

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 [txboda.org](http://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 Jan. 11, 2013, the Board of Disciplinary Appeals signed an Agreed Judgment of Indefinite Disability Suspension against **Basil Sartin St. Clair** [#18984700], 56, of Fort Worth, 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 51671.

On Jan. 15, 2013, the Board of Disciplinary Appeals signed an agreed judgment of two public reprimands of **Sammy K. Eck** [#06396000], 68, of Bellevue, Wash. Eck was reprimanded by the Washington State Bar

Association on or about Oct. 12, 2012, in *In re Sam K. Eck, Lawyer* (Bar No. 13211), Proceeding No. 12#00082 for failing to advise the client of a conflict of interest. He received a second reprimand on the same date and under the same cause number for sharing legal fees with a non-legal entity. BODA cause number 51568.

On Jan. 18, 2013, the Board of Disciplinary Appeals signed an agreed interlocutory order of suspension against **Meredith L. Lawrence** [#12049680], 62, of Warsaw, Ky. On or about Nov. 15, 2012, Lawrence was convicted of three counts of filing a false tax return, an Intentional Crime as defined in

the Texas Rules of Disciplinary Procedure, and sentenced to serve 27 months on each count (concurrently) in *United States of America v. Meredith L. Lawrence*, Cause No. 2:11-CR-52-DCR-1, U.S. District Court for the East District of Kentucky. Lawrence has appealed his criminal conviction. The Board retains jurisdiction to enter a final judgment when the criminal appeal is final. BODA cause number 51566.

On Feb. 4, 2013, the Board of Disciplinary Appeals signed an interlocutory order of suspension against **Roger Lee Shoss** [18304000], 68, of Houston. On or about Aug. 9, 2012, Shoss was convicted of conspiracy to commit wire fraud, an Intentional Crime as defined in the Texas Rules of Disciplinary Procedure, and sentenced to serve 18 months in prison followed by supervised release for three years (monitored home detention for three years) in *United States of America v. Roger Lee Shoss*, Case No. 8:11-CR-366-T-30TBM, U.S. District Court for the Middle District of Florida, Tampa Division. Shoss has appealed his criminal conviction. The Board retains jurisdiction to enter a final judgment when the criminal appeal is final. BODA cause number 51567.

On Feb. 4, 2013, the Board of Disciplinary Appeals signed a final judgment of disbarment against **Luther Jones** [10928000], 66, of El Paso. On or about Aug. 22, 2011, Jones was found guilty of conspiracy to commit wire fraud and deprivation of honest services and conspiracy to commit mail fraud and deprivation of honest services, Intentional Crimes as defined in the Texas Rules of Disciplinary

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Procedure, in case number EP-09-CR-1567-FM(1), styled, *The United States of America v. Luther Jones*, in the U.S. District Court for the Western District of Texas, El Paso Division. Jones was sentenced to 72 months in the custody of the U.S. Bureau of Prisons for each count, the sentences to run concurrently. Jones was also ordered to pay a fine in the amount of \$50,000 and an assessment in the amount of \$200. Jones appealed his conviction and on Sept. 25, 2012, the U.S. Court of Appeals for the 5th Circuit issued a judgment dismissing the appeal. BODA cause number 49601.

On Feb. 4, 2013, the Board of Disciplinary Appeals signed a default judgment of suspension of **John Cucci Jr.** [24030107], 46, of New York. Cucci was suspended from the practice of law for three years by the Louisiana Supreme Court on or about Mar. 13, 2012, in *In re John Cucci Jr.*, (No. 11-B-2202) for 10 separate violations of the Louisiana Rules of Professional Conduct, involving trust account violations, unconscionable fees, lack of communication with his client, failure to cooperate with the investigation by the State Bar of Louisiana, and fraudulent, dishonest, deceitful conduct, including misrepresentation. Cucci is suspended for three years beginning Feb. 4, 2013. BODA cause number 51058.

On Feb. 4, 2013, the Board of Disciplinary Appeals affirmed in part and reversed in part the judgment of partially probated suspension of **Cyril O. Chukwurah** [24048394], 56, of Houston, signed by the District 4D Evidentiary Panel of the State Bar of Texas on Nov. 21, 2011, in case no. H0071031213. The Board affirmed the findings that Chukwurah violated TDRPC 1.01(a), 3.01, and 8.04(a)(3). The Board reversed the

conclusion that he violated TDRPC 2.01. The Board reversed the sanction and remanded the case to the evidentiary panel for a new hearing on the sanction only. BODA cause number 49938.

### DISBARMENTS

On Oct. 15, 2012, **Thomas Matthew Corea** [#24037906], 42, of Dallas, was disbarred. An evidentiary panel of the District 6 Grievance Committee found that Corea failed to safeguard settlement funds belonging to Complainant in connection with Complainant's wrongful death matter, and failed to keep complete records of such settlement funds. Corea failed to promptly deliver to Complainant settlement funds that Complainant was entitled to receive. Corea failed to hold settlement funds belonging to Complainant separate

from Corea's own property until there was an accounting and severance of their interest. Corea failed to promptly pay medical liens from the settlement funds. Corea engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation during the representation of Complainant in his wrongful death matter.

Corea violated Rules 1.14(a), 1.14(b), 1.14(c), and 8.04(a)(3). He was ordered to pay \$4,642.64 in attorneys' fees and costs.

On Nov. 8, 2012, **Thomas Matthew Corea** [#24037906], 42, of Dallas, was disbarred. An evidentiary panel of the District 6 Grievance Committee found that Corea failed to hold funds belonging to Complainant separate from his own property, failed to notify Complainant that funds had been received, failed

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## DISCIPLINARY ACTIONS

to deliver the funds to Complainant, failed to render an accounting of the funds, and failed to keep funds separate until there was an accounting and severance of interests. Corea engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation. Corea failed to respond to the grievance.

Corea violated Rules 1.14(a), 1.14(b), 1.14(c), 8.04(a)(3), and 8.04(a)(8). Corea was ordered to pay restitution to Complainant of \$5,890.78 and attorneys' fees and costs of \$2,118.90.

On Nov. 5, 2012, **William S. McCants Jr.** [13363000], 69, of Waco, was disbarred. The 170th District Court of McLennan County found that McCants committed professional misconduct by violating Rules 1.03(a), which prohibits lawyers from failing to keep a client reasonably informed about the status of a matter

and promptly comply with reasonable requests for information; Rule 1.14(a), which prohibits lawyers from failing to hold funds and other property belong in whole or in part to clients or third persons that are in a lawyer's possession in connection with a representation separate from the lawyer's own property; Rule 1.14(c), which prohibits lawyers from failing to keep funds in the possession of funds or other property in which both the lawyer and another person claim interests, and requires that the property be kept separate by the lawyer until there is an accounting and severance of their interests; Rule 1.15(d), which prohibits lawyers from failing to take steps to protect a client's interests and surrendering papers and property to which the client is entitled and refunding any advance payments of fee that has not

been earned; Rule 8.04(a)(1), which prohibits lawyers from violating the disciplinary rules; and Rule 8.04(a)(8), which prohibits lawyers from failing to timely furnish to the Chief Disciplinary Counsel's Office or district grievance committee a response or other information as required by the Texas Rules of Disciplinary Procedure.

McCants was ordered to pay \$2,837.93 in restitution and \$12,509.27 in direct expenses.

## RESIGNATIONS

On Jan. 17, 2013, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Jeffrey Neal Collins** [#24031969], 44, of Texarkana. At the time of Collins' resignation, Collins neglected a client's bankruptcy case, failed to communicate with the client, failed to return any unearned portion of the client's fee, and failed to respond to the grievance.

Collins also neglected a client's bankruptcy case, failed to communicate with the client, failed to return any unearned portion of the fee, and failed to respond to the grievance.

Collins also neglected a client's child custody case, failed to return any unearned portion of the client's fee, and failed to respond to the grievance.

Collins violated Rules 1.01(b)(1), 1.03(a), 1.15(d), and 8.04(a)(8).

On Jan. 17, 2013, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Mitchell Dwight Collins** [#24025301], 43, of Conway. At the time of Collins' resignation, Collins failed to safeguard settlement funds in a personal injury case, failed to distribute settlement funds, failed to settle subrogation claims, failed to communicate with the client, and failed to respond to the grievance.

Collins also failed to submit a final decree to the court for signature in a divorce case, failed to communicate

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with the client, and failed to respond to the grievance.

Collins also failed to respond to the grievance filed by a client in a criminal case.

Collins also failed to adhere to deadlines in a bankruptcy case, failed to communicate with the client, failed to return any unearned portion of the client's fee, and failed to respond to the grievance.

Collins also neglected a client's criminal case, failed to communicate with the client, and failed to return any unearned portion of the client's fee. Collins also failed to respond to the grievance.

Collins also failed to return any unearned portion of the client's fee in a bankruptcy case, failed to communicate with the client, and failed to respond to the grievance.

Collins also neglected a client's divorce case, failed to communicate with the client, failed to return any unearned portion of the client's fee, and failed to respond to the grievance.

Collins also failed to comply with the court's order in a bankruptcy case to return a client's fee and failed to respond to the grievance.

Collins violated Rules 1.01(b)(1), 1.03(a), 1.04(a), 1.14(a), 1.14(b), 1.15(d), 8.04(a)(3), 8.04(a)(7), and 8.04(a)(8).

On Dec. 21, 2012, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Benjamin Nguyen Eustachon** [#06702350], 52, of Houston. At the time of Eustachon's resignation, there were sanctions pending against Eustachon in the U.S. Bankruptcy Court for the Southern District of Texas, relating to, among other things, the following actions: filing bankruptcy petitions on behalf of clients while he was not admitted to practice in the Southern District of Texas and while he was administratively suspended from the practice of law in Texas, as well as making

misrepresentations on his application for admission to the Southern District of Texas, which was signed under penalty of perjury.

Eustachon violated Rules 5.05(a), 8.04(a)(7), 8.04(a)(3), and 8.04(a)(11).

On Dec. 21, 2012, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Mario M. Garza** [07735500], 59, of Houston. At the time of Garza's resignation, a Judgment in a Criminal Case had been entered in Case No. 4:07CR00167-001 styled *United States of America v. Mario M. Garza*, in the U.S. District Court for the Southern District of Texas, Houston Division, wherein Garza pled guilty to Count 4 of the Indictment—Wire Fraud, in violation of 18 U.S.C. § 1343, and Count 20—False Statement on an Income Tax Return, in violation of 26

U.S.C. § 7206(1) and was committed to the custody of the U.S. Bureau of Prisons for a total term of 37 months as to Count 4 and 36 months as to Count 20 to run concurrently for a total of 37 months. Garza was further ordered that upon release from imprisonment, to be on supervised release for a term of three years as to Count 4 and one year as to Count 20, to run concurrently, for a total of three years, ordered to pay an assessment of \$200 and restitution in the amount of \$809,440.20.

This conviction would subject Garza to compulsory discipline.

On Dec. 21, 2012, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **David J. Johnson** [10703000], 72, of Memphis. At the time of Johnson's resignation, an Order of Enforcement had

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been filed in the Supreme Court of Tennessee at Nashville, in a matter styled *In Re: David J. Johnson*, BPR #004595, An Attorney Licensed to Practice Law in Tennessee (Shelby County), No. M2011-02432-SC-BPR-BP, BOPR file nos. 34215-9-BG, 34258-9-BG, & 34296-9-BG, disbarring Johnson.

This disbarment would subject Johnson to reciprocal discipline.

On Dec. 21, 2012, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **John R. Moore** [14348565], 53, of Austin. At the time of Moore's resignation, he had been charged by Indictment with Counts I–VI—Possession of Child Pornography in Case No. D1-DC-11-203633 styled *The State of Texas v. John Moore*, in the 147th District Court of Travis County, Texas.

If convicted, Moore would be subject to compulsory discipline.

On Dec. 21, 2012, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Joe B. Phillips** [#15933000], 74, of Houston. At the time of Phillips' resignation, Phillips had pled guilty in Case No. 4:10-CR-00434 styled *United States of America v. Joe Phillips*, to 1) conspiracy to make a false statement and to misappropriate and embezzle veterans' benefits, in violation of Title 18, United States Code, Section 371, and 2) making and subscribing to a U.S. Individual Tax Return for the year 2007 which Phillips did not believe to be true and correct with regard to every matter, in violation of Title 26, United States Code, Section 7206(1). This conviction would have subject Phillips to compulsory discipline.

Phillips violated Rules 8.04(a)(2) and 8.04(a)(3).

On Dec. 21, 2012, the Supreme Court of Texas accepted the resignation, in

lieu of discipline, of **J. Neal Rodgers** [000786448], 59, of Charlotte. At the time of Neal's resignation, an Order of Disbarment had been filed in Wake County, North Carolina, before the Council of the North Carolina State Bar 12 BCS 2, in a matter styled *In the Matter of the Tender of Surrender of License of J. Neal Rodgers*, disbarring Rodgers.

This disbarment would subject Rodgers to reciprocal discipline.

On Dec. 21, 2012, the Supreme Court of Texas accepted the resignation, in lieu of discipline, of **Michelle L. Valicek** [#12579850], 54, of San Antonio. Valicek pled no contest to misapplication of fiduciary property.

## SUSPENSIONS

On Dec. 17, 2012, **Raymond Mbala** [#24013120], 40, of Dallas, agreed to a one-year active suspension. An evidentiary panel of the District 6 Grievance Committee found that Mbala did not comply with certain terms and conditions of three separate disciplinary judgments. Mbala failed to comply with the requirements that he become current with Minimum Continuing Legal Education requirements, pay attorneys' fees and costs to the State Bar of Texas, pay ordered restitution, and attend a Law Office Management seminar.

Mbala violated Rules 8.04(a)(7). Mbala was ordered to pay \$1,421.42 in attorneys' fees and direct expenses.

On Dec. 3, 2012, **Richard C. Frasco** [#07391900], 66, of Dallas, received a five-year, partially probated suspension, effective Dec. 15, 2012, with the first three years actively suspended and the remainder probated.

An evidentiary panel of the District 6 Grievance Committee found that in representing Complainant in a foreclosure matter, Frasco neglected the legal matter entrusted to him by failing to meet the deadlines set in a

scheduling order and by failing to file a response to a Motion for Summary Judgment. Frasco failed to keep Complainant reasonably informed about the status of the case and failed to promptly comply with reasonable request for information from Complainant. Frasco failed to timely furnish to the Chief Disciplinary Counsel's office a response or other information as required by the Texas Rules of Disciplinary Procedure.

Frasco violated Rules 1.01(b)(1), 1.03(a), and 8.04(a)(8).

Frasco was ordered to pay \$4,500 in restitution, \$1,370 in attorneys' fees, and \$259.35 in direct expenses.

On Jan. 24, 2013, **Donald W. Jackson** [#10461200], 63, of Humble, received a 24-month, partially probated suspension, effective Feb. 1, 2013, with the first 30 days actively suspended and the remainder probated. An evidentiary panel of the District 4 Grievance Committee found that on Dec. 21, 2009, Jackson was convicted of the offense of official oppression, a Class A Misdemeanor, in the 351st Judicial District Court of Harris County, Texas.

Jackson violated Rule 8.04(a)(2). He was ordered to pay \$650 in attorneys' fees and direct expenses.

On Dec. 18, 2012, **Charles Ray Jordan** [#11006000], 67, of Seguin, received a two-year, partially probated suspension effective Nov. 14, 2012, with the first 60-days actively served and the remainder probated. The District 11 Grievance Committee found Jordan neglected two clients' matters, failed to communicate with two clients, failed to return unearned fees, misrepresented facts to one client, failed to hold client funds in a trust account, and failed to respond in writing to a grievance.

Jordan violated Rules 1.01(b)(1), 1.03(a), 1.14(a), 1.15(d), 8.04(a)(3), and 8.04(a)(8) and was ordered to pay \$2,790.30 in attorneys' fees and \$1,955 in restitution.

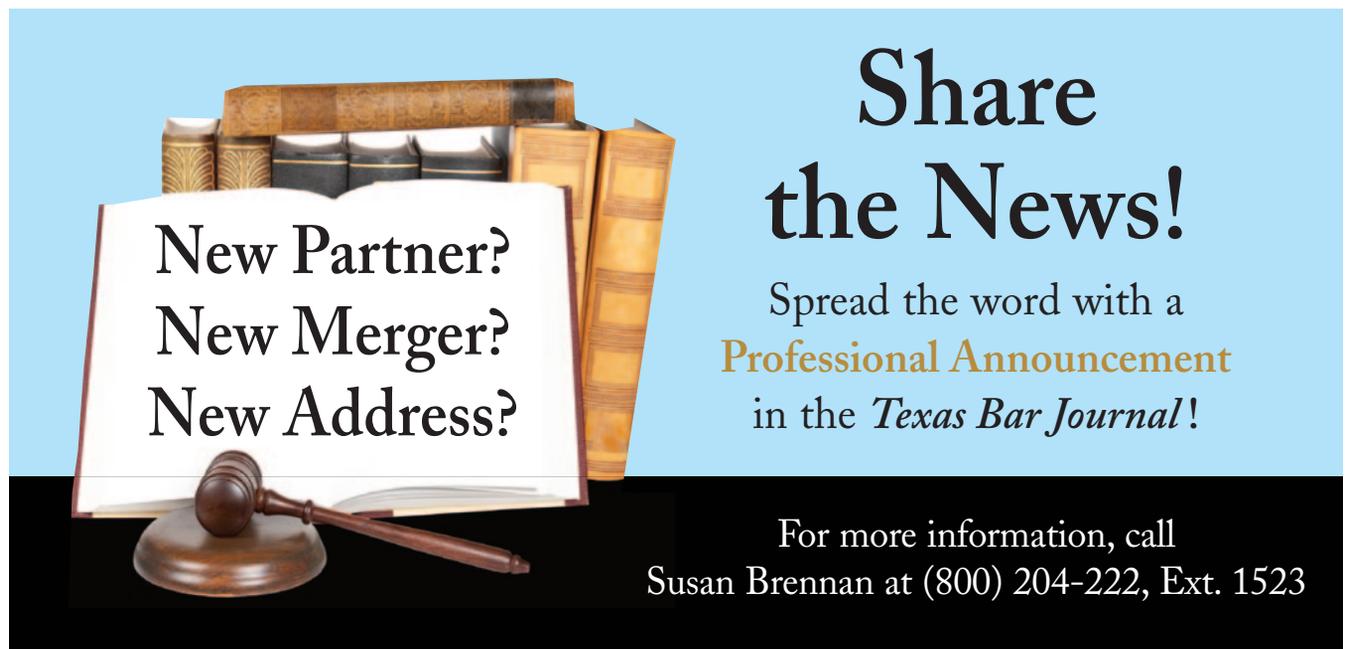
On Jan. 16, 2013, **Rahul Narendranath Lamba** [#24031415], 39, of Houston, received a 24-month, fully probated suspension, effective Feb. 1, 2013. An evidentiary panel of the District 4 Grievance Committee found that regarding one client, Respon-

dent failed to place funds belonging in part to the client in a separate trust account. The funds were eventually delivered to the client. Regarding a second client, Respondent failed to promptly deliver to the client funds that the client was entitled to receive. The funds were eventually delivered to that client.

Lamba violated Rules 1.14(a) and 1.14(b). He was ordered to pay \$500 in attorneys' fees and direct expenses.

On Dec. 6, 2012, **Thomas J. Pearson** [#15695600], 62, of Houston, received a seven-year, fully probated suspension, effective Jan. 1, 2013. Pearson represented minors in a civil toxic tort suit. The defendants deposited proposed settlement funds with Pearson to be held in his trust account until the Court approved the settlements. Pearson failed to secure the required releases from his clients and the settlement failed. Pearson was unable to return the proposed settlement funds to the defendants because he had spent the funds.

Pearson violated Rules 1.14(a) and 1.14(b). He was ordered to pay \$10,000 in attorneys' fees.



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