



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

IN THE MATTER OF §
DAVID ANDREW JAYNES § **CAUSE NO. 64476**
STATE BAR CARD NO. 10595790 §

DEFAULT JUDGMENT OF DISBARMENT

On the 31st day of July 2020, the above-styled and numbered disciplinary action was called for hearing before the Board of Disciplinary Appeals. Petitioner appeared by attorney and announced ready. Respondent, although duly cited to appear, failed to answer or appear and wholly made default. All questions of fact and 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, State Bar Card Number 10595790, is licensed but not currently authorized to practice law in the State of Texas by the Supreme Court of Texas.
- (2) On or about May 23, 2019, 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. SC19-226, Lower Tribunal No(s): 2019-90,042(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 in *Florida Bar v.*

Jaynes, Case No. SC18-917, (Fla. order filed Aug. 24, 2018). As a sanction, respondent is suspended from the practice of law for three years. Respondent is currently suspended; therefore, this suspension is effective immediately. Respondent shall fully comply with Rule Regulating the Florida Bar 3-5.1(h). . . .

- (3) On May 24, 2019, The Florida Bar notified Respondent of the suspension order issued by the Supreme Court of Florida on May 23, 2019, by letter sent to Respondent's record bar address and by email. The letter specifically referenced the requirement that Respondent submit the sworn affidavit required by Rule 3-5.1(h) of the Rules Regulating the Florida Bar.
- (4) The Florida Bar's Petition for Contempt and Order to Show Cause, filed in *The Florida Bar, Petitioner, v. David Andrew Jaynes, Respondent*, The Florida Bar File No. 2020-90,029(OSC), states:

On June 25, 2019, The Florida Bar notified respondent of his noncompliance with the conditions of his suspension to his record bar address and email, specifically his failure to submit the sworn affidavit pursuant to Rule 3-5.1(h) [of the Rules Regulating the Florida Bar]. . . .

Respondent has not submitted 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).

Due to respondent's non-compliance with this Court's order dated May 23, 2019, The Florida Bar was obligated to file the Petition for Contempt for noncompliance.

- (5) On or about February 20, 2020, 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*, The Florida Bar File No. 2020-90,029(OSC).
- (6) On or about March 30, 2020, 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. SC20-254, Lower Tribunal No(s): 2020-90,029(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 May 23, 2019, in Case No. SC19-226. As a sanction, Respondent is disbarred from the practice of law in the State of Florida. Respondent is currently suspended; therefore, this disbarment is effective immediately. Respondent shall fully comply with Rule Regulating the Florida Bar 3-5.1(h).

Respondent is further directed to comply with terms of the Court's order in Case No. SC19-226 prior to petitioning for readmission.

Judgment is entered for The Florida Bar, 651 East Jefferson Street, Tallahassee, Florida 32399-2300, for recovery of costs from David Andrew Jaynes in the amount of \$1,250.00, for which sum let execution issue.

Not final until time expires to file motion for rehearing, and if filed, determined. The filing of a motion for rehearing shall not alter the effective date of this disbarment.

- (7) Respondent, David Andrew Jaynes, is the same person as David Andrew Jaynes, who is the subject of the Orders described above.

Conclusions of Law. Based on 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 Rule 7.08(H).
- (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, be and 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 Andrew Jaynes, is prohibited from practicing law in Texas, holding himself out as an attorney at law, performing any legal services for others, accepting any fee directly or indirectly for legal services, appearing as counsel or in any representative capacity in any proceeding in any Texas court or

before any administrative body or holding himself out to others or using his name, in any manner, in conjunction with the words “attorney at law,” “attorney,” “counselor at law,” or “lawyer.”

It is further **ORDERED** that Respondent, David Andrew Jaynes, shall immediately notify each of his current clients in writing of this disbarment. In addition, Respondent is **ORDERED** to return any files, papers, unearned monies and other property, which belong to clients or former clients and are in Respondent’s possession or control, to the respective clients or former clients or to another attorney at the client’s or former client’s request. Respondent is further **ORDERED** to file with the State Bar of Texas, Chief Disciplinary Counsel’s Office, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701) within thirty (30) days of the signing of this judgment by the Board, an affidavit stating that all current clients have been notified of Respondent’s disbarment and that all files, papers, monies and other property belonging to all clients and former clients have been returned as ordered herein.

It is further **ORDERED** that Respondent, David Andrew Jaynes, shall, on or before thirty (30) days from the signing of this judgment by the Board, notify in writing each and every justice of the peace, judge, magistrate, administrative judge or officer and chief justice of each and every court or tribunal in which Respondent has any matter pending of the terms of this judgment; such notification shall include the style and cause number of the pending matter(s), and the name, address, and telephone number of the client(s) Respondent is representing. Respondent is further **ORDERED** to file with the State Bar of Texas, Chief Disciplinary Counsel’s Office, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701) within thirty (30) days of the signing of this judgment by the Board, an affidavit stating that each and every justice of the peace, judge, magistrate, administrative judge or officer and chief justice has received written notice of the terms of this judgment.

It is further **ORDERED** that Respondent, David Andrew Jaynes, immediately 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 Chief Disciplinary Counsel of the State Bar of Texas, P.O. Box 12487, Austin, Texas 78711.

Signed this 6th day of August 2020.



CHAIR PRESIDING
BOARD OF DISCIPLINARY APPEALS