

CASE NO. D0121144539

COMMISSION FOR LAWYER
DISCIPLINE

v.

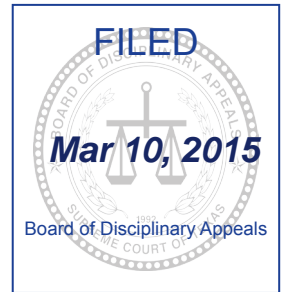
DANIEL CHARLES LITTLE

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EVIDENTIARY PANEL

OF DISTRICT 7

GRIEVANCE COMMITTEE
STATE BAR OF TEXAS, DFW



MOTION FOR NEW TRIAL

COMES NOW RESPONDENT DANIEL CHARLES LITTLE [SBN 24047534] to make and timely file this his Motion For New Trial relative to the judgment of disbarment in the instant matter pursuant to the **TEXAS RULES OF CIVIL PROCEDURE** and/or the **TEXAS RULES OF DISCIPLINARY PROCEDURE** and/or the **TEXAS RULES OF APPELLATE PROCEDURE** and/or the **BOARD OF DISCIPLINARY APPEALS INTERNAL PROCEDURAL Rules** in the above matter, appealing the findings of the Evidentiary Panel, and who for good cause would respectfully show as follows:

1. Respondent DANIEL CHARLES LITTLE was absent for health reasons at the hearing conducted by the Evidentiary Panel into this matter on February 4, 2015.
2. Respondent as soon as he learned a hearing had been held and a judgment of disbarment was proposed immediately sought a rehearing and when he was unable to get either opposing counsel or the panel chair on the phone immediately filed a **“Respondent’s Motion For Re-Hearing &/or New Hearing &/or To Modify Judgment”** on or about February 11, 2015.
3. Respondent would show his **“Respondent’s Motion For Re-Hearing &/or New Hearing &/or To Modify Judgment** was denied on February 11, 2015.
4. Respondent finally received notice via e-mail sent on February 18, 2015 that a final judgment disbarment had been filed against on February 9, 2015 – fully nine (9) days after the judgment had been signed, leaving him only 21 days – instead of 30 days -- to file motions and/or appeal.
5. Respondent filed a formal **“Motion For New Trial”** captioned as such with internal

NOTICE OF APPEAL

Texas Board of Disciplinary Appeals

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content relating to specifically requesting a New Trial on March 6, 2015.

6. Respondent received this date, March 9, 2015, a fax from opposing counsel informing him his "Respondent's Motion For Re-Hearing &/or New Hearing &/or To Modify Judgment was apparently considered by them to have been a first motion for new trial even though Respondent had not captioned it as such and apparently notwithstanding the fact that the terms "New Trial" or "Motion For New Trial" were to be found anywhere in the document; Respondent merely was wanting a chance to be heard and refute the specious allegations against him and notwithstanding the fact that his formal "Motion For New Trial" had not been ruled on.

7. Respondent would show that even though his filing described and captioned as "Motion For New Trial" has not been ruled on and which cited "new evidence" that in an abundance of caution he is forced, by limitations of time to go ahead and make this his formal "NOTICE OF APPEAL" earlier than planned and without the benefit of a new trial in order to preserve his valuable right of appeal.

8. Respondent would respectfully show that new evidence exists which has not been presented the Evidentiary Panel which absolutely bears on the merits of the case and the demonstration of which Respondent believes would result in a different judgment in this instant matter and thus obviating the need for this instant appeal.

9. Respondent would show that his absence from the February 4, 2015 Evidentiary Panel hearing was due to medical reasons and not intentional nor due to disrespect or sloth;

10. Respondent would show that had he been able to appear and answer and present evidence and controvert the unfounded allegations against him a different decision would have resulted.

11. Respondent would show that this dispute involved a civil fee dispute wherein he worked on the case and the retainer was only \$750.00, and that because of his work on the case any "unearned" fee would be a very minor amount and that communication broke down when the client quit taking telephone calls.

12. Respondent would finally respectfully show that the judgment of disbarment in this matter by the Evidentiary Panel was excessive.

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13. Respondent DANIEL CHARLES LITTLE timely makes this his formal NOTICE FOR APPEAL this date in the hopes of obtaining a fair hearing and to obtain equity and justice, without which he will be irreparably harmed without recourse at law.

PRAYER

Respondent DANIEL CHARLES LITTLE respectfully prays for the following relief:

1. That Defendant be granted a New Trial in order to relitigate this instant matter so that justice might be served;

2. IN THE EVENT RESPONDENT'S FORMAL MOTION FOR NEW TRIAL IS DENIED, Respondent DANIEL CHARLES LITTLE prays the Honorable Board Of Disciplinary Appeals to grant him an appeal of this instant matter.

3. That neither CFLD and/or Mona Harper take nothing by the prior order of the Evidentiary Panel and that this matter be fully relitigated;

4. For any and all other such relief as to which Defendant might show himself to be entitled, whether in equity or in law, so that justice might be served.

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Respectfully Submitted,



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***FAX FILED WITH TEXAS BOARD OF DISCIPLINARY APPEALS
@ (512) 427-4130 this 9th day of March, 2015***

***FAX FILED WITH EVIDENTIARY PANEL CHAIR, Grievance Committee, DFW
@ (817) 332-2763 this 9th day of March 2015***

CERTIFICATE OF SERVICE

I hereby certify pursuant to TEXAS RULES OF CIVIL PROCEDURE a true and complete copy of the foregoing was served upon COMMISSION FOR LAWYER DISCIPLINE, by and through its attorney of record, Ms. Susan Morgan Farris, STATE BAR OF TEXAS, Office of the Chief Disciplinary Counsel, The Princeton, 14651 Dallas Parkway, Suite 925, Dallas, TX 76254, via facsimile transmission to (972) 383-2935, this 9th day of March 2015.


Daniel C. Little, Pro Se

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