

ORDER OF THE SUPREME COURT OF TEXAS

Misc Docket No. 99- 9227

Appointment of a District Judge to Preside
in a State Bar Disciplinary Action

The Supreme Court of Texas hereby appoints the Honorable A. Burt Carnes, Judge of the 368th District Court of Williamson County, Texas, to preside in the Disciplinary Action styled:


The Commission for Lawyer Discipline v. Jennifer Davalos

to be filed in a District Court of Dallas County, Texas.

The Clerk of the Supreme Court shall promptly forward to the District Clerk of Dallas County, Texas, a copy of this Order and of the Disciplinary Petition for filing and service pursuant to Rule 3.03, Texas Rules of Disciplinary Procedure.

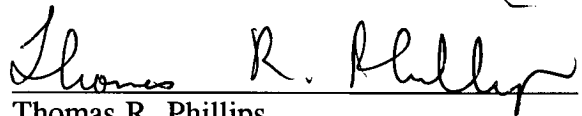
As ordered by the Supreme Court of Texas, in chambers,

with the Seal thereof affixed at the City
of Austin, this ~~24th~~^{29th} day of November, 1999.


JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 99-9227, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code, §74.057.

Signed this 29 day of November, 1999.

A handwritten signature in cursive script that reads "Thomas R. Phillips". The signature is written in black ink and is positioned above a horizontal line.

Thomas R. Phillips
Chief Justice

NO. _____

COMMISSION FOR LAWYER DISCIPLINE § IN THE DISTRICT COURT OF
V. §
JENNIFER W. DAVALOS § DALLAS COUNTY, TEXAS
§
§ _____ JUDICIAL DISTRICT

DISCIPLINARY PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Petitioner, the Commission for Lawyer Discipline, a committee of the State Bar of Texas (hereinafter called "Petitioner"), complaining of Respondent, Jennifer W. Davalos, (hereinafter called "Respondent"), showing the Court:

I.

Discovery Control Plan

Pursuant to Rules 190.1 and 190.2, TEXAS RULES OF CIVIL PROCEDURE (TRCP), Petitioner intends discovery in this case to be conducted under the Level II Discovery Control Plan.

II.

Petitioner brings this disciplinary action pursuant to the State Bar Act, Tex. Gov't. Code Ann. §81.001, et seq. (Vernon 1988), the Texas Disciplinary Rules of Professional Conduct and the Texas Rules of Disciplinary Procedure. The complaint which forms the basis of the Disciplinary Petition was filed on or after May 1, 1992.

III.

Respondent is an attorney licensed to practice law in Texas and is a member of the State Bar of Texas. Respondent is a resident of and has her principal place of practice in Dallas County,

Texas. An officer may serve citation on Respondent by and through her attorney, Nathan Allen, Jr., whose address is 8828 Greenville Avenue, Dallas, Texas 75243-7143.

IV.

On or about January 28, 1998, C. Dan Campbell ("Campbell"), attended a "Living Trust" workshop presented by representatives of Probate Protection Services, Inc., in Wichita Falls, Texas. During the workshop, the participants were shown a notebook having information about Probate Protection Services and about Respondent, who would be responsible for the preparation of the living trusts. Even though Respondent denies that she was aware that Probate Protection Services was using her name, Respondent accepted the referrals from this organization.

V.

After Living Trust workshops, appointments were then made with Nora Brown, Lynda Petty and Hettie Voyles and a representative from Probate Protection Services met them in their homes. Thereafter, Respondent prepared the living trusts without ever having met Ms. Brown, Ms. Petty, or Ms. Voyles. These individuals never signed an employment contract with Respondent and had either no or little communication with her. However, Respondent testified before the investigatory panel of the State Bar that she personally quoted her fee agreement to her clients when, in fact, she never did.

VI.

Such acts and/or omissions on the part of Respondent as are described in Paragraphs IV and V, hereinabove, which occurred on or after January 1, 1990, constitute conduct which violates Rules 3.03, 5.05(b), 8.01(a) and 8.04(a)(1)(3) of the Texas Disciplinary Rules of Professional Conduct.

VII.

The complaint which forms the basis of the Cause of Action hereinabove set forth was brought to the attention of the Office of General Counsel of the State Bar of Texas by C. Dan Campbell filing a complaint on or about March 4, 1998.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Petitioner prays for judgment that Respondent be disciplined as the facts shall warrant; and that Petitioner have such other relief to which entitled, including costs of Court and attorney's fees.

Respectfully submitted,

Dawn Miller

Acting General Counsel/Chief Disciplinary
Counsel

Frank H. Pope, Jr.

Assistant General Counsel

State Bar of Texas

Litigation - Dallas

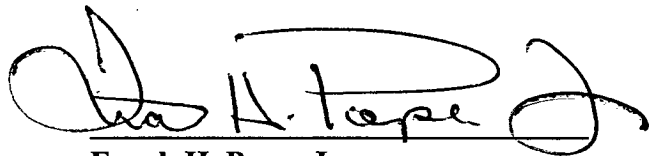
3710 Rawlins

Suite 800

Dallas, Texas 75219

(214) 559-4997

FAX (214) 559-4335

A handwritten signature in black ink, appearing to read "Frank H. Pope, Jr.", with a large, stylized flourish at the end.

Frank H. Pope, Jr.

State Bar Card No. 16136000

ATTORNEYS FOR PETITIONER

STATE BAR OF TEXAS



Office of the General Counsel

October 14, 1999

CMRRR NO. Z 359 598 088

John T. Adams, Clerk
Supreme Court of Texas
P.O. Box 12248
Austin, Texas 78711

RE:: *Commission for Lawyer Discipline v. Jennifer W. Davalos*

Dear Mr. Adams:

Enclosed please find an original and two (2) copies of a Disciplinary Petition being filed by the Commission for Lawyer Discipline against Jennifer Davalos. Ms. Davalos has designated Dallas County, Texas, as her principal place of practice. Request is hereby made that the Court appoint an active District Judge who does not reside in the Administrative Judicial Region in which Respondent resides to preside in this case. Upon appointment, request is made that you notify the Respondent's attorney at the address shown below and the undersigned of the identity and address of the judge assigned:

**Jennifer Davalos
c/o Nathan Allen, Jr.
8828 Greenville Ave.
Dallas, Texas 75243-7143**

As a practical matter, I would respectfully suggest that you inquire with the judge to be appointed as to: (1) whether he or she will be able to comply with the 180 day deadline by which the case must be set for trial set forth in Section 3.07 of the Texas Rules of Disciplinary Procedure. If not, I would respectfully request that an alternate appointment be made.

Once a trial judge has been appointed, please forward the original and two (2) copies of the Disciplinary Petition, the filing fee check, also enclosed herewith, and the Court's appointing

Regency Plaza, 3710 Rawlins, Suite 800, Dallas, Texas 75219
Telephone: (214) 559-4353 Fax: (214) 559-4335

order to the District Clerk of Dallas County, Texas, with the request that the suit be filed, service be obtained, and a file-marked copy of the petition be returned to the undersigned.

Also enclosed are a pre-addressed envelope for your use in transmitting the petition, etc., to the District Clerk of Dallas County, Texas, and a return envelope to be sent to the District Clerk of Dallas County, Texas, for the Clerk's use in returning a file-marked copy of the Petition to the undersigned.

Thank you for your courtesies in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Frank H. Pope, Jr.", with a large, stylized flourish at the end.

Frank H. Pope, Jr.
Assistant General Counsel

Enclosures



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

POST OFFICE BOX 12248 AUSTIN, TEXAS 78711

TEL: (512) 463-1312

FAX: (512) 463-1365

CLERK
JOHN T. ADAMS

JUSTICES
NATHAN L. HECHT
CRAIG T. ENOCH
PRISCILLA R. OWEN
JAMES A. BAKER
GREG ABBOTT
DEBORAH G. HANKINSON
HARRIET O'NEILL
ALBERTO R. GONZALES

EXECUTIVE ASS'T
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASS'T
JIM HUTCHESON

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

DEC 10 1999

Mr. Frank H. Pope, Jr.
Assistant General Counsel, State Bar of Texas
3710 Rawlins, Suite 800
Dallas, Texas 75219

Ms. Jennifer Davalos
c/o Nathan Allen, Jr.
8828 Greenville Avenue
Dallas, Texas 75243-7143

Dear Mr. Pope and Ms. Davalos:

Pursuant to Rule 3.02 of the Texas Rules of Disciplinary Procedure, I hereby notify you that the Supreme Court of Texas has appointed the Honorable A. Burt Carnes, Judge of the 368th District Court, Georgetown, Texas to preside in

Commission for Lawyer Discipline v. Jennifer Davalos

Sincerely,

SIGNED

John T. Adams
Clerk



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

POST OFFICE BOX 12248 AUSTIN, TEXAS 78711

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FAX: (512) 463-1365

CLERK
JOHN T. ADAMS

EXECUTIVE ASS'T
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASS'T
JIM HUTCHESON

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

JUSTICES

NATHAN L. HECHT
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PRISCILLA R. OWEN
JAMES A. BAKER
GREG ABBOTT
DEBORAH G. HANKINSON
HARRIET O'NEILL
ALBERTO R. GONZALES

DEC 10 1999

Honorable A. Burt Carnes
Judge, 368th District Court
405 S. Martin Luther King Street, Box 6
Georgetown, Texas 78626

Dear Judge Carnes:

We enclose for your information a copy of the order of assignment, a copy of the Disciplinary Action, a copy of the notification letter to Mr. Pope and Ms. Davalos, and a copy of the letter to the District Clerk of Dallas County.

We then recommend that, either before or immediately after you set the case for trial, the Dallas County District Court Administrative Office (214-653-6510) be contacted to reserve a courtroom, provide for a court reporter, etc. Finally, you should contact the Presiding Judge of the Administrative Judicial Region into which you have been assigned (214-653-2943) to obtain information on lodging, allowable expenses, and claims forms for your expenses incident to presiding over this disciplinary case.

Sincerely,

SIGNED

John T. Adams
Clerk



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

POST OFFICE BOX 12248 AUSTIN, TEXAS 78711

TEL: (512) 463-1312

FAX: (512) 463-1365

JUSTICES
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CLERK
JOHN T. ADAMS

EXECUTIVE ASS'T
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASS'T
JIM HUTCHESON

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

DEC 10 1999

The Honorable Jim Hamlin
District Clerk of Dallas County
George L. Allen Courts Building
600 Commerce Street
Dallas, Texas 75202

Dear Mr. Hamlin:

Pursuant to Rule 3.03 of the Texas Rules of Disciplinary Procedure, I am sending for filing State Bar of Texas Disciplinary Action styled: The Commission for Lawyer Discipline v. Jennifer Davalos, and a copy of the Supreme Court's order appointing the Honorable A. Burt Carnes, Judge of the 368th District Court of Georgetown, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Honorable A. Burt Carnes
Mr. Frank H. Pope, Jr.
Ms. Jennifer Davalos