



**BEFORE THE BOARD OF DISCIPLINARY APPEALS
Appointed By
THE SUPREME COURT OF TEXAS**

DAVID A. SCHILLER
State Bar Card No. 00794601

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§
§

v.

CAUSE NO. 58186

**COMMISSION FOR
LAWYER DISCIPLINE
OF THE STATE BAR OF TEXAS**

**ORDER GRANTING JOINT MOTION TO REMAND
FOR RENDITION OF AN AGREED JUDGMENT**

On this day the Board considered the Joint Motion to Remand for Rendition of an Agreed Judgment filed by Appellant David A. Schiller and Appellee Commission for Lawyer Discipline. The Board finds that the parties have reached an agreement settling the controversy made the basis of Schiller's appeal from the Judgment of Disbarment signed June 20, 2016 by the District 1-2 Evidentiary Panel in Case No. 201500843 and that the Joint Motion should be granted.

IT IS THEREFORE ORDERED that the Joint Motion to Remand for Rendition of an Agreed Judgment is **GRANTED**.

It is further **ORDERED** that the Judgment of Disbarment signed June 20, 2016 is hereby **REVERSED**.

It is further **ORDERED** that the cause is **REMANDED** to the evidentiary panel to enter the Agreed Judgment of Partially Probated Suspension as attached to the Joint Motion and attached to this Order as Exhibit A and incorporated herein by reference for all purposes as if set out in full.

SIGNED this 29 day of September 28, 2017.



CHAIR PRESIDING

BEFORE THE DISTRICT 1 GRIEVANCE COMMITTEE
EVIDENTIARY PANEL 1-2
STATE BAR OF TEXAS

COMMISSION FOR LAWYER DISCIPLINE, Petitioner	§ § § § § § § § § §	
V.		201500843
DAVID A. SCHILLER, Respondent		

AGREED JUDGMENT OF PARTIALLY PROBATED SUSPENSION

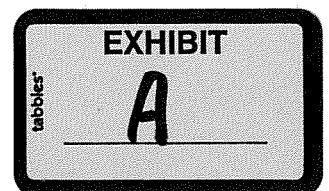
This Agreed Judgment of Partially Probated Suspension is entered at the joint request of Petitioner, the Commission for Lawyer Discipline, and Respondent, David A. Schiller, who agree that all matters of fact and things in controversy between them have been fully and finally compromised and settled.

Background

Evidentiary Panel 1-2 previously heard this matter and entered a Judgment of Disbarment (“Original Judgment”) on June 20, 2016. Respondent appealed the Original Judgment to the Board of Disciplinary Appeals (BODA). The parties have since reached an agreement to resolve all pending matters. This Agreed Judgment of Partially Probated Suspension is part of a global settlement, to include Respondent’s unqualified tender of resignation.

Jurisdiction and Venue

The Evidentiary Panel 1-2 having been duly appointed to hear this matter by the chair of the Grievance Committee for State Bar of Texas District 1, finds that it has jurisdiction over the parties and the subject matter of this action, and that venue is proper.



Professional Misconduct

The Evidentiary Panel finds Respondent has committed Professional Misconduct as defined by Rule 1.06(W) of the Texas Rules of Disciplinary Procedure.

Findings of Fact

The Evidentiary Panel, having considered the parties' agreement, the pleadings, the evidence, and the arguments of counsel, makes the following findings of fact and conclusions of law:

1. Respondent is an attorney licensed to practice law in Texas and is a member of the State Bar of Texas.
2. Respondent resides in and maintains his principal place of practice in Collin County, Texas.
3. In representing Rhonda C. Freberia in a civil matter, Respondent failed to keep Ms. Freberia reasonably informed about the status of her legal matter and failed to promptly comply with reasonable requests for information from Ms. Freberia about her legal matter.
4. In representing Rhonda C. Freberia, Respondent neglected the legal matter entrusted to him.
5. The Chief Disciplinary Counsel of the State Bar of Texas has incurred reasonable attorneys' fees and direct expenses associated with this Disciplinary Proceeding in the amount of \$4,149.10.

Conclusions of Law

The Evidentiary Panel concludes that, based on the parties' agreement and the foregoing findings of fact, the following Texas Disciplinary Rules of Professional Conduct have been violated: 1.03(a) and 1.01(b)(1).

Sanction

It is AGREED and ORDERED that the sanction of a Partially Probated Suspension

shall be imposed against Respondent in accordance with the Texas Rules of Disciplinary Procedure. The Evidentiary Panel finds that the sanction imposed against Respondent is the appropriate sanction for each of the violations set forth in this judgment.

Accordingly, it is ORDERED, ADJUDGED and DECREED that Respondent be suspended from the practice of law for a period of forty-eight (48) months, beginning June 20, 2016 and ending June 19, 2020, provided Respondent complies with the following terms and conditions. Respondent shall be actively suspended from the practice of law for a period of twenty-four (24) months beginning June 20, 2016 and ending June 19, 2018. The twenty-four (24) month period of probated suspension shall begin on June 20, 2018 and shall end on June 19, 2020.

Terms of Active Suspension

It is further ORDERED that during the term of active suspension ordered herein, or that may be imposed upon Respondent by the Board of Disciplinary Appeals as a result of a probation revocation proceeding, Respondent shall be 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 or Federal 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 shall immediately notify each of Respondent's current clients and opposing counsel in writing of this suspension.

In addition to such notification, it is further ORDERED Respondent shall return any

files, papers, unearned monies and other property belonging to current clients in Respondent's possession to the respective clients or to another attorney at the client's request.

It is further ORDERED Respondent shall 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), on or before October 30, 2017, 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.

It is further ORDERED Respondent shall, on or before October 30, 2017, 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, the style and cause number of the pending matter(s), and the name, address and telephone number of the client(s) Respondent is representing.

It is further ORDERED Respondent shall 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), on or before October 30, 2017, 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, on or before October 30, 2017, Respondent shall

surrender his law license and permanent State Bar Card to the State Bar of Texas, Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701), to be forwarded to the Supreme Court of Texas.

Terms of Probation

It is further ORDERED that during all periods of suspension, Respondent shall be under the following terms and conditions:

1. Respondent shall not violate any term of this judgment.
2. Respondent shall not engage in professional misconduct as defined by Rule 1.06(W) of the Texas Rules of Disciplinary Procedure.
3. Respondent shall not violate any state or federal criminal statutes.
4. Respondent shall keep State Bar of Texas membership department notified of current mailing, residence and business addresses and telephone numbers.
5. Respondent shall comply with Minimum Continuing Legal Education requirements.
6. Respondent shall comply with Interest on Lawyers Trust Account (IOLTA) requirements.
7. Respondent shall promptly respond to any request for information from the Chief Disciplinary Counsel in connection with any investigation of any allegations of professional misconduct.
8. Respondent shall pay all reasonable and necessary attorney's fees and direct expenses to the State Bar of Texas in the amount of \$4,149.10. The payment shall be due and payable on or before [due date], and shall be made by certified or cashier's check or money order. Respondent shall forward the funds, made payable to the State Bar of Texas, Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701).
9. Respondent shall make contact with the Chief Disciplinary Counsel's Offices' Compliance Monitor at 877-953-5535, ext. 1334 and Special Programs Coordinator at 877-953-5535, ext. 1323, not later than seven (7) days after receipt of a copy of this judgment to coordinate Respondent's compliance.

Probation Revocation

Upon information that Respondent has violated a term of this judgment, the Chief Disciplinary Counsel may, in addition to all other remedies available, file a motion to revoke probation pursuant to Rule 2.23 of the Texas Rules of Disciplinary Procedure with the Board of Disciplinary Appeals ("BODA") and serve a copy of the motion on Respondent pursuant to Tex.R.Civ.P. 21a.

BODA shall conduct an evidentiary hearing. At the hearing, BODA shall determine by a preponderance of the evidence whether Respondent has violated any term of this Judgment. If BODA finds grounds for revocation, BODA shall enter an order revoking probation and placing Respondent on active suspension from the date of such revocation order. Respondent shall not be given credit for any term of probation served prior to revocation.

It is further ORDERED that any conduct on the part of Respondent which serves as the basis for a motion to revoke probation may also be brought as independent grounds for discipline as allowed under the Texas Disciplinary Rules of Professional Conduct and Texas Rules of Disciplinary Procedure.

Attorney's Fees and Expenses

It is further ORDERED Respondent shall pay all reasonable and necessary attorney's fees and direct expenses to the State Bar of Texas in the amount of \$4,149.10. The payment shall be due and payable on or before October 30, 2017, and shall be made by certified or cashier's check or money order. Respondent shall forward the funds, made payable to the State Bar of Texas, Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701).

It is further ORDERED that all amounts ordered herein are due to the misconduct

of Respondent, are assessed as a part of the sanction in accordance with Rule 1.06(Z) of the Texas Rules of Disciplinary Procedure. Any amount not paid shall accrue interest at the maximum legal rate per annum until paid and the State Bar of Texas shall have all writs and other post-judgment remedies against Respondent in order to collect all unpaid amounts.

It is further ORDERED that Respondent shall remain actively suspended from the practice of law as set out above until such time as Respondent has completely paid attorney fees and direct expenses in the amount of Four Thousand One Hundred Forty-Nine and 10/100 Dollars to the State Bar of Texas.

Publication

This suspension shall be made a matter of record and appropriately published in accordance with the Texas Rules of Disciplinary Procedure.

Other Relief

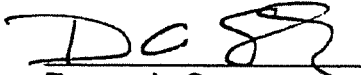
All requested relief not expressly granted herein is expressly DENIED.

SIGNED this _____ day of _____, 2017.

**EVIDENTIARY PANEL 1-2
DISTRICT NO. 1
STATE BAR OF TEXAS**

**Jason Butscher
District 1-2 Presiding Member**

AGREED AS TO BOTH FORM AND SUBSTANCE:



DAVID A. SCHILLER
STATE BAR NO. 00794601
RESPONDENT

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COYT "RANDY" JOHNSTON

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