



REPORT 2015

THE BOARD *of* DISCIPLINARY APPEALS
APPOINTED BY THE SUPREME COURT *of* TEXAS

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CHAIR

Marvin W. Jones, *Amarillo*

VICE CHAIR

David N. Kitner, *Dallas*

MEMBERS

Robert A. Black, *Beaumont*

Jeanne C. “Cezy” Collins, *El Paso*

Jack R. Crews, *Temple*

Ramon Luis Echevarria II, *Houston*

Gary R. Gurwitz, *McAllen*

Roland K. Johnson, *Fort Worth*

Kathy Kinser, *Dallas*

John J. “Mike” McKetta III, *Austin*

Deborah Pullum, *Tyler*

George A. Taylor, *San Antonio*

SUPREME COURT OF TEXAS LIAISON

The Honorable Justice Debra H. Lehrmann

STAFF

Christine E. McKeeman, *Executive Director/General Counsel*

Gayle Vickers, *Deputy Director/Counsel*

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THE BOARD *of* DISCIPLINARY APPEALS

APPOINTED BY THE SUPREME COURT OF TEXAS

From the Chair
August 31, 2015



On behalf of the Board of Disciplinary Appeals, I present to the Supreme Court of Texas and to the State Bar Board of Directors, pursuant to Texas Rules of Disciplinary Procedure 7.08B, the Annual Report for the fiscal year June 1, 2014 through May 31, 2015. The report introduces BODA's members and describes its jurisdiction, operations, hearings, and cases filed and decided.

During the past year, BODA

- Welcomed three new members
- Disposed of over 2,000 matters
- Decided 50 cases resulting in final judgments of discipline or disability
- Returned 228 grievances to the Office of Chief Disciplinary Counsel for a just cause investigation
- Held four *en banc* conferences and hearings
- Conferred by telephone 64 times
- Had all appeals decided by the Supreme Court of Texas affirmed or dismissed
- Worked with the Supreme Court of Texas on the promulgation of new internal procedural rules
- Reviewed BODA procedure for classification appeals with the Grievance Oversight Committee

Also during the past year the Supreme Court approved and promulgated a full revision of BODA's internal procedural rules. A pull-out copy of the new rules can be found in the center of this report. BODA has been working on this much-needed revision for over two years, and the Board is both proud of the end product and grateful for the Court's guidance and assistance in getting this task accomplished.

As a point of personal privilege, I am grateful that the Supreme Court allowed me the opportunity to serve on BODA these past six years. In terms of self-regulation of our profession, the work of BODA is indispensable. The members of BODA work harder than any other board I've served on, and their dedication to the task and to the legal profession is admirable. And, of course, the BODA staff actually makes the task bearable and even pleasant. It is difficult to imagine a more dedicated threesome in any organization anywhere.

A handwritten signature in black ink, appearing to read 'Marvin W. Jones', written in a cursive style.

Marvin W. Jones
Chair of the Board of Disciplinary Appeals, 2014–2015



*Back row: Kathy Kinser, Bob Black, Mike McKetta, Roland Johnson, Cezy Collins, Deborah Pullum
Front row: Jack Crews, David Kitner, Marty Jones, Gary Gurwitz, Ray Echevarria, not pictured: George Taylor*

MEMBERS 2014–2015

Marvin W. Jones, chair, is a partner in Sprouse Shrader Smith PLLC in its Amarillo office. He graduated from Baylor Law School in 1977 where he was editor-in-chief of the *Baylor Law Review*. He is board certified in civil trial law, a fellow of the American College of Trial Lawyers, and a member of the American Board of Trial Advocates. He was appointed to the Board in September 2009 and reappointed in 2012.

David N. Kitner, vice chair, is a partner in Strasburger & Price, LLP in Dallas, Texas. He graduated with honors from the University of Texas School of Law in 1973 where he was a member of the *Texas Law Review* and a member of the Order of the Coif. He served on the District 6A grievance committee of the State Bar of Texas from 2003–2009. He is a fellow in the American College of Trial Lawyers and served as chair of its Texas State Committee from 2012–2014. He is a life fellow of the Texas Bar Foundation and a senior life fellow of the Dallas Bar Foundation. He was appointed in September of 2012.

Robert A. Black was appointed to BODA in September 2013 and is managing shareholder of Mehaffy Weber, P.C., where he practices mediation, arbitration, and civil litigation. He served as president of the State Bar of Texas, chair of its Board of Directors, as well as many other committees and subcommittees. Black is a past president of the Jefferson County Bar Association. He is a fellow of the Texas Bar Foundation (trustee) and a fellow of the American Bar Foundation. Black earned a B.A. from the University of Texas at El Paso and a J.D. *summa cum laude* from Texas Tech University School of Law.

Jeanne C. “Cezy” Collins serves as General Counsel El Paso Independent School District. Ms. Collins is a former president of the National Conference of Women’s Bar Associations, Texas Women Lawyers, and the El Paso Women’s Bar Association, and a former State Bar of Texas Director. In 2002–2003, she was voted Outstanding Lawyer of El Paso by the El Paso Young Lawyers Association. She received her B.A. from the University of Southern California in 1986 and her J.D. from the University of Arizona College of Law in 1991. She was appointed to BODA in 2013.

Jack R. Crews is a shareholder of Baird, Crews, Schiller & Whitaker, P. C. in Temple. He graduated from Baylor Law School in 1983 and was named Bell County Bar Association Lawyer of the Year in 2006. He served on the District 8C Grievance Committee and is a fellow of the Texas Bar Foundation. He was appointed in September 2009 and reappointed in 2012.

Ramon L. Echevarria II is Counsel for the ExxonMobil Law Department, Environmental and Safety Section in Houston. He joined the Litigation Section of ExxonMobil in 2000 and has represented the company regarding Upstream Environmental and well as Compliance Litigation issues. He is a 1993 graduate of the Texas Tech University School of Law and a graduate of the United States Military Academy, West Point, New York. Mr. Echevarria was appointed in September 2012.

MEMBERS 2014–2015

Gary R. Gurwitz is managing partner of Atlas, Hall & Rodriguez, L.L.P. in McAllen. He graduated from the University of Texas School of Law with honors and was an associate editor of the *Texas Law Review*. He received the Honorary Order of the Coif Award from the Law School. He is a past member of the State Bar of Texas Board of Directors and the Texas Disciplinary Rules of Professional Conduct Committee and a fellow of the American College of Trial Lawyers. Mr. Gurwitz was awarded the Hidalgo County Bar Association's Lifetime Achievement Award. He was appointed in September 2009 and reappointed in 2012.

Roland K. Johnson was appointed to BODA in September 2013, and is a shareholder in Harris, Finley & Bogle, P. C., Fort Worth. He served as president of the State Bar of Texas from 2009–2010, president of the Tarrant County Bar Association, president of the Eldon B. Mahon Inn of Court, and as chair of the State Bar Professionalism Committee. He is a sustaining life fellow of the Texas Bar Foundation and is Board Certified in Civil Trial Law. He is a member of the American Law Institute and the American Board of Trial Advocates. He earned his undergraduate and J.D. degrees from Baylor University with honors.

The Board of Disciplinary Appeals is a tribunal of 12 attorneys appointed by the Supreme Court of Texas to serve up to two three-year terms. Members represent diverse geographic and law practice areas, from small firm to large multi-state firm, corporate counsel, family law practitioners, criminal defense lawyers, corporate and business litigators, complex commercial litigators, a city attorney, employment and education lawyers.

Katherine A. Kinser is a partner in Kinser & Bates, LLP in Dallas. She graduated from the University of Arkansas at Little Rock and from Southern Methodist University School of Law. She holds a board certification in family law from the Texas Board of Legal Specialization. She is a fellow in the American Academy of Matrimonial Lawyers, a lifetime member of the American Academy of Matrimonial Lawyers Foundation, a sustaining life member of the Texas Family Law Foundation and a life fellow of the Texas Bar Foundation. She is a member of the Texas Academy of Family Law Specialists and received its Sam Emison Award in 2014. She served as president of the Academy from 2002 until 2003. She was appointed to the Board in 2014.

John J. "Mike" McKetta III is of counsel to Graves, Dougherty, Hearon & Moody, P.C. in Austin. He graduated from Harvard University and the University of Texas School of Law with high honors and was a member of the Order of the Coif and Chancellors. He is a member of the Lloyd Lochridge Inn of Court and served as president 2013–2014. He represents the Fifth Circuit on the ABA Standing Committee on the Federal Judiciary. He is a member of the American Law Institute and currently serves as chair of the Investment Committee. He chaired the Advertising Review Committee of the State Bar of Texas 2010–2014 and served as a member of the Disciplinary Committee of the U.S. District Court for the Western District of Texas. He is a fellow of the International Academy of Trial Lawyers, and the American College of Trial Lawyers. He is a fellow of the Texas Bar Foundation and was the recipient of organization's Ronald D. Secrest Outstanding Trial Lawyer Award in 2010. He was appointed to the Board in 2014.

Deborah G. Pullum is the city attorney for the City of Tyler, Texas. She graduated from the College of William and Mary, Marshall-Wythe School of Law in 1996 after receiving a Bachelor of Science with honors from Florida A&M University. She was a member of a State Bar grievance committee from 2006 until 2012. She is a fellow of the Texas Bar Foundation and a member of the College of the State Bar of Texas. She received merit certification in municipal law from the Texas City Attorneys Association. She was appointed to the Board in 2014.

George A. Taylor is principal of George A. Taylor, Attorney at Law in San Antonio. He graduated from St. Mary's University School of Law in 1974. Taylor is a former first assistant district attorney of Victoria, Texas and is a director of the Texas Criminal Defense Lawyers' Association for 2010–2016. He is also a member of the San Antonio Criminal Defense Lawyers' Association, serving as president from 2007 until 2008. He is a fellow of the Texas Bar Foundation. He was appointed in September 2012.



Supreme Court of Texas Liaison
Justice Debra H. Lehrmann

Every lawyer admitted or specially admitted to practice in Texas is subject to the disciplinary and disability jurisdiction of the Supreme Court of Texas, which has the inherent power under the Texas Constitution to regulate the practice of law. The Texas Supreme Court created BODA by implementing Texas Rules of Disciplinary Procedure (TRDP) in 1992. The Texas Supreme Court has delegated to BODA the authority to hear and determine disciplinary and disability cases. BODA proposes rules of procedure and administration to the Supreme Court of Texas for promulgation.

STAFF

BODA's staff consists of the Executive Director/General Counsel, Christine E. McKeeman, who administers and supervises BODA operations, advises the Board, and serves as the official custodian of BODA records; the Deputy Director/Counsel, Gayle Vickers, who assists with all operations and has primary responsibility for the disability docket, acts as the clerk for District Disability Committees and appeals from BODA to the Supreme Court, produces this annual report, responds to inquiries from the public and attorneys, and designs and maintains the BODA website; and the Executive Assistant, Jackie Truitt, who has primary responsibility for classification panels, assists with office management, case intake and management, docket

control, hearings coordination, and requests for information and assistance from the public and attorneys. The staff has a combined 58 years of experience working for the Board of Disciplinary Appeals.

BODA's administrative offices are located on the sixth floor of the Texas Law Center in Austin. The State Bar of Texas provides support services for BODA, including information technology, accounting, and human resources.

INFORMATION ABOUT THE GRIEVANCE PROCESS

BODA responds daily to requests for information concerning the grievance system from attorneys and the public. Except for restrictions discussing pending matters and confidential deliberations, BODA assists the public and the bar by providing information concerning disciplinary procedure and operations. As a tribunal, BODA cannot directly assist a party to any disciplinary proceeding with the underlying complaint.

WEBSITE

BODA maintains a website at txboda.org. In addition to all published BODA opinions, the website provides information about BODA members, jurisdiction, and operations, and answers to frequently asked questions. Copies of the annual report from 2005 to present with case statistics are available. The current hearings docket is posted and all recent decisions and archived decisions since 2002 are fully searchable. Videos of *en banc* hearings and oral arguments are available for most cases on the website and through the Board's YouTube channel. The website also has copies of the *Texas Disciplinary Rules of Professional Conduct*, the *Texas Rules of Disciplinary Procedure*, and the *BODA Internal Procedural Rules*.

EN BANC HEARINGS

BODA typically considers compulsory discipline cases, reciprocal discipline cases, revocations of probation, and appeals from evidentiary judgments *en banc*, with or without hearing. BODA holds hearings in the courtroom of the Supreme Court of Texas with the assistance of the Clerk of the Supreme Court Blake A. Hawthorne and his deputy, Blanca Valdez. The State Bar of Texas provides video services and links to the BODA's YouTube channel are available on our website, txboda.org. BODA hearings, other than certain disability proceedings and appeals from private reprimands, are open to the public. The chair of BODA may assign any matter to a panel of three members to decide.

“BODA shall have and exercise all the powers of either a trial court or an appellate court, as the case may be, in hearing and determining disciplinary proceedings.” *In re State Bar of Texas*, 113 S.W.3d 730, 734 (Tex. 2003)(citing Board of Disciplinary Appeals Internal Procedural Rule 1.02). BODA reviews grievance classification screening dismissals by the State Bar of Texas Chief Disciplinary Counsel’s Office; decides appeals from State Bar district grievance committee evidentiary judgments; has exclusive original jurisdiction to hear compulsory and reciprocal discipline cases; hears petitions to revoke probations imposed by grievance committees; and handles attorney disability and reinstatement cases. With the exception of appeals from classification screening decisions, which are final, BODA decisions are appealable directly to the Supreme Court of Texas.

ACTIVITY	
Total cases filed	1,996
Total cases decided	2,057
En banc hearings <i>average number of cases—6½</i>	4
Specially scheduled hearings	2
Telephone conferences <i>average number of cases—31</i>	64

ORIGINAL JURISDICTION

Compulsory Discipline

BODA has exclusive original jurisdiction to hear petitions for compulsory discipline filed by the State Bar of Texas Chief Disciplinary Counsel’s Office on behalf of the Commission for Lawyer Discipline when an attorney has been convicted of, or placed on deferred adjudication for, an “Intentional Crime.” TRDP, Part VIII.

Reciprocal Discipline

BODA has exclusive original jurisdiction to hear petitions for reciprocal discipline filed by the State Bar of Texas Chief Disciplinary Counsel’s Office on behalf of the Commission for Lawyer Discipline. Attorneys licensed in Texas and another jurisdiction are subject to reciprocal discipline in Texas following a disciplinary sanction in the second jurisdiction. TRDP, Part IX.

Revocations of Probation

BODA has exclusive original jurisdiction for the full term of a probated suspension imposed by a State Bar Grievance Committee to hear petitions to revoke the probation if the attorney violates a term or condition of probation. TRDP, Part II.

Disability Cases and Reinstatements

BODA has exclusive original jurisdiction to suspend indefinitely an attorney who is suffering from a disability: any physical, mental, or emotional condition, with or without a substantive rule violation, which results in the attorney’s inability to practice law or otherwise carry out his or her professional responsibilities to clients, the courts, the profession, or the public. A district disability committee appointed by BODA holds a hearing to determine whether the attorney is disabled and certifies its finding to BODA. BODA has concurrent jurisdiction with district courts to hear petitions for reinstatement to terminate an indefinite disability suspension. TRDP, Part XII.

APPELLATE JURISDICTION

Appeals from Evidentiary Judgments

Either the Commission for Lawyer Discipline or an attorney against whom discipline has been imposed by a State Bar Grievance Committee may appeal any judgment from an evidentiary proceeding, including dismissal, findings of professional misconduct, or sanction imposed. Appeals to BODA from evidentiary judgments proceed similarly to civil appeals with a notice of appeal, record, briefs, and oral argument. TRDP, Part II.

Grievance Screening and Classification Appeals

The State Bar of Texas Chief Disciplinary Counsel’s Office screens every writing received that alleges professional misconduct to determine whether the writing describes conduct which, if true, would violate the Texas Disciplinary Rules of Professional Conduct. If the CDC determines that the writing does not allege misconduct and dismisses the grievance, the complainant can appeal that decision to BODA. TRDP, Part II.

PROCEDURE FOR AN APPEAL FROM A GRIEVANCE DISMISSAL

From June 1, 2014 through May 31, 2015, approximately 35 percent of grievances dismissed by the CDC (5,576) were appealed to BODA. BODA decided 2,057 appeals from classification dismissals in 64 telephone conferences.

BODA provides a one-page form written in English and Spanish that CDC includes with the notice letter to complainants explaining that the grievance was dismissed. The complainant only has to sign the form and send it to BODA by email, regular mail, or fax.

BODA considers only the information available to the CDC at screening and does not review any additional information sent to either CDC or to BODA. If a complainant sends new information to BODA, staff returns the documents and explains that the complainant may refile the grievance with the CDC to have additional information considered.



BODA decides appeals from classification dismissals on an average of 25 days after receiving the full grievance from the CDC. BODA grants between seven and 11 percent of the appeals filed. BODA members can refer any appeal for consideration by the entire board *en banc*.

- CDC includes BODA appeal form with notice of dismissal to complainant
- Complainant sends appeal form to BODA within 30 days of notice by email, regular mail or fax
- BODA creates new file, sends notice to complainant and attorney that an appeal was received and requests a copy of the original grievance from CDC and, if it is a second filing, any prior grievance
- BODA does not review any grievance against a deceased or disbarred attorney or against one who has resigned and notifies complainant that the disciplinary system no longer has jurisdiction
- Once BODA receives the original grievance from CDC, staff assigns the grievance to randomly selected three-member panel for decision
- Three BODA members and either the Director or the Deputy Director read the complaint
- The panel and staff discuss the grievance by telephone conference (no record is made) and the members vote either to affirm or grant the appeal (resulting in an upgrade of the grievance to a complaint)
- Granting an appeal requires one or more allegations of a violation of a specific Texas Disciplinary Rule of Professional Conduct
- BODA notifies the complainant, attorney, and CDC of its decision
- If BODA grants the appeal, the notice includes the specific TDRPC involved
- Any appeal granted returns the complaint to the CDC for investigation as to just cause
- Once dismissal is affirmed or reversed, the appeal is complete and the BODA case is closed

GRIEVANCES

Grievances filed and classified by CDC	7,071
Upgraded <i>21 percent</i>	1,495
Dismissed <i>79 percent</i>	5,576

GRIEVANCE DECISIONS APPEALED TO BODA

Total grievances dismissed by CDC	5,576
Appeals filed with BODA	1,958
<i>35 percent of dismissed grievances, a one percent increase from previous year</i>	
Total Appeals disposed	2,007
Denied	1,779
Granted <i>11 percent</i>	228

DISPOSITION AFTER CLASSIFICATION APPEAL GRANTED*

Total Classification Reversals	272
Disciplinary Judgments	5
Private Reprimand	2
Fully Probated Suspension	1
Partially Probated Suspension	1
Active Suspension	1
Pending in Litigation	26
Dismissed at Summary Disposition	161
Referred to Grievance Referral Program	1
Pending Summary Disposition	39
Pending Just Cause Determination	36
Dismissed due to prior disbarment or resignation	4

* 44 from 2013-2014; 228 from 2014-2015

BODA CASES FILED AND DECIDED

	Filed	Decided
Total cases	1,996	2,057
Classification appeals	1,958	2,007
Compulsory cases	10	18
Reciprocal cases	9	11
Appeals from an evidentiary judgment	12	14
Revocations of probation	1	1
Disabilities	3	3
Reinstatements	0	0
Mandamus	2	2

DISPOSITIONS

June 1, 2014–May 31, 2015

COMPULSORY DISCIPLINE

BODA has exclusive original jurisdiction to hear petitions for compulsory discipline filed by the State Bar of Texas Chief Disciplinary Counsel's Office on behalf of the Commission for Lawyer Discipline when an attorney has been convicted of, or placed on deferred adjudication for, an "Intentional Crime." as defined in TRDP 1.06T: that is, any Serious Crime that requires proof of knowledge or intent as an essential element or any crime involving misapplication of money or other property held as a fiduciary. Serious Crimes include barratry, any felony involving moral turpitude, any misdemeanor involving theft, embezzlement, or fraudulent or reckless misappropriation of money or other property, or any attempt, conspiracy or solicitation of another to commit any of these. TRDP, Part VIII.

If an attorney convicted of an Intentional Crime has been sentenced to prison, BODA must disbar the attorney. If the attorney's criminal sentence is fully probated, BODA has discretion to disbar the attorney or suspend for the term of the criminal probation. If an attorney convicted of an Intentional Crime has appealed the conviction and the appeal is still pending at the time the Chief Disciplinary Counsel files the compulsory action, BODA will place the attorney on interlocutory suspension pending the outcome of the appeal. BODA retains jurisdiction to enter final judgment when the appeal of the conviction is final.

During the last fiscal year, BODA disposed of 18 petitions for compulsory discipline and motions for final judgment in compulsory cases. Additional case details are available at txboda.org.

APPEALS TO THE SUPREME COURT

All appeals were affirmed or dismissed

Filed

Decided

5
9

Vincent W. Aldridge, State Bar of Texas card 00793244, was sentenced to 63 months in prison after being found guilty of one count of **conspiracy to commit mail fraud and wire fraud**, ten counts of **aiding and abetting wire fraud**, one count of **conspiracy to engage in monetary transaction in criminally derived property**, and six counts of **aiding and abetting engaging in monetary transaction in criminally derived property**. He is disbarred. BODA case 49053.

Robert Joseph Andres, State Bar of Texas card 01237450, was sentenced to 56 months in prison after pleading guilty to **wire fraud**. He is disbarred. BODA case 55904.

Edward P. Bolding, State Bar of Texas card 02565550, was sentenced to five years in prison for two counts of **fraudulent scheme or artifice**. He was suspended during the appeal of his criminal conviction which was affirmed. The Supreme Court of Texas accepted Mr. Bolding's resignation in lieu of discipline. BODA case 46774.

Mark Adrian Clark, State Bar of Texas card 04292200 was sentenced to seven years in prison for **attempted sexual performance of a child**. He was suspended from the practice of law during the appeal of his criminal conviction. The criminal judgment is final and he is disbarred. BODA case 48191.

Gwendolyn F. Climmons, State Bar of Texas card 04390000, was sentenced to 97 months in prison for one count of **conspiracy to commit health care fraud** and four counts of **health care fraud, aiding and abetting**. She is suspended from the practice of law during the appeal of her criminal conviction. BODA case 55907.

Marco A. Delgado, State Bar of Texas card 00796001, was sentenced to 240 months in prison for **conspiracy to commit money laundering**. Mr. Delgado is suspended from the practice of law during the appeal of his criminal conviction. BODA case 54396.

Donald W. Hill, State Bar of Texas card 09628400, was sentenced to 216 months in prison for **three counts of conspiracy to commit bribery concerning a local government receiving federal benefits and aiding and abetting, one count of conspiracy to commit extortion; one count of extortion by public officials and aiding and abetting; and one count of conspiracy to commit**

DISPOSITIONS

June 1, 2014–May 31, 2015

money laundering. He is disbarred. Hill appealed the Board's Final Judgment of Disbarment to the Texas Supreme Court on August 14, 2014 in case no. 14-0643. The Supreme Court affirmed the judgment on June 5, 2015. BODA cause number 46727.

Buffy Marie Lawrence, State Bar of Texas card 24052821, was sentenced to 12 months and one day in prison followed by three years of supervised release after pleading guilty to **conspiracy to commit wire fraud.** She is disbarred. Ms. Lawrence appealed the decision to the Texas Supreme Court. On June 5, 2015, the Supreme Court of Texas dismissed the appeal for want of prosecution. BODA case 54395.

Meredith L. Lawrence, State Bar of Texas card 12049680, was sentenced to 27 months in prison for three counts of **filing a false tax return.** By agreement, he was suspended during the appeal of his criminal conviction which was affirmed. The Supreme Court of Texas accepted Mr. Lawrence's resignation in lieu of discipline. BODA case 51566.

Jose Luis Palacios, State Bar of Texas card 24043858, was sentenced to 144 months in prison after pleading guilty to **possession with the intent to distribute, 100 kilograms or more of marijuana.** He is disbarred. BODA case 54410.

Antonio Reyes, State Bar of Texas card no. 24071139 was sentenced to 33 months in prison after pleading guilty to **conspiracy to commit wire fraud and the deprivation of honest services,** He is disbarred. BODA case 54881.

James William Richards IV, State Bar of Texas card 00797313, was court-martialed and sentenced to 17 years in prison for **child pornography** and **sexual abuse of a child.** He is suspended from the practice of law during the appeal of his criminal conviction. BODA case 55908.

John Harold Risley, State Bar of Texas card 16941150, received deferred adjudication after he pled guilty to **misapplication/fiduciary/financial/elderly \$100,000.** The Supreme Court of Texas accepted Mr. Risley's resignation in lieu of discipline. BODA case 55905.

Damon Dean Robertson, State Bar of Texas card 4005285 was placed on probation for two years after pleading guilty to **possession of marijuana for sale.** By agreement, he is suspended from the practice of law during the term of his criminal probation. BODA case 54411.

Kelly G. Rogers, State Bar of Texas card 17194020, was sentenced to 20 years in prison for **theft PC.** The Supreme Court of Texas accepted Mr. Rogers' resignation in lieu of discipline. BODA case 54882.

Jessica Lynn Siegel, State Bar of Texas card 24013509, was sentenced to two years incarceration, probated for four years, for **tampering with a governmental record.** She is suspended from the practice of law during the appeal of her criminal conviction. The Ninth Court of Appeals in Beaumont reversed her conviction and rendered a judgment of acquittal on June 24, 2015. BODA case 53875.

Scott M. Tidwell, State Bar of Texas card 20020730, was sentenced to ten years community supervision for four counts **misuse of official information.** He was suspended during the appeal of his criminal conviction which was affirmed. The Supreme Court of Texas accepted Mr. Tidwell's resignation in lieu of discipline. BODA case 49518.

Armando Roberto Villalobos, State Bar of Texas card no. 00788584, was sentenced to 156 months in prison for **Participating in Conduct and Affairs of a Criminal Enterprise, the Activities which Affected Interstate and Foreign Commerce, through a Pattern of Racketeering Activity – Racketeer Influenced and Corrupt Organization (RICO), and conspiracy, Extortion (Under Color of Official Right) and Aiding and Abetting, Intentional Crimes.** He was suspended from the practice of law during the appeal of his criminal conviction. The Supreme Court of Texas accepted Mr. Villalobos' resignation in lieu of discipline. BODA cause number 53871.

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June 1, 2014–May 31, 2015

RECIPROCAL DISCIPLINE

BODA has exclusive original jurisdiction under TRDP Part IX to hear petitions for reciprocal discipline filed by the State Bar of Texas Chief Disciplinary Counsel's Office on behalf of the Commission for Lawyer Discipline. Attorneys licensed in Texas and another jurisdiction are subject to reciprocal discipline in Texas following a disciplinary sanction in the second jurisdiction.

Arizona

Gary L. Lassen, State Bar of Texas card 11969500, was suspended from the practice of law by the Supreme Court of Arizona for two years for violating his duties and obligations as a lawyer. He is suspended from the practice of law in Texas for 18 months. Although cited to appear, he did not appear. BODA case 55413.

Colorado

John William Tinder II, State Bar of Texas card 24003060 was suspended from the practice of law for six months, probated for two years by the Supreme Court of Colorado for violating Colorado Rules of Professional Conduct 8.4(c). By agreement, BODA imposed the same sanction. BODA case 54878.

Florida

Claude Robert Graham, State Bar of Texas card 24064208 was suspended from the practice of law for three years the Supreme Court of Florida for violating Rules Regulating the Florida Bar: 4-1.15, 5-1.1(b); 5-1.2(b); 5-1.2(d); and 5-1.2(f). BODA imposed the same sanction. Graham appealed to the Supreme Court of Texas, case 14-0923, and the decision was affirmed on May 1, 2015. BODA case 54877.

Louisiana

Darrell Keith Hickman, State Bar of Texas card 09572980, was suspended for one year (fully probated) by the Supreme Court of Louisiana for violating Louisiana Rules of Professional Conduct 1.4(a), 8.4(c), and 8.4(a). BODA imposed the same sanction. Although cited to appear, he did not appear. BODA case 55412.

Ryan A. Beason, State Bar of Texas card 01991200, was suspended from the practice of law for one year and one day with all but 90 days deferred and followed by two years of probated suspension by the Supreme Court of Louisiana for violating Louisiana Rules of Professional Conduct 1.1(b),1.1(c) and 5.5(a). He is on a fully probated suspension from the practice of law in Texas for three years. BODA case 55410.

New Jersey

Richard Bruce Livingston, State Bar of Texas card 12440000 was disbarred by the Supreme Court of New Jersey for violating New Jersey Rules of Professional Conduct 1.15(a), 1.15(d)(c), and 8.1(b). BODA imposed the same sanction and he is disbarred in Texas. BODA case 54880.

New Mexico

Michelle Renée Mladek, State Bar of Texas card 24046455 was suspended from the practice of law (fully probated) and received a public censure by the Supreme Court of the State of New Mexico for violating New Mexico Rules of Professional Conduct 16-101, 16-103, 16-1 04(B), and Rule 16-1 05(A). BODA imposed the same sanction. BODA case 55906.

Oklahoma

James David Ogle, State Bar of Texas card 24047540 was suspended by the Supreme Court of Oklahoma for two years and one day for charges that arose out of actions that led to Mr. Ogle's plea of guilty to the misdemeanor crime of Obstruction of a Public Officer. By agreement, BODA imposed the same sanction. BODA case 54879.

DISPOSITIONS

June 1, 2014–May 31, 2015

RECIPROCAL DISCIPLINE *(cont.)*

John Holman Weigel, State Bar of Texas card 24013726 was suspended from the practice of law for two years by the Supreme Court of Oklahoma for violations of the Oklahoma Rules of Professional Conduct. BODA imposed the same sanction. Although cited to appear, he did not appear. BODA case 55411.

Oregon

Lawrence P. Cullen, State Bar of Texas card 05028700, was suspended from the practice of law for nine months by the Supreme Court of the State of Oregon for violating Oregon Rules of Professional Conduct 1.4(a) (two counts), 1.15-1 (d), and 8.4(a)(3). Although cited to appear, he did not appear. He is suspended from the practice of law for nine months in Texas. BODA case 46724.

Lawrence P. Cullen, State Bar of Texas card 05028700, was disbarred by the Supreme Court of the State of Oregon for violating Oregon Rules of Professional Conduct 1.3, 1.4(a), 1.15-1(a), 1.15-1 (d), 4.1, 4.4, 5.0, 7.0, 8.1(a)(2), 8.4(a)(2) and 8.4(a)(3). Although cited to appear, he did not appear. He is disbarred in Texas. BODA case 52399.

REVOCATIONS OF PROBATION

BODA has exclusive original jurisdiction for the full term of a probated suspension imposed by a State Bar Grievance Committee to hear petitions to revoke the probation filed by the Chief Disciplinary Counsel of the State Bar of Texas if the attorney violates a term or condition of probation. TRDP, Part II.

D. Lee “L4” Alford IV, State Bar of Texas card 01011450 agreed to a three year partially-probated suspension from the practice of law with the first five months active beginning June 1, 2014 followed by 31 months of probation beginning November 1, 2014. The Commission for Lawyer Discipline moved to non-suit. The non-suit was granted on May 4, 2015. BODA case 56062.



*Marvin W. Jones, chair, Justice Debra H. Lehrmann, liaison,
Chief Justice Nathan Hecht, David Kitner, vice chair*

DISABILITY SUSPENSIONS

BODA has exclusive original jurisdiction to suspend indefinitely an attorney who is suffering from a disability: any physical, mental, or emotional condition, with or without a substantive rule violation, which results in the attorney’s inability to practice law or otherwise carry out his or her professional responsibilities to clients, the courts, the profession, or the public. A specialized District Disability Committee appointed by BODA first holds a hearing to determine whether the attorney is disabled and certifies its finding to BODA. BODA has concurrent jurisdiction with district courts to hear petitions for reinstatement to terminate an indefinite disability suspension. TRDP, Part XII.

Attorney agreed to an indefinite disability suspension. Joan Dell Weaver Dolce, State Bar of Texas card 05957000; BODA case 54442.

Attorney agreed to an indefinite disability suspension. H. Tati Santiesteban, State Bar of Texas card 17644000; BODA case 55094.

Attorney suspended from the practice of law for an indefinite term. Chelsea L. Davis, State Bar of Texas card 24059652; BODA case 54202.

DISPOSITIONS

June 1, 2014–May 31, 2015

EVIDENTIARY APPEALS

BODA has appellate jurisdiction to review a judgment by a District Grievance Committee evidentiary panel, including findings of professional misconduct, dismissal of a complaint, or sanction imposed. Either the Commission for Lawyer Discipline or an attorney against whom discipline has been imposed may appeal any judgment from an evidentiary proceeding. BODA may affirm in whole or in part, modify the judgment and affirm as modified, reverse the judgment in whole or in part and render the judgment it determines should have been entered, or reverse the judgment and remand the complaint for a new hearing. BODA may grant or deny oral argument. If oral argument is granted, the matter is heard *en banc* unless specially assigned to a three-member panel. Appeals to BODA from evidentiary judgments proceed similarly to civil appeals with a notice of appeal, record, briefs, and oral argument. TRDP, Part II.

William L. Baskette, State Bar of Texas card 01871400. Affirmed the judgment of public reprimand signed by the District 10-4 Grievance Committee for violations of TDRPC 1.03(a) and 1.15(d). BODA case 53819.

Commission for Lawyer Discipline appealed a take-nothing judgment issued by the District 3-1 Grievance Committee. Affirmed. BODA case 54113.

Commission for Lawyer Discipline appealed an order granting a no-evidence motion for summary judgment issued by the District 5B Grievance Committee. Reversed and remanded. BODA case 51964.

Elene B. Glassman, State Bar of Texas card 08016000. Affirmed the judgment of disbarment signed by the District 4-6 Grievance Committee. Appealed to the Supreme Court of Texas, case 14-0929; BODA judgment affirmed June 5, 2015. BODA case 53021.



Former BODA member Deborah Race and Chair Marty Jones thank JoAl Cannon-Sheridan for her service to BODA as a member and as chair at the annual dinner in October 2014.



Former BODA member Ben Selman and Chair Marty Jones thank Kathy Owen for her service to BODA at the annual dinner in October 2014.

Anthony P. Griffin, State Bar of Texas card 08455300. Affirmed judgment of partially probated suspension signed by the District 5-2 Grievance Committee for violations of TDRPC 1.01(b)(1), 1.03(a) and 1.15(d). BODA case 53280.

Brian A. Hamner, State Bar of Texas Card 24041050. Appeal dismissed as moot after motion for new trial granted by the District 10-2 Grievance Committee. BODA case 54552.

Hugh M. Hodges Jr., State Bar of Texas card 09767000. Remanded for rendition and entry of an agreed judgment after an appeal of a judgment of active suspension signed by the District 6-2 Grievance Committee. BODA case 52673.

Lester L. Hood III, State Bar of Texas card 09943410. Dismissed for want of prosecution the appeal from a judgment of partially probated suspension signed by the District 9-1 Grievance Committee. BODA case 53654.

Dawn M. Korman, State Bar of Texas card 11682400. Appeal of default judgment of partially probated suspension signed by the District 8-6 Grievance Committee withdrawn. BODA case 54326.

Craig F. Sandling, State Bar of Texas card 17621700. Affirmed judgment of disbarment signed by the District 9-3 Grievance Committee for violations of 1.14(a), 1.14(c), 1.15(d) and 8.04(a)(1). Appealed to the Supreme Court of Texas, case 14-0934; appeal dismissed March 13, 2015. BODA case 53112.

Cary W. Schulman, State Bar of Texas card 00797390. Dismissed for want of prosecution the appeal from a judgment of suspension signed by the District 6-1 Grievance Committee. BODA case 54174.

Joe Daniel Stokes III, State Bar of Texas card 19274500. Remanded for rendition and entry of an agreed judgment after an appeal of a judgment of partially probated suspension signed by the District 9-4 Grievance Committee. BODA case 56016.

Stephen Taliaferro, State Bar of Texas Card 19621475. Dismissed for want of prosecution the appeal from a judgment of disbarment by the District 15-3 Grievance Committee. BODA case 55206.

Jon Phillip Thomas, State Bar of Texas card 24037593. Dismissed for want of prosecution the appeal from a judgment of fully probated suspension signed by the District 4-6 Grievance Committee. BODA case 53980.

THE BOARD of DISCIPLINARY APPEALS

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* Chair ** Vice Chair † Deceased