

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

**IN THE MATTER OF
DAVID LUTHER WOODWARD
STATE BAR CARD NO. 21975640**

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§

CAUSE NO. 67040

AGREED JUDGMENT OF PARTIALLY PROBATED SUSPENSION

On this day the above-styled and numbered reciprocal disciplinary action was called for hearing before the Board of Disciplinary Appeals. Petitioner appeared by attorney and Respondent appeared in person as indicated by their respective signatures below and announced that they agree to the findings of fact, conclusions of law, and orders set forth below solely for the purposes of this proceeding which has not been fully adjudicated. The Board of Disciplinary Appeals, having reviewed the file and in consideration of the agreement of the parties, is of the opinion that Petitioner is entitled to entry of the following findings, conclusions, and orders:

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

- (1) Respondent, David Luther Woodward, Bar Card No. is 21975640, is an attorney licensed and authorized by the Supreme Court of Texas to practice law in the State of Texas.
- (2) On or about December 18, 2021, a Complaint was filed with the Supreme Court of Florida in a matter styled, *The Florida Bar, Complainant, v. David Luther Woodward, Respondent*, Supreme Court Case No. SC-, The Florida Bar File No. 2020-00,23(1A), that states in pertinent part:

44. By way of the foregoing, respondent has violated the following Rules Regulating the Florida Bar, namely, 4-1.3(Diligence), 4-1.4(Communication), 4.1.5(Fees for Legal Services), 4-1.16(d)(Protect Client's Interests), 4-3.2(Expedite Litigation), 4-3.4(c)(Knowingly disobey an obligation under the rules of a tribunal), 4-8.4(d)(Conduct Prejudicial to the Administration of Justice) and 4-8.4(g)(Failure to Respond to The Florida Bar) . . .

(3) On or about January 22, 2021, an Answer was filed with the Supreme Court of Florida in a matter styled, *The Florida Bar, Complainant, v. David Luther Woodward, Respondent*, Supreme Court Case No. SC20-1842, The Florida Bar File No. 2020-00,232 (1A).

(4) On or about January 12, 2022, a Report of Referee was filed with the Supreme Court of Florida in a matter styled, *The Florida Bar, Complainant, v. David Luther Woodward, Respondent*, Supreme Court Case No. SC20-1842, The Florida Bar File No. 2020-00,232 (1A), that states in pertinent part:

...Based on Respondent's Stipulation to having violated the Rules charged in the Florida Bar's complaint, I recommend that Respondent be found guilty of violating the following Rules Regulating the Florida Bar:

4-1.3(Diligence), 4-1.4(Communication), 4-3.2(Expediting Litigation), 4-3.4(c)(Knowingly disobey an obligation under the rules of a tribunal), 4-8.4(d)(Conduct Prejudicial to the Administration of Justice) and 4-8.4(g)(Failure to Respond to The Florida Bar). . .

(5) On or about April 14, 2022, an Order was entered by the Supreme Court of Florida in a matter styled, *The Florida Bar, Complainant, v. David Luther Woodward, Respondent*, Supreme Court Case No. SC20-1842, The Florida Bar File No. 2020-00,232 (1A), that states in pertinent part as follows:

. . . The uncontested report of the referee is approved and respondent is suspended from the practice of law for seventy-five days, effective thirty days from the date of this order . . . Respondent shall fully comply with Rule Regulating the Florida Bar 3-5.1(h). Respondent shall also fully comply with Rule Regulating the Florida Bar 3-6.1, if applicable. In addition, respondent shall accept no new business from the date this order is filed until he is reinstated. Respondent is further directed to comply with all other terms and conditions of the report.

Upon reinstatement, respondent is further placed on probation for two years under the terms and conditions set forth in the report. . .

(6) Respondent, David Luther Woodward, is the same person as the David Luther Woodward who is the subject of the Order entered by the Supreme Court of Florida; and

(7) The Order entered by the Supreme Court of Florida is final.

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. TEX. RULES DISCIPLINARY P. R. 7.08(H).
- (2) Reciprocal discipline identical, to the extent practicable, to that imposed by the Supreme Court of Florida is warranted in this case.
- (3) Respondent should be suspended from the practice of law for a period of two years and seventy-five (75) days, consisting of seventy-five (75) days active suspension followed by twenty-four months of probation.
- (4) This Board retains jurisdiction during the full term of probation imposed by this judgment to hear a motion to revoke probation. TEX. RULES DISCIPLINARY P. R. 2.22.

It is, accordingly, **ORDERED, ADJUDGED, AND DECREED** that Respondent, David Luther Woodward, State Bar Card No. 21975640, is hereby **SUSPENDED** from the practice of law in Texas for a period of two years and seventy-five (75) days. Respondent shall be actively suspended from the practice of law for a period of seventy-five (75) days beginning Sept. 14, 2022, and extending through Nov. 27, 2022. The twenty-four (24) month period of probated suspension shall begin on Nov. 28, 2022, and shall extend through Nov. 27, 2024, under the following terms and conditions.

Terms of Active Suspension

It is further **ORDERED** that during the term of active suspension ordered herein, or that may be imposed 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 service 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 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, within thirty (30) days of the signing of this judgment, Respondent shall notify each of Respondent's current clients and opposing counsel in writing of this suspension.

In addition to such notification, it is further **ORDERED** that 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** that 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), within thirty (30) days of the signing 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.

It is further **ORDERED** that Respondent shall, within thirty (30) days of the date of this judgment, 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 also **ORDERED** to mail copies of all such notifications to the Statewide Compliance Monitor, Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711.

It is further **ORDERED** that 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, within thirty (30) days of the date of this judgment, Respondent shall surrender his 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.

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(CC) 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.

Probation Revocation

Upon determination that Respondent has violated any term or condition of this judgment, or if Respondent is adjudged by a tribunal in Florida to have violated the terms of the disciplinary order or judgment entered in Florida, the Chief Disciplinary Counsel may, in addition to all other remedies available, file a motion to revoke probation pursuant to Texas Rule of Disciplinary Procedure 2.22 with this Board and serve a copy of the motion on Respondent pursuant to Texas Rule of Civil Procedure 21a.

Should a motion to revoke probation be filed, this Board will conduct an evidentiary hearing to determine by a preponderance of the evidence whether Respondent has violated any term or condition or requirement of any applicable disciplinary judgment. If this Board finds grounds for revocation, it will enter an order revoking probation and placing Respondent on active suspension from the date of such revocation order without 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.

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.

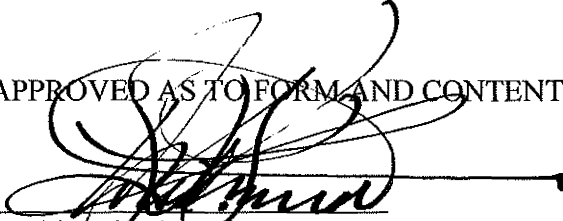
It is further **ORDERED** that this Judgment of Partially Probated Suspension shall be made a matter of public record and be published in the *Texas Bar Journal*.

Signed this 14th day of September 2022.

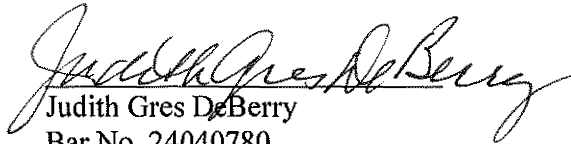


CHAIR PRESIDING

APPROVED AS TO FORM AND CONTENT:



David Luther Woodward
Bar No. 21975640
Respondent



Judith Gres DeBerry
Bar No. 24040780
Attorney for Petitioner