

ORDER

OF THE SUPREME COURT OF TEXAS

IN THE MATTER OF

MARVIN S. DAVIS

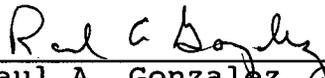
On this day came on for consideration the Motion for Acceptance of Resignation as Attorney and Counselor at Law of Marvin S. Davis, together with the Response filed by Chief Disciplinary Counsel of the State Bar of Texas acting through the Commission For Lawyer Discipline. The Court has reviewed said Motion and the Response and finds each to be legally sufficient. The Court, being advised that such resignation is tendered in lieu of disciplinary action, and being of the opinion that such resignation is in the best interest of the public and of the profession and will meet the ends of justice, hereby concludes that the following order is appropriate.

It is ORDERED that the law license of Marvin S. Davis heretofore issued by this Court, be, and the same is hereby cancelled and revoked and his name be, and is hereby, removed and deleted from the list of persons licensed to practice law in the State of Texas.

With regard to Movant's law license and bar card, Movant states that his law license and bar card are lost but will be surrendered to the Clerk, Supreme Court of Texas, if located.

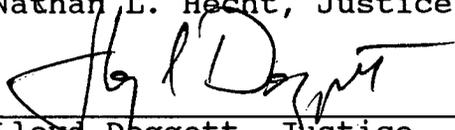
By the Court, en banc, in chambers, this the 10th day of ~~April~~^{May}, 1994.

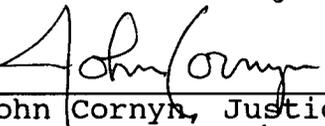

Thomas R. Phillips, Chief Justice


Raul A. Gonzalez, Justice

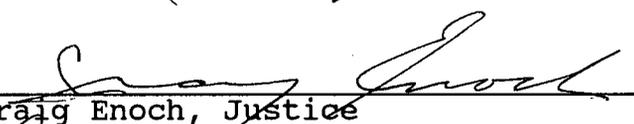

Jack Hightower, Justice


Nathan L. Hecht, Justice


Lloyd Doggett, Justice


John Cornyn, Justice


Bob Gammage, Justice


Craig Enoch, Justice


Rose Spector, Justice

STATE BAR OF TEXAS



April 20, 1994

Office of the General Counsel

Mr. John Adams, Clerk
Supreme Court of Texas
P.O. Box 12248
Austin, TX 78711

Re: Resignation of Marvin S. Davis, Bar Card No. 05576700

Dear Mr. Adams:

Pursuant to Part X of the Texas Rules of Disciplinary Procedure, please find enclosed herewith the following:

- 1) MOTION FOR ACCEPTANCE OF RESIGNATION AS ATTORNEY AND COUNSELOR AT LAW;
- 2) RESPONSE OF THE CHIEF DISCIPLINARY COUNSEL TO MOTION FOR ACCEPTANCE OF RESIGNATION OF MARVIN S. DAVIS, which is being filed within twenty (20) days of service upon Chief Disciplinary Counsel of Motion For Acceptance Of Resignation; and
- 3) Original and one (1) copy of the proposed ORDER for review and entry by the Court accepting the resignation of Marvin S. Davis as Attorney and Counselor at Law.

The license and permanent State Bar card issued by this Court to the Applicant, Marvin S. Davis, as an Attorney and Counselor at Law on July 31, 1980 are lost but will be surrendered to the Clerk, Supreme Court of Texas, if located.

I will appreciate your bringing this to the Court's attention. Please return a copy of the Court Order when the Court has signed it.

Sincerely,


Russell A. Friemel
Assistant General Counsel

RAF/tjm/enclosure

xc: The Honorable James E. Morgan, District Judge, 220th Judicial District Court, Comanche County Courthouse, Comanche, Texas 76442

xc: Mr. Marvin S. Davis, 5505-D Lewis Court, Fort Worth, Texas 76180, CMRRR #P 188 957 861, with enclosure

P. O. BOX 12487, CAPITOL STATION, AUSTIN, TEXAS 78711, (512)463-1463 or 1-800-204-2222

IN THE SUPREME COURT OF TEXAS
MOTION FOR ACCEPTANCE OF RESIGNATION AS
ATTORNEY AND COUNSELOR AT LAW

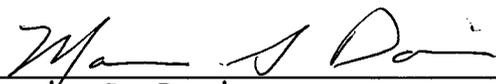
OF

MARVIN S. DAVIS

NOW COMES your Applicant, Marvin S. Davis, and hereby resigns as an Attorney and Counselor at Law in the State of Texas; and hereby submits to the Court his resignation as an Attorney and Counselor at Law and prays that the Court accept said resignation.

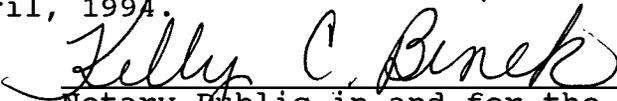
The license and permanent State Bar card issued by this Court to the Applicant, Marvin S. Davis, as an Attorney and Counselor at Law on July 31, 1980 are lost but will be surrendered to the Clerk, Supreme Court of Texas, if located.

Your applicant is voluntarily resigning and withdrawing from the practice of law; Applicant does so in lieu of discipline for professional misconduct; and Applicant prays that his name be dropped and deleted from the list of persons licensed to practice law in Texas; and that his resignation be accepted.



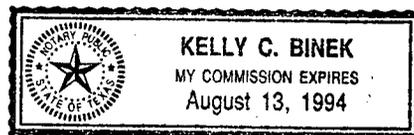
Marvin S. Davis
State Bar Card No. 05576700

SUBSCRIBED AND SWORN to before me by the said Marvin S. Davis on this the 14th day of April, 1994.



Notary Public in and for the
State of Texas

Marvin S. Davis
5505 D. Lewis Court
Fort Worth, Texas 76180



IN THE SUPREME COURT OF TEXAS

RESPONSE OF THE CHIEF DISCIPLINARY COUNSEL

TO

THE RESIGNATION OF MARVIN S. DAVIS

TO THE SUPREME COURT OF TEXAS:

Pursuant to Part X of the Texas Rules of Disciplinary Procedure, James M. McCormack, Chief Disciplinary Counsel, hereby files this response on behalf of the State Bar of Texas, acting by and through the Commission For Lawyer Discipline, to the Motion For Acceptance of Resignation, in lieu of discipline, filed by Marvin S. Davis and would show as follows:

I.

The acceptance by the Court of the resignation of Marvin S. Davis is in the best interest of the public and of the profession.

II.

A disciplinary suit was filed against Movant, Marvin S. Davis, on November 15, 1993, styled Commission For Lawyer Discipline v. Marvin S. Davis, Cause No. 017-151381-93, in the 17th Judicial District Court, Tarrant County, Texas. The First Amended Disciplinary Petition filed in the aforementioned case on or about January 12, 1994, essentially alleges the following professional misconduct was committed by Marvin S. Davis, Respondent:

1. On or about October 5, 1992, Keith E. Williams (hereinafter called "Williams") hired Respondent to represent him in a criminal matter. At that time, Williams paid Respondent a

\$3,000.00 retainer fee.

Respondent thereafter failed to take any substantive action in furtherance of his representation of Williams, other than to file a notice of appearance with the court. On or about May 20, 1993, Respondent was suspended from the practice of law pursuant to a judgment issued by the Board of Disciplinary Appeals of the Supreme Court of Texas. The judgment of suspension ordered Respondent to terminate his representation of Williams and refund any unearned attorney's fees to him; however, to date, Respondent has failed to refund any unearned attorney's fees to Williams.

Such acts and or omissions as are described in the preceding paragraph which occurred on or after January 1, 1990, constitute conduct which violates Rules 1.01(b)(1), 1.01(b)(2), 1.04(a), 1.15(d), 8.04(a)(3) and/or 8.04(a)(7) of the Texas Disciplinary Rules of Professional Conduct. The complaint which forms the basis of the preceding paragraph was brought to the attention of the Office of the General Counsel of the State Bar of Texas by Keith E. Williams filing a complaint on or about June 15, 1993.

2. On or about September 14, 1992, Frank A. Rosano (hereinafter called "Rosano") hired Respondent to file and prosecute a Deceptive Trade Practices Act lawsuit against a construction materials company. At that time, Rosano paid Respondent a \$2,500.00 retainer fee.

Respondent thereafter failed to file a lawsuit on Rosano's behalf or provide any substantive legal services to Rosano. In addition, Respondent failed to communicate with Rosano regarding

the status of his case despite Rosano's numerous requests for information. On or about May 20, 1993, Respondent was suspended from the practice of law pursuant to a judgment issued by the Board of Disciplinary Appeals of the Supreme Court of Texas. As a result of the judgment, Respondent's representation of Rosano was terminated and Respondent was ordered to refund any unearned attorney's fees to Rosano. However, to date, Respondent has failed to refund any unearned attorney's fees to Rosano.

Such acts and or omissions as were described in the preceding paragraph which occurred on or after January 1, 1990, constitute conduct which violates Rules 1.01(b)(1), 1.01(b)(2), 1.03(a), 1.03(b), 1.04(a), 1.15(d), 8.04(a)(3) and/or 8.04(a)(7) of the Texas Disciplinary Rules of Professional Conduct. The complaint which forms the basis of the preceding paragraph was brought to the attention of the Office of the General Counsel of the State Bar of Texas by Frank A. Rosano filing a complaint on or about June 23, 1993.

3. On or about September 17, 1992, Juan J. Diaz (hereinafter called "Diaz") hired Respondent to represent him in filing a divorce petition and negotiating child support payments with his wife. At that time, Diaz paid Respondent a \$1,500.00 retainer fee, which Respondent failed to deposit into an identifiable trust account.

Respondent thereafter failed to take any substantive action in furtherance of his representation of Diaz. On or about May 20, 1993, Respondent was suspended from the practice of law pursuant to

a judgment issued by the Board of Disciplinary Appeals of the Supreme Court of Texas. Under the terms of the judgment, Respondent was required to terminate his representation of Diaz and refund any unearned attorney's fees to him. However, to date, Respondent has failed to refund any unearned attorneys fees to Diaz.

Such acts and or omissions as were described in the preceding paragraph which occurred on or after January 1, 1990, constitute conduct which violates Rules 1.01(b)(1), 1.01(b)(2), 1.14(a), 1.15(d), 8.04(a)(3) and/or 8.04(a)(7) of the Texas Disciplinary Rules of Professional Conduct. The complaint which forms the basis of the preceding paragraph was brought to the attention of the Office of the General Counsel of the State Bar of Texas by Juan J. Diaz filing a complaint on or about June 24, 1993.

4. On or about September 18, 1992, Joseph P. Bruneault (hereinafter called "Bruneault") hired Respondent to represent him in filing a Deceptive Trade Practices' Act lawsuit against an interstate moving company. At that time, Bruneault paid Respondent a \$2,500.00 retainer fee, which Respondent failed to deposit into an identifiable trust account.

Respondent thereafter failed to take any substantive action in furtherance of his representation of Bruneault. On or about May 20, 1993, Respondent was suspended from the practice of law pursuant to a judgment issued by the Board of Disciplinary Appeals of the Supreme Court of Texas. Under the terms of the judgment, Respondent was required to terminate his representation of Bruneault

and refund any unearned attorney's fees to him. However, to date, Respondent has failed to refund to Bruneault the unearned portion of the retainer fee.

Such acts and or omissions as were described in the preceding paragraph which occurred on or after January 1, 1990, constitute conduct violating Rules 1.01(b)(1), 1.01(b)(2), 1.14(a), 1.15(d) 8.04(a)(3) and/or 8.04(a)(7) of the Texas Disciplinary Rules of Professional Conduct. The complaint which forms the basis of the preceding paragraph was brought to the attention of the Office of the General Counsel of the State Bar of Texas by Joseph P. Bruneault filing a complaint on or about June 24, 1993.

5. On or about November 4, 1992, Amando E. Aquino (hereinafter called "Aquino") hired Respondent to represent him in a civil matter and paid him a \$1,500.00 retainer fee.

At the time Aquino hired Respondent, Respondent was the managing partner in the law firm Davis & Associates (hereinafter called "firm"). Aquino's case was assigned to an associate attorney in the firm. While the associate attorney took some action on the case, she left the firm before its completion. Respondent thereafter failed to either assign a new attorney to handle the case or to personally take any action in furtherance of Aquino's representation. On or about May 20, 1992, Respondent's license to practice law was suspended by the Board of Disciplinary Appeals of the Supreme Court of Texas. Under the terms of the order, Respondent was required to terminate his representation of Aquino and refund any unearned attorney's fees to him; however, to date, Respondent

has failed to refund to Aquino any unearned attorney's fees.

Such acts and or omissions as were described in the preceding paragraph which occurred on or after January 1, 1990, constitute conduct which violates Rules 1.01(b)(1), 1.01(b)(2), 1.14(a), 1.15(d), 8.04(a)(3) and/or 8.04(a)(7) of the Texas Disciplinary Rules of Professional Conduct. The complaint which forms the basis of the preceding paragraph was brought to the attention of the Office of the General Counsel of the State Bar of Texas by Amando E. Aquino filing a complaint on or about June 25, 1993.

6. On or about July 7, 1992, Kenneth R. Mouille (hereinafter called "Mouille") hired Respondent to represent him in a divorce and child custody case. At the time that Mouille hired Respondent, he paid him a \$2,500.00 retainer fee. In addition, on or about August 7, 1992, Mouille paid Respondent an additional \$3,000.00, for total attorney's fees of \$5,500.00.

After Mouille hired Respondent, he provided him with documents, photographs, and audio tapes which contained evidence that Mouille believe was important to his case. Respondent thereafter failed to take action in furtherance of his representation of Mouille. On or about May 20, 1993, Respondent was suspended from the practice of law pursuant to a judgment issue by the Board of Disciplinary Appeals of the Supreme Court of Texas. Under the terms of the order, Respondent was required to refund any unearned attorney's fees and to return to Mouille any property belonging to him. To date, Respondent has failed to refund the unearned attorney's fees or to return to Mouille any of the personal

property Mouille delivered to Respondent.

Such acts and or omissions as were described in the preceding paragraph which occurred on or after January 1, 1990, constitute conduct which violates Rules 1.01(b)(1), 1.01(b)(2), 1.04(a), 1.14(a), 1.15(d), 8.04(a)(3) and/or 8.04(a)(7) of the Texas Disciplinary Rules of Professional Conduct. The complaint which forms the basis of the preceding paragraph was brought to the attention of the Office of the General Counsel of the State Bar of Texas by Kenneth R. Mouille filing a complaint on or about July 26, 1993.

7. On or about May 26, 1993, Paul Autry (hereinafter called "Autry") hired Respondent to represent him in a case involving the foreclosure of property owned by Autry. At that time, Respondent was the supervising attorney of the firm Davis & Associates. When Autry hired Respondent, he paid him a retainer fee of \$2,000.00, which Respondent failed to deposit into an identifiable trust account.

Autry's case was assigned to an associate attorney in the firm, who failed to take any substantive action in furtherance of the firm's representation of Autry. In the spring of 1993, Respondent assumed responsibility for Autry's case, but failed to provide any significant legal services to Autry. On or about May 20, 1993, Respondent was suspended from the practice of law pursuant to a judgment issued by the Board of Disciplinary Appeals of the Supreme Court of Texas. Under the terms of the judgment, Respondent was ordered to terminate his representation and refund any unearned attorney's fees to Autry; however, to date, Respondent

has failed to make any refund to Autry.

Such acts and or omissions as were described in the preceding paragraph which occurred on or after January 1, 1990, constitute conduct which violates Rules 1.01(b)(1), 1.01(b)(2), 1.14(a), 1.15(d), 5.01(a), 8.04(a)(3) and/or 8.04(a)(7) of the Texas Disciplinary Rules of Professional Conduct. The complaint which forms the basis of the preceding paragraph was brought to the attention of the Office of the General Counsel of the State Bar of Texas by Paul Autry filing a complaint on or about July 26, 1993.

8. On or about January 3, 1993, Daniel L. Propst (hereinafter called "Propst") hired Respondent to represent him on a criminal case, and paid Respondent a \$500.00. In addition, Propst paid Respondent an additional \$600.00 between February and April, 1993. At the time Propst hired Respondent, Respondent was the supervising attorney of the firm Davis & Associates. Propst's case was thereafter assigned to an attorney associate member of the firm, who failed to take any substantive action in furtherance of the firm's representation of Propst. In and around March, 1993, Respondent assumed responsibility for Propst's case, but failed to provide any significant legal services to Propst. On or about May 20, 1993, Respondent was suspended from the practice of law pursuant to a judgment issued by the Board of Disciplinary Appeals of the Supreme Court of Texas. Under the terms of the judgment, Respondent was ordered to terminate his representation and refund any unearned attorney's fees to Propst; however, to date, Respondent has failed to make any refund to Propst.

Such acts and or omissions as were described in the preceding paragraph which occurred on or after January 1, 1990, constitute conduct which violates Rules 1.01(b)(1), 1.01(b)(2), 1.15(d), 5.01(a), 8.04(a)(3) and/or 8.04(a)(7) of the Texas Disciplinary Rules of Professional Conduct. The complaint which forms the basis of the preceding paragraph was brought to the attention of the Office of the General Counsel of the State Bar of Texas by Daniel L. Propst filing a complaint on or about July 12, 1993.

9. In and around June, 1993, Daniel S. Valdez (hereinafter called "Valdez") hired the firm Davis and Associates (hereinafter called "firm") to file a lawsuit against a former employer. At the time, Respondent was the supervising attorney of the firm. When Valdez hired Respondent, he paid him a \$1,700.00 retainer fee, which Respondent failed to deposit into an identifiable trust account.

Valdez' case was assigned to an associate member of the firm, who failed to take any substantive action in furtherance of the firm's representation of Valdez. Respondent later assumed responsibility for Valdez' case, but failed to provide any significant legal services to Valdez. On or about May 20, 1993, Respondent was suspended from the practice of law pursuant to a judgment issued by the Board of Disciplinary Appeals of the Supreme Court of Texas. Under the terms of the judgment, Respondent was ordered to terminate his representation and refund any unearned attorney's fees to Valdez; however, to date, Respondent has failed to make any refund to Valdez.

Such acts and or omissions as were described in the preceding paragraph which occurred on or after January 1, 1990, constitute conduct which violates Rules 1.01(b)(1), 1.01(b)(2), 1.14(a), 1.15(d), 5.01(a), 8.04(a)(3) and/or 8.04(a)(7) of the Texas Disciplinary Rules of Professional Conduct. The complaint which forms the basis of the preceding paragraph was brought to the attention of the Office of the General Counsel of the State Bar of Texas by Daniel S. Valdez filing a complaint on or about June 29, 1993.

10. In and around October, 1992, Ricky D. Leach (hereinafter called "Leach ") hired Respondent to represent him in a criminal case, and paid Respondent a \$3,000.00 retainer fee. At that time, Leach was informed that all legal services performed by Respondent would be billed against his retainer fee at the rate of \$225.00 per hour.

Respondent thereafter failed to provide any significant legal services to Leach, and but nonetheless informed Leach that the criminal charges against him had been dismissed. When Leach requested an accounting of his retainer fee, he was informed by Respondent that the retainer fee was non-refundable. Leach then terminated Respondent's employment and demanded a refund of any unearned attorney's fees. To date, Respondent has failed to make any refund to Leach. Leach later learned Respondent's statements regarding dismissal of the criminal charges were a misrepresentation and that the criminal charges against him were still pending.

Such acts and or omissions as were described in the preceding paragraph which occurred on or after January 1, 1990, constitute

conduct which violates Rules 1.01(b)(1), 1.01(b)(2), 1.04(a), 1.15(d) and/or 8.04(a)(3) of the Texas Disciplinary Rules of Professional Conduct. The complaint which forms the basis of the preceding paragraph was brought to the attention of the Office of the General Counsel of the State Bar of Texas by Ricky D. Leach filing a complaint on or about July 2, 1993.

11. On or about June 12, 1992, Barbara G. Trevino (hereinafter called "Trevino") hired the firm Davis & Associates (hereinafter called "firm") to review and modify a pending final divorce decree prepared by Trevino's previous attorney. At that time, Respondent was the owner and sole managing partner of the firm. Trevino paid Respondent a \$1,500.00 retainer fee, and agreed to pay for future legal services at the rate of \$225.00 per hour. Between June 12, 1992 and December 1, 1992, Trevino paid Respondent a total of \$3,263.75 in attorney's fees.

Trevino's case was assigned to an associate of the firm, Robert Forester (hereinafter called "Forester"), who failed to perform any substantive legal services for Trevino. In addition, Respondent failed to personally perform any substantive legal services for Trevino. During the period of Trevino's representation, Forester and Respondent would frequently fail to respond to her requests for information. In addition, Trevino was often given legal advice by non-attorney employees of Respondent. A final divorce decree was signed in the divorce proceeding on or about August 3, 1992. On or about January 15, 1993, opposing counsel filed a motion to modify the final decree, purportedly because of

a typographical error in the original. A hearing was held in the matter on or about January 20, 1993. A copy of the motion and notice of hearing were served on Forester, but he failed to notify Trevino of the hearing. As a result, she did not attend the hearing, at which time a modification was made in the final decree without Trevino's knowledge or consent.

Such acts and/or omissions on the part of Respondent as are described in the preceding paragraph which occurred on or after January 1, 1990, constitute conduct violative of Rules 1.01(b)(1), 1.01(b)(2), 1.03(a), 1.03(b), 1.04(a), 5.01(a) and/or 5.01(b) of the Texas Disciplinary Rules of Professional Conduct. The complaint which forms the basis of the preceding paragraph was brought to the attention of the Office of the General Counsel of the State Bar of Texas by Barbara G. Trevino filing a complaint on or about July 1, 1993.

12. On or about September 8, 1992, Rudy Sada (hereinafter called "Sada") hired Respondent to represent him in collection efforts to recover the value of a horse that had been stolen from Sada. At that time, Sada paid Respondent a non-refundable retainer fee in the amount of \$1,500.00. All future work done on Sada's case by Respondent was to be billed at the rate of \$225.00 per hour, and would be billed against the \$1,500.00 retainer.

Respondent thereafter failed to take any action on Sada's case, other than to draft a demand letter to the opposing party, which Respondent unsuccessfully attempted to have served on the opposing party. Respondent then sent a second demand letter and

took no further action on the case. When Sada attempted to contact Respondent in order to learn the status of the matter, Respondent failed to return his telephone calls. After Sada filed a complaint against Respondent with the State Bar of Texas, Respondent withdrew from any further representation of Sada in the pending case. However, Respondent failed to refund any unearned attorney's fees to Sada.

Such acts and/or omissions on the part of Respondent as are described in the preceding paragraph which occurred on or after January 1, 1990, constitute conduct violative of Rules 1.01(b)(1), 1.01(b)(2), 1.03(a), 1.04(a), 1.15(d) and/or 8.04(a)(3) of the Texas Disciplinary Rules of Professional Conduct. The complaint which forms the basis of the preceding paragraph was brought to the attention of the Office of the General Counsel of the State Bar of Texas by Rudy Sada filing a complaint on or about January 15, 1993.

13. On or about September 28, 1992, Jose and Yvonne Mendoza (hereinafter called "Mendoza") hired the firm of Davis & Associates (hereinafter called "firm") to file a Chapter 7 consumer bankruptcy on their behalf. At that time, Respondent was the managing attorney for the firm and was solely responsible for the supervision of attorney and non-attorney employees of the firm. When the Mendoza's hired the firm, they agreed to pay attorney's fees in the amount of \$1,620.00. They initially paid him \$620.00, which was to serve as filing fees and partial payment of attorney's fees.

The Mendoza's signed a bankruptcy petition on or about November 16, 1992, and were told by an employee of Respondent's that the

petition would be filed with the bankruptcy court clerk the following day. However, such bankruptcy petition was never filed by Respondent or his employees. On or about January 12, 1993, Respondent and his firm were barred from practicing in the bankruptcy courts for the Western District of Texas by order of Presiding Judge Leif M. Clark. The Mendoza's case was then transferred to another attorney, who immediately filed their Chapter 7 bankruptcy. However, because of the delay caused by Respondent in filing the bankruptcy petition, the Mendoza's interests were prejudiced and harmed in regards to a piece of real estate they were attempting to protect by filing for bankruptcy. In addition, Respondent failed to refund any of the monies the Mendoza's had previously paid him for attorney's fees and filing fees.

Such acts and or omissions as are described in the preceding paragraph which occurred on or after January 1, 1990, constitute conduct violating Rules 1.01(b)(1), 1.01(b)(2), 1.15(d), 5.03(a), 5.03(b) and/or 8.04(a)(3) of the Texas Disciplinary Rules of Professional Conduct. The complaint which forms the basis of the preceding paragraph was brought to the attention of the Office of the General Counsel of the State Bar of Texas by Jose and Yvonne Mendoza filing a complaint on or about February 1, 1993.

14. On or about July 17, 1992, William B. Haines (hereinafter called "Haines") hired the firm of Davis & Associates (hereinafter called "firm") to file a Chapter 7 consumer bankruptcy on his behalf. At that time, Respondent was the managing attorney for the firm and was solely responsible for the supervision of attorney and

non-attorney employees of the firm. When Haines hired the firm, he agreed to pay attorney's fees in the amount of \$1,620.00, and paid an initial \$770.00 for filing fees and partial payment of attorney's fees.

During the time he was represented by firm, Haines never met with an attorney, and was advised exclusively by non-attorney employees of the firm. Haines was advised by one such non-attorney employee that by filing for bankruptcy, he would no longer be obligated to continue making payments on his automobile. Such information was erroneous, and as a result of his reliance on such information, Haines automobile was repossessed by the lender when he stopped making car payments.

Respondent and the firm thereafter failed to file a bankruptcy petition on Haines' behalf. On or about January 12, 1993, Respondent and his firm were barred from practicing in the bankruptcy court of the Western District for Texas. Haines' case was then assigned to another attorney, who filed a Chapter 7 bankruptcy for him. However, upon termination of his employment, Respondent failed to refund to Haines the unused filing fees and unearned attorney's fees previously paid over to him.

Such acts and or omissions as were described in the preceding paragraph which occurred on or after January 1, 1990, constitute conduct violating Rules 1.01(b)(1), 1.01(b)(2), 1.15(d), 5.03(a), 5.03(b), 5.05(2) and/or 8.04(a)(3) of the Texas Disciplinary Rules of Professional Conduct. The complaint which forms the basis of the preceding paragraph was brought to the attention of the Office

of the General Counsel of the State Bar of Texas by William B. Haines filing a complaint on or about February 12, 1993.

15. On or about August 14, 1992, Daniel A. Velasquez (hereinafter called "Velasquez") hired the firm of Davis & Associates (hereinafter called "firm") to file a Chapter 7 consumer bankruptcy on his behalf. At that time, Respondent was the managing attorney for the firm and was solely responsible for the supervision of attorney and non-attorney employees of the firm. When Velasquez hired the firm, he agreed to pay attorney's fees in the amount of \$1,620.00, and paid an initial \$1,200.00 for filing fees and partial payment of attorney's fees.

During the time he was represented by firm, Velasquez never met with an attorney. Respondent and the firm thereafter failed to file a bankruptcy petition on Velasquez' behalf. On or about January 12, 1993, Respondent and his firm were barred from practicing in the bankruptcy court of the Western District for Texas. Velasquez' case was then assigned to another attorney, who filed a Chapter 13 bankruptcy for him. However, upon termination of his employment, Respondent failed to refund to Velasquez the unused filing fees and unearned attorney's fees previously paid over to him.

Such acts and or omissions as were described in the preceding paragraph which occurred on or after January 1, 1990, constitute conduct violating Rules 1.01(b)(1), 1.01(b)(2), 1.03(a), 1.15(d), 5.03(a), 5.03(b), 5.05(2) and/or 8.04(a)(3) of the Texas Disciplinary Rules of Professional Conduct. The complaint which forms

the basis of the preceding paragraph was brought to the attention of the Office of the General Counsel of the State Bar of Texas by Daniel A. Velasquez filing a complaint on or about February 17, 1993.

16. On or about June 10, 1992, Terry D. Roan (hereinafter called "Roan") hired the firm of Davis & Associates (hereinafter called "firm") to file a Chapter 7 consumer bankruptcy on his behalf. At that time, Respondent was the managing attorney for the firm and was solely responsible for the supervision of attorney and non-attorney employees of the firm. When Roan hired the firm, he agreed to pay attorney's fees in the amount of \$1,620.00, and paid an initial \$795.00 for filing fees and partial payment of attorney's fees.

During the time he was represented by firm, Roan never met with an attorney, and was advised exclusively by non-attorney employees of the firm. Roan was advised by one such non-attorney employee that his petition would be filed in July, 1992, when in fact it was not filed until December, 1992. In addition, Roan was erroneously informed that he did not need to attend the required meeting with his creditors. As a result of his failure to attend the creditor's meeting, Roan's case was dismissed by the bankruptcy trustee.

On or about January 12, 1993, Respondent and his firm were barred from practicing in the bankruptcy court of the Western District for Texas. Roan's case was then assigned to another attorney, who took the necessary steps to have the bankruptcy case

reinstated. However, upon termination of his employment, Respondent failed to refund to Roan the unused filing fees and unearned attorney's fees previously paid over to him.

Such acts and or omissions as were described in the preceding paragraph which occurred on or after January 1, 1990, constitute conduct violating Rules 1.01(b)(1), 1.01(b)(2), 1.15(d), 5.03(a), 5.03(b), 5.05(2) and/or 8.04(a)(3) of the Texas Disciplinary Rules of Professional Conduct. The complaint which forms the basis of the preceding paragraph was brought to the attention of the Office of the General Counsel of the State Bar of Texas by Terry D. Roan filing a complaint on or about March 2, 1993.

17. In and around June, 1992, Danny Santos, Jr. (hereinafter called "Santos") hired the firm of Davis & Associates (hereinafter called "firm") to file a Chapter 7 consumer bankruptcy on his behalf. At that time, Respondent was the managing attorney for the firm and was solely responsible for the supervision of attorney and non-attorney employees of the firm. When Santos hired the firm, he agreed to pay attorney's fees, in the amount of \$1,620.00 on a monthly installment basis. During the time he was represented by firm, Santos never met with an attorney, and was advised exclusively by non-attorney employees of the firm.

Such acts and or omissions as were described in the preceding paragraph which occurred on or after January 1, 1990, constitute conduct violating Rules 5.03(a), 5.03(b) and/or 5.05(2), of the Texas Disciplinary Rules of Professional Conduct. The complaint which forms the basis of the preceding paragraph was brought to the

attention of the Office of the General Counsel of the State Bar of Texas by Danny Santos filing a complaint on or about March 5, 1993.

18. On or about September 15, 1992, Evangelina A. Camacho (hereinafter called "Camacho") hired the firm of Davis & Associates (hereinafter called "firm") to file a Chapter 7 consumer bankruptcy on her behalf. At that time, Respondent was the managing attorney for the firm and was solely responsible for the supervision of attorney and non-attorney employees of the firm. When Camacho hired the firm, she agreed to pay attorney's fees in the amount of \$1,620.00, and paid an initial \$420.00 for filing fees and partial payment of attorney's fees. However, such funds were not deposited into an identifiable trust account by Respondent or his staff.

During the time she was represented by firm, Camacho never met with an attorney. Respondent and the firm thereafter failed to communicate with Camacho or to file a bankruptcy petition on her behalf. On or about January 12, 1993, Respondent and his firm were barred from practicing in the bankruptcy court of the Western District for Texas. Camacho's case was then assigned to another attorney, who filed a bankruptcy petition for her. However, upon termination of his employment, Respondent failed to refund to Camacho the unused filing fees and unearned attorney's fees previously paid over to him.

Such acts and or omissions as were described in the preceding paragraph which occurred on or after January 1, 1990, constitute conduct violating Rules 1.01(b)(1), 1.01(b)(2), 1.14(a), 1.15(d),

5.03(a), 5.03(b), 5.05(2) and/or 8.04(a)(3) of the Texas Disciplinary Rules of Professional Conduct. The complaint which forms the basis of the preceding paragraph was brought to the attention of the Office of the General Counsel of the State Bar of Texas by Evangelina M. Camacho filing a complaint on or about March 31, 1993.

19. On or about May 19, 1992, Yolanda Saucedo (hereinafter called "Saucedo") hired the firm of Davis & Associates (hereinafter called "firm") to file a Chapter 7 consumer bankruptcy on her behalf. At that time, Respondent was the managing attorney for the firm and was solely responsible for the supervision of attorney and non-attorney employees of the firm. When Saucedo hired the firm, she paid attorney's fees in the amount of \$1,500.00.

Saucedo's case was thereafter assigned to an attorney employee of the firm, who took no action on Saucedo's behalf. On or about January 12, 1993, Respondent and his firm were barred from practicing in the bankruptcy court of the Western District for Texas. Saucedo's case was then assigned to another attorney, who filed a bankruptcy petition for her. However, upon termination of his employment, Respondent failed to refund to Saucedo the unused filing fees and unearned attorney's fees previously paid over to him.

Such acts and or omissions as were described in the preceding paragraph which occurred on or after January 1, 1990, constitute conduct violating Rules 1.01(b)(1), 1.01(b)(2), 1.15(d), 5.01(a), 5.01(b) and/or 8.04(a)(3) of the Texas Disciplinary Rules of

Professional Conduct. The complaint which forms the basis of the preceding paragraph was brought to the attention of the Office of the General Counsel of the State Bar of Texas by Yolanda Saucedo filing a complaint on or about April 5, 1993.

20. On or about January 18, 1993, Horton S. Coker (hereinafter called "Coker") hired Respondent to represent him in a divorce proceeding and to obtain a temporary restraining order (TRO). When Coker hired Respondent, he agreed to pay attorney's fees in the amount of \$2,500.00, and paid an initial \$810.00 for filing fees and partial payment of attorney's fees. However, such funds were not deposited into an identifiable trust account by Respondent or his staff.

Coker's case was assigned to an attorney employee of the firm, who failed to appear at a hearing on the TRO on or about February 18, 1993. Coker complained to Respondent, who agreed to personally represent Coker. However, Respondent failed to attend a new hearing on the TRO which took place, on or about February 25, 1993. Respondent appeared at a hearing on or about March 5, 1993, when he requested and received a continuance of the hearing until March 19, 1993. Respondent thereafter failed to appear at the March 19, 1993, hearing, at which time the court proceeded with the hearing and Coker was forced to represent himself pro se. Coker thereafter discharged Respondent; however, Respondent failed to return to Coker any of the unearned attorney's fees previously paid to him.

Such acts and or omissions as were described in the preceding paragraph which occurred on or after January 1, 1990, constitute

conduct violating Rules 1.01(b)(1), 1.01(b)(2), 1.15(d) and/or 8.04(a)(3) of the Texas Disciplinary Rules of Professional Conduct. The complaint which forms the basis of the preceding paragraph was brought to the attention of the Office of the General Counsel of the State Bar of Texas by Horton S. Coker filing a complaint on or about March 31, 1993.

21. On or about September 26, 1992, Leslie E. Hall (hereinafter called "Hall") hired the firm of Davis & Associates (hereinafter called "firm") to represent him a civil suit against a carpet company. At that time, Respondent was the managing attorney for the firm and was solely responsible for the supervision of attorney and non-attorney employees of the firm. When Hall hired the firm, he paid a retainer in the amount of \$1,500.00. Such retainer was not deposited into an identifiable trust account, but was instead deposited into Respondent's operating account for his law practice.

Hall's case was thereafter assigned to an attorney employee of the firm, who failed to take any action on it. The case was then assigned to another attorney, who also failed to prosecute it. Although Hall made frequent calls to obtain information regarding the status of the case, neither Respondent nor his employees responded to Hall's requests. Hall thereafter discharged the firm on or about December 19, 1992, and requested a refund of the unused portion of his retainer. Although Respondent promised that a refund was forthcoming, Hall never received any monies from him.

Such acts and or omissions as were described in the preceding paragraph which occurred on or after January 1, 1990, constitute

conduct violating Rules 1.01(b)(1), 1.01(b)(2), 1.03(a), 1.14(a), 1.15(d), 5.01(a), 5.01(b) and/or 8.04(a)(3) of the Texas Disciplinary Rules of Professional Conduct. The complaint which forms the basis of the preceding paragraph was brought to the attention of the Office of the General Counsel of the State Bar of Texas by Leslie E. Hall filing a complaint on or about April 2, 1993.

22. On or about October 26, 1992, William G. Taylor (hereinafter called "Taylor") hired the firm of Davis & Associates (hereinafter called "firm") to represent him a child custody matter. At that time, Respondent was the managing attorney for the firm and was solely responsible for the supervision of attorney and non-attorney employees of the firm. When Taylor hired the firm, he paid a retainer in the amount of \$3,500.00, which was to be used at the rate of \$225.00 per hour for work performed. Such retainer was not deposited into an identifiable trust account, but was instead deposited into Respondent's operating account for his law practice.

Taylor's case was thereafter assigned to an attorney employee of the firm, who failed to take any action on the case. Although Taylor made frequent calls to obtain information regarding the status of the case, neither Respondent nor his employees responded to Taylor's requests. Taylor subsequently discharged the firm and requested a refund of the unused portion of his retainer. Although Respondent promised that a refund was forthcoming, Taylor never received any monies from Respondent.

Such acts and or omissions as were described in the preceding paragraph which occurred on or after January 1, 1990, constitute

conduct violating Rules 1.01(b)(1), 1.01(b)(2), 1.14(a), 1.15(d), 5.01(a), 5.01(b) and/or 8.04(a)(3) of the Texas Disciplinary Rules of Professional Conduct. The complaint which forms the basis of the preceding paragraph was brought to the attention of the Office of the General Counsel of the State Bar of Texas by William G. Taylor filing a complaint on or about May 4, 1993.

23. On or about November 20, 1992, Linda L. Cana (hereinafter called "Cana") hired the firm of Davis & Associates (hereinafter called "firm") to represent her in a divorce and to obtain a temporary restraining order (TRO). At that time, Respondent was the managing attorney for the firm and was solely responsible for the supervision of attorney and non-attorney employees of the firm. When Cana hired the firm, she paid a retainer in the amount of \$3,500.00, which was to be used at the rate of \$225.00 per hour for work performed. Such retainer was not deposited into an identifiable trust account, but was instead deposited into Respondent's operating account for his law practice.

Cana's case was thereafter assigned to an attorney employee of the firm, who failed to obtain the TRO or take any action on the case. Cana subsequently discharged the firm in February, 1993, and requested a refund of the unused portion of her retainer. Respondent thereafter failed to refund the unused portion of Cana's retainer to her.

Such acts and or omissions as were described in the preceding paragraph which occurred on or after January 1, 1990, constitute conduct violating Rules 1.01(b)(1), 1.01(b)(2), 1.14(a), 1.15(d),

5.01(a), 5.01(b) and/or 8.04(a)(3) of the Texas Disciplinary Rules of Professional Conduct. The complaint which forms the basis of the preceding paragraph was brought to the attention of the Office of the General Counsel of the State Bar of Texas by Linda L. Cana filing a complaint on or about February 23, 1993.

24. On or about May 13, 1992, Ruth M. Mahl (hereinafter called "Mahl") hired Respondent to represent her after the funding for her nonprofit agency was terminated. In addition, she wanted Respondent to prosecute a defamation claim on her behalf. At the time that Mahl hired Respondent, she paid him a retainer fee of \$8,000.00, which was to be billed at the rate of \$225.00 dollars per hour. Respondent thereafter failed to deposit Mahl's retainer fee in an identifiable trust account. On or about November 23, 1992, Mahl paid Respondent an additional \$3,000.00 in attorney's fees, which was not deposited into Respondent's trust account, but was instead deposited into the general operating account for his law practice.

Respondent thereafter failed to perform any substantive legal services on behalf of Mahl, other than to file an original petition one day prior to the expiration of the statute of limitations on her claim. This petition failed to name Mahl as a plaintiff in her individual capacity, which effectively precluded her from pursuing a cause of action in her individual capacity since the statute of limitations had expired on the case.

On or about May 20, 1993, Respondent was suspended from the practice of law pursuant to a judgment issued by the Board of

Disciplinary Appeals of the Supreme Court of Texas. The judgment of suspension ordered Respondent to terminate his representation of Mahl and refund any unearned attorney's fees to her; however, to date, Respondent has failed to refund any unearned attorney's fees to her.

Such acts and/or omissions as are described in the preceding paragraph which occurred on or after January 1, 1990, constitute conduct which violates Rules 1.01(b)(1), 1.01(b)(2), 1.14(a) and/or 1.15(d), 8.04(a)(3) of the Texas Disciplinary Rules of Professional Conduct. The complaint which forms the basis of preceding paragraph was brought to the attention of the Office of General Counsel by Ruth M. Mahl filing a complaint on or about June 8, 1993.

25. On or about September 11, 1992, Helen M. Ruelas (hereinafter called "Ruelas") hired the firm Davis & Associates (hereinafter called "firm") to represent her in a divorce proceeding, and paid Respondent a \$450.00 retainer. At that time, Respondent was the owner and sole managing partner of the firm.

Ruelas case was assigned to an associate attorney in the firm, who filed the divorce proceeding on her behalf but failed to take any additional action to secure the divorce. In addition, Respondent failed to personally perform any legal services for Ruelas, or to refund any unearned attorney fees to her.

Such acts and/or omissions as are described in the preceding paragraph which occurred on or after January 1, 1990, constitute conduct which violates Rules 1.01(b)(1), 1.01(b)(2) and/or 5.01(a) of the Texas Disciplinary Rules of Professional Conduct. The

complaint which forms the basis of the preceding paragraph was brought to the attention of the Office of the General Counsel by Helen M. Ruelas filing a complaint on July 14, 1993.

26. On or about June 2, 1992, Rose Mary Ditoma (hereinafter called "Ditoma") hired the firm Davis & Associates (hereinafter called "firm") to file a Deceptive Trade Practices act action on her behalf. At that time, Respondent was the owner and sole managing partner of the firm. On or about June 9, 1992, Ditoma paid Respondent a \$3,020.00 retainer fee, which was not deposited into an identifiable trust account, but was instead deposited into the firm's operating account.

Respondent's case was thereafter assigned to various associate attorney members of the firm, who failed to perform any legal services Ditoma other than to file an original petition on her behalf. In and around March, 1993, Respondent assumed control over the case, but failed to personally perform any legal services for Ditoma.

On or about May 20, 1993, Respondent was suspended from the practice of law pursuant to a judgment issued by the Board of Disciplinary Appeals of the Supreme Court of Texas. The judgment of suspension ordered Respondent to terminate his representation of Ditoma and refund any unearned attorney's fees to her; however, to date, Respondent has failed to refund any unearned attorney's fees to Ditoma.

Such acts and/or omissions as are described in the preceding paragraph which occurred on or after January 1, 1990, constitute

conduct which violates Rules 1.01(b)(1), 1.01(b)(2), 1.14(a), 1.15(d) and/or 5.01(a), 8.04(a)(3) of the Texas Disciplinary Rules of Professional Conduct. The complaint which forms the basis of the preceding paragraph was brought to the attention of the Office of the General Counsel by Rose Mary Ditoma filing a complaint on July 14, 1993.

27. On or about October 13, 1992, Roger E. Galloway (hereinafter called "Galloway") hired the firm Davis & Associates (hereinafter called "firm") to file a Chapter 7 bankruptcy on his behalf. At that time, Respondent was the owner and sole managing partner of the firm. Galloway paid Respondent a retainer fee in the amount of \$1,220.00, which was not deposited in to an identifiable trust account, but was instead deposited into Respondent's operating account for his law practice.

Galloway's case was assigned to an attorney associate member of the firm, who took no action on the file. In addition, Respondent failed to personally perform any legal services for Galloway. On or about January 12, 1993, Respondent and his firm were barred from practicing in the U.S. Bankruptcy court for the Western District of Texas. However, upon termination of his employment, Respondent failed to refund to Galloway the unused filing fees and unearned attorney's fees previously paid over to him.

Such acts and/or omissions as are described in the preceding paragraph which occurred on or after January 1, 1990, constitute conduct which violates Rules 1.01(b)(1), 1.01(b)(2), 1.14(a), 1.15(d) and/or 5.01(a), 8.04(a)(3) of the Texas Disciplinary Rules

of Professional Conduct. The complaint which forms the basis of the preceding paragraph was brought to the attention of the Office of the General Counsel by Roger R. Galloway filing a complaint on April 20, 1993.

28. On or about August 21, 1992, Jose A. Costila (hereinafter called "Costila") hired the firm Davis & Associates (hereinafter called "firm") to represent him in filing a Chapter 7 bankruptcy. At that time, Respondent was the owner and sole managing partner of the firm. Costila paid Respondent a \$570.00 retainer fee, which was not deposited into an identifiable trust account, but was instead deposited into the operating account for Respondent's law practice.

Costila's bankruptcy case was assigned to an associate attorney member of the firm, who failed to file a bankruptcy petition on behalf of Costila or perform any substantive legal services on his behalf. In addition, Respondent did not personally perform any legal services for Costila. In and around December, 1992, Costila decided not to proceed with the bankruptcy, and discharged the firm from further representation. In addition, Costila demanded that Respondent refund the unearned portion of the retainer fee; however, Respondent has failed to refund any of the retainer fee to Costila.

Such acts and/or omissions as are described in the preceding paragraph which occurred on or after January 1, 1990, constitute conduct which violates Rules 1.01(b)(1), 1.01(b)(2), 1.14(a), 1.15(d) and/or 5.01(a), 8.04(a)(3) of the Texas Disciplinary Rules of Professional Conduct. The complaint which forms the basis of

the preceding paragraph was brought to the attention of the Office of the General Counsel by Jose A. Costila filing a complaint on April 12, 1993.

29. In and around October, 1992, Kristine R. Fisher (hereinafter called "Fisher") hired the firm Davis & Associates (hereinafter called "firm") to represent her in a Chapter 7 bankruptcy proceeding. At that time, Respondent was the owner and sole managing partner for the firm. When Fisher hired the firm, she paid Respondent filing fees in the amount of \$120.00, and also paid a \$700.00 retainer fee; however, such funds were not deposited into an identifiable trust account, but were instead deposited into the operating account for Respondent's law practice.

Fisher's case was thereafter assigned to an associate attorney member of the firm, who took no action on the case and failed to file a bankruptcy petition on her behalf. In addition, Respondent failed to personally perform any legal services for Fisher. During the course of Fisher's representation, she was given legal advice by non-attorney employees of Respondent on several occasions.

On or about January 12, 1993, Respondent and his firm were barred from practicing in the Bankruptcy Court for the Western District of Texas. Respondent was ordered to terminate his representation of Fisher; however, upon termination, Respondent failed to refund to Fisher the filing fees and unearned attorney's fees she had previously paid over to him.

Such acts and/or omissions as are described in the preceding paragraph which occurred on or after January 1, 1990, constitute

conduct which violates Rules 1.01(b)(1), 1.01(b)(2), 1.14(a), 1.15(d), 5.01(a) and/or 5.03(a), 8.04(a)(3) of the Texas Disciplinary Rules of Professional Conduct. The complaint which forms the basis of the preceding paragraph was brought to the attention of the Office of the General Counsel by Kristine R. Fisher filing a complaint on July 1, 1993.

30. On or about July 13, 1992, Monica I. Moon (hereinafter called "Moon") hired the firm Davis & Associates to represent her in a divorce and child custody proceeding. At that time, Respondent was the owner and sole managing partner for the firm. Between July 12, 1992 and August 17, 1992, Moon paid the firm a \$4,500.00 retainer fee. Such funds were not deposited into an identifiable trust account, but were instead deposited into the firm's operating account.

Moon's case was initially assigned to an attorney associate in the firm, who performed some legal services on Moon's behalf. Respondent assumed responsibility for the file in and around March, 1993. On or about April 16, 1993, Moon fired the firm and hired another attorney to complete the divorce proceeding. At that time, she demanded an accounting of attorney time billed against her retainer fee and further demanded that all unearned attorney's fees be refunded to her. When Respondent provided such accounting approximately one month later, there were various charges for professional services provided by Respondent's associate, Robert Forester, who had left the firm several months before. However, Forester had previously represented to Moon that he had not kept a

detailed time accounting of services he performed on Moon's behalf. In addition, the bill for services presented to Moon indicated that she was owed a refund in the amount of \$251.25. However, to date, Respondent has failed to make such refund to Moon.

Such acts and/or omissions as are described in the preceding paragraph which occurred on or after January 1, 1990, constitute conduct which violates Rules 1.14(a), 1.15(d) and/or 8.04(a)(3) of the Texas Disciplinary Rules of Professional Conduct. The complaint which forms the basis of the preceding paragraph was brought to the attention of the Office of the General Counsel by Monica I. Moon filing a complaint on June 10, 1993.

31. On or about September 22, 1992, Hui Suk Gooden (hereinafter called "Gooden") hired the firm Davis & Associates (hereinafter called "firm") to modify the child custody provisions of her final divorce decree. At that time, Respondent was the owner and sole managing partner of the firm. Between September 22, 1992 and October 16, 1992, Gooden paid Respondent attorney's fees in the amount of \$1,520.00.

Gooden's case was thereafter assigned to an attorney associate of the firm, who took no action on the matter. In addition, Respondent failed to personally perform any legal services for Gooden. During her representation, Gooden was frequently unable to obtain any information regarding the status of her case. In and around January, 1993, Gooden became frustrated with the firm's handling of her case and terminated its representation. She requested an accounting of services performed on her behalf and a

refund of any unearned attorney's fees. To date, Respondent has failed to provide to Gooden either an accounting or refund of her retainer fee.

Such acts and/or omissions as are described in the preceding paragraph which occurred on or after January 1, 1990, constitute conduct which violates Rules 1.01(b)(1), 1.01(b)(2), 1.03(a), 1.15(d) and/or 5.01(a), 8.04(a)(3) of the Texas Disciplinary Rules of Professional Conduct. The complaint which forms the basis of the preceding paragraph was brought to the attention of the Office of the General Counsel by Hui Suk Gooden filing a complaint on May 20, 1993.

32. In and around October, 1992, Richard Radloff (hereinafter called Radloff) hired the firm Davis & Associates (hereinafter called "firm") to represent him in a Chapter 7 bankruptcy proceeding. At that time, Respondent was the owner and sole managing partner of the firm. Radloff paid the firm \$970.00, which included partial payment of attorney's fees and payment of filing fees.

Radloff's case was assigned to an associate attorney of the firm, who failed to take any action on the matter. In addition, Respondent failed to personally provide any legal services to Radloff. On several occasions, Radloff was given legal advice by non-attorney employees of Respondent. Radloff thereafter terminated Respondent's representation and requested a refund of monies previously paid over to Respondent, including a refund of any unearned attorney's fees. To date, Respondent has failed to make any refund to Radloff.

Such acts and/or omissions as are described in the preceding paragraph which occurred on or after January 1, 1990, constitute conduct which violates Rules 1.01(b)(1), 1.01(b)(2), 1.15(d), 5.01(a), 5.03(a) and/or 8.04(a)(3) of the Texas Disciplinary Rules of Professional Conduct. The complaint which forms the basis of the preceding paragraph was brought to the attention of the Office of the General Counsel by Richard L. Radloff filing a complaint on March 8, 1993.

33. On or about December 3, 1992, James Grijalva, Jr. (hereinafter called Grijalva) hired the law firm of Davis & Associates to represent him on a misdemeanor criminal matter. At that time, Respondent was the owner and sole managing partner of the firm. Grijalva paid Respondent \$600.00 in attorney's fees, and also gave Respondent \$1,067.00 to pay restitution costs associated with the criminal proceeding. Such funds were not deposited by Respondent into an identifiable trust account, but were instead deposited into the general operating account of the firm.

Grijalva's case was assigned to an associate attorney in the firm, who took no action on the matter. In addition, Respondent failed to personally perform any legal services on behalf of Grijalva. To date, Respondent has failed to refund to Grijalva any of the monies previously paid over to him.

Such acts and/or omissions as are described in the preceding paragraph which occurred on or after January 1, 1990, constitute conduct which violates Rules 1.01(b)(1), 1.01(b)(2), 1.14(a), and/or 8.04(a)(3) of the Texas Disciplinary Rules of Professional

Conduct. The complaint which forms the basis of the preceding paragraph was brought to the attention of the Office of the General Counsel by James Grijalva, Jr. filing a complaint on April 23, 1993.

34. On or about August 26, 1992, Paul D. Woosley (hereinafter called "Woosley") hired the firm Davis & Associates to represent him in establishing his parental rights to a child. At that time, Respondent was the owner and sole managing partner of the firm. When Woosley hired Respondent, he paid him a \$1,500.00 retainer fee. Such funds were not deposited into an identifiable trust account, but were instead deposited by Respondent into the operating account of his law practice.

Woosley's case was thereafter assigned to an associate attorney in the firm, who took little substantive action to represent Woosley. In and around November, 1992, Respondent took over Woosley's representation; however, Respondent did not advise Woosley of the change in the representation, and further failed to personally perform any legal services on behalf of Woosley. In addition, Respondent failed to respond to Woosley's request for information regarding the status of the matter. On or about April 5, 1993, Woosley terminated Respondent's representation and demanded a refund of any unearned attorney's fees. To date, Respondent has failed to refund any monies to Woosley.

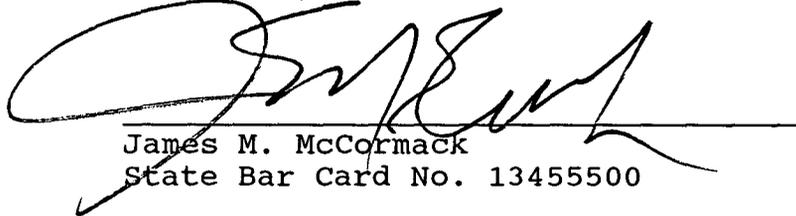
Such acts and/or omissions as are described in the preceding paragraph which occurred on or after January 1, 1990, constitute conduct which violates Rules 1.01(b)(1), 1.01(b)(2), 1.14(a),

1.15(d), 5.01(a) and/or 8.04(a)(3) of the Texas Disciplinary Rules of Professional Conduct. The complaint which forms the basis of the preceding paragraph was brought to the attention of the Office of the General Counsel by Paul David Woosley filing a complaint on April 13, 1993.

Respectfully submitted,

James M. McCormack
General Counsel

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CHIEF DISCIPLINARY COUNSEL

CERTIFICATE OF SERVICE

This is to certify that the above and foregoing Response Of The Chief Disciplinary Counsel has been served on Marvin S. Davis, Attorney, Movant, pro se, 5505-D Lewis Court, Ft. Worth, Texas 76180, by certified mail, return receipt requested, on the 20th day of April, 1994.



Russell A. Friemel
Assistant General Counsel