

**BEFORE THE BOARD OF DISCIPLINARY APPEALS
APPOINTED BY
THE SUPREME COURT OF TEXAS**

IN THE MATTER OF	§	
DAVID M. UCHEREK	§	CAUSE NO. 44218
STATE BAR CARD NO. 00794765	§	

JUDGMENT OF DISBARMENT

On the 12th day of June 2009, the above-styled and numbered disciplinary action filed pursuant to Part IX of the Texas Rules of Disciplinary Procedure (“TRDP”) was called for hearing before the Board of Disciplinary Appeals. Petitioner, Commission for Lawyer Discipline of the State Bar of Texas, appeared by attorney and announced ready. Respondent, David M. Ucherek, although duly cited to appear and having notice of the hearing, failed to answer or appear and wholly made default. All issues of fact as well as all questions of law were submitted to the Board of Disciplinary Appeals for determination. Having considered the pleadings on file, having received evidence, and having heard the argument of counsel, the Board of Disciplinary Appeals is of the opinion that Petitioner is entitled to entry of the following findings and orders:

Findings of Fact. The Board of Disciplinary Appeals finds that:

- (1) Respondent, David M. Ucherek, State Bar Card Number 00794765, is currently licensed but not authorized to practice law in the State of Texas due to administrative suspension and inactive status.
- (2) On September 17, 2008, the Supreme Court of Illinois entered its judgment disbaring Respondent in *In re: M.R. 22538, David M. Ucherek, 103 North Race Street, Urbana, Illinois 61801-2625*.
- (3) Respondent, David M. Ucherek, is the same person as David M. Ucherek who is the subject of the judgment of disbarment entered by the Supreme Court of Illinois in *In re: M.R. 22538, David M. Ucherek*.
- (4) The judgment of disbarment of the Supreme Court of Illinois is final.

- (5) Respondent was served on April 23, 2009 with the Order to Show Cause signed by this Board on March 23, 2009, along with the Petition for Reciprocal Discipline.
- (6) The affidavit of service was filed with the Board on May 12, 2009.

Conclusions of Law. Based upon the foregoing findings of fact the Board of Disciplinary Appeals makes the following conclusions of law:

- (1) This Board has jurisdiction to hear and determine this matter. TRDP 7.08(H).
- (2) Reciprocal discipline identical to that imposed by the Supreme Court of Illinois is warranted in this case. TRDP 9.03.
- (3) Respondent should be disbarred. TRDP 9.03.

It is, accordingly, ORDERED, ADJUDGED, AND DECREED that Respondent, David M. Ucherek, State Bar Card No. 00794765, be, and he is hereby, DISBARRED from the practice of law in the State of Texas and his license to practice law in this state be and is hereby revoked.

It is further ORDERED, ADJUDGED and DECREED that Respondent, David M. Ucherek, is hereafter permanently prohibited, effective immediately, from practicing law in Texas, holding himself out as an attorney at law, performing any legal service for others, accepting any fee directly or indirectly for legal services not completed before the date of this judgment, appearing as counsel in any proceeding in any Texas court or before any Texas administrative body, or holding himself out to others or using his name, in any manner, in conjunction with the words “attorney,” “counselor,” or “lawyer.”

It is further ORDERED that Respondent, David M. Ucherek, not later than thirty (30) days from the date of this Judgment, shall notify in writing each and every justice of the peace, judge, magistrate, and chief justice of each and every court in which Respondent, David M. Ucherek, has any legal matter pending, if any, of his disbarment, of the style and cause number of the pending

matter(s), and of the name, address, and telephone number of the client(s) Respondent is representing in that court. Respondent is also ORDERED to mail copies of all such notifications to the Statewide Compliance Monitor, Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711.

It is further ORDERED that Respondent, David M. Ucherek, shall immediately notify each of his current clients, if any, in writing, of his disbarment. In addition to such notification, Respondent is ORDERED to return all files, papers, unearned fees paid in advance, and all other monies and properties which are in his possession but which belong to current or former clients, if any, to those respective clients or former clients within thirty (30) days after the date on which this Judgment is signed by the Board. Respondent is further ORDERED to file with the Statewide Compliance Monitor, within the same thirty (30) days, an affidavit stating that all current clients have been notified of his disbarment and that all files, papers, unearned fees paid in advance, and all other monies and properties belonging to clients and former clients have been returned as ordered herein. If Respondent should be unable to return any file, papers, money or other property to any client or former client, Respondent's affidavit shall state with particularity the efforts made by Respondent with respect to each particular client and the cause of his inability to return to said client any file, paper, money or other property. Respondent is also ORDERED to mail a copy of said affidavit and

copies of all notification letters to clients to the Statewide Compliance Monitor, Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711.

It is further ORDERED that Respondent, David M. Ucherek, immediately surrender his Texas law license and permanent State Bar Card to the Statewide Compliance Monitor, Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Austin, Texas 78711, for transmittal to the Clerk of the Supreme Court of Texas.

It is further ORDERED that a certified copy of the Petition for Reciprocal Discipline on file herein, along with a copy of this Judgment, be sent to the Statewide Compliance Monitor, Chief Disciplinary Counsel of the State Bar of Texas, P.O. Box 12487, Austin, Texas 78711

Signed this 16th day of June 2009


CHAIRMAN PRESIDING