



REPORT 2014

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

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

CHAIR

JoAl Cannon Sheridan, *Austin*

VICE CHAIR

Marvin W. Jones, *Amarillo*

MEMBERS

Robert A. Black, *Beaumont*

David A. Chaumette, *Houston*

Jeanne C. “Cezy” Collins, *El Paso*

Jack R. Crews, *Temple*

Ramon Luis Echevarria II, *Houston*

Gary R. Gurwitz, *McAllen*

Roland K. Johnson, *Fort Worth*

David N. Kitner, *Dallas*

Kathy J. Owen, *Dallas*

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*

Jackie L. Truitt, *Executive Assistant*

P.O. Box 12426

Austin TX 78711

(512) 427-1578

txboda.org

info@txboda.org

THE BOARD *of* DISCIPLINARY APPEALS

APPOINTED BY THE SUPREME COURT OF TEXAS

From the Chair

August 31, 2014

On behalf of the Board of Disciplinary Appeals, I submit 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, 2013 through May 31, 2014. The report introduces BODA's members and describes its jurisdiction, operations, hearings, and cases filed and decided.



During the past year, BODA

- Disposed of 1,881 matters
- Met *en banc* to hold conference and hearings four times
- Held an oral argument on a special setting
- Met in telephone conference 60 times
- Returned 144 grievances for further just cause investigation
- Began providing notice to complainant and respondent when classification appeal received
- Redesigned the website
- Completed revisions to proposed internal procedural rules

BODA continues to keep all dockets current, including hearings on four types of cases of original jurisdiction, oral argument when requested for appeals from evidentiary judgments, and review of dismissed grievances. BODA considers appeals from dismissed grievances on average within 24 days of receiving the complaint from the Office of the Chief Disciplinary Counsel. To accomplish this, BODA relies on the dedication of its 12 attorney members appointed by the Supreme Court, and on the invaluable assistance from the hard-working staff. BODA members located throughout the state volunteer countless hours to fulfill BODA's critical role in the attorney grievance system.

As I complete my six years on BODA, I want to thank the Texas Supreme Court for this enormous opportunity to serve with such excellent, dedicated lawyers who genuinely care about the public and the legal profession. I am also grateful for our wonderful, dedicated staff that provides such great support to the board members and the process, and to ensure the cases are heard, and that all involved have everything they need to make certain the process continues to work. Likewise, I am appreciative of all of the lawyers that have appeared before the board—from the lawyers for the Commission, the lawyers representing the attorneys in the various cases, and the lawyers who unfortunately find themselves involved in the grievance process. All who appeared treated the process with reverence and respect. I especially want to thank BODA's liaison on the Court, Justice Deborah Lehrmann, for her guidance and support of the board and the grievance system. The right to self-governance carries with it great responsibility, and I sincerely appreciate the opportunity to participate through service on BODA.

A handwritten signature in black ink that reads "JoAnne Cannon Sheridan". The signature is fluid and cursive, with the first name being particularly prominent.

JoAnne Cannon Sheridan

Chair of the Board of Disciplinary Appeals, 2013–2014

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

MEMBERS 2013–2014



*Back row: Cezy Collins, Bob Black, Roland Johnson, Ray Echevarria, David Kítner, George Taylor
Front row: Gary Gurwitz, Marty Jones, JoAl Cannon Sheridan, Kathy Owen, Jack Crews, not pictured: David Chaumette*

JoAl Cannon Sheridan, chair, specializes in family law and is a partner in Ausley, Algert, Robertson and Flores, L.L.P. in Austin. She graduated from Baylor Law School and is a former director of the State Bar of Texas and served on the District 2A Grievance Committee. She served on the SBOT Family Law Section Council from 2001–2011 and is a member of the section’s Legislative Committee. She serves as president-elect of the Texas Family Law Foundation and as treasurer of the Texas Academy of Family Law Specialists, and is a sustaining life fellow of both the Texas Bar Foundation and Texas Family Law Foundation. Ms. Sheridan is a frequent speaker on family law issues at State Bar courses, and was recently named to the 2014 Best Lawyers in America, Family Law. She was appointed to BODA in 2008 and reappointed in 2011.

Marvin W. Jones, vice chair, is the managing partner of 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.

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.

David A. Chaumette was appointed to BODA in 2008. He is a partner with Chaumette, PLLC in Sugar Land. He is a graduate of the University of Chicago Law School. He is immediate past president of the Houston Bar Association, and former president of the Houston Young Lawyers Association. Mr. Chaumette resigned from the Board in May 2014, after his election to the State Bar of Texas Board of Directors representing District 4, Place 2.

Jeanne C. “Cezy” Collins joined the El Paso Independent School District as General Counsel in October of 2013. Previously, Ms. Collins was a partner at Kemp Smith LLP where she litigated a variety of cases in state and federal courts from trial through appeal. 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.

MEMBERS 2013–2014

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. Prior to joining ExxonMobil, Mr. Echevarria held the position of Assistant District Attorney for the Harris County District Attorney's Office and for the Tarrant County District Attorney's office. Ray 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.

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 by 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.

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, employment and education lawyers. Several board members have previous experience on a grievance committee.

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.

David N. Kitner 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.

Kathy J. Owen is senior counsel in the Dallas office of DLA Piper L.L.P. She graduated from Baylor Law School in 1989. Ms. Owen was a member of the District 6A Grievance Committee of the State Bar of Texas from 1996 until 2000. She was first appointed to BODA in 2000, serving until 2006, including a term as vice chair. She was reappointed in 2008 and again in 2011.

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 2010–2012. He is also a member of the San Antonio Criminal Defense Lawyers' Association, serving as president from 2007 until 2008. He was appointed in September 2012.

ORIGIN OF A BODA MATTER

A complainant appeals the dismissal of his grievance by the Office of the Chief Disciplinary Counsel of the State Bar of Texas.

The respondent attorney or the Commission for Lawyer Discipline appeals a judgment, including findings of misconduct and/or sanction, or other order of an evidentiary panel of a State Bar of Texas district grievance committee.

The Commission for Lawyer Discipline initiates a compulsory discipline case against an attorney convicted of an Intentional Crime by filing a petition with BODA seeking an interlocutory suspension or a final order of suspension or disbarment.

The Commission for Lawyer Discipline petitions BODA to revoke a term of probation imposed in a judgment by an evidentiary panel for violation of a term or condition of probation.

The Commission for Lawyer Discipline files a petition for reciprocal discipline against an attorney based on discipline in a second jurisdiction where the attorney is licensed asking BODA to issue an order to show cause why identical discipline should not be imposed in Texas.

Either the Commission for Lawyer Discipline or an attorney seeking a disability suspension files a report of an alleged disability with BODA.

An attorney placed on an indefinite disability suspension petitions BODA for reinstatement.

The Commission for Lawyer Discipline is represented by the Office of the Chief Disciplinary Counsel of the State Bar of Texas in all matters before BODA.

OVERVIEW

AUTHORITY

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. Tex. Gov't Code § 81.071 (Subtitle G to Title 2, Judicial Branch "State Bar Act"). The Texas Supreme Court created BODA by implementing Texas Rules of Disciplinary Procedure (TRDP) in 1992 and outlined BODA jurisdiction and authority. Tex. Gov't Code § 81.072(b)(7) & (8); Part VII, Texas Rules of Disciplinary Procedure, reprinted in Tex. Gov't Code Ann., tit. 2, subtit. G, app. A-1 (2005) (Tex. State Bar R. Art. X, § 9). The TRDP have the force and effect of statute. *O'Quinn v. State Bar of Texas*, 763 S.W.2d 397, 399 (Tex. 1988). 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.

"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.

SUPREME COURT LIAISON

Justice Debra H. Lehrmann was appointed to serve as the liaison from the Texas Supreme Court to the Board of Disciplinary Appeals on February 1, 2013.

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 55 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.



Justice Debra Lehrmann, BODA liaison, Marty Jones, vice chair, Jo-Al Cannon Sheridan, chair

OVERVIEW *(cont.)*

CLASSIFICATION APPEAL CONFERENCES

BODA decides appeals from classification screening decisions through panels in weekly telephone conferences with a typical docket of approximately 31 grievances. These panels are composed of three BODA members assigned randomly. A member may refer any classification appeal to the full Board for consideration for any reason. BODA considers those matters at the next scheduled *en banc* conference. Grievance classification decisions, appeals of classification decisions, and all associated files are confidential. During 2013–2014, BODA conducted 60 telephone conferences and decided 1,845 classification appeals. BODA immediately notifies the complainants and attorneys of its decision by letter.

EN BANC HEARINGS

BODA typically considers all other cases including compulsory discipline, reciprocal discipline, 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.

HEARINGS AND CONFERENCES

En banc conferences	4
En banc hearings <i>average number of cases—9</i>	3
Specially scheduled hearings	1
Telephone panels <i>average number of cases—31</i>	60

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. It was revised and upgraded in 2014 with enhanced search capabilities and a more user-friendly interface. 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*.



DISPOSITIONS

June 1, 2013–May 31, 2014

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. Approximately 34 percent of dismissed grievances were appealed to BODA during 2013–2014. TRDP, Part II.

G R I E V A N C E S

Grievances filed and classified by CDC	7,394
Upgraded <i>21 percent</i>	1,567
Dismissed <i>79 percent</i>	5,827

G R I E V A N C E D E C I S I O N S A P P E A L E D T O B O D A

Total grievances dismissed by CDC	5,827
Appeals filed with BODA	1,959
<i>34 percent of dismissed grievances, a one percent increase from previous year</i>	
Total Appeals disposed	1,845
Denied	1,701
Granted <i>eight percent</i>	144

DISPOSITION AFTER CLASSIFICATION APPEAL GRANTED*

Total Classification Reversals		174
Disciplinary Judgment		6
Fully Probated Suspension	1	
Public Reprimand	2	
Private Reprimand	3	
Pending in Litigation		14
Dismissed at Summary Disposition		99
Referred to Grievance Referral Program		5
Pending Summary Disposition		15
Pending Just Cause Determination		15
Dismissed for Lack of Jurisdiction		1

*30 from 2011–2012; 144 from 2013–2014

DISPOSITIONS

June 1, 2013–May 31, 2014

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 11 petitions for compulsory discipline and motions for final judgment in compulsory cases. Additional case details are available at txboda.org.

BODA CASES FILED AND DECIDED

	Filed	Decided
Total cases (6.5% increase)	1,991	1,880
Classification appeals	1,959	1,845
Compulsory cases	7	11
Reciprocal cases	5	6
Appeals from evidentiary judgment	16	15
Revocations of probation	2	2
Disabilities	1	0
Reinstatements	0	0
Mandamus	1	1

Caron Denean Avery, State Bar of Texas card no. 00789135, was sentenced to five years supervised probation after pleading guilty to two counts of **forgery**. She is disbarred. BODA case 53872.

Carolyn Barnes, State Bar of Texas card no. 01761550, was sentenced to three years in prison for **aggravated assault with a deadly weapon while using or exhibiting a firearm**. She is suspended during the appeal of her criminal conviction. The Supreme Court of Texas affirmed BODA's interlocutory order of suspension in cause 13-0753 on June 20, 2014. BODA case 52457.

William George Gammon III, State Bar of Texas card no. 07611300, was sentenced to 48 months in prison followed by supervised release for life with special conditions related to sex offender requirements and ordered to pay restitution of \$375,000 after pleading guilty to **possession of child pornography**. He resigned in lieu of discipline while the compulsory discipline matter was pending, on October 1, 2013, Sup. Ct. of Texas misc. order 13-9143. BODA case 50072.

DISPOSITIONS

June 1, 2013–May 31, 2014

COMPULSORY DISCIPLINE *(cont.)*

Mario M. Garza, State Bar of Texas card no. 07735500, was sentenced to 37 months in prison followed by three years of supervised release and restitution in the amount of \$809,440.20 after pleading guilty to **wire fraud** and **false statement on an income tax return**. He resigned in lieu of discipline while the compulsory discipline matter was pending, on December 12, 2012, Sup. Ct. of Texas misc. order 12-9174. BODA case 50491.

Nicolette Loisel, State Bar of Texas card no. 12507350, was sentenced to 12 months and one day in prison for **conspiracy to commit wire fraud**. The sentence was later reduced to four years of probation with home confinement. She resigned in lieu of discipline while the compulsory discipline matter was pending, Sup. Ct. of Texas misc. order 13-9119. BODA case 51899.

Eugene X. Mercier, State Bar of Texas card no. 13946700, was sentenced to six months in jail, suspended for two years of community supervision for **conspiracy to commit barratry**. On November 3, 2006, Mercier was suspended during the appeal of his criminal conviction, which was affirmed and a mandate issued on May, 3, 2013. He is disbarred. He has appealed BODA's judgment to the Texas Supreme Court in cause no. 14-0367. The appeal is pending. BODA case 38020.

Roger Lee Shoss, State Bar of Texas card no. 18304000, was sentenced to 18 months in prison followed by three years of monitored home detention for **conspiracy to commit wire fraud**. Mr. Shoss was suspended during the appeal of his criminal conviction, which was affirmed. Shoss is disbarred. BODA case 51567.

Patrick Robert Simon, State Bar of Texas card no. 24051341 was sentenced to 24 months in prison followed by two years of supervised release for **money laundering**. The criminal judgment is final and he is disbarred. BODA case 53369.

Marc G. Rosenthal, State Bar of Texas card no. 17281450, was sentenced to 240 months in prison for **participating in conduct and affairs of a criminal enterprise, four counts of mail fraud and aiding and abetting, tampering with a witness and aiding and abetting, tampering with official proceeding by false affidavit, tampering with official proceeding by perjured testimony, extortion under color of official right and aiding and abetting, and honest services mail fraud and aiding and abetting**. Rosenthal signed an agreed interlocutory suspension of his law license while the appeal of his criminal conviction is pending. BODA case 53873.

Najmed Vahid-Dastjerdi, State Bar of Texas card no. 24075200, was sentenced to 12 months and one day in prison followed by three years of supervised release and ordered to pay a fine of \$1,250,000 and restitution of \$703,524.74 after pleading guilty to **conspiracy to violate the Iranian sanctions, conspiracy to commit health care fraud**. In a separate case, she was found guilty of **conspiracy to defraud the U.S. Treasury** and **conspiracy to launder money** and sentenced to 12 months and one day followed by supervised release for three years and ordered to pay a fine of \$200,000.00 and restitution of \$973,503.00 She is disbarred. BODA case 53874.

Eric Lyle Williams, State Bar of Texas card no. 24013851, was sentenced to two years in prison, suspended for two years, and ordered to perform 80 hours of community service for **burglary of a building and theft by a public servant**. By agreement, he was suspended during the appeal of his criminal conviction which was affirmed. He is disbarred. BODA case 51062.

DISPOSITIONS

June 1, 2013–May 31, 2014

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. There were no disability cases decided June 1, 2013–May 31, 2014.

REINSTATEMENTS

BODA has concurrent original jurisdiction under Part XII of the TRDP with the district courts to hear petitions for reinstatement to the practice of law after a disability suspension. There were no disability reinstatement cases decided June 1, 2013–May 31, 2014.

APPEALS TO THE SUPREME COURT

All appeals were affirmed

Filed	7
Decided	4

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

Alan Edward Gooding, State Bar of Texas card 24028488, was suspended from the practice of law by the Supreme Court of Arizona for three years for violating Arizona Rules of Professional Conduct: Rule 1.2(a); Rule 1.3 (three counts); Rule 1.4(a)(1) (three counts); Rule 1.4(a)(3); Rule 1.4(a)(4) (two counts); Rule 1.8(a); Rule 1.15(a); Rule 3.2 (two counts); Rule 5.5(a); Rule 8.1(b) (eight counts); Rule 8.4(c); and Rule 8.4(d) He is suspended from the practice of law in Texas for three years, beginning February 3, 2014. BODA case 53370.

California

Dean Gregory Chandler, State Bar of Texas card 24071146 was disbarred by the Supreme Court of California for 116 counts of violating California Rules of Professional Conduct 1-300(B) and 4-200(A) and one count of violating California Business and Professions Code sec. 6106 in 118 matters. He is disbarred in Texas. BODA case 53928.

Colorado

Juliet Carol Gilbert, State Bar of Texas card 17224050, was suspended from the practice of law, probated for six months, by the Supreme Court of Colorado for violating Colorado Rules of professional Conduct 1.15(a) , 1.15(c) and 1.5(f). By agreement, BODA imposed the same sanction. BODA case 54242.

Louisiana

Joseph Wm. Bailey, State Bar of Texas card 01529200, was disbarred by the Supreme Court of Louisiana for violating Louisiana Rules of Professional Conduct 1.5 and 1.7, 1.15, 5.3 and 8.4(c). Although cited to appear, he did not appear. He is disbarred in Texas. Appealed to the Supreme Court of Texas, case 14-0418; appeal pending. BODA case 52881.

DISPOSITIONS

June 1, 2013–May 31, 2014

RECIPROCAL DISCIPLINE *(cont.)*

Missouri

Luis Fernando Hess, State Bar of Texas card 24076436, was reprimanded by the Supreme Court of Missouri for violating Rule 4-1.15(c) commingling personal funds and client funds in a trust account, Rule 4-1.15(d) by failing to keep complete records of the trust account that expressly reflect the date, amount, source, and explanation for all receipts, withdrawals, and disbursements of the funds or other property of clients or other parties, and Rule 4-1.15(f) by depositing client's advance payments of legal fees into a trust account. The matter was non-suited at the request of the Commission for Lawyer Discipline. BODA case 52880.

Oklahoma

Alexander Louis Bednar, State Bar of Texas card 24044456, was suspended by the Supreme Court of Oklahoma for one year for failure to appear at deposition hearing, threatening to file lawsuits against witnesses if they testified, engaging in a pattern of missed deadlines and altering a court document by affixing opposing counsel's signature without permission. By agreement, BODA imposed the same sanction. BODA case 52882.

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.

Kristin Diane Wilkinson, State Bar of Texas Card No. 24037708. Probation revoked and attorney suspended from the practice of law for two years for material violations of the terms and conditions of the default judgment of probated suspension, including, among other violations, failure to pay attorney's fees and failure to pay restitution. Appealed to the Supreme Court of Texas, case 13-0616; affirmed March 21, 2014. BODA case 52540.

Steven Ryan Lafuente, State Bar of Texas Card No. 24032522. By agreement, his probation was revoked and he was suspended from the practice of law for 31 months for material violations of the terms and conditions of two agreed judgments of partially probated suspension. BODA case 53998.

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 by a State Bar Grievance Committee may appeal any judgment from an evidentiary proceeding, including dismissal, findings of professional misconduct, or sanction imposed. 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.

Ricardo A. Baca, State Bar of Texas card 24048333. Remanded for rendition of an agreed judgment of partially probated suspension from the appeal of partially probated suspension signed by the District 4-4 Grievance Committee for violations of TDRPC 1.03(a), 1.14(a) and 8.04(a)(8). BODA case 53798.

DISPOSITIONS

June 1, 2013–May 31, 2014

EVIDENTIARY APPEALS *(cont.)*

George Michael Barnes, State Bar of Texas card 01767100. Dismissed for want of prosecution the appeal from a judgment of partially probated suspension signed by the District 7-4 Grievance Committee. BODA case 53201.

C. M. (Michael) Brinkley, State Bar of Texas card 03004300. Dismissed for want of prosecution the appeal from a default judgment of probated suspension signed by the District 7-4 Grievance Committee. BODA case 51630.

Stephen Carrigan, State Bar of Texas card 03877000. Affirmed the modified judgment of partially probated suspension signed by the District 4-5 Grievance Committee for violations of TDRPC 5.03(a) and 5.03(b)(1). Appealed to the Supreme Court of Texas, case 14-0123; appeal pending. Partially probated suspension stayed during the appeal. BODA case 50519.

Brian G. Dicus, State Bar of Texas card 05846100. Affirmed the judgment of disbarment signed by the District 1-1 Grievance Committee for violations of TDRPC 1.15(d), 8.04(a)(3), 8.04(a)(7) and 8.04(a)(11). BODA case 50519.

Christopher Dupuy, State Bar of Texas card 24003931. Affirmed the judgment of public reprimand signed by the District 5A Grievance Committee for violations of TDRPC 1.01(b)(1) and 1.03(b). BODA case 50659.

Mark Evetts, State Bar of Texas card 00793709. Dismissed for want of prosecution the appeal from a judgment of disbarment signed by the District 3B Grievance Committee. BODA case 51628.

Ray Galvan Jr., State Bar of Texas card 07599300. Dismissed for want of prosecution the appeal from a judgment of probated suspension signed by the District 6-5 Grievance Committee. BODA case 53368.

John O. Mukoro, State Bar of Texas card 24041539. Affirmed the modified judgment of partially probated suspension signed by the District 4-3 Grievance Committee for violations of TDRPC 5.03(a), 5.03(b)(1) and 5.04(a). Appealed to the Supreme Court of Texas, case 14-0389; appeal pending. BODA case 52049.

Alberto Posada, State Bar of Texas card 24039360. Dismissed for want of prosecution the appeal from a judgment of probated suspension signed by the District 7 Grievance Committee. BODA case 53427.

Alfredo A. Soza, State Bar of Texas Card 00785018. Dismissed for want of prosecution the appeal from a judgment of partially probated suspension by the District 15-4 Grievance Committee. BODA case 51733.

Max Leon Tepper, State Bar of Texas card 24033377. Affirmed the judgment of partially probated suspension signed by the District 6A-2 Grievance Committee for violations of TDRPC 8.04(a)(3). BODA case 50185.

Armando Treviño, State Bar of Texas card 20211100. Dismissed for want of prosecution the appeal from a judgment of fully probated suspension signed by the District 12-1 Grievance Committee. The Supreme Court of Texas affirmed the dismissal in case 13-0588 on February 14, 2014. BODA case 51629.

Jacques Evan Treviño, State Bar of Texas card 00797571. Withdrew his appeal of judgment of partially probated suspension signed by the District 12-2 Grievance Committee. BODA case 53084.

Gregory Lance Williams, State Bar of Texas card 24053550. Dismissed for want of prosecution the appeal from a judgment of partially probated suspension signed by the District 1-1 Grievance Committee. BODA case 53500.

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Robert J. Werner, <i>Austin</i>	1994–2000
Gaines West, <i>College Station</i> * **	1992–1996; 1997–2003
Thomas J. Williams, <i>Fort Worth</i>	2007–2013

* Chair ** Vice Chair †Deceased



THE BOARD *of* DISCIPLINARY APPEALS OATH

I do solemnly swear (or affirm) that I will faithfully execute my duties as a member of the Board of Disciplinary Appeals, as required by the Texas Rules of Disciplinary Procedure, and will, to the best of my ability, preserve, protect, and defend the Constitution and laws of the United States and of the State of Texas. I further solemnly swear (or affirm) that I will keep secret all such matters and things as shall come to my knowledge as a member of the Board of Disciplinary Appeals arising from or in connection with each Disciplinary Action and Disciplinary Proceeding unless permitted to disclose the same in accordance with the Rules of Disciplinary Procedure or unless ordered to do so in the course of a judicial proceeding or a proceeding before the Board of Disciplinary Appeals. I further solemnly swear (or affirm) that I have neither directly paid, offered, or promised to pay, contributed any money or valuable thing, or promised any public or private office to secure my appointment. So help me God.

—Texas Rule of Disciplinary Procedure 7.04