



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

IN THE MATTER OF §
DAVID ANDREW JAYNES § **CAUSE NO. 61331**
STATE BAR CARD NO. 10595790 §

DEFAULT JUDGMENT OF SUSPENSION

On the 25th day of January 2019, the above-styled and numbered reciprocal disciplinary action 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, although duly cited and having notice of the hearing, failed to answer or appear and wholly made default. All questions of fact as well as all issues 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 Andrew Jaynes, whose Bar Card No. is 10595790, is an attorney licensed but not currently authorized by the Supreme Court of Texas to practice law in the State of Texas due to administrative suspension.
- (2) On or about June 7, 2018, the Florida Bar's Petition for Contempt and Order to Show Cause was filed with the Supreme Court of Florida in a matter styled, *The Florida Bar, Petitioner, v. David Andrew Jaynes, Respondent*, Florida Bar File No. 2018-90,083(OSC).

- (3) On or about August 24, 2018, an Order was issued by the Supreme Court of Florida in a matter styled *The Florida Bar, Petitioner(s) vs. David Andrew Jaynes, Respondent(s)*, Case No. SC18-917, Lower Tribunal No(s): 2018-90,083(OSC), that states in pertinent part as follows:

The Court having issued its Order to Show Cause to respondent and respondent having failed to file a response to said Order to Show Cause,

IT IS ORDERED that The Florida Bar's petition is granted and respondent is held in contempt of this Court's order dated September 22, 2017, in Case No. SC17-1134. As a sanction, respondent is suspended from the practice of law for one year. Respondent is currently suspended; therefore this suspension is effective immediately

- (4) The Petition for Contempt and Order to Show Cause states that in Florida Supreme Court Case No. SC17-1134 [TFB File No. 2017-90,081 (OSC)], by order dated September 22, 2017, respondent was suspended for 91 days. In the order of suspension, respondent was ordered to comply with Rule 3-5.1(h), Rules Regulating The Florida Bar, by notifying his clients, opposing counsel and tribunals of his suspension and providing The Florida Bar within 30 days of his suspension a sworn affidavit listing the names and addresses of all persons and entities that were furnished a copy of the suspension order. On September 29, 2017, The Florida Bar notified respondent of the conditions associated with his suspension to his record bar address, specifically the requirement that he submit the sworn affidavit pursuant to Rule 3-5.1(h), Rules Regulating The Florida Bar. The letter was returned to sender and marked not deliverable as addressed and unable to forward. On October 24, 2017, The Florida Bar notified respondent of his noncompliance with the conditions of his suspension to his record bar address and two email addresses, specifically his failure to submit the sworn affidavit pursuant to Rule 3-5.1(h). On October 26, 2017, respondent replied to The Florida Bar's October 24, 2017 email requesting a hard copy be sent to him and The Florida Bar confirmed his address and informed him the letter was mailed the same day it was emailed to him. Respondent failed to submit the required affidavit containing a list of persons/entities to which he gave notice of his suspension and provided a copy of the order of suspension. Consequently, The Florida Bar is unaware whether respondent notified any clients, opposing counsel and tribunals of his suspension pursuant to Rule 3-5.1 (h).

- (5) Respondent, David Andrew Jaynes, is the same person as the David

Andrew Jaynes, who is the subject of the Order entered in Supreme Court of the State of Florida; and

- (6) The Order entered in the Supreme Court of Florida is final.
- (7) Respondent was personally served with this Board's Order to Show Cause and hearing notice and the Petition for Reciprocal Discipline on December 15, 2018, and the affidavit of service was filed with the Board on January 10, 2019.

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

- (1) This Board has jurisdiction to hear and determine this matter. Rule 7.08(H), Texas Rules of Disciplinary Procedure;
- (2) Reciprocal discipline identical to that imposed by the Supreme Court of Florida is warranted in this case.

It is, accordingly, ORDERED, ADJUDGED, AND DECREED that Respondent, David Andrew Jaynes, State Bar Card No. 10595790, is hereby SUSPENDED from the practice of law in Texas for a period of one (1) year beginning January 28, 2019 and ending January 27, 2020.

It is further ORDERED, ADJUDGED and DECREED that Respondent David Andrew Jaynes during said suspension is prohibited 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, 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 Andrew Jaynes, within thirty (30) days of 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, if any, in which Respondent has any legal matter pending, if any, of his suspension, 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.

It is further ORDERED Respondent shall file with the State Bar of Texas Statewide Compliance Monitor, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701), within thirty (30) days of the date of this judgment, an affidavit stating Respondent has notified in writing each and every justice of the peace, judge, magistrate, and chief justice of each and every court in which Respondent has any matter pending of the terms of this judgment, the style and cause number of the pending matter(s), and the name, address and telephone number of the client(s) Respondent is representing in Court.

It is further ORDERED that Respondent, David Andrew Jaynes, within thirty (30) days of the date of this judgment, shall notify each of his current clients and opposing counsel, if any, in writing, of his suspension. 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 of the date of this judgment if requested.

It is further ORDERED Respondent shall file with the State Bar of Texas Statewide Compliance Monitor, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701), within thirty (30) days of the date of this judgment, an affidavit stating all current clients and opposing counsel have been notified of Respondent's suspension and that all files, papers, monies and other property belonging to all current clients have been returned as ordered herein.

If Respondent should be unable to return any file, papers, money or other property requested by 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.

It is further ORDERED that Respondent, David Andrew Jaynes, within thirty (30) days of the date of this judgment, surrender his Texas law license and permanent State Bar Card to the Statewide Compliance Monitor, Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, 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 Office of the Chief Disciplinary Counsel of the State Bar of Texas, P.O. Box 12487, Austin, Texas 78711.

IT IS FURTHER ORDERED that this Judgment of Suspension shall be made a matter of public record and be published in the Texas Bar Journal.

Signed this 28th day of January 2019.



CHAIR PRESIDING