

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

**IN THE MATTER OF  
RANDY DALE JARNIGAN  
STATE BAR CARD NO. 10575800**

§  
§  
§

**CAUSE NO. 11580**

**FINAL JUDGMENT OF DISBARMENT**

**Interlocutory Order of Suspension**

On the 16th day of May 1997, the above-styled and numbered compulsory disciplinary action was called for hearing before the Board of Disciplinary Appeals. Petitioner Commission for Lawyer Discipline of the State Bar of Texas appeared by attorney and announced ready. Respondent, Randy Dale Jarnigan, although having filed an answer and having been duly notified of the hearing, did not appear and made default. The Board of Disciplinary Appeals, having considered the pleadings on file, having received evidence, and having heard the argument of counsel, signed an Interlocutory Order of Suspension on or about July 18, 1997, a copy of which is attached hereto and incorporated herein by reference for all purposes as Exhibit A as if set out in full, which provided in pertinent part the following findings and conclusions:

The Board of Disciplinary Appeals found in pertinent part that:

- (1) Respondent, Randy Dale Jarnigan, is an attorney licensed to practice law in the State of Texas whose State Bar Card Number is 10575800;
- (2) Respondent was convicted of one count of engaging in organized criminal activity in Cause Number 727800, styled *The State of Texas v. Randy Dale Jarnigan*, in the 337<sup>th</sup> District Court of Harris County, Texas. On or about February 5, 1997, Respondent was sentenced to

thirty (30) years incarceration in a Texas state prison and ordered to pay a fine in the amount of \$10,000.00;

- (3) The sentence described above is not fully probated,
- (4) Respondent, Randy Dale Jarnigan, is same person as the Randy Dale Jarnigan, who is the subject of the Judgment described; and
- (5) An appeal has been taken from the Judgment entered in the Jarnigan criminal case by Respondent, Randy Dale Jarnigan.

Based upon the foregoing findings of facts the Board of Disciplinary Appeals made the following conclusions of law:

- (1) This Board has jurisdiction to hear and determine this matter. Rule 7.08(G), Texas Rules of Disciplinary Procedure;
- (2) Respondent, Randy Dale Jarnigan, has been convicted of intentional crimes as defined by Rule 1.06(O), Texas Rules of Disciplinary Procedure;
- (3) Respondent, Randy Dale Jarnigan, should be suspended as an attorney licensed to practice law in Texas during the appeal of his conviction. Rule 8.04, Texas Rules of Disciplinary Procedure; and
- (4) In the event that the conviction of Respondent, Randy Dale Jarnigan, becomes final, Respondent, Randy Dale Jarnigan, should be disbarred. Rule 8.05, Texas Rules of Disciplinary Procedure.

As a result of the foregoing Findings of Fact and Conclusions of Law, the Board of Disciplinary Appeals entered an Interlocutory Order of Suspension on or about July 18, 1997, suspending Respondent's license to practice law pending the outcome of his appeal of the criminal conviction and providing that, in the event that conviction was affirmed and became final, Respondent would be disbarred.

## **Motion for Entry of Final Judgment**

On the 9<sup>th</sup> day of June 2006, came on to be heard Petitioner's Motion for Entry of Judgment of Disbarment and Respondent's Certified Motion for Continuance in Response to Motion for Entry of Judgment and Disbarment. The Board, having considered the Motion and Motion for Continuance and having heard argument of counsel, finds:

- (1) Respondent's conviction was affirmed by mandate issued by the Fourteenth Court of Appeals on or about June 7, 2002, Cause No. 14-97-00445-CR.
- (2) Respondent filed an Application for a Writ of Habeas Corpus pursuant to the Texas Code of Criminal Procedure art. 11.07 with the Court of Criminal Appeals on or about June 17, 2003, Cause No. 727800-A, which remains pending as of the date of this judgment.
- (3) Respondent's Application for a Writ of Habeas Corpus states that the criminal conviction is final.
- (4) Respondent has not requested a hearing on his request for a continuance.

Based upon the foregoing findings of facts, the Board of Disciplinary Appeals makes the following conclusions of law:

- (1) Respondent's Application for Writ of Habeas Corpus does not affect the finality of the criminal conviction for purposes of compulsory discipline.
- (2) Respondent's request for a continuance based on a pending Application for a Writ of Habeas Corpus pursuant to Texas Code of Criminal Procedure art. 11.07 does not contest the finality of the criminal conviction within TRDP 8.05.
- (3) Respondent's Continuance should be denied, and the Motion for Entry of Judgment of Disbarment should be granted.

It is, accordingly, **ORDERED** that Respondent's Motion for Continuance is **DENIED**.

It is, accordingly, **ORDERED, ADJUDGED, and DECREED** that Respondent, Randy Dale Jarnigan, State Bar Card No. 10575800, be and he is hereby **DISBARRED** from the practice of law in the State of Texas, and his license to practice law in this state be, and is hereby is, **REVOKED**.

It is further **ORDERED, ADJUDGED and DECREED** that Respondent, Randy Dale Jarnigan, is hereafter permanently prohibited, effective immediately, 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."

Respondent is further **ORDERED** to notify in writing, not later than thirty (30) days from the date of the entry of this judgment, 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 disbarment, 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. Respondent is also **ORDERED** to mail copies of all such notifications to the Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711.

Respondent is further **ORDERED** to notify immediately each of his current clients, if any, in writing, of his disbarment. 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 after the date on which this Judgment is signed by the Board. Respondent is further **ORDERED** to file with this Board, within the same thirty (30) days, an affidavit stating that all current clients have been notified of his disbarment and that all files, papers, unearned fees paid in advance, and all other monies and properties belonging to clients and former clients have been returned as ordered herein. If Respondent should be unable to return any file, papers, money or other property to 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. Respondent is also **ORDERED** to mail a copy of said affidavit and copies of all notification letters to clients, to the Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711.

Respondent is further **ORDERED** to surrender immediately his Texas law license and permanent State Bar Card to the 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 Compulsory Discipline on file herein along with a copy of this Final Judgment of Disbarment be sent to the Chief Disciplinary Counsel of the State Bar of Texas, P.O. Box 12487, Austin, Texas 78711.

Signed this 15 day of June 2006.



---

CHAIRMAN

BEFORE THE SUPREME COURT OF TEXAS

BOARD OF DISCIPLINARY APPEALS

IN THE MATTER OF §  
RANDY DALE JARNIGAN § DOCKET NO. 11580  
STATE BAR CARD NO. 10575800 §

INTERLOCUTORY ORDER OF SUSPENSION

On the 16th day of May, 1997, the above-styled and numbered disciplinary action was called for hearing before the Supreme Court of Texas Board of Disciplinary Appeals. Petitioner appeared by attorney and announced ready. Respondent, Randy Dale Jarnigan (hereinafter called "Respondent"), although having filed an answer and having been duly notified of the hearing, did not appear and made default. All matters of fact as well as all matters 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, Randy Dale Jarnigan, is an attorney licensed to practice law in the State of Texas whose State Bar Card No. is 10575800;
- (2) Respondent was convicted of one count of engaging in organized criminal activity in Cause No. 727800, styled *The State of Texas vs. Randy Dale Jarnigan*, in the 337th District Court of Harris County, Texas (hereinafter called the "Jarnigan criminal case".) On or about February 5, 1997, Respondent was sentenced to thirty (30) years incarceration in a Texas state prison and ordered to pay a fine in the amount of \$10,000.00
- (3) The sentence described above is not fully probated;
- (4) Respondent, Randy Dale Jarnigan, is the same person as the Randy Dale Jarnigan who is the subject of the judgment; and
- (5) An appeal has been taken from the Judgment entered in the Jarnigan criminal case by Respondent, Randy Dale Jarnigan.

**Conclusions of Law.** Based upon the foregoing findings of facts the Board of Disciplinary

Appeals states the following conclusions of law:

- (1) This Board has jurisdiction to hear and determine this matter. Rule 7.08(G), Texas Rules of Disciplinary Procedure;
- (2) Respondent, Randy Dale Jarnigan, has been convicted of an intentional crime as defined by Rule 1.06(O), Texas Rules of Disciplinary Procedure;
- (3) Respondent, Randy Dale Jarnigan, should be suspended as an attorney licensed to practice law in Texas during the appeal of his conviction. Rule 8.04, Texas Rules of Disciplinary Procedure; and
- (4) In the event that the conviction of Respondent, Randy Dale Jarnigan, becomes final Respondent, Randy Dale Jarnigan, should be disbarred. Rule 8.05, Texas Rules of Disciplinary Procedure.

It is, accordingly, ORDERED, ADJUDGED, AND DECREED that Respondent, Randy Dale Jarnigan, State Bar Card No. 10575800, is hereby SUSPENDED as an attorney at law in the State of Texas effective immediately upon entry of this order and continuing hereafter until his conviction is reversed or until further order of this Board.

It is further ORDERED, ADJUDGED, AND DECREED that Respondent's Motions for Continuance, Appointment of Counsel, Subpoena, and to Dismiss this proceeding are denied.

It is further ORDERED, ADJUDGED and DECREED that Respondent, Randy Dale Jarnigan, during said suspension is hereby prohibited, effective immediately, 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 not previously rendered, appearing as counsel or in any representative capacity 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, Randy Dale Jarnigan, not later than August 21, 1997, shall notify in writing each and every justice of the peace, judge, magistrate, and chief justice of each and every court in which Respondent, Randy Dale Jarnigan, 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. Respondent is also ORDERED to mail copies of all such notifications to the Office of the General Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711.

It is further ORDERED that Respondent, Randy Dale Jarnigan, shall immediately notify each of his current clients, 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 after the date on which this Judgment is signed by the Board. Respondent is further ORDERED to file with this Board, within the same thirty (30) days, an affidavit stating either (a) that all current clients have been notified of his suspension and that all files, papers, unearned fees paid in advance, and all other monies and properties belonging to clients and former clients have been returned as ordered herein or (b) that Respondent has no current clients, files, or papers, and that any unearned fees paid in advance or other monies or properties belonging to clients have previously been returned to the appropriate client. If Respondent should be unable to return any file, papers, money or other property to 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. Respondent is also ORDERED to mail a copy of said



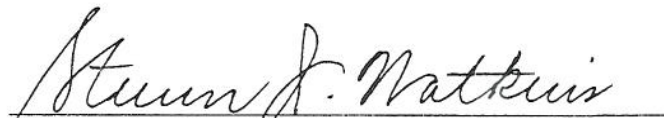
affidavit and copies of all notification letters to clients, to the Office of the General Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711.

It is further ORDERED that Respondent, Randy Dale Jarnigan, immediately surrender his Texas law license and permanent State Bar Card to the Office of the General Counsel, State Bar of Texas, for transmittal to the Clerk of the Supreme Court of Texas.

It is further ORDERED that a certified copy of the Petition for Compulsory Disciplinary on file herein, along with a copy of this Order, be sent to the General Counsel of the State Bar of Texas, P.O. Box 12487, Austin, Texas 78711.

It is further ORDERED that this Order is interlocutory pending the further orders of this Board upon the conclusion of Respondent's appeal of his criminal conviction. In the event that the conviction of Respondent, Randy Dale Jarnigan, is reversed, Respondent may petition this Board, by filing an appropriate motion supported by certified copies of court documents showing that the conviction has been reversed, to terminate the suspension. In the event that the conviction of Respondent, Randy Dale Jarnigan, becomes final, this Board shall, upon the filing by the Chief Disciplinary Counsel of an appropriate motion supported by certified copies of court documents showing that the conviction has become final pursuant to Rule 8.05 of the Texas Rules of Disciplinary Procedure, enter a final judgment of disbarment.

Signed this 18<sup>th</sup> day of July, 1997.

  
STEVEN J. WATKINS, CHAIRMAN  
SUPREME COURT OF TEXAS  
BOARD OF DISCIPLINARY APPEALS