



110.	BACCONTO 5030	
COMMISSION FOR LAWYER DISCIPLINE	§	IN THE DISTRICT COURT OF
	§	
v.	§ .	DALLAS COUNTY, TEXAS
e e	§	
DAVID W. MALABY, JR.	§	JUDICIAL DISTRICT

NO

## **DISCIPLINARY PETITION**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Petitioner, the Commission for Lawyer Discipline, a committee of the State Bar of Texas (hereinafter called "Petitioner"), complaining of Respondent, David W. Malaby, Jr., (hereinafter called "Respondent"), showing the Court:

I.

Petitioner brings this disciplinary action pursuant to the State Bar Act, Tex. Gov't. Code Ann. §81.001, et seq. (Vernon 1988), the Texas Disciplinary Rules of Professional Conduct and the Texas Rules of Disciplinary Procedure. The complaint which forms the basis of the Disciplinary Petition was filed on or after May 1, 1992.

II.

Respondent is an attorney licensed to practice law in Texas and a member of the State Bar of Texas. Respondent is a resident of Dallas County, Texas. An officer may serve citation on Respondent at his home address located at

III.

In or around April 1994, Terry G. Hawkins (hereinafter referred to as "Hawkins") retained the services of Respondent to represent him in a criminal matter. The agreed upon fee for Respondent's services was \$1,500, with payments of \$100 to be made weekly. Hawkins

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## THE SUPREME COURT OF TEXAS

CHIEF JUSTICE THOMAS R. PHILLIPS

JUSTICES
RAUL A. GONZALEZ
NATHAN L. HECHT
JOHN CORNYN
CRAIG ENOCH
ROSE SPECTOR
PRISCILLA R. OWEN
JAMES A. BAKER
GREG ABBOTT

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April 2, 1996

CLERK

JOHN T. ADAMS

WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T NADINE SCHNEIDER

Mr. James M. McCormack General Counsel, State Bar of Texas P.O. Box 12487 Austin, Texas 78711

Mr. David W. Malaby, Jr.

Dear Mr. McCormack and Mr. Malaby:

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Pursuant to Rule 3.02 of the Texas Rules of Disciplinary Procedure, I hereby notify you that the Supreme Court of Texas has appointed the Honorable Jerry A. Sandel, Judge of the 278th District Court, Huntsville, Texas to preside in

Commission for Lawyer Discipline v. David W. Malaby, Jr.

Sincerely,

SIGNED

John T. Adams Clerk THE REPORT OF THE PROPERTY OF