



# 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.

## CLARIFICATION

**Paul Wayne Pickering** [#15975030], 52, of Fowler, Rodriguez, Valdes-Fauli in Houston, is not the attorney whose disciplinary sanction appeared in the July 2008 *Texas Bar Journal*.

## BODA ACTIONS

On April 21, the Board of Disciplinary Appeals dismissed for want of prosecution the appeal of **James J. Neel** [#14857500], 61, of Fort Worth, of a judgment of partially probated suspen-

sion signed by the evidentiary panel of the District 7-A Grievance Committee in Case No. D0040629268 on May 11, 2007. The board found that Neel did not file a reporter's record or a brief. The board issued an order to show cause to Neel on Jan. 28, giving him 30 days to respond and show cause as to why the appeal should not be dismissed for want of prosecution. Neel did not respond. BODA cause number 40157.

On June 25, the Board of Disciplinary Appeals dismissed for want of jurisdiction the appeal of **Ephraim Aberra** [#24043518], 41, of Woodbridge, Va., of a judgment of partially probated suspension signed by an evidentiary panel of the District 6-A Grievance Committee on Oct. 11, 2007, in Case No. D0060629908. Aberra was personally served with the judgment on Oct. 25, 2007. Aberra filed his notice of appeal on March 11. The board found that the notice of appeal was untimely filed and Aberra presented no explanation for his failure to file on time nor did he request an extension of time to file his notice of appeal. BODA cause number 41896.

On June 25, the Board of Disciplinary Appeals signed a final judgment disbaring **Yali Huang** [#00795433], 44, of Houston. On Jan. 23, the board signed an interlocutory order suspending Huang from the practice of law pending the appeal of her criminal conviction for conspiracy to commit visa fraud and induce, encourage aliens 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 Cause No. 4:05CR00392-004 styled, *United States of America v. Yali Huang*, in the U.S. District Court for the Southern District of Texas, Houston Division. Huang was sentenced to 51 months imprisonment as to each count, to run concurrently in addition to three years supervision upon release from prison. Huang was also assessed a fine of \$10,000 and an assessment of \$500. On Jan. 24, the U.S. Court of Appeals for the 5th Circuit dismissed Huang's appeal for want of prosecution. BODA cause number 40220.

On June 25, the Board of Disciplinary Appeals signed a final judgment disbaring **Mikel Peter Eggert** [#24030354], 34, of Austin. On Dec. 1, 2005, the board signed an interlocutory order suspending Eggert from the practice of law pending the appeal of his criminal conviction for criminal conspiracy; fabricating physical evidence in violation of the Texas Penal Code §15.02, 37.09(a)(2), a state jail felony, an intentional crime as defined in the Texas Rules of Disciplinary Procedure, in Cause No. CR12119 styled, *The State of Texas v. Mikel Peter Eggert*, in the 266th District Court of Erath County. Eggert was sentenced to two years of confinement in the Texas Department of Criminal Justice, probated for five years. He was also assessed a fine of \$5,000 and ordered to pay \$4,000 in attorney's fees and \$313 in costs, perform 150 hours of community service, and pay a fee of \$25 to the Erath County Crimestoppers. A condition of his probation was to serve 30 days in the Erath County Jail. On Feb. 25, the 11th Court of Appeals issued its mandate affirming his criminal conviction. BODA cause number 35970.

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On June 25, the Board of Disciplinary Appeals signed an interlocutory order of suspension against **Galen Ray Sumrow** [#19511375], 58, of Rockwall. On March 25, Sumrow was convicted of theft by a public servant, aggregated more than \$1,500 but less than \$20,000, a third degree felony, in violation of Texas Penal Code §§31.03(e)(4), 31.03(f)(1), and 31.09, intentional crimes as defined in the Texas Rules of Disciplinary Procedure, in Cause No. 2-07-629 styled, *The State of Texas v. Galen Ray Sumrow*, in the 382nd District Court of Rockwall County. Sumrow was sentenced to four years in the Institutional Division of the Texas Department of Criminal Justice and ordered to pay \$9,652.76 in restitution. In addition, he was ordered to be removed as criminal district attorney of Rockwall County for official misconduct and intentional unlawful behavior relating to his official duties. Sumrow has appealed the conviction. The board retains jurisdiction to enter a final judgment when the criminal appeal is final. Sumrow did not answer the petition for compulsory discipline or appear at the hearing. BODA cause number 42036.

On June 25, the Board of Disciplinary Appeals signed an interlocutory order of suspension against **Mary S. Roberts** [#00788294], 52, of San Antonio. On Feb. 26, Roberts was convicted of five counts of theft in violation of Texas Penal Code §31.03, an intentional crime as defined in the Texas Rules of Disciplinary Procedure, in Cause No. 2006CR6404A, styled, *The State of Texas v. Mary S. Roberts*, in the 226th District Court of Bexar County. Roberts was sentenced to 10 years in the Institutional Division of the Texas Department of Criminal Justice on each of counts I–III and two years for counts IV and V, sentences to run concurrently. The sentences are fully probated. Roberts has appealed the conviction. The board retains jurisdiction to enter a final judgment when the criminal appeal is final. BODA cause number 41806.

On June 4, the Board of Disciplinary Appeals revoked the probation of **Gene R. Rosas** [#17244250], 44, of San Antonio, and suspended him from the practice of law for five years, effective June 4. On Nov. 7, 2007, the District 10-B Grievance Committee signed a judgment of partially probated suspension. The committee found that Rosas committed professional misconduct and suspended him from the practice of law for five years with the last 54 months of the suspension, beginning May 1, probated on certain terms and conditions. The Board of Disciplinary Appeals found that Rosas materially violated the terms and conditions of probation. Rosas has appealed the judgment of revocation to the Supreme Court of Texas. BODA cause number 41752.

On June 25, the Board of Disciplinary Appeals revoked the probation of **Michael D. Papania** [#00795769], 49, of Nederland, and suspended him from the practice of law for one year, effective June 25. On Aug. 7, 2007, the District 3-A Grievance Committee signed a judgment of partially probated suspension. The committee found that Papania committed professional misconduct and suspended him from the practice of law for one year with the last nine months of the suspension, beginning Jan. 1, probated on certain terms and conditions. The Board of Disciplinary Appeals found that Papania materially violated the terms and conditions of probation. Papania did not answer the petition or appear at the hearing. BODA cause number 42281.

On June 19, the Board of Disciplinary Appeals signed an agreed interlocutory order of suspension against **Patricia Foster Skelton** [#07307200], 49, of Utopia. On Dec. 12, 2007, Skelton was found guilty of forgery, a state jail felony, an intentional crime as defined in the Texas Rules of Disciplinary Procedure, in Cause No. 2004-934-DR styled, *The State of Texas v. Patricia Foster Skelton*, in

the 38th District Court of Real County. Skelton was sentenced to one year in the Institutional Division of the Texas Department of Criminal Justice. She 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 Skelton's law license for the term of the criminal probation. BODA cause number 40956.

## DISBARMENTS

On May 14, **Christopher John Cafiero** [#24031784], 44, of Dallas, received a judgment of disbarment after a finding of professional misconduct by a statewide grievance committee panel. In the first matter, Cafiero's firm was hired in a personal injury matter. Cafiero received a settlement check, but did not

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advise the complainant until several months later. Cafiero failed to provide the complainant with an accounting of the settlement funds, failed to disburse any funds to the complainant or medical providers, failed to respond to letters and phone calls from the complainant, and failed to respond to the grievance.

In the second matter, Cafiero was hired in a negligent bailment action. Several months after receipt of a settlement check, Cafiero's firm wrote the complainant a check for his portion of the settlement proceeds, but the bank returned the check twice due to insufficient funds. The check was not written on a designated trust account. Cafiero failed to respond to a request for information from the Office of the Chief Disciplinary Counsel.

In the third matter, Cafiero was hired

to defend a civil lawsuit threatened against the complainant. Cafiero performed no meaningful legal services. Cafiero failed to return the complainant's requests for information, failed to keep the complainant informed about the status of the matter, and failed to respond to the grievance.

Cafiero violated Rules 1.01(b)(1); 1.03(a) and (b); 1.14(a), (b), and (c); 8.01(b); and 8.04(a)(2), (a)(3), and (a)(8). He was ordered to pay \$6,375.57 in attorney's fees and costs and \$11,500 in restitution.

On June 18, **George R. Neely** [#14861750], 58, of Rosenberg, was disbarred. The 164th District Court of Harris County found that Neely commingled his funds and his clients' funds in his IOLTA trust account and paid business and personal expenses out of that account. Neely also failed to preserve the records regarding his trust account for five years.

Neely violated Rule 1.14(a). He was ordered to pay \$19,990 in attorney's fees and \$2,942.53 in costs.

### RESIGNATIONS

On June 11, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Carl E. Gaines** [#07570500], 61, of Dallas. At the time of Gaines' resignation, there were 45 pending matters against him alleging neglecting legal matters; failing to keep funds in a trust account; failing to promptly remit settlement funds to clients and medical providers; failing to respond to grievances; failing to respond to reasonable requests for information from clients; settling cases without clients' authorization; and engaging in conduct involving fraud, dishonesty, deceit, or misrepresentation.

Gaines violated Rules 1.01(b)(1); 1.02(a)(1) and (a)(2); 1.03(a) and (b); 1.04(d); 1.14(a), (b), and (c); 1.15(d); 3.03(a)(5); 7.03; 8.01(b); and 8.04(a)(2), (a)(3), and (a)(8). He was ordered to pay \$88,472.86 in restitution.

On June 11, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **James S. Quay** [#16423550], 47, of Atlanta, Ga. The court found that Quay pleaded guilty to filing a false income tax return in Case No. 4:04CR00148-001, styled *United States of America v. James S. Quay*, in the U.S. District Court for the Southern District of Texas, and was committed to the custody of the U.S. Bureau of Prisons to be imprisoned for a total term of 15 months. Upon release from imprisonment, Quay shall be on supervised release for a term of one year and was also ordered to pay a fine in the amount of \$4,000 and to pay an assessment of \$100, which would subject him to compulsory discipline.

### SUSPENSIONS

On May 12, **John Mann** [#12926500], 61, of Shamrock, accepted a two-year, fully probated suspension effective May 1. An evidentiary panel of the District 16-A Grievance Committee found that in the first representation, Mann neglected the representation. In the second representation, Mann neglected the case, failed to communicate with his client, and misrepresented the status of the litigation. In the third representation, Mann neglected the case and failed to communicate with his client.

Mann violated Rules 1.01(b)(1) and (b)(2), 1.03(a) and (b), 1.15(d), and 8.04(a)(3). He was ordered to pay \$2,000 in attorney's fees and expenses and \$5,000 in restitution.

On May 12, **James D. Winfrey** [#24034218], 37, of Llano, accepted a 16-month, fully probated suspension effective May 1. The District 15-B Grievance Committee found, in the first grievance, Winfrey neglected the representation and failed to communicate with his client. In the second grievance, Winfrey neglected the representation, failed to communicate with his client, and failed to maintain client funds separate from his own.

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Winfrey violated Rules 1.01(b)(1) and (b)(2), 1.03(a) and (b), and 1.14(a). He was ordered to pay \$900 in attorney's fees and expenses and \$2,500 in restitution.

On May 12, **Sandra Randle-Fordjour** [#00792118], 57, of Arlington, received a two-and-a-half-year, fully probated suspension effective April 15. An evidentiary panel of the District 7-A Grievance Committee found that on March 22, 2004, the complainant hired Randle-Fordjour to probate an estate. The complainant paid Randle-Fordjour \$900. Randle-Fordjour filed the initial documents in probate court. Thereafter, Randle-Fordjour neglected the matter and failed to respond to the complainant's proper requests for information on the status of the matter. The complainant was forced to retain another attorney to finish the matter.

In a second matter, Randle-Fordjour represented the plaintiff in an employment discrimination action filed in federal court. On June 1, 2006, after a show cause hearing, Randle-Fordjour was suspended from the practice of law in the Northern District of Texas for two years for repeatedly failing to comply with the court's rules and orders and repeatedly failing to properly conduct litigation in the case. On Feb. 9, 2006, Randle-Fordjour was administratively suspended from the practice of law for default on a Texas guaranteed student loan. On April 7, 2006, Randle-Fordjour filed pleadings in the matter while administratively suspended from the practice of law.

Randle-Fordjour violated Rules 1.01(b)(1) and (b)(2), 1.03(a), 3.04(c)(1) and (d), and 8.04(a)(11). She was ordered to pay \$1,175 in attorney's fees.

On June 4, **Victor C. Ihezukwu** [#24027085], 46, of Houston, accepted a one-year, fully probated suspension effective June 1. An evidentiary panel of the District 4-C Grievance Committee found that Ihezukwu was retained to file an appeal with the Board of Immigration on behalf of his client. Ihezukwu neg-

lected his client's case and failed to communicate with him. Ihezukwu failed to file his client's appellate brief and the client was deported. Ihezukwu failed to respond to requests for information by the Chief Disciplinary Counsel.

Ihezukwu violated Rules 1.01(b)(1) and (b)(2), 1.03(a), and 8.01(b). He agreed to pay \$800 in attorney's fees and costs and \$2,700 in restitution.

On May 28, **Kimberly Danette Ashley Stevens** [#01378200], 40, of Fort Worth, received an interim suspension from the 236th Judicial District Court. Stevens was indicted for tampering with physical evidence with intent to defraud, forgery by passing, and tampering with a government record with intent to defraud.

Stevens is suspended from the practice of law, effective May 28, pending the final disposition of disciplinary matters currently pending.

On June 5, **Richard L. Wright** [#22052700], 50, of Dallas, received a one-year, partially probated suspension effective Aug. 1, with the first month actively served and the remainder probated. An evidentiary panel of the District 6-A Grievance Committee found that on March 30, 2006, the complainant hired Wright to pursue a breach of contract action stemming from the complainant's sale of an automobile. On Oct. 26, 2006, the complainant filed a grievance against Wright stemming from that representation. Wright failed to respond to the complainant's grievance.

Wright violated Rule 8.04(a)(8). He was ordered to pay \$1,500 in attorney's fees and costs.

On May 6, **Paul Alan Lockman** [#12475000], 61, of Dallas, received a three-year, partially probated suspension effective June 1, with the first nine months actively served and the remainder probated. In the first matter, Lockman was employed by the complainant in 2004 to represent her in a personal injury claim. Lockman filed a lawsuit. As

a result of Lockman's failure to respond to discovery requests, the court granted defendant's motion to compel discovery and motion for sanctions.

In the second matter, the complainant employed Lockman to represent him in a personal injury claim and Lockman filed suit. Thereafter, Lockman did not provide discovery responses, did not pay a sanction, and did not respond to a motion for summary judgment and motion to strike plaintiff's pleadings, as a result of which the matter was dismissed with prejudice. The complainant learned from the court that his lawsuit had been dismissed with prejudice. The complainant furnished a copy of the order of dismissal to Lockman's staff and was informed Lockman would file a motion for new trial, but Lockman failed to do so. Lockman failed to respond to

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the complainant's attempts to contact him regarding a motion for new trial.

In a third matter, the complainant hired Lockman on a contingency fee basis to represent him in a personal injury claim resulting from an automobile accident. Lockman filed suit but allowed the case to be dismissed for want of prosecution. Thereafter, Lockman failed to inform the complainant that the case had been dismissed. In addition, Lockman failed to respond to all three complaints and asserted no grounds for such failure.

Lockman violated Rules 1.01(b)(1) and (b)(2), 1.03(a), and 8.04(a)(8). He was ordered to pay \$2,914.78 in attorney's fees and costs.

On June 9, **Ramon J. Villagomez** [#20581700], 61, of Brookshire, accept-

ed a one-year, fully probated suspension effective June 16. The District 4-F Grievance Committee found that Villagomez was hired to represent a client in state court and federal court criminal matters. On March 8, 2002, Villagomez filed an affidavit in U.S. District Court purportedly signed by the client. Villagomez knew or should have known, however, that the client did not sign the affidavit. In addition, Villagomez did not timely respond to the instant grievance.

Villagomez violated Rules 3.03(a)(1) and 8.04(a)(8). He agreed to pay \$378.50 in attorney's fees and costs.

On June 9, **R. Michael Brown** [#03164750], 60, of Lubbock, accepted a six-month, fully probated suspension effective June 1. An evidentiary panel of the District 16-A Grievance Committee found that Brown failed to properly communicate with his client.

Brown violated Rule 1.03(a). He was ordered to pay \$600 in attorney's fees and expenses.

On March 7, **Patricia Azinge** [#24047469], 46, of Houston, received a one-year, fully probated suspension effective April 1. An evidentiary panel of the District 4-C Grievance Committee found that Azinge was hired to represent her client in a personal injury matter. During the course of the representation, the client was involved in a second accident, but did not hire Azinge for representation on the second claim. Nonetheless, Azinge sent a letter of representation to the insurance company on the second claim. When the client learned that Azinge had entered an appearance as counsel on the second claim, she instructed Azinge to withdraw. Thereafter, Azinge sent a letter to the insurance company terminating her representation on the second claim, but maintaining an interest on the case, for which she was later paid.

Azinge violated Rule 8.04(a)(3). She was ordered to pay \$1,538.16 in attorney's fees and costs and \$786.80 in restitution.

On May 2, **Allen B. Odum** [#15216800], 60, of Edinburg, received a one-year, active suspension effective Jan. 1, 2009. An evidentiary panel of the District 12-B Grievance Committee found Odum shared legal fees with a non-attorney.

Odum violated Rule 5.04(a). He was ordered to pay \$3,043.25 in attorney's fees and expenses.

On May 27, **Heather Schaefer** [#24027840], 38, of Plano, received a one-year, partially probated suspension effective July 15, with the first three months actively served and the remainder probated. In the first matter, Schaefer neglected the complainant's matter and failed to respond to her reasonable requests for information. Schaefer also failed to timely respond to the complainant's requests for her file and refund of attorney's fees.

In the second matter, the complainant hired Schaefer to handle her son's criminal defense matters. Thereafter, Schaefer neglected the matters and failed to communicate with the complainant's son. The complainant fired Schaefer and demanded an accounting and refund of unearned fees, however, Schaefer failed to respond to the complainant's request.

In the third matter, the complainant hired Schaefer in July 2006 to represent her in a case involving the charge of family violence. In September 2006, the complainant terminated Schaefer's representation and demanded a refund of unearned fees; however, Schaefer failed to respond to the complainant's demand.

Schaefer failed to respond to the grievance committee in all three matters and asserted no grounds for such failure.

Schaefer violated Rules 1.01(b)(1) and (b)(2), 1.03(a) and (b), 1.15(d), and 8.04(a)(8). She was ordered to pay \$1,750 in attorneys' fees and costs and \$3,500 in restitution. ❖

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