



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

IN THE MATTER OF §
DEREK H. DAVIS § **CAUSE NO. 69472**
STATE BAR CARD NO. 05479400 §

JUDGMENT OF DISBARMENT

On the 25th day of October, 2024, the above-styled and numbered disciplinary action was called for hearing before the Board of Disciplinary Appeals. Petitioner appeared by attorney and announced ready. Respondent, Derek H. Davis, appeared in person and announced ready. All questions of fact and 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, Derek H. Davis, State Bar Card Number 05479400, is licensed and authorized to practice law in the State of Texas by the Supreme Court of Texas.
- (2) On or about June 7, 2022, Respondent was charged by Indictment with “THEFT PROP >=\$2,500<\$30K,” in Cause No. F2072039, styled *The State of Texas v. Derek Hamilton Davis*, in the 204th Judicial District Court of Dallas County, Texas.
- (3) On or about January 10, 2024, the 204th District Court of Dallas County, Texas, entered an Order of Deferred Adjudication in Cause No. F-20-72039, styled *The State of Texas v. Derek Hamilton Davis*, reflecting that Respondent pled guilty to “THEFT OF PROPERTY >\$2,500<\$30K,” in violation of Texas Penal Code section 31.03(E)(4)(A), a State Jail Felony. Respondent was placed on deferred adjudication community supervision for two (2) years. Respondent was further ordered to pay \$3,600.00 in restitution and \$290.00 in court costs.

- (4) On July 19, 2019, an evidentiary panel of the District 6 Grievance Committee of the State Bar of Texas issued an Agreed Judgment of Fully Probated Suspension wherein Respondent agreed he violated Rules 1.08(a), 1.14(a), 1.14(b), 8.04(a)(2), and 8.04(a)(3) of the Texas Disciplinary Rules of Professional Conduct.
- (5) Respondent, Derek H. Davis, is the same person as the Derek Hamilton Davis who is the subject of the Order of Deferred Adjudication described above.

Conclusions of Law. Based on the foregoing findings of fact, 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. 7.08(G).
- (2) Respondent, Derek H. Davis, has been placed on probation for an Intentional Crime as defined by Texas Rule of Disciplinary Procedure 1.06(V) and a Serious Crime as defined by Texas Rule of Disciplinary Procedure 1.06(GG).
- (3) Compulsory discipline is warranted in this case. TEX. RULES DISCIPLINARY P. 8.04.
- (4) Because Respondent received probation through deferred adjudication, the Board has discretion to enter an order of disbarment or suspend Respondent's license for the duration of the term of his criminal probation. *In re Caballero*, 272 S.W.3d 595, 601 (Tex. 2008); *see* TEX. RULES DISCIPLINARY P. R. 8.05, 8.06.
- (5) In considering whether to disbar or suspend, the Board has applied the factors expressed in *In re Isassi*, BODA Case No. 57699 (May 8, 2017).
- (6) The Board may consider evidence of the underlying facts and circumstances in determining the compulsory discipline sanction to be imposed. *E.g.*, *In the Matter of Filippov*, BODA Case No. 30611 (Jan. 22, 2004), *aff'd*, 04-0151 (Tex. 2004).
- (7) Based on the relevant factors, the Board determines that disbarment is the appropriate sanction.
- (8) Respondent, Derek H. Davis shall be disbarred pursuant to Texas Rule of Disciplinary Procedure 8.05.

It is, accordingly, **ORDERED, ADJUDGED, and DECREED** that Respondent, Derek H. Davis, State Bar Card No. 05479400, be and hereby is **DISBARRED** from the practice of law in the State of Texas, and his license to practice law in this state be and hereby is revoked.

It is further **ORDERED, ADJUDGED and DECREED** that Respondent, Derek H. Davis, is prohibited from practicing law in Texas, holding himself out as an attorney at law, performing any legal services 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 court or before any administrative body or holding himself out to others or using his name, in any manner, in conjunction with the words “attorney at law,” “attorney,” “counselor at law,” “esquire,” “Esq.,” or “lawyer.”

It is further **ORDERED** Respondent, Derek H. Davis, shall immediately notify each of his current clients, if any, in writing of this disbarment. In addition to such notification, Respondent is **ORDERED** to return any files, papers, unearned monies, and other property, if any, which belongs to clients and former clients and is in Respondent's possession or control, to the respective clients or former clients or to another attorney at the client's or former client's request, within thirty (30) days of the date of this judgment.

It is further **ORDERED** that Respondent, Derek H. Davis, 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 that all current clients have been notified of Respondent's disbarment and that all files, papers, monies and other property belonging to all clients and former clients have been returned as ordered herein. If Respondent should be unable to return any such files, papers, monies, or other property, 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** Respondent, Derek H. Davis, shall, on or before thirty (30) days from the signing 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, if any, 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 has represented.

It is further **ORDERED** that Respondent, Derek H. Davis, 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 date of this judgment, an affidavit stating that Respondent has sent written notice to each and every justice of the peace, judge, magistrate, administrative judge or officer, and chief justice in accordance with the terms of this judgment.

It is further **ORDERED** that Respondent, Derek H. Davis, shall immediately 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, Austin, Texas 78711-2487 (1414 Colorado St., Austin, TX 78701), for transmittal to the Clerk of the Supreme Court of Texas.

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

Signed this 7th day of November 2024.



CHAIR PRESIDING

Board members Jennifer Caughey, Arthur D'Andrea, and Andrew Graham did not participate in this decision.