month, partially probated suspension effective Sept. 21, 2007, with the first four months actively served and the remainder probated. The District 10-B Grievance Committee found that in four representations, Higgins failed to keep clients informed about the status of their case and failed to promptly reply to reasonable requests for information. The committee also found Higgins neglected legal matters entrusted to him in three of the representations.

Higgins violated Rules 1.01(b)(1) and 1.03(a). He was ordered to pay \$500 in attorney's fees and expenses.

On Dec. 4, 2006, **Chad Alan Cox** [#24000366], 37, of Parkersburg, Iowa, received a 12-month, fully probated suspension effective Dec. 15, 2006. An evidentiary panel of the District 15-A Grievance Committee found that Cox was hired in June 2004 to file a wrongful termination suit against his client's former employer and was paid \$1,500. Cox failed to communicate the basis or rate of the fee for the representation and neglected the case by failing to serve process on the defendant, which resulted in a dismissal. Cox

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failed to notify his client of the dismissal, failed to return client telephone calls, moved his office without advising the client of a forwarding address or telephone number, and, upon termination, failed to return the client's file or the unearned fee upon request.

Cox violated Rules 1.01(b)(1), 1.03(a) and (b), 1.04(c), and 1.15(d). He was ordered to pay \$1,500 in restitution and \$600 in attorney's fees and expenses.

On July 10, 2007, **BeAnn H. Sisemore** [#24011491], 57, of Fort Worth, received a one-year, fully probated suspension effective July 15, 2007. An evidentiary panel of the District 7-A Grievance Committee found that the complainant hired Sisemore to handle a child custody modification. The parties reached an agreement and an interim temporary order required Sisemore to prepare the final order by 5 p.m. on June 2, 2006. Sisemore subsequently failed to draft the final order and failed to respond to the complaint. In another matter, Sisemore failed to respond to the complaint and asserted no grounds for such failure.

Sisemore violated Rules 1.01(b)(1) and 8.04(a)(8).

On Nov. 1, 2007, **Aaron Keiter** [#11185500], 61, of Houston, accepted a two-year, fully probated suspension effective Jan. 1, 2008. The 280th District Court of Harris County found that Keiter permitted his legal assistant to unlawfully practice law and perform activities that constituted the unauthorized practice of law on two separate occasions. Keiter maintained an office in Houston and in McAllen, but did not maintain an office in Corpus Christi. The legal assis-

tant performed work on behalf of Keiter from a home office located in Corpus Christi. The legal assistant maintained client files in his home office and Keiter failed to adequately supervise the legal assistant and permitted the legal assistant to engage in activities that constituted the practice of law.

Keiter violated Rules 5.03(b)(1) and 5.05(b). He agreed to pay \$7,484.67 in attorney's fees and costs.

On Dec. 17, 2007, **Joseph Mitchell Brown** [#03148600], 46, of Las Vegas, Nev., accepted a one-year, fully probated suspension effective Dec. 1, 2007. The District 10-A Grievance Committee found Brown neglected his client's driver's license reinstatement action, failed to return the client's telephone calls or respond to the client's requests for information about the status of the legal matter, failed to explain the legal matter to the extent necessary to permit the client to make informed decisions regarding the representation, failed to return unearned fees, and failed to furnish a written response to the grievance.

Brown violated Rules 1.01(b)(1) and (2), 1.03(a) and (b), 1.15(d), and 8.04(a)(8). He was ordered to pay \$500 in restitution and \$900 in attorney's fees and expenses.

On Dec. 11, 2007, **Lori Dee Mack** [#24004786], 42, of Houston, accepted a three-year, fully probated suspension effective Dec. 15, 2007. The 11th Judicial District Court of Harris County found that Mack assisted a person who is not a member of the Bar in the performance of activity that constitutes the unauthorized practice

of law. In doing so, Mack permitted conduct by the non-lawyer that would be a violation of the Texas Disciplinary Rules of Professional Conduct if engaged in by a lawyer. Mack allowed non-lawyers to contract with clients, give legal advice, and stamp her name to various immigration documents. Mack never met with the clients, did not keep them informed of the status of their legal matters, and failed to respond to their requests for information. Mack failed to hold client funds separate from her own property and failed to return the clients' files upon their request. Mack closed her practice

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and did not comply with section 13.01 Texas Rules of Disciplinary Procedure.

Mack violated Rules 1.01(b)(2), 1.02(a)(1), 1.03(a) and (b), 1.14(a), 1.15(d), 5.03(a) and (b)(1), 5.05(b), and 8.04(a)(10). She was ordered to pay \$8,843.75 in attorney's fees and \$2,200 in costs.

REPRIMANDS

On Dec. 26, 2007, **Ray W. Hill** [#09667000], 67, of Mansfield, received a public reprimand. An evidentiary panel of the District 7-A Grievance Committee found that in May 2005, the complainant hired Hill to collect

on a judgment rendered for the complainant in the amount of \$3,973.98. Hill subsequently failed to communicate with the complainant and failed to return several of the complainant's phone calls regarding the status of the collection matter.

Hill violated Rule 1.03(a). He was ordered to pay \$1,030 in attorney's fees.

On Dec. 26, 2007, **Donald J. Mach** [#12760300], 62, of Fort Worth, accepted a public reprimand. The 225th District Court of Bexar County found Mach violated the terms of a disciplinary judgment by failing to pay

restitution and attorney's fees.

Mach violated Rule 8.04(a)(7). He was ordered to pay \$6,000 in restitution.

On Oct. 19, 2007, **John W. Washington, Jr.** [#00795709], 63, of Dallas, received a public reprimand. An evidentiary panel of the District 6-A Grievance Committee found that in three grievance matters filed against him, Washington was notified of the grievance, but failed to file a response. In the second grievance matter, Washington failed to respond to the complainant's telephone calls regarding the case.

Washington violated Rules 1.03(a) and 8.04(a)(8). He was ordered to pay \$3,217.14 in attorney's fees.

On Nov. 20, 2007, **Hector Gonzalez** [#08127000], 69, of Edinburg, accepted a public reprimand. The 275th District Court of Hidalgo County found Gonzalez neglected personal injury cases, failed to keep his clients informed, and failed to respond to reasonable requests for information.

Gonzalez violated Rules 1.01(b)(1) and 1.03(a) and (b). He was ordered to pay \$4,546.00 in attorney's fees and expenses.

On Dec. 10, 2007, **Robert Chris Pittard** [#00794465], 51, of San Antonio, received a public reprimand. The District 10-B Grievance Committee found Pittard neglected the representation, allowed the statute of limitations to run on a civil case, and failed to respond to numerous requests for information.

Pittard violated Rules 1.01(b)(1) and (b)(2), and 1.03(a) and (b). He was ordered to pay \$1,000 in restitution and \$2,600 in attorney's fees. ❖

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