

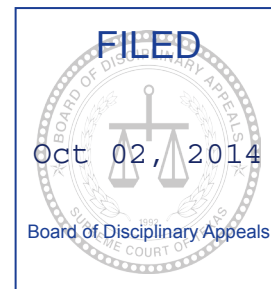
In Re CHARLES CHANDLER DAVIS,
RELATOR

BOARD OF DISCIPLINARY
APPEALS

PETITION FOR TEMPORARY RELIEF FROM THE 14th DISTRICT EVIDENTIARY
PANEL

v.

HONORABLE WILLIAM ALTMAN
RESPONDENT



REQUEST FOR TEMPORARY RELIEF

TO THE BOARD OF DISCIPLINARY APPEALS:

COMES NOW, Charles Chandler Davis, Relator herein, and files this timely request for temporary relief pursuant to Rule, 52.10 of the Texas Rules of Appellate Procedure and request Temporary Relief regarding Amended Writ of Mandamus, and in support of same would show:

Summary and Time Line

On September 25, 2014 a formal notice of a motion to recuse was filed against Chairman William K. Altman of a successor Evidentiary Panel in District . At the same time, and before any action was taken by the disciplinary panel, a motion to transfer from one Committee to another was filed pursuant to 7.08(f) of the *Texas Rules of Disciplinary Procedure*. The recusal motion is governed by the Texas Rules of Civil Procedure 18a, including the grounds for recusal in Rule 18b.

The recusal rules are mandatory and require a statutory response, in 18a(c)

“Response to Motion” the statute contemplates responses by both third parties, which is permissive, and the Respondent Judge response.(2) “By the Respondent Judge. The judge whose recusal or disqualification is sought should not file a response to the motion.” and continuing under “18a(f), Duties of the Respondent Judge; Failure to Comply. (1) Responding to the Motion. Regardless of whether the motion complies with this rule, the respondent judge, within three business days after the motion is filed must either; (a) sign and file with the clerk an order of recusal or disqualification; or (b) sign and file with the clerk an order referring the motion to the regional presiding judge. (2) Restrictions of Further Action. (a) Motion Filed Before Evidence Offered at Trial. If a motion is filed before evidence has been offered at trial, the respondent judge must take no further action in the case until the motion has been decided, except for good cause stated in the writing or on the record..... (3) Failure to Comply. If the respondent judge fails to comply with a duty imposed by this rule, the movant may notify the regional presiding judge. “

Relator, after waiting the requisite number of days has attached the notice, and given notice of mandatory procedures required under (g) *Duties of Regional Presiding Judge*. See, 18a(g)1 T.R.C.P..

Applicable Rules

The *Texas Rules of Civil Procedure, 18a and 18b*, provide the procedural guidelines for recusal and what occurs when a hearings officer is challenged by a recusal motion. We contend that the Honorable Bill Altman sitting as the successor Chairman of a District 14 Disciplinary Panel violated the mandatory requirements of 18a. The multiple violations require relief not available in any other forum and are questions of law.

The Evidentiary Panel Chairman, was notified by Relator that a response was mandatory. Therefore, pursuant to the Texas Rules of Appellate Procedure and the Texas Rules of Disciplinary Procedure I submit the following for consideration.

1.1 Purpose

A writ of mandamus is an original writ issued by a higher court to command a lower

court, tribunal or public officer to do or refrain from doing some act. *Seagraves v. Green*, 288 S.W. 417(Tex. 1930). A relator under the rule, must show that it has a justiciable interest in the underlying controversy. *Terrazas v. Ramirez*, 829 S.W. 2nd 712. As a general rule mandamus is not available to compel an act until a demand is made to conform and here is a failure or refusal. *In re Perritt*, 992 S.W. 2nd 444(Tex. 1999). In this action Relator waited the statutory time to report the breach of judicial duty.

1.2 Factual Disputes

The relator must show that there are no factual disputes about the relators right or the respondents duty. Relief by mandamus is not appropriate without such a showing. *In re Angelini*, 186 S.W. 3rd 558(Tex. 2006). A writ of mandamus will issue to compel the performance of a ministerial act or duty. *Walker v. Packer*, 827 S.W. 2nd 833(Tex. 1992). There is no factual dispute regarding the judicial duties of the Respondent.

1.3 Abuse of Discretion

A writ of mandamus will issue to correct a clear abuse of discretion and when there is no adequate appellate remedy. *In re TDFPS*, 210 S.W. 3rd 609(Tex. 2006). A court or committee has no discretion but to obey the law and it is an abuse of discretion to misapply or misinterpret the law. *In re RDFPS*(supra). The cases clearly have ruled that recusal procedure is a performance of a mandatory and statutory ministerial duty.

1.3 No Adequate Appellate Remedy

The Relator has no ability to cure or mitigate the actions, and omissions, and violations of duty of the Respondent. The Respondent after numerous notifications will not follow the law.

1.4 Violation of Duty

Chairman Bill Altman was duly noticed and reminded of his duties as the Chairman of an Evidentiary Panel, and the existence of a prior pending recusal motion. He denied the motion on the record on the 26 of September 2014 and proceeded without notification of the Regional Presiding Director. Such conduct is abusive and presents the appearance of impropriety. Afterward the Chairman bragged that "it is public now, and he can't do anything about it". He is threatening to sign an order now. Exhibits.

Prayer

Relator respectfully requests a signed order subject to *18a* and the hearing required regarding *TRCP, 18a*. Further, if there is a signed order, which we have not been noticed of, we request that it be delivered to Relator. After receipt of a recusal order we respectfully request that any orders, not noticed, or any orders arising as a result of the failure to recognize the recusal motions and its requirements be declared void, as a matter of law. We ask for a setting and temporary relief, we have noticed all known parties and have conformed our notices to both *TRCP 18a* and *18b* and to the Temporary Relief requests under the Texas Rules of Appellate Procedure, 52.10.

Respectfully submitted,


Charles Chandler Davis, Pro Se

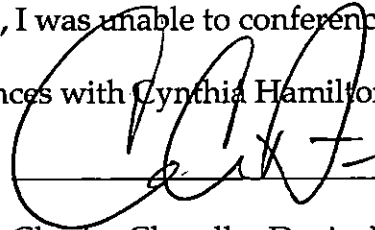
05465900 6910 FM 1830 Argyle, Texas 76226

charlie@arroyocoloradoenergy.com

940.368.1865

CERTIFICATE OF CONFERENCE

On this the 2nd day of October 2014, I was unable to conference with Ms. Lisa Holt, Esq., I held multiple conferences with Cynthia Hamilton, Esq. on the 1st of October.

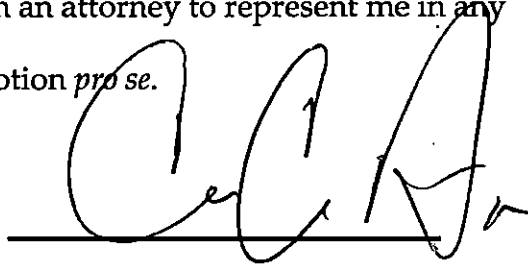


Charles Chandler Davis, *Pro Se*

ccp_r

NOTICE CERTIFICATE

I, Charles Chandler Davis, have on this the 2nd day of October 2014 sent electronic notice to all counsel and to Respondent Altman, as required by the rules. I am seeking advice of counsel and will retain an attorney to represent me in any proceedings, but of necessity file this motion *pro se*.

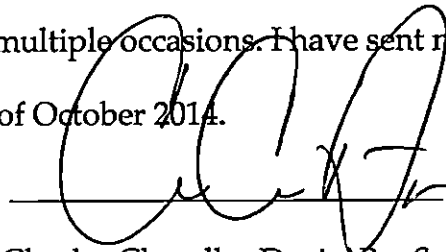


Charles Chandler Davis, *Pro Se*

VERIFICATION

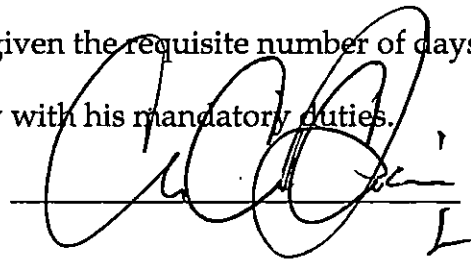
__ON this the 2nd day of October 2014, I, Charles Chandler Davis, verify and affirm, based upon information and belief that after repeated requests to enter an order prior to proceeding, the Respondent has refused, and continues to refuse to recognize or deliver such mandatory ministerial act, to the damage of Relator. I have sent copies of the

TRCP, 18a(f) and requested entrance in writing on multiple occasions. I have sent notice to the Regional Presiding Judge on this the 2nd day of October 2014.


Charles Chandler Davis, *Pro Se*

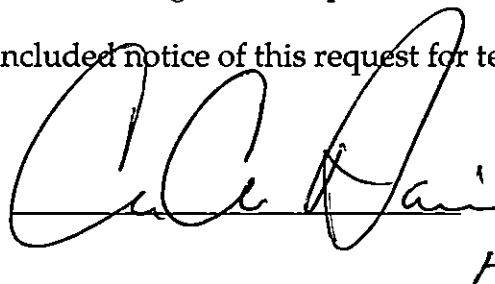
Notice to Regional Presiding Judge

Pursuant to 18a(g) of the Texas Rules of Civil Procedure, notice is given that the Chairman of the 14-1 Evidentiary Panel, the Honorable William Altman, was served with the attached verified Motion to Recuse, prior to the presentation of evidence regarding Charles Chandler Davis, Cause No. A0051113770. The Chairman took actions in violation of his statutory duty under 18a, and Cause No. 55073 Petition for Writ of Mandamus was filed in response. We have given the requisite number of days notice to the Chairman, and requested that he comply with his mandatory duties.



Certificate

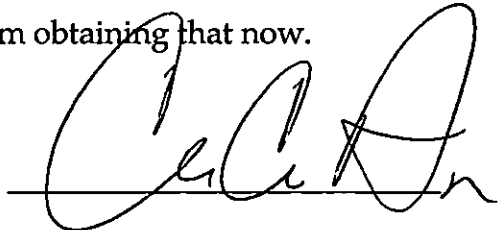
I, Charles Chandler Davis, on this the 2nd day of October 2014, have sent the requisite notice of violation under T.R.C.P., 18a(f)(g), with copies to all known counsel and a copy to the Respondent. I have included notice of this request for temporary relief.



Certificate of Compliance

Application for Stay

Pursuant to Texas Rules of Appellate Procedure, 55.10a, an application for stay requires a certificate of compliance requesting the Board of Disciplinary Appeals action on Petition No. 55073, styled *In re Davis*. I am currently making diligent effort to notify all parties, including the Regional Presiding Judge. It is required that Relator certify that he has complied with all notice provisions including in Texas Rules of Appellate Procedure, 55.10 before temporary relief will be granted. It is further requested that Relator certify that such request for temporary relief may require the posting of a bond, and Relator will post a bond, if required. Relator seeks relief, and temporary stay so that justice may be done, and such request if filed in good faith. I have an electronic address for all parties, except the Regional Presiding Judge. I am obtaining that now.

A handwritten signature in black ink, appearing to read "C. C. Davis", written over a horizontal line.

Charles Chandler Davis, *Pro Se*

Handwritten initials "CCD" in black ink.

9:35 AM
10.02.14

**BEFORE THE DISTRICT 14 GRIEVANCE COMMITTEE
EVIDENTIARY PANEL 14-1
STATE BAR OF TEXAS**

COMMISSION FOR LAWYER	§	
DISCIPLINE,	§	
Petitioner	§	
	§	
V.	§	A0051113770
	§	
CHARLES CHANDLER DAVIS,	§	
Respondent	§	

JUDGMENT OF DISBARMENT

Parties and Appearance

On September 26, 2014, came to be heard the above styled and numbered cause. Petitioner, Commission for Lawyer Discipline, appeared by and through its attorney of record and announced ready. Respondent, Charles Chandler Davis, Texas Bar Number, 05465900, appeared in person and announced ready.

Jurisdiction and Venue

The Evidentiary Panel 14-1, having been duly appointed to hear this complaint by the chair of the Grievance Committee for State Bar of Texas District14, 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, having considered all of the pleadings, evidence, stipulations and argument, 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 pleadings, evidence and argument 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 Denton County, Texas.
3. Respondent brought a proceeding, asserted an issue or controverted an issue affecting Complainants that was frivolous.
4. Respondent took positions that unreasonably increased the costs or other burdens of the case or that unreasonably delayed resolution of the matter.
5. Respondent knowingly made a false statement of material fact or law to a tribunal.
6. Respondent engaged in conduct involving dishonesty, fraud, deceit or misrepresentation.

Conclusions of Law

The Evidentiary Panel concludes that, based on foregoing findings of fact, the following Texas Disciplinary Rules of Professional Conduct have been violated: 3.01, 3.02, 3.03(a)(1) and 8.04(a)(3).

Sanction

The Evidentiary Panel, having found Respondent has committed Professional Misconduct, heard and considered additional evidence regarding the appropriate sanction to be imposed against Respondent. After hearing all evidence and argument and after having considered the factors in Rule 2.18 of the Texas Rule of Disciplinary Procedure, the Evidentiary Panel finds that proper discipline of the Respondent for each act of Professional Misconduct is DISBARMENT.

Disbarment

It is therefore ORDERED, ADJUDGED and DECREED that effective October 1, 2014, Respondent, Charles Chandler Davis, State Bar Number, 05465900, is hereby DISBARRED from the practice of law in the State of Texas.

It is further ORDERED Respondent 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."

Notification

It is further ORDERED Respondent shall immediately notify each of his current clients in writing of this disbarment. In addition to such notification, Respondent is ORDERED to return any files, papers, unearned monies and other property belonging to clients and former clients in the Respondent's possession 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 Panel Chair, 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 Respondent shall, on or before thirty (30) days from the signing of this judgment by the Panel Chair, 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. 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 Panel Chair, 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. §

Surrender of License

It is further ORDERED Respondent shall, within thirty (30) days of the signing of this judgment by the Panel Chair, 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 the State of Texas.

Publication

It is further ORDERED this disbarment 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 _____, 20____.

**EVIDENTIARY PANEL
DISTRICT NO. 14
STATE BAR OF TEXAS**

William K. Altman
District 14-1 Presiding Member

Re: Davis judgment

William K. Altman [bill@altmanlegal.com]

Sent: 10/1/2014 5:26 PM

To: "Cynthia Hamilton" <Cynthia.Hamilton@TEXASBAR.COM>

Cc: "Charles Davis" <charlie@arroyocoloradoenergy.com>, "Lisa Holt" <Lisa.Holt@Texasbar.com>

Ms. Hamilton, I will not sign the Judgment until tomorrow at the earliest to give other Panel members time to review the Proposed Judgment and comment if they wish.

William K. Altman
Altman Legal Group
2525 Kell Blvd.
Suite 500
Wichita Falls, Texas 76308-1061
940/761-4000
Fax: 940/766-3327
Bill@altmanlegal.com

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