

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

**IN THE MATTER OF
DAVIS PERRY BAUER,
STATE BAR CARD NO. 24129967**

§
§
§

CAUSE NO. 70019

AGREED JUDGMENT OF 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. Respondent waives any and all defenses that could be asserted under Rule 9.04 of the Texas Rules of Disciplinary Procedure. 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, Davis Perry Bauer, Bar Card No. is 24129967, is an attorney licensed and authorized to practice law in the State of Texas by the Supreme Court of Texas.
- (2) On or about June 20, 2024, an Order of Admonition with Probation¹, (CLE), and Costs was entered Before the Attorney Discipline Probable Cause Committee of the Supreme Court of Arizona in a matter styled, *In the Matter of a Member of the State Bar of Arizona, Davis Perry Bauer, Bar No. 035529, Respondent*, No. 23-2293, that states in pertinent part:

¹ Admonition [informal reprimand in Arizona] is generally appropriate when a lawyer engages in an isolated instance of negligence that is a violation of a duty owed as a professional, and causes little or no actual potential injury to a client, the public, or the legal system.” *In re Sodaro*, 2002 Ariz. LEXIS 125, 6-7.

By a vote of 7-1-2¹, the Committee finds probable cause exists that Respondent violated the following Rules of the Supreme Court of Arizona: Rule 42, ER 1.3, ER 4.4(a), and ER 8.4(d), and Arizona Supreme Court Rule 41(b)(7). Respondent is admonished for violating ERs 1.3, 4.4(a), 8.4(d), and Arizona Supreme Court Rule 41(b)(7). Respondent violated ER 1.3 by sending letters to the court appointed advisor's attorney, the Department of Child Safety, the opposing counsel in a family law case, a therapeutic interventionist, and a court appointed psychologist without sufficiently researching the validity of the allegations before sending the letters. Respondent violated ER 4.4(a) and Arizona Supreme Court Rule 41(b)(7) by including in those letters requests that the recipients of the letters change their recommendations or opinions to the family court in exchange for Respondent or his client not proceeding with a lawsuit against them and by including in those letters unsubstantiated allegations of terrorism, among other spurious claims. Respondent violated ER 8.4(d) because the court appointed advisor and the opposing counsel reported those letters to the family court which caused the family to schedule and conduct a status conference regarding the contents of the letters.

IT IS THEREFORE ORDERED issuing an Order of Admonition with Probation for Respondent's conduct pursuant to Rules 55(c)(1)(D) and 60(a)(4), Ariz. R. Sup. Ct.

IT IS FURTHER ORDERED that pursuant to Rules 55(c)(1)(D) and 60(a)(5), Ariz. R. Sup. Ct., Respondent is placed on Probation under the following terms and conditions:

- 1) The probation period will begin at the time this Order is served upon Respondent, and will conclude one (1) year from that date.
- 2) Respondent shall participate in and successfully complete the following programs in addition to the annual MCLE requirements:
 - a) **CIVILITY, PROFESSIONALISM AND ETHICS: WHY ALL THREE MATTER.** Respondent shall complete the CLE program

¹ Committee members Kent Volkmer, Jack Dillenberg, and Mr. Jack Dillenberg's (Brent Vermeer) alternate did not participate in this matter.

“Civility, Professionalism and Ethics: Why all Three Matter” within one year from date of service of this Order. Respondent shall provide the State Bar Compliance Monitor with evidence of completion of the program by providing a copy of (a) his handwritten notes; or (b) typed or electronic notes, accompanied by a declaration, statement or affidavit that complies with Civil Rule 80(c), and which states he personally typed the notes while viewing the CLE program. Respondent should contact the Compliance Monitor at 602-340-7258 to make arrangements to submit this evidence. Respondent will be responsible for the cost of the CLE.

b) ETHICS CAFÉ SERIES: ER 4.1 & 4.4: Respondent shall complete the CLE program “Ethics Café Series: 4.1 and 4.4” within one year from the date of service of this Order. Respondent shall provide the State Bar Compliance Monitor with evidence of completion of the program by providing a copy of (a) his handwritten notes; or (b) typed or electronic notes, accompanied by a declaration, statement or affidavit that complies with Civil Rule 80(c), and which states he personally typed the notes while viewing the CLE program. Respondent should contact the Compliance Monitor at 602-340-7258 to make arrangements to submit this evidence. Respondent will be responsible for the cost of the CLE.

- 3) Respondent shall commit no further violations of the Rules of Professional Conduct.
- 4) Respondent shall report, in writing, compliance with the terms of probation to the State Bar’s Phoenix Office.
- 5) If Respondent fails to comply with any of the foregoing conditions and the State Bar receives information about non-compliance, bar counsel shall report material violations to the Presiding Disciplinary Judge, who may hold a hearing to determine if the terms of probation have been violated and to determine if an additional sanction should be imposed. In a probation violation hearing,

the State Bar must prove a violation by preponderance of the evidence.

IT IS FURTHER ORDERED, pursuant to Rule 60(b), Ariz. R. Sup. Ct., that Respondent shall pay the costs and expenses of these proceedings, as set forth in the attached Statement of Costs and Expenses, within thirty (30) days from the date of service of this Order.

PURSUANT to Rules 60(a)(4) and 70(a)(2), Ariz. R. Sup. Ct., this order will be entered in the Respondent's permanent record at the State Bar and is not confidential. Pursuant to Rule 48(k)(3), Ariz. R. Sup. Ct., it may be considered by the Attorney Discipline Probable Cause Committee, the Presiding Disciplinary Judge, a Hearing Panel, or the Supreme Court in recommending or imposing discipline in a subsequent disciplinary proceeding against Respondent.

- (3) Respondent, Davis Perry Bauer, is the same person as the Davis Perry Bauer, who is the subject of the Order of Admonition with Probation, (CLE), and Costs, issued Before the Attorney Discipline Probable Cause Committee of the Supreme Court of Arizona; and
- (4) The Order of Admonition with Probation, (CLE), and Costs, issued Before the Attorney Discipline Probable Cause Committee of the Supreme Court of Arizona 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 practicable², to that imposed by the Supreme Court of Arizona is warranted in this case.
- (3) Respondent should be suspended from the practice of law for a period of one (1) year with the suspension being fully probated.
- (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.

² As Texas does not have an equivalent to an Admonition [informal reprimand in Arizona].

It is, accordingly, **ORDERED, ADJUDGED, and DECREED** that Respondent, Davis Perry Bauer, State Bar Card No. 24129967, is hereby suspended from the practice of law for a period of one (1) year with the suspension being fully probated, beginning September 30, 2024, and extending through September 29, 2025, under the following terms and conditions:

- (1) Respondent shall not violate any of the provisions of the Texas Disciplinary Rules of Professional Conduct or any provision of the State Bar Rules.
- (2) Respondent shall not be found guilty of, or plead no contest to, any felony involving moral turpitude or any misdemeanor involving theft, embezzlement, or fraudulent misappropriation of money or other property.
- (3) Respondent must notify both the Office of the Chief Disciplinary Counsel and the Membership Department of the State Bar of Texas of any change in Respondent's address within thirty (30) days of the change of address.
- (4) Respondent shall not violate any of the terms or conditions of probation imposed Before the Attorney Discipline Probable Cause Committee of the Supreme Court of Arizona on June 20, 2024, in case styled: *In the Matter of a Member of the State Bar of Arizona, Davis Perry Bauer, Bar No. 035529, Respondent, No. 23-2293.*
- (5) Respondent shall timely comply with all requirements of the Order of Admonition with Probation, (CLE), and Costs entered Before the Attorney Discipline Probable Cause Committee of the Supreme Court of Arizona, on June 20, 2024, in case styled: *In the Matter of a Member of the State Bar of Arizona, Davis Perry Bauer, Bar No. 035529, Respondent, No. 23-2293.*

Probation Revocation

Upon determination that Respondent has violated any term or condition of this judgment, or if Respondent is adjudged by a tribunal in Arizona to have violated the terms of the disciplinary order entered in Arizona, 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 the Texas Rules of Disciplinary Procedure.

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

Signed this 30th day of September 2024.



CHAIR PRESIDING

APPROVED AS TO FORM AND CONTENT:



Davis Perry Bauer
State Bar Card No. 24129967
Respondent



Ramiro Canales
Assistant Disciplinary Counsel
State Bar Card No. 24012377
Attorney for Petitioner