



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

**IN THE MATTER OF** §  
**DAVID ANDREW JAYNES** § **CAUSE NO. 61332**  
**STATE BAR CARD NO. 10595790** §

**DEFAULT JUDGMENT OF SUSPENSION**

On the 25th day of January 2019, the above-styled and numbered reciprocal disciplinary action was called for hearing before the Board of Disciplinary Appeals. Petitioner appeared by attorney and announced ready. Respondent, although duly cited 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 is of the opinion that Petitioner is entitled to entry of the following findings and orders:

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

- (1) Respondent, David Andrew Jaynes, whose Bar Card No. is 10595790, is an attorney licensed but not currently authorized by the Supreme Court of Texas to practice law in the State of Texas due to administrative suspension.
- (2) On or about December 15, 2017, a Complaint was filed with the Supreme Court of Florida in a matter styled, *The Florida Bar, Complainant, v. David Andrew Jaynes, Respondent*, The Florida Bar File No. 2017-50,309(15G).

- (3) On or about May 25, 2018, a Conditional Guilty Plea for Consent Judgment was filed with the Supreme Court of Florida (Before a Referee) in a matter styled, *The Florida Bar, Complainant, v. David Andrew Jaynes, Respondent*, Supreme Court Case No. SC-17-2219, The Florida Bar File No. 2017-50,309(15G).
- (4) On or about May 29, 2018, a Corrected Report of Referee Accepting Consent Judgment was filed with the Supreme Court of Florida (Before a Referee) in a matter styled, *The Florida Bar, Complainant, v. David Andrew Jaynes, Respondent*, Supreme Court Case No. SC-17-2219, The Florida Bar File No. 2017-50,309 (15G).
- (5) On or about June 21, 2018, Notice was issued by the Supreme Court of Florida in a matter styled *The Florida Bar, Complainant(s) vs. David Andrew Jaynes, Respondent(s)*, Case No. SC17-2219, Lower Tribunal No(s): 2017-50,309(15G), that states in pertinent part as follows:

The uncontested corrected report of the referee is approved and respondent is suspended from the practice of law for six months. Respondent is currently suspended; therefore this suspension is effective immediately . . .

- (6) The Conditional Guilty Plea for Consent Judgment states that Respondent violated Rules Regulating Florida Bar 5-1.2(b)(2) [The following are the minimum trust accounting records that must be maintained: original or clearly legible copies of deposit slips if the copies include all data on the originals and, in the case of currency or coin, an additional cash receipts book, clearly identifying the date and source of all trust funds received and the client or matter for which the funds were received;]; 5-1.2(b)(3) [The following are the minimum trust accounting records that must be maintained: original canceled checks or clearly legible copies of original canceled checks for all funds disbursed from the trust account, all of which must: (A) be numbered consecutively; (B) include all endorsements and all other data and tracking information; and (C) clearly identify the client or case by number or name in the memo area of the check.]; 5-1.2(b)(4) [The following are the minimum trust accounting records that must be maintained: other documentary support for all disbursements and transfers from the trust account including records of all electronic transfers from client trust accounts, including: (A) the name of the person authorizing the transfer; (B) the name of the recipient; (C) confirmation from the banking institution confirming the number of the trust account from which money is withdrawn; and (D) the date and time the transfer was completed.]; 5- 1.2(b)(5) [The following are the minimum trust accounting records that must be maintained: original or clearly legible

digital copies of all records regarding all wire transfers into or out of the trust account, which at a minimum must include the receiving and sending financial institutions' ABA routing numbers and names, and the receiving and sending account holder's name, address and account number. If the receiving financial institution processes through a correspondent or intermediary bank, then the records must include the ABA routing number and name for the intermediary bank. The wire transfer information must also include the name of the client or matter for which the funds were transferred or received, and the purpose of the wire transfer, (e.g., "payment on invoice 1234" or "John Doe closing").]; 5-1.2(b)(6) [The following are the minimum trust accounting records that must be maintained: a separate cash receipts and disbursements journal, including columns for receipts, disbursements, transfers, and the account balance, and containing at least: (A) the identification of the client or matter for which the funds were received, disbursed, or transferred; (B) the date on which all trust funds were received, disbursed, or transferred; (C) the check number for all disbursements; and (D) the reason for which all trust funds were received, disbursed, or transferred.]; 5-1.2(b)(7) [The following are the minimum trust accounting records that must be maintained: a separate file or ledger with an individual card or page for each client or matter, showing all individual receipts, disbursements, or transfers and any unexpended balance, and containing: (A) the identification of the client or matter for which trust funds were received, disbursed, or transferred; (B) the date on which all trust funds were received, disbursed, or transferred; (C) the check number for all disbursements; and (D) the reason for which all trust funds were received, disbursed, or transferred.]; 5-1.2(b)(8) [The following are the minimum trust accounting records that must be maintained: all bank or savings and loan association statements for all trust accounts.]; 5- 1.2(d)(1 )(A) [The minimum trust accounting procedures that must be followed by all members of The Florida Bar (when a choice of laws analysis indicates that the laws of Florida apply) who receive or disburse trust money or property are as follows: (1) The lawyer is required to make monthly: (A) reconciliations of all trust bank or savings and loan association accounts, disclosing the balance per bank, deposits in transit, outstanding checks identified by date and check number, and any other items necessary to reconcile the balance per bank with the balance per the checkbook and the cash receipts and disbursements journal.]; and 5- 1.2(d)(1 )(B) [The minimum trust accounting procedures that must be followed by all members of The Florida Bar (when a choice of laws analysis indicates that the laws of Florida apply) who receive or disburse trust money or property are as follows: The lawyer is required to make monthly: a comparison between the total of the reconciled balances of all trust accounts and the total of the trust ledger cards or pages, together with specific descriptions of any

differences between the 2 totals and reasons for these differences. (2) The lawyer is required to prepare an annual detailed list identifying the balance of the unexpended trust money held for each client or matter. (3) The above reconciliations, comparisons, and listings must be retained for at least 6 years. (4) The lawyer or law firm must authorize, at the time the account is opened, and request any bank or savings and loan association where the lawyer is a signatory on a trust account to notify Staff Counsel, The Florida Bar, 651 East Jefferson Street, Tallahassee, Florida 32399-2300, in the event the account is overdrawn or any trust check is dishonored or returned due to insufficient funds or uncollected funds, absent bank error.].

- (7) Respondent, David Andrew Jaynes, is the same person as the David Andrew Jaynes, who is the subject of the Notice issued by the Supreme Court of the State of Florida; and
- (8) The Notice issued by the Supreme Court of Florida is final.
- (9) Respondent was personally served with this Board's Order to Show Cause and hearing notice and the Petition for Reciprocal Discipline on December 15, 2018, and the affidavit of service was filed with the Board on January 10, 2019.

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 Florida is warranted in this case.

It is, accordingly, ORDERED, ADJUDGED, AND DECREED that Respondent, David Andrew Jaynes, State Bar Card No. 10595790, is hereby SUSPENDED from the practice of law in Texas for a period of six (6) months beginning January 28, 2019 and ending July 28, 2019.

It is further ORDERED, ADJUDGED and DECREED that Respondent David Andrew Jaynes during said suspension is 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 Andrew Jaynes, within thirty (30) days of the date of this judgment, shall 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 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), 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 Respondent, David Andrew Jaynes, within thirty (30) days of the date of this judgment, shall 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 of the date of this judgment if requested.

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), within thirty (30) days of the date 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. If Respondent should be unable to return any file, papers, money or other property requested by 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 Andrew Jaynes, within thirty (30) days of the date of this judgment, 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 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 Suspension shall be made a matter of public record and be published in the Texas Bar Journal.

Signed this 28<sup>th</sup> day of January 2019.

*Robert A. Hinkle*

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**CHAIR PRESIDING**