

ORDER OF THE SUPREME COURT OF TEXAS

MISC. DOCKET NO. 11- 9245

IN THE MATTER OF DAN DEWITT SIMMONDS

The Court has reviewed the Motion for Acceptance of Resignation as Attorney and Counselor at Law in Lieu of Disciplinary Action of Dan Dewitt Simmonds (“Motion”) and the Response of the Chief Disciplinary Counsel on behalf of the Commission for Lawyer Discipline. The Court concludes that each meets the requirements of Part X of the TEXAS RULES OF DISCIPLINARY PROCEDURE. The Court notes that Mr. Simmonds has waived his right to withdraw the Motion. Therefore, the Court deems the professional misconduct detailed in the Response of the Chief Disciplinary Counsel conclusively established for all purposes. The Court further concludes that acceptance of Dan Dewitt Simmonds’ resignation is in the best interest of the public and the profession.

Therefore, the law license of Dan Dewitt Simmonds of Katy, Fort Bend County, Texas, State Bar Card Number 24027980, is cancelled. The Court notes that Mr. Simmonds has provided an affidavit stating that he cannot locate his Texas bar card. Mr. Simmonds shall immediately surrender his Texas bar card to the Clerk of this Court should he locate it in the future. Mr. Simmonds shall immediately surrender his Texas law license to the Clerk of the Supreme Court of Texas or file with the Court an affidavit stating the cause of his inability to do so.

Dan Dewitt Simmonds is prohibited from practicing law in the State of Texas. He is precluded from holding himself out as an attorney at law, performing legal services for others, giving legal advice to others, accepting any fee directly or indirectly for legal services, appearing

as counsel or in any representative capacity in any proceeding in any Texas court or before any Texas administrative body (whether state, county, municipal, or other), or holding himself out to others or using his name in any manner in conjunction with the terms "Attorney at Law," "Counselor at Law," or "Lawyer."

Mr. Simmonds shall immediately notify in writing each of his current clients of this resignation. He shall also return any files, papers, unearned monies, and other property in his possession and belonging to any client or former client to the respective client or former client or to another attorney at the client's or former client's request. Mr. Simmonds shall file with the Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Austin, Texas 78711-2487 (1414 Colorado Street, Austin, Texas 78701), within thirty (30) days of the date of this Order, an affidavit stating that all current clients have been notified of his resignation and that all files, papers, unearned monies, and other property belonging to all clients and former clients have been returned.

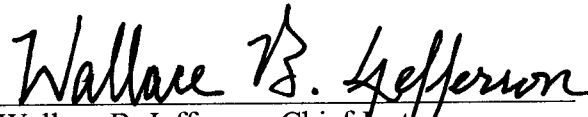
Additionally, Mr. Simmonds shall, within thirty (30) days of the date of this Order, notify in writing each justice of the peace, judge, magistrate, and chief justice of each court in which he has any matter pending of the terms of this Order; the style and cause number of the pending matter(s); and the name, address, and telephone number of the client(s) he is representing in that court. Mr. Simmonds shall file with the Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Austin, Texas 78711-2487 (1414 Colorado Street, Austin, Texas 78701), within thirty (30) days of the date of this Order, an affidavit stating that he has notified in writing each justice of the peace, judge, magistrate, and chief justice of each court in which he has any matter pending of the terms of this Order; the style and cause number of the pending matter(s); and the name, address, and telephone number of the client(s) he is representing in that court.

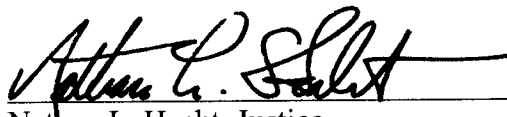
CONDITIONS FOR REINSTATEMENT

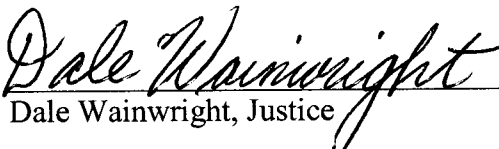
As an absolute condition precedent for the reinstatement of Dan Dewitt Simmonds, he shall pay \$7,100.00 in attorneys' fees and \$1,277.94 in expenses to the State Bar of Texas. The attorneys' fees and expenses are to reimburse the Commission for Lawyer Discipline for fees and expenses incurred in the matters made the basis of Mr. Simmonds' resignation. Mr. Simmonds shall also pay post-judgment interest on the amount assessed as attorneys' fees, at a rate calculated pursuant to § 304.003 of the Texas Finance Code, from the date indicated below to date of final payment.

Mr. Simmonds' payment of attorneys' fees, expenses, and post-judgment interest should be made by certified or cashier's check or money order, payable to the State Bar of Texas, and delivered to the Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Austin, Texas 78711-2487 (1414 Colorado Street, Austin, Texas 78701).

IT IS ORDERED this 12th day of December, 2011.


Wallace B. Jefferson, Chief Justice



Nathan L. Hecht, Justice


Dale Wainwright, Justice

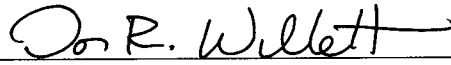
David M. Medina, Justice



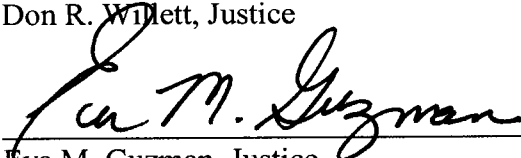
Paul W. Green, Justice



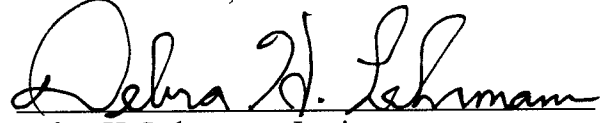
Phil Johnson, Justice



Don R. Willett, Justice



Eva M. Guzman, Justice



Debra H. Lehrmann, Justice