

GENERAL ORDER NO. 89-20

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

FILED
U. S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

JUL 31 1989

MURRAY L. HARRIS, CLERK
BY DEPUTY Jay Anderson

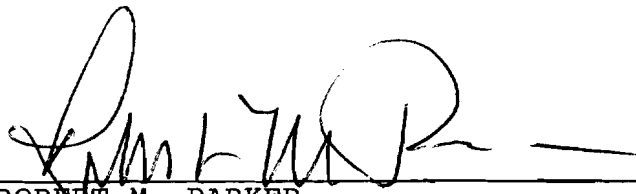
ORDER

On January 31, 1989, Benton J. Musselwhite, a member of the State Bar of Texas and admitted to practice before the United States District Court, Eastern District of Texas, was suspended from the practice of law in the State of Texas for a period of three (3) years. That judgment was entered by the 270th Judicial District Court of the State of Texas.

It is therefore ORDERED that the name of Benton J. Musselwhite be stricken from the list of attorneys entitled to practice in the United States District Court, Eastern District of Texas, until his license to practice law is reinstated and he files the necessary application to be admitted to practice in this Court.

ENTERED this 27th day of July, 1989.

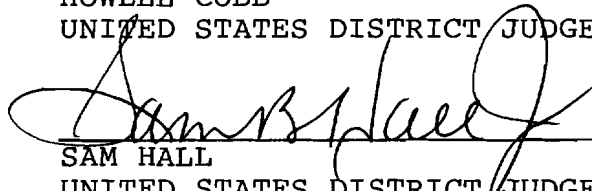
William Wayne Justice
WILLIAM WAYNE JUSTICE
CHIEF JUDGE



ROBERT M. PARKER
UNITED STATES DISTRICT JUDGE



HOWELL COBB
UNITED STATES DISTRICT JUDGE



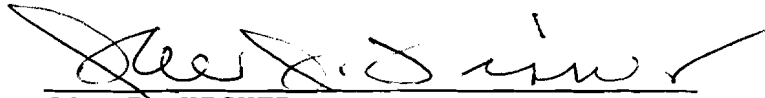
SAM HALL
UNITED STATES DISTRICT JUDGE



PAUL BROWN
UNITED STATES DISTRICT JUDGE



R. A. SCHELL
UNITED STATES DISTRICT JUDGE



JOE J. FISHER
UNITED STATES DISTRICT JUDGE



WILLIAM E. STEGER
UNITED STATES DISTRICT JUDGE

Murray L. Harris
PLs Draft

UNITED STATES DISTRICT COURT

OFFICE OF THE CLERK
EASTERN DISTRICT OF TEXAS

MURRAY L. HARRIS
CLERK

211 W. FERGUSON
TYLER, TEXAS 75702

On January 31, 1989 Benton J. Musselwhite,
a member of the State Bar of Texas, and
admitted to practice before the ~~state~~ USDC ED, TX,
was suspended from the practice of law in the
State of Texas for a period of ^{July 17, 1989} three (3) years.
That judgment was entered by the 270th Judicial
District Court of the State of Texas.

Hon. Howell Cobb
United States District Judge
P. O. Box 632
Beaumont, Texas 77704

Dear Judge Cobb:

In response to your request for information on Benton
Musselwhite, I've enclosed a copy of the most recent
report of disciplined attorneys, from the State's Office
of General Council. A status on Mr. Musselwhite is
provided on page 3.

After checking with the General Council's office, I
learned that this report is provided to Judge Justice's
office. Debby McGee has agreed to provide the Clerk's
office a copy of all future reports. I will send you a
copy of each report our office receives in the future.

Regards,

Frank L. Monge
Frank L. Monge
Chief Deputy

*signed by
Frank L. Monge*

TP
→ It is therefore ordered that
the name of Benton J. Musselwhite be
stricken from the list of attorneys
entitled to practice in the ~~to~~ USDC
ED of Texas until his license ^{to practice law} is
reinstated and he ~~reinstates~~ files
the necessary application to be admitted
to practice in this Court.
(orn)

Enclosure

OFFICE OF THE GENERAL COUNSEL
QUARTERLY REPORT TO THE BOARD OF DIRECTORS
AUSTIN, TEXAS
APRIL 21-22, 1989

FINAL DISCIPLINARY ACTIONS

DISTRICT 1-A:

1. LAMAR COUNTY ATTORNEY PRIVATE REPRIMAND

An attorney of Lamar County consented to a private reprimand on March 23, 1989. The District 1-A Grievance Committee found the Respondent willfully or intentionally neglected a legal matter entrusted to him, failed to seek the lawful objectives of his client through reasonably available means permitted by law and the Disciplinary Rules, and failed to carry out a contract of employment entered into with a client for professional services.

2. COLLIN COUNTY ATTORNEY PRIVATE REPRIMAND

An attorney of Collin County accepted a private reprimand on January 24, 1989. The District 1-A Grievance Committee found the Respondent willfully or intentionally neglected a legal matter entrusted to him, failed to seek the lawful objectives of his client through reasonably available means, failed to carry out a contract of employment entered into with a client for professional services, and prejudiced or damaged his client during the course of the professional relationship.

Litigator: Russell A. Friemel

3. ROBERT C. McCLAIN SUSPENSION
TRAVIS COUNTY (1-A/6)

The 53rd Judicial District Court of Travis County suspended attorney Robert C. McClain, now a resident of Florida, from the practice of law by order entered January 6, 1989. The 23-month suspension is effective from January 3, 1989, and probated from April 3, 1989, until September 3, 1990, pursuant to the terms of probation. The Court further ordered that McClain make restitution to two former clients. The Court found that McClain, among other violations, engaged in conduct that was prejudicial to the administration of justice and adversely reflected on his ability to practice law. The Court also found that while representing a client, McClain withdrew from employment without taking reasonable steps to avoid foreseeable prejudice to his client, and that upon such withdrawal McClain failed to promptly refund unearned fees due to this client. The Court further found that McClain willfully and intentionally neglected legal matters entrusted to him, that he failed to seek

the lawful objectives of his clients, and that McClain failed to carry out contracts of employment entered into with his clients, thus prejudicing and damaging his clients during the course of the professional relationships.

Litigator: Russell A. Friemel

4. SHERMAN ATTORNEY . PRIVATE REPRIMAND

On February 20, 1989, an attorney of Sherman agreed to a private reprimand. The District 1-A Grievance Committee found the Respondent accepted employment in violaton of DR 5-105(A).

5. T. DAVID VAN ORDEN KAUFMAN SUSPENSION

By an agreed judgment entered February 18, 1989, the 86th Judicial District Court of Kaufman County suspended T. David Van Orden, formerly of Kaufman, from the practice of law for three years. This misconduct for which Van Orden was disciplined includes his acquisition of a proprietary interest in a client's cause of action and his willful or intentional neglect of a legal matter entrusted to him. The judgment also recites that Van Orden violated Article X, Sections 7(4) and 38 of the State Bar Rules [failing to furnish information requested by a grievance committee and failing to properly maintain a trust account or accounts, respectively].

Litigator: David O. Wise

DISTRICT 1-B:

6. MORRIS COUNTY ATTORNEY PRIVATE REPRIMAND

An attorney of Morris County accepted a private reprimand on March 8, 1989. The District 1-B Grievance Committee found the Respondent handled a legal matter which he should have known he was not competent to handle and handled the legal matter without preparation adequate in the circumstances.

DISTRICT 3-A:

7. EVELYN JENKINS (BRIGGS) COURT ASSUMPTION OF
ORANGE COUNTY LAW PRACTICE

On March 16, 1989, the 260th Judicial District Court of Orange County assumed jurisdiction over the law practice of Evelyn Jenkins (Briggs), formerly of Orange. The Court found that Jenkins had disappeared, leaving behind one or more unfinished client matters for which no other member of the State Bar of Texas had agreed to assume responsibility. Pursuant to Article X, Section 33 of the State Bar Rules, the Court appointed a custodian of the client files and records abandoned by Jenkins, to serve under the Court's supervision.

Litigator: David O. Wise

DISTRICT 4:

8. JOSE SOTOLONGO
HOUSTON

SUSPENSION

The 80th Judicial District Court of Harris County suspended Houston attorney Jose Sotolongo from the practice of law. Sotolongo was suspended during the pendency of his criminal appeal. Sotolongo was previously convicted of theft by receiving, a felony involving moral turpitude, and is appealing his conviction. The default interlocutory order of suspension was entered on March 24, 1988.

Litigator: Linda A. Acevedo

DISTRICT 4-A:

9. C. BENTON MUSSLEWHITE
HOUSTON (4-A/4-C)

SUSPENSION

Benton J. Musslewhite of Houston was suspended from the practice of law for three years beginning January 31, 1989. The 270th Judicial District Court of Harris County granted a motion to revoke a three-year probation Musslewhite was under pursuant to a prior disciplinary judgment. The Court found that Musslewhite violated the terms of his probation by making false and misleading statements in Scotland related to the Piper Alpha oil platform tragedy and by accepting a new client, which was specifically prohibited under the terms of probation.

Litigator: Steven M. Smoot

DISTRICT 4-B:

10. HARRIS COUNTY ATTORNEY

PRIVATE REPRIMAND

An attorney of Harris County consented to a private reprimand on February 7, 1989. The District 4-B Grievance Committee found the attorney failed to act competently, willfully or intentionally neglected a legal matter entrusted to him, failed to seek the lawful objectives of his client, and prejudiced or damaged his client during the course of the professional relationship.

11. JAMES D. BIGGS
HARRIS COUNTY

SUSPENSION

An agreed judgment was signed in the 280th Judicial District Court of Harris County placing James D. Biggs on probated suspension from the practice of law for a period of thirty-six

(36) months running from November 1, 1988, to October 31, 1991. Biggs violated Disciplinary Rules 1-102(A)(1), 6-101(A)(2)(3), 7-101(A)(1)(2)(3), and 9-102(B)(4) by failing to file suit and to seek the lawful objectives of a client resulting in damage to his client.

Litigator: Cherry K. Bounds

12. HOUSTON ATTORNEY

PRIVATE REPRIMAND

A Houston lawyer accepted a private reprimand from the District 4-B Grievance Committee on December 7, 1988, for willfully or intentionally neglecting a legal matter entrusted to him and for failing to seek his client's lawful objectives.

Litigator: D. Craig Landin

13. DARRYL G. CAMPBELL
HOUSTON

SUSPENSION

On March 1, 1989, the 280th District Court entered an order suspending Darryl G. Campbell from the practice of law for three (3) years, the final 18 months of the suspension being probated. The Court found that Campbell neglected matters entrusted to him, failed to properly account for client and other trust funds delivered to him for disbursement, engaged in conduct adversely reflecting on his fitness to practice law and failed to provide information requested by the Grievance Committee during the course of its investigation.

Litigator: D. Craig Landin

DISTRICT 4-C:

14. HARRIS COUNTY ATTORNEY

PRIVATE REPRIMAND

An attorney of Harris County agreed to a private reprimand on December 7, 1988. The District 4-C Grievance Committee found the attorney aided in the unauthorized practice of law, divided legal fees with a nonlawyer, and entered into an agreement restricting the practice of a lawyer.

15. A. L. HERNDEN
SAN ANTONIO

PUBLIC REPRIMAND

The 45th Judicial District Court of Bexar County publicly reprimanded A. L. Hernden, attorney of San Antonio, by agreed judgment entered on February 8, 1989. The Court found that by suing a former client of his law firm, A. L. Hernden was in conflict of interest with that former client, in violation of DR 5-105(A)(5).

Litigator: John R. Gladney

DISTRICT 4-D:

16. HOUSTON ATTORNEY

PRIVATE REPRIMAND

A Houston attorney consented to a private reprimand on January 31, 1989. The District 4-D Grievance Committee found the attorney engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation in violation of DR 1-102(A)(4).

17. HARRIS COUNTY ATTORNEY

PRIVATE REPRIMAND

A Harris County attorney accepted a private reprimand on October 15, 1988. The District 4-D Grievance Committee found the attorney failed to carry out a contract of employment entered into with a client for professional services and failed to withdraw from representation.

18. HARRIS COUNTY ATTORNEY

PRIVATE REPRIMAND

An attorney of Harris County consented to a private reprimand on March 7, 1989. The District 4-D Grievance Committee found the attorney willfully or intentionally neglected a legal matter entrusted to him, failed to seek the lawful objectives of his client through reasonably available means permitted by law, and failed to carry out a contract of employment entered into with a client for professional services.

DISTRICT 4-E:

19. HOUSTON ATTORNEY

PRIVATE REPRIMAND

A Houston attorney consented to a private reprimand on December 10, 1988. The District 4-E Grievance Committee found the Respondent willfully or intentionally neglected a legal matter entrusted to him and he failed to seek the lawful objectives of his client. The Respondent prejudiced or damaged his client during the course of the professional relationship.

20. HOUSTON ATTORNEY

PRIVATE REPRIMAND

A Houston attorney consented to a private reprimand on December 28, 1988. The District 4-E Grievance Committee found the Respondent willfully or intentionally neglected a legal matter entrusted to him, failed to seek the lawful objectives of his client through the reasonable means permitted by law, failed to carry out a contract of employment entered into with a client during the course of the professional relationship. Also, the Respondent engaged in conduct prejudicial to the administration of justice.

DISTRICT 4-F:

21. GREG FRAZER
AUSTIN

SUSPENSION

Attorney Greg Frazer, formerly of Austin, began serving a six-month suspension from the practice of law beginning December 1, 1988. At the expiration of the term on May 31, 1989, the suspension is followed by a twelve-month period of probation from June 1, 1989, until May 31, 1990, in accordance with the terms of an agreed judgment entered by the 147th Judicial District Court in Travis County on December 15, 1988.

Frazer was found to have violated Disciplinary Rules 1-102(A)(4)(5)(6); 2-110(A)(2)(3); 6-101(A)(3); 7-101(A); and 9-102(B)(4) by failing to file a lawsuit on behalf of a client while representing to the client that the lawsuit had been filed and by failing to return a client's file upon demand after withdrawing from representation of the client in his case.

Litigator: Dawn Miller

22. RON I. TASHNEK
HARRIS COUNTY

SUSPENSION

The 280th Judicial District Court of Harris County suspended Ron I. Tashnek, attorney of Harris County, from the practice of law for twenty-three months by agreed judgment entered on January 18, 1989. The first five months of the actual suspension begins January 1, 1989, and ends May 31, 1989. From June 1, 1989, to December 1, 1990, the suspension is probated pursuant to the terms of his probation. The Court found that Tashnek engaged in conduct involving fraud, deceit, or misrepresentation, and engaged in conduct adversely reflecting on his fitness to practice law. The Court further found that Tashnek failed to seek the lawful objectives of his client, and that he prejudiced and damaged his client during the course of the professional relationship.

Litigator: Russell A. Friemel

23. ROBERT S. TUCKER
HOUSTON

DISBARMENT

The 280th Judicial District Court of Harris County disbarred Robert S. Tucker, attorney of Houston, by judgment entered January 30, 1989. The Court found that Tucker, among other violations, had engaged in conduct involving dishonesty, fraud, deceit or misrepresentation, had willfully or intentionally neglected legal matters entrusted to him, had attempted in advance to exonerate himself from or limit his liability to a client for malpractice, had intentionally failed to seek the lawful objectives of clients, had intentionally failed to carry out contracts of employment entered into with clients for professional services, and had failed to furnish information requested by Grievance Committee 4-F in connection with the

DISTRICT 4-H:

28. HOUSTON ATTORNEY

PRIVATE REPRIMAND

An attorney of Houston accepted a private reprimand on February 10, 1989. The District 4-H Grievance Committee found the Respondent willfully or intentionally neglected a legal matter entrusted to him, failed to seek the lawful objectives of his client through the reasonable means permitted by law, failed to carry out a contract of employment entered into with a client for professional services, and prejudiced or damaged his client during the course of the professional relationship.

29. RICHARD D. HEYEN
HARRIS COUNTY

PUBLIC REPRIMAND

Richard D. Heyen, attorney of Harris County, consented to a public reprimand on February 15, 1989. The District 4-H Grievance Committee found that Heyen willfully or intentionally neglected a legal matter entrusted to him, failed to seek the lawful objectives of his client through the reasonably available means permitted by law, failed to carry out a contract of employment entered into with a client for professional services, and prejudiced or damaged the client during the course of the professional relationship.

30. RAY HODGE
HOUSTON

SUSPENSION

Ray Hodge, a Houston attorney, has agreed to entry of judgment in the 333rd Judicial District Court of Harris County, visiting Judge P. K. Reiter presiding. In that judgment, Hodge accepted a 30-month suspension, the first six months to be served between February 1, 1989, and July 31, 1989, and the last 24 months to be probated, for violating Disciplinary Rules 9-102(B)(3) and 6-101(A)(3) as well as Art. X, §7(4) of the State Bar Rules.

Litigator: Steven L. Lee

31. SUSAN N. HOWLETT
HARRIS COUNTY

DISBARMENT

On October 5, 1988, the 80th Judicial District Court of Harris County, entered a judgment disbaring Susan N. Howlett. The Court found that Howlett violated Disciplinary Rules 1-102(A)(1)(4)(6); 6-101(A)(3); 7-101(A)(1)(2)(3); 9-102(A); and 9-102(B)(3)(4) while representing six different clients. The Court also found that Howlett failed to respond to the Grievance Committee during its investigation of the complaints against her; therefore, she violated Article X, §7(4) of the State Bar Rules.

Litigator: Cherry K. Bounds

32. WAYNE WALKER
HOUSTON

SUSPENSION

Wayne Walker, a Houston area lawyer, has been placed on a one-year probated suspension by Judge Peter Solito of the 164th Judicial District Court of Harris County. The Court found Walker to have violated DR 3-101(A), aiding in the unauthorized practice of law. The order was entered on January 31, 1989.

Litigator: Steven L. Lee

DISTRICT 5-A:

33. EARL B. ERWIN
FORT BEND COUNTY

DISBARMENT

The 140th Judicial District Court of Fort Bend County disbarred Earl B. Erwin, an attorney of Fort Bend County, by default judgment entered February 4, 1989. The Court found that Erwin in his representation of a client willfully and intentionally neglected legal matters entrusted to him; that he failed to seek the lawful objectives of his client; and that he failed to carry out a contract of his client, thus prejudicing and damaging his client during the course of the professional relationship.

Litigator: Russell A. Friemel

DISTRICT 5-B:

34. GALVESTON ATTORNEY

PRIVATE REPRIMAND

A Galveston attorney agreed to a private reprimand on December 13, 1988. The District 5-B Grievance Committee found the attorney failed to furnish information requested by the Committee, as required by Section 7(4) of Article X, State Bar Rules.

Litigator: Russell A. Friemel

35. GALVESTON ATTORNEY
36.

PRIVATE REPRIMANDS

A Galveston attorney accepted two private reprimands on December 15, 1988. The District 5-B Grievance Committee found the attorney intentionally neglected legal matters entrusted to him.

DISTRICT 6:

37. JESSICA ALEXANDER
DALLAS

DISBARMENT

Jessica Alexander, a Dallas attorney, has been disbarred by judgment entered on February 5, 1989, by the 134th Judicial District Court of Dallas County. The Court found Alexander to have violated DR 6-101(A)(3), intentionally neglecting an EEOC matter and depriving the client of the right to pursue his claim; DR 9-102(B)(4), failing to return the client file when he sought other counsel; and Article X, §7(4) of the State Bar Rules, by refusing to provide a response to the complaint when requested to do so by the Dallas Grievance Committee.

Litigator: Steven L. Lee

38. JOHN W. BATES
DALLAS

SUSPENSION

John W. Bates, Dallas attorney, agreed to a one-year suspension, fully probated, on March 6, 1989. The District 6 Grievance Committee found the Respondent handled a legal matter without preparation adequate in the circumstances and failed to respond to the District 6 Grievance Committee's request for information concerning a grievance filed against him.

39. DALLAS ATTORNEY

PRIVATE REPRIMAND

A Dallas attorney accepted a private reprimand on January 20, 1989. The District 6 Grievance Committee found the attorney filed suit in the wrong county and failed to appear for the resulting transfer of venue hearing. The Respondent also failed to notify a client of a hearing on an application for injunctive relief and failed to appear for the hearing; and the injunction was granted. In another lawsuit wherein the client was the defendant, Respondent failed to respond to plaintiff's request for production and for an accounting; failed to provide the plaintiff with a list of witnesses which resulted in sanctions by the Court, and failed to file an appeal within sixty days. In addition, Respondent failed to appear in Court for a hearing, and gave a client legal advice concerning the release of confidential information about former employees. The client relied on such advice which resulted in the criminal prosecution and conviction of the client. In another instance, the attorney failed to notify the client of plaintiff's notice to take oral depositions and subsequent motion to compel and request for sanctions.

40. DALLAS ATTORNEY

PRIVATE REPRIMAND

A Dallas attorney consented to a private reprimand on February 24, 1989. The District 6 Grievance Committee found the Respondent failed to furnish information requested by the Office of the General Counsel and the grievance committee and asserted no grounds for such failure.

41. RONALD GALLOWAY
DALLAS

SUSPENSION

Dallas attorney Ronald Galloway agreed to a 21-day suspension beginning December 13, 1988, and ending January 3, 1989, followed by a two-year probated suspension beginning January 4, 1989, and ending January 3, 1991. The agreed judgment was entered by the 116th Judicial District Court of Dallas County. The Court found Galloway had committed professional misconduct by signing the name of a former employee without express consent and by failing to notify a client in writing that he had been disqualified from his lawsuit due to a conflict of interest.

Litigator: John R. Gladney

42. DALLAS ATTORNEY

PRIVATE REPRIMAND

A Dallas attorney accepted a private reprimand from the District 6 Grievance Committee on January 6, 1989. The Committee found the attorney violated a Disciplinary Rule by cursing opposing counsel following an attempted deposition. Such behavior was intemperate and undignified.

Litigator: David Lee Bridges

43. JAMES S. KILLOUGH, JR.
DALLAS

RESIGNATION

James S. Killough, Jr., attorney of Dallas, resigned from the practice of law in lieu of disciplinary proceedings. The Supreme Court of Texas accepted the resignation on February 21, 1989. On April 15, 1988, Killough was convicted of three felony offenses involving moral turpitude, and was assessed punishment of five years confinement.

Litigator: Linda A. Acevedo

44. DALLAS ATTORNEY

PRIVATE REPRIMAND

A Dallas attorney consented to a private reprimand on February 17, 1989. The District 6 Grievance Committee found the Respondent failed to respond to the Committee's request for information concerning a complaint filed against him.

45. PAUL E. STAFFELDT
DALLAS

RESIGNATION

Paul E. Staffeldt, formerly of Dallas and presently of El Paso County, resigned from the practice of law in lieu of disciplinary proceedings. The Supreme Court of Texas accepted his resignation on February 27, 1989. Staffeldt pleaded guilty on November 14, 1988, to the theft of property in the value of \$20,000.00 or more, in Criminal District Court Number 3 of Dallas County. The District 6 Grievance Committee, in its

Concurring Motion, also found that Staffeldt had willfully or intentionally neglected a legal matter entrusted to him, had intentionally failed to seek the lawful objectives of a client, and intentionally failed to carry out a contract of employment, had intentionally prejudiced or damaged a client during the course of the professional relationship, and had failed to furnish information requested by the Grievance Committee in the course of its investigation of complaints filed against him.

Litigator: David O. Wise

46. WENDELL G. WEATHERSPOON DISBARMENT
DALLAS

The 160th Judicial District Court of Dallas County entered a judgment on October 19, 1988, disbaring Wendell G. Weatherspoon of Dallas. The Court found that Weatherspoon failed to render appropriate accounts to clients concerning client funds in Weatherspoon's possession. The Court further found that Weatherspoon, on repeated occasions, failed to furnish information requested by the District 6 Grievance Committee concerning complaints filed against him.

Litigator: David O. Wise

DISTRICT 7-A:

47. FORT WORTH ATTORNEY PRIVATE REPRIMAND

A Fort Worth attorney agreed to a private reprimand on January 10, 1989. The District 7-A Grievance Committee found the attorney failed to timely file the necessary pleading for a client in the recovery of an automobile, resulting in forfeiture of the automobile.

48. DONALD J. FLEMING PUBLIC REPRIMANDS
49. FORT WORTH

Donald J. Fleming, attorney of Fort Worth, consented to two public reprimands on March 16, 1989. The District 7-A Grievance Committee found the Respondent failed to answer to two complaints filed against him as requested by the Committee.

50. MYLES H. PENNINGTON SUSPENSION
ARLINGTON

The 17th Judicial District Court of Tarrant County suspended Arlington attorney Myles H. Pennington from the practice of law for six months by agreed judgment entered on January 5, 1989. The suspension is probated for one year beginning on December 9, 1988, and ending on December 8, 1989, pursuant to the terms of his probation. The Court found that in his representation of a client, Pennington handled a legal matter without preparation

adequate in the circumstances, and that he engaged in conduct that adversely reflected upon his fitness to practice law.

Litigator: Russell A. Friemel

DISTRICT 8-B:

51. JERRY LEE JAMIESON COURT ASSUMPTION OF
WACO LAW PRACTICE

The 74th Judicial District Court of McLennan County assumed jurisdiction over the law practice and client matters of Jerry Lee Jamieson, attorney formerly of Waco, on February 10, 1989, by appointing Karl Quebe as the Custodian of the clients' files and records of Jerry Lee Jamieson.

Litigator: Cherry K. Bounds

DISTRICT 8-C:

52. FRANK ARCHER PROBATION
WILLIAMSON COUNTY

Frank Archer, now of Williamson County, has agreed to a ten-year probation in relation to a matter that arose in Houston. The District 8-C Grievance Committee found that Archer, while engaged in a business activity that had been on-going since before he became an attorney, improperly used a power of attorney executed by his partner to transfer personal funds into the business without prior consent. In mitigation, the Committee found that Archer and his partner settled the matter by Archer's execution of a promissory note to effect replacement of the funds. The probation is effective from February 10, 1989.

Litigator: Steven L. Lee

DISTRICT 9:

53. W. CHAPMAN BYRD PUBLIC REPRIMAND
AUSTIN

W. Chapman Byrd, attorney of Austin, consented to a public reprimand on February 17, 1989. The District 9 Grievance Committee found the attorney failed to respond to its request for information concerning a grievance filed against him.

54. C. ROBERT DORSETT PUBLIC REPRIMAND
AUSTIN

C. Robert Dorsett, attorney of Austin, accepted a public reprimand on March 6, 1989. The District 9 Grievance Committee found that Dorsett in the course of trial asserted his opinion

as to the justness of a cause and as to the credibility of the witness, thus violating Disciplinary Rule 7-106(C)(4).

Litigator: David Lee Bridges (negotiated)

55. ISAIAH HARDY, JR. PUBLIC REPRIMAND
TRAVIS

Isaiah Hardy, Jr., attorney of Travis County, agreed to a public reprimand on March 15, 1989. The District 9 Grievance Committee found that Hardy failed to respond to the Committee's request for information concerning a complaint filed against him.

DISTRICT 10:

56. MIKE HERNANDEZ, JR. SUSPENSION
SAN ANTONIO

By agreed judgment entered in the 166th Judicial District Court in Bexar County on March 22, 1989, San Antonio attorney Mike Hernandez, Jr., has received a three-year probated suspension. Hernandez, by virtue of entering a guilty plea in 1985 to blackmail, conspiracy to fail to file a report of International Currency Transactions, and tampering with a witness in United States District Court for the Western District of Texas, San Antonio Division, each of which are misdemeanor offenses, was found to have violated Disciplinary Rules 1-102(A)(1)(3)(4)(5)(6). In addition, Hernandez failed to pursue three client matters, thereby violating Disciplinary Rules 1-102(A)(5)(6), 6-101(A)(3), and 7-101(A), and failed to furnish information to the grievance committee with respect to two complaints, thereby violating Article X, Section 7(4), of the State Bar Rules. Hernandez is to make \$800.00 restitution to two clients as a term of probation.

Litigator: Dawn Miller

DISTRICT 10-B:

57. ROBERT N. RAY SUSPENSION
BEXAR COUNTY

Robert N. Ray, an attorney of Bexar County, agreed to a one-year suspension, probated for one year, from the practice of law on January 30, 1989. The District 10-B Grievance Committee found the attorney failed to file federal income tax returns for the calendar years 1981, 1982, 1983, and 1984, in violation of 26 U.S.C. §7203.

DISTRICT 11-A:

58. GENE GARCIA
CORPUS CHRISTI

PUBLIC REPRIMAND

Gene Garcia, an attorney of Corpus Christi, has agreed to accept a public reprimand on March 17, 1989. The District 11-A Grievance Committee found Mr. Garcia to have misplaced a client file after representation was concluded. He was unable to return it to her when she requested it, which constitutes violations of DR's 9-102(B)(2)(3)(4). These Disciplinary Rules require safekeeping and delivery of client property upon demand.

Litigator: Steven L. Lee (negotiated prior to suit)

59. RAUL GARCIA
CORPUS CHRISTI

SUSPENSION

Raul Garcia, attorney of Corpus Christi, consented to a three-month suspension effective February 1, 1989. Because Garcia made restitution in the amount of \$2,500 to the client, the suspension was probated. The District 11-A Grievance Committee found the Respondent failed to promptly notify a client of the receipt of settlement proceeds in a personal injury matter and failed to promptly pay or deliver to the client, as requested, the settlement proceeds to which the client was entitled.

DISTRICT 12-A:

60. ABDON IBARRA
LAREDO

SUSPENSION

Abdon Ibarra, attorney of Laredo, accepted a suspension from the practice of law for one year, fully probated for one year, on December 29, 1988. The District 12-A Grievance Committee found Ibarra filed a lawsuit which he knew or should have known was barred by limitations, failed to return funds to clients to which the clients were entitled, and failed to respond to the Committee's request concerning the complaints filed against him. The Grievance Committee ordered, as a condition of probation, that Ibarra take and pass the March, 1989, National Ethics Examination.

61. LAREDO ATTORNEY

PRIVATE REPRIMAND

A Laredo attorney accepted a private reprimand on January 3, 1989. The District 12-A Grievance Committee found the attorney willfully and intentionally neglected a legal matter entrusted to him.

DISTRICT 12-B

62. CAMERON COUNTY ATTORNEY

PRIVATE REPRIMAND

An attorney of Cameron County accepted a private reprimand on November 30, 1988. The District 12-B Grievance Committee found the attorney communicated with a party he knew to be represented by a lawyer, in a matter, without the prior consent of the lawyer representing the party.

DISTRICT 13:

63. KERRY KNORPP
AMARILLO

SUSPENSION

Kerry Knorpp, an Amarillo attorney, has been suspended from the practice of law by order entered in the 47th Judicial District Court of Potter County on February 3, 1989, during the term of the ten-year probation ordered pursuant to his deferred adjudication of guilt for misapplication of fiduciary property.

Litigators: Steven M. Smoot and David Lee Bridges

64. JOHN LESLY
AMARILLO

SUSPENSION

John Lesly of Amarillo agreed to a one-year suspension, probated thirty months, from the practice of law effective December 22, 1988. In the agreed judgment, entered in the 181st Judicial District Court of Potter County, the Court found that Lesly had run advertisements and distributed professional cards in violation of Disciplinary Rules 2-101(A)(1) and 2-101(C). Lesly had also neglected a legal matter in violation of Disciplinary Rules 6-101(A) and 7-101(A).

Litigator: John R. Gladney

DISTRICT 14-C:

65. MICHAEL E. EOFF
RANGER

DISBARMENT

Michael E. Eoff of Ranger, Texas, was disbarred by judgment of the 91st Judicial District Court of Eastland County. The Court found that Respondent converted \$92,151.44 from an estate and \$7,700.00 from a real estate closing. The Court further found that in closing a real estate sale on behalf of a bank, Eoff failed to file the warranty deed of trust, or to secure title insurance. The Court ordered Eoff to make restitution in the amount of \$99,851.44. The default judgment was entered on September 16, 1988.

Litigator: Steven M. Smoot

DISTRICT 15-D:

66. ABILENE ATTORNEY

PRIVATE REPRIMAND

An attorney, formerly of Abilene, agreed on January 23, 1989, to accept a private reprimand for failure to deposit a fee retainer in a trust or escrow account in violation of Disciplinary Rule 8-102(A).

Litigator: Dawn Miller

DISTRICT 16-A:

67. DONALD E. GARRISON
LUBBOCK

SUSPENSION

Donald E. Garrison, attorney of Lubbock, was suspended from the practice of law on August 30, 1988, pending the appeal of his criminal conviction. Garrison was convicted on February 18, 1988, in the U.S. District Court for the Northern District of Florida, of causing to be made and using false documents, and received a sentence of three years probation. The interlocutory order of suspension was entered by the 167th Judicial District Court of Travis County.

Litigator: Linda A. Acevedo

68. LUBBOCK ATTORNEY

PRIVATE REPRIMAND

A Lubbock attorney consented to a private reprimand on February 8, 1989. The District 16-A Grievance Committee found the attorney prejudiced or damaged his client during the course of a professional relationship.

69. JOHNNY ROY PHILLIPS
LUBBOCK

SUSPENSION

Johnny Roy Phillips, attorney of Lubbock, has been suspended from the practice of law for two years, fully probated, by order entered in the 238th District Court of Midland County, on January 26, 1989. The Court found Phillips engaged in conduct prejudicial to the administration of justice and engaged in conduct adversely reflecting on his fitness to practice law.

Litigator: Steven M. Smoot

70. DIANE SELINSKI-DAVIS
LUBBOCK

SUSPENSION

By order entered in the 237th Judicial District Court of Lubbock County, attorney Diane Selinski-Davis has agreed to an immediate interim suspension from the practice of law effective December 12, 1988. The order of suspension will remain in effect until entry of final judgment in the disciplinary case.

The petition, seeking interim suspension, alleged that evidence of just cause to believe that Selinski-Davis poses a substantial threat of irreparable harm to her clients or prospective clients had been received by the District 16-A Grievance Committee. The Grievance Committee had authorized the General Counsel to seek interim suspension by an affirmative vote of two-thirds of the Committee members present and voting.

Litigator: Dawn Miller

DISTRICT 17:

71. ROBERT E. HEDICKE
EL PASO

SUSPENSION

Robert E. Hedicke, attorney of El Paso, has been suspended from the practice of law pending the appeal of his criminal conviction. Hedicke was convicted on February 22, 1984, of theft over \$10,000 and sentenced to eight years confinement in the Texas Department of Corrections. The interlocutory order of suspension was entered January 5, 1989, by the 65th Judicial District Court of El Paso County. Hedicke had been suspended since March 1, 1984, pursuant to a separate disciplinary action.

Litigator: Linda A. Acevedo

72. ARMANDO SIERRA
EL PASO

PUBLIC REPRIMAND

Armando Sierra of El Paso accepted a public reprimand from the District 17-A Grievance Committee by agreed judgment entered in the 65th Judicial District Court of El Paso County on February 14, 1989. Armando Sierra failed to furnish information requested by the District 17-A Grievance Committee in its investigation of a complaint filed by Norma Rodriguez. Such failure constitutes professional misconduct pursuant to Article X, Section 7(4), State Bar Rules.

Litigators: Steven M. Smoot and David Lee Bridges