



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

IN THE MATTER OF §
DAVID W. KNIGHT § **CAUSE NO. 58354**
STATE BAR CARD NO. 11597325 §

DEFAULT JUDGMENT OF SUSPENSION

On the 4th day of August 2017, 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 to appear 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 makes the following findings and orders:

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

- (1) Respondent, David W. Knight, whose Bar Card No. is 11597325, is an attorney who is licensed but not currently authorized to practice law in the State of Texas due to prior disciplinary suspensions.
- (2) On or about September 29, 2015, the Supreme Court of the State of Oklahoma issued its opinion in *State of Oklahoma ex rel. Oklahoma Bar Association, Complainant, v. David William Knight, Respondent*, O.B.A.D. No. 2041, S.C.B.D. No. 6262, suspending Respondent from the practice of law for two years and one day, effective the date the opinion became final.

- (3) The Oklahoma Professional Disciplinary Proceeding established that Respondent received a one-year suspension of his professional license by a previous order of the Court, and his license was suspended. He practiced law in Oklahoma after the order of suspension became effective, and he did not inform his clients of his suspension. The Oklahoma Bar Association filed a formal Complaint against Respondent alleging his unauthorized practice of law and his failure to cooperate with the Bar Association's investigation. A hearing was held before a trial panel of the Oklahoma Professional Responsibility Tribunal, and the trial panel recommended a professional discipline by a suspension of Respondent's license for a period not less than two years and one day.
- (4) The Supreme Court of Oklahoma found that Respondent violated the following Oklahoma Rules of Professional Conduct (ORPC): (1) Rule 1.16(a)(1) Declining or Terminating Representation—a lawyer shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if the representation will result in violation of the Rules of Professional Conduct or other law; (2) Rule 3.3(a)(1) Candor Toward The Tribunal—a lawyer shall not knowingly make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer; (3) Rule 3.4(c) Fairness to Opposing Party and Counsel—a lawyer shall not knowingly disobey an obligation under the rules of a tribunal except for an open refusal based on an assertion that no valid obligation exists; (4) Rule 5.5 Unauthorized Practice of Law; Multijurisdictional Practice of Law; and (5) Rule 8.1(b) Bar Admission and Disciplinary Matters—an applicant for admission to the bar, or a lawyer in connection with a bar admission application or in connection with a disciplinary matter, shall not fail to disclose a fact necessary to correct a misapprehension known by the person to have arisen in the matter, or knowingly fail to respond to a lawful demand for information from an admissions or disciplinary authority, except that this rule does not require disclosure of information otherwise protected by Rule 1.6.
- (5) The Supreme Court of Oklahoma also found that Respondent violated the following Oklahoma Rules Governing Disciplinary Proceedings (RGDP): Rule 1.3—Discipline for Act Contrary to Prescribe Standards of Conduct; Rule 5.2—Investigations; Rule 9.1—Notice to Clients; List of Other Bars to Which Admitted.

- (6) Respondent, David W. Knight, is the same person as the David William Knight, who is the subject of the Professional Disciplinary Proceeding entered by the Supreme Court of the Oklahoma.
- (7) The suspension and the Professional Disciplinary Proceeding from the Supreme Court of the Oklahoma is final.
- (8) Respondent was personally served with the Board's Order to Show Cause and hearing setting and First Amended Petition for Reciprocal Discipline by a private process server on June 15, 2017. The return was filed with the Board on June 28, 2017.

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 Oklahoma is warranted in this case.

It is, accordingly, **ORDERED, ADJUDGED,** and **DECREED** that Respondent, David W. Knight, State Bar Card No. 11597325, is hereby **SUSPENDED** from the practice of law in Texas for a period of two years and one day beginning August 9, 2017, and ending August 9, 2019.

It is further **ORDERED** that during the term of active suspension ordered herein, Respondent shall be 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 W. Knight, shall immediately 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, David W. Knight, 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), not later than thirty (30) days from 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 W. Knight, shall immediately 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 after the date on which this Judgment is signed by the Board. Respondent is further **ORDERED** to file with the Statewide Compliance Monitor, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701) within thirty (30) days, an affidavit stating that all current clients and opposing counsel have been notified of his suspension 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.

It is further **ORDERED** that Respondent, David W. Knight, 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 First Amended 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.

Signed this 7 day of August, 2017.



CHAIR PRESIDING