

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 97- 9188

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ORDER REVOKING PROBATIONARY LICENSE

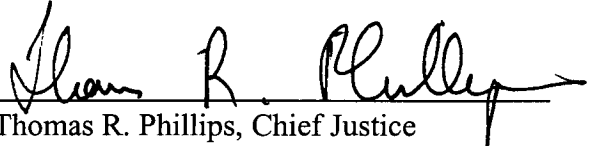
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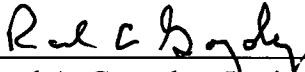
**ORDERED:**


The probationary license issued to NICKY NIXON DAUGHTREY, JR. is hereby revoked, pursuant to the recommendation of the Board of Law Examiners as set forth in the attached order of the Board.

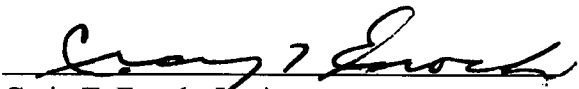
This order shall be effective immediately.

SIGNED AND ENTERED this 27<sup>th</sup> day of October, 1997.

  
Thomas R. Phillips, Chief Justice

  
Raul A. Gonzalez, Justice

  
Nathan L. Hecht, Justice

  
Craig T. Enoch, Justice



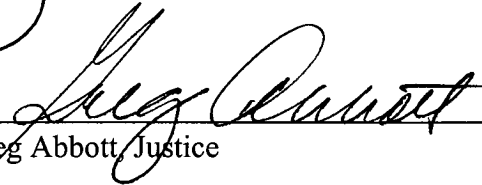
Rose Spector, Justice



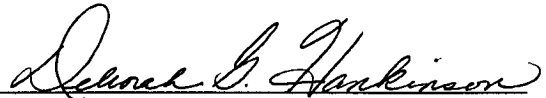
Priscilla R. Owen, Justice



James A. Baker, Justice



Greg Abbott, Justice



Deborah G. Hankinson, Justice

BOARD OF LAW EXAMINERS

IN THE MATTER OF

)

IN PUBLIC HEARING AT

NICKY N. DAUGHTREY, JR.

)

AUSTIN, TEXAS

ORDER

On July 18, 1997, the Board of Law Examiners ("Board"), with Warlick Carr, Chair, presiding, heard the matter of Nicky N. Daughtrey, Jr. The Board was represented by Bruce Wyatt, Staff Attorney. Mr. Daughtrey failed to appear, either in person, or by counsel.

I.

PROCEDURAL HISTORY

On or about June 29, 1996, Mr. Daughtrey appeared in a hearing before the Board. Following that hearing, the Board recommended him for a two year probationary license, subject to stated conditions. He began to practice under the probationary license, but failed to comply with a number of its conditions.

On or about June 24, 1997, the Board sent proper and timely notice to Mr. Daughtrey, by certified mail return receipt requested and first class mail, of this hearing. The notice letter stated that the general issues to be considered at the hearing were: 1) whether Mr. Daughtrey has failed to comply with one or more of the conditions of his probationary license; 2) if Mr. Daughtrey has failed to comply with one or more of the conditions of his probationary license, whether the Board should recommend that his probationary license be revoked; and 3) if Mr. Daughtrey has failed to comply with one or more of the conditions of his probationary license, whether such failure is indicative of a lack of the good moral character or fitness required for admission.

II.

JURISDICTION

The Board has jurisdiction over this matter pursuant to V.T.C.A., Government Code, Sections 82.004, 82.022, 82.027, 82.028, 82.030, and 82.038, as well as Rules II, IV, IX, X, XV, XVI, and XX of the Rules Governing Admission to the Bar of Texas, adopted by the Supreme Court of Texas, effective December 8, 1995.

**III.  
FINDINGS OF FACT**

After considering the evidence and testimony, the Board finds:

1. On June 24, 1997, the Board sent proper and timely notice to Mr. Daughtrey, by certified mail return receipt requested and first class mail, of a July 18, 1997 hearing (B.E.1 at 1-2).
2. Mr. Daughtrey has failed to comply with condition 5 of his probationary license which requires him to document his AA attendance with an AA attendance log which he shall provide on a weekly basis to his attorney monitor (B.E.1 AT 7 and 16; B.E.2 at 4 and 6).
3. Mr. Daughtrey has failed to comply with condition 6 of his probationary license which requires him to be subject to the supervision of an attorney monitor (B.E.1 at 7 and 16; B.E.2 at 2 and 5).
4. Mr. Daughtrey has failed to comply with condition 17 of his probationary license which requires him to have filed a periodic questionnaire with the Board by April 1, 1997 (B.E. 1 at 8 and 15-17).
5. Mr. Daughtrey has failed to comply with condition 16 of his probationary license which requires him to advise the Board in writing within 14 days of any occurrence which constitutes a breach of any conditions of his probationary license (B.E.1 at 8).
6. Mr. Daughtrey has failed to comply with condition 14 of his probationary license which requires him to not engage in any conduct which evidences a lack of good moral character or fitness, as evidenced by his failure to respond to miscellaneous and notice correspondence from the Board (B.E.1 at 1-2 and 17).
7. Mr. Daughtrey's failure to comply with the conditions of his probationary license agreement with the Board is indicative of a lack of trustworthiness in carrying out responsibilities.
8. The Board's order of September 28, 1996 provides that Mr. Daughtrey's probationary license may be revoked at any time upon recommendation of the Board if, after notice and hearing, it is determined that he has violated any condition of the order (B.E.1 at 9).

**IV.  
CONCLUSIONS OF LAW**

1. There is a clear and rational connection between Mr. Daughtrey's lack of trustworthiness in carrying out responsibilities, as evidenced by his failure to comply with the conditions of his probationary license, as found herein, and the likelihood that he would harm a client, obstruct the administration of justice, or violate the Texas Disciplinary Rules of Professional Conduct if he were licensed to practice law at this time.
2. Mr. Daughtrey's probationary license should be revoked due to his failure, as found herein, to comply with the conditions of that license.

IT IS THEREFORE ADJUDGED, ORDERED AND DECREED that Mr. Daughtrey's probationary license should be revoked due to his failure to comply with the conditions of that license, that Mr. Daughtrey's failure to comply with the conditions of his probationary license indicates that he lacks the present good moral character required for admission, and that the Board recommend to the Supreme Court of Texas that Mr. Daughtrey's probationary license be revoked.

IT IS FURTHER ORDERED that Mr. Daughtrey may petition the Board for a redetermination of his character and fitness following a period of one year from the date of the Supreme Court's revocation of his probationary license, and that any such petition for redetermination shall be accompanied by the application and supplemental investigation forms then in effect and all appropriate fees.

IT IS FURTHER ORDERED that, upon Mr. Daughtrey's proper and timely filing of any future petition for redetermination, application, and supplemental investigation form, the Board's determination as to his requisite character and fitness at that time shall include an investigation as to whether he has complied with the following guidelines to correct the deficiencies summarized in the Board's findings.

V.  
CURATIVE MEASURES

1. Mr. Daughtrey shall commit no offense against the laws of this state, any other state, or the United States.
2. Mr. Daughtrey shall work faithfully at suitable employment as far as possible.
3. Mr. Daughtrey shall conduct himself in such a way so as to avoid, and not be subject to disciplinary action for, the breach of any regulation, rule, or statute governing any profession in which he may be engaged.
4. Mr. Daughtrey shall not engage in any conduct that evidences a lack of good moral character or fitness.
5. Mr. Daughtrey shall conduct his personal and business dealings in such a way as to avoid the appearance of sacrificing ethical behavior in the interest of personal gain.
6. Mr. Daughtrey shall become involved in positive activities to demonstrate his rehabilitation from the Board's findings. Such activities may include participation in religious, civic, or community affairs.

7. Mr. Daughtrey shall remain abstinent from the use of all alcohol and other mind altering drugs, except when such drugs are prescribed by a treating physician and taken in accordance with such prescription.
8. Mr. Daughtrey shall attend and actively participate in at least two AA or NA meetings per week and keep documentation of same to provide to the Board upon request.
9. Mr. Daughtrey shall satisfactorily address the concerns of the Board regarding his moral character and fitness, if any, at a subsequent hearing to be set following receipt of his petition for redetermination, application, and supplemental investigation form.

SIGNED this 30<sup>th</sup> day of July, 1997.

  
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Warlick Carr, Chair