

FILE NO. 201904994

IN THE MATTER OF:

(ROCHELLE DIANNE DAVIS,
BAR NO. 24099669)

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INVESTIGATORY PANEL 4-3

DISTRICT 4

GRIEVANCE COMMITTEE

AGREED JUDGMENT OF PROBATED SUSPENSION

Parties and Appearance

Chief Disciplinary Counsel and Respondent, Rochelle Dianne Davis, Texas Bar Number 24099669, announce that an agreement has been reached on all matters including the imposition of a Probated Suspension.

Jurisdiction and Venue

The Investigatory Panel 4-3, having conducted an Investigatory Hearing on March 4, 2020 on the Complaint filed by Napoleon Moye, finds that it has jurisdiction over the parties and the subject matter of this action, and that venue is proper.

Professional Misconduct

The Investigatory Panel, having considered the admissions, stipulations and agreements of the parties, finds Respondent has committed Professional Misconduct as defined by Rule 1.06(CC) of the Texas Rules of Disciplinary Procedure.

Findings of Fact

Petitioner and Respondent agree to the following findings of fact. Accordingly, the Investigatory Panel finds:

1. Respondent is an attorney licensed to practice law in Texas and is a member of the State Bar of Texas.
2. Respondent's Professional Misconduct occurred, in whole or in part, in Harris County, Texas.

3. In representing Napoleon Moye Respondent neglected the legal matter entrusted to her.
4. Respondent failed to keep Napoleon Moye reasonably informed about the status of his case and failed to promptly comply with reasonable requests for information.
5. Respondent failed to withdraw from representing Napoleon Moye when Respondent's physical or mental condition materially impaired Respondent's fitness to represent Napoleon Moye.
6. Upon termination of representation, Respondent failed to refund advance payments of fee that had not been earned.
7. Respondent owes restitution in the amount of \$3,500.00 payable to Napoleon Moye.
8. Respondent shall not engage in Professional Misconduct as defined by Rule 1.06(CC) of the Texas Rules of Disciplinary Procedure.
9. Respondent shall comply with Minimum Continuing Legal Education requirements.
10. Respondent shall promptly respond to any request for information from the Chief Disciplinary Counsel in connection with any investigation of any allegations of Professional Misconduct.
11. In addition to complying with the Minimum Continuing Legal Education (MCLE) requirements of the State Bar of Texas, Respondent shall complete six (6) additional hours of continuing legal education in the area of Law Office Management.
12. Respondent shall continue completion of the Lawyer wellness/Mental Health CLE requirement ordered under the judgment in case number 201903239.
13. Respondent shall make contact with the Chief Disciplinary Counsel's Offices' Compliance Monitor at 877-953-5535, ext. 1334 and Special Programs Coordinator at 877-953-5535, ext. 1323, not later than seven (7) days after receipt of a copy of this judgment to coordinate Respondent's compliance.

Conclusions of Law

Based on the agreed foregoing findings of fact, the Investigatory Panel finds that the following Texas Disciplinary Rules of Professional Conduct have been violated: 1.01(b)(1),

1.03(a), 1.15(a)(2), and 1.15(d).

Sanction

It is AGREED and ORDERED that the sanction of a Probated Suspension shall be imposed against Respondent and is in accordance with Part XV of the Texas Rules of Disciplinary Procedure.

Accordingly, it is ORDERED, ADJUDGED and DECREED that Respondent be suspended from the practice of law for a period of twelve (12) months, with the suspension being fully probated pursuant to the terms stated below. The period of probated suspension shall begin on May 1, 2020 and shall end on April 30, 2021.

It is AGREED and ORDERED that in addition to complying with the Minimum Continuing Legal Education (MCLE) requirements of the State Bar of Texas, Respondent shall complete six (6) additional hours of CLE in the area of Law Office Management. These additional hours of CLE are to be completed by September 1, 2020. Within ten (10) days of the completion of these additional CLE hours, Respondent shall verify completion of the course to the State Bar of Texas, via USPS: Office of the CDC, State Bar of Texas, P.O. Box 12487, Austin, TX 78711-2487; or via Delivery: Office of the CDC, State Bar of Texas, 1414 Colorado St., Suite 200, Austin, TX 78701.

Respondent shall make contact with the Chief Disciplinary Counsel's Offices' Compliance Monitor at 877-953-5535, ext. 1334 and Special Programs Coordinator at 877-953-5535, ext. 1323, not later than seven (7) days after receipt of a copy of this judgment to coordinate Respondent's compliance.

Terms of Probation

It is further ORDERED that during all periods of suspension, Respondent shall be

under the following terms and conditions:

1. Respondent shall not violate any term of this judgment.
2. Respondent shall not engage in Professional Misconduct as defined by Rule 1.06(CC) of the Texas Rules of Disciplinary Procedure.
3. Respondent shall not violate any state or federal criminal statutes.
4. Respondent shall keep State Bar of Texas membership department notified of current mailing, residence and business addresses and telephone numbers.
5. Respondent shall comply with Minimum Continuing Legal Education requirements.
6. Respondent shall comply with Interest on Lawyers Trust Account (IOLTA) requirements.
7. Respondent shall promptly respond to any request for information from the Chief Disciplinary Counsel in connection with any investigation of any allegations of Professional Misconduct.
8. Respondent shall pay restitution, on or before September 1, 2020, to Napoleon Moye in the amount of \$3,500.00. Respondent shall pay the restitution by certified or cashier's check or money order, made payable to Napoleon Moye and delivered to the State Bar of Texas, Chief Disciplinary Counsel's Office, 4801 Woodway Drive, Suite 315-W, Houston, TX 77056.
9. Respondent shall continue completion of the Lawyer Wellness/Mental Health CLE requirement ordered under the judgment in case number 201903239.
10. In addition to complying with the Minimum Continuing Legal Education (MCLE) requirements of the State Bar of Texas, Respondent shall complete six (6) additional hours of CLE in the area of Law Office Management.
11. Respondent shall make contact with the Chief Disciplinary Counsel's Offices' Compliance Monitor at 877-953-5535, ext. 1334 and Special Programs Coordinator at 877-953-5535, ext. 1323, not later than seven (7) days after receipt of a copy of this judgment to coordinate Respondent's compliance.

Probation Revocation

Upon information that Respondent has violated a term of this judgment, the Chief Disciplinary Counsel may, in addition to all other remedies available, file a motion to revoke

probation pursuant to the Texas Rules of Disciplinary Procedure with the Board of Disciplinary Appeals ("BODA") and serve a copy of the motion on Respondent pursuant to Tex.R.Civ.P. 21a.

BODA shall conduct an evidentiary hearing. At the hearing, BODA shall determine by a preponderance of the evidence whether Respondent has violated any term of this Judgment. If BODA finds grounds for revocation, BODA shall enter an order revoking probation and placing Respondent on active suspension from the date of such revocation order. Respondent shall not be given 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 Texas Rules of Disciplinary Procedure.

Restitution

It is further ORDERED Respondent shall pay restitution, on or before September 1, 2020, to Napoleon Moye in the amount of \$3,500.00. Respondent shall pay the restitution by certified or cashier's check or money order, made payable to Napoleon Moye and delivered to the State Bar of Texas, Chief Disciplinary Counsel's Office, 4801 Woodway Drive, Suite 315-W, Houston, TX 77056.

It is further ORDERED that all amounts ordered herein are due to the misconduct of Respondent, are assessed as a part of the sanction in accordance with Rule 1.06(FF) of the Texas Rules of Disciplinary Procedure. Any amount not paid shall accrue interest at the maximum legal rate per annum until paid and the State Bar of Texas shall have all writs

and other post-judgment remedies against Respondent in order to collect all unpaid amounts.

Publication

This suspension shall be made a matter of public record and appropriately published in accordance with the Texas Rules of Disciplinary Procedure.

Other Relief

All requested relief not expressly granted herein is expressly DENIED.

SIGNED this 13th day of March, 2020.

INVESTIGATORY PANEL 4-3
DISTRICT 4


JEFFERY B. VADEN
PRESIDING MEMBER

AGREED AS TO FORM AND SUBSTANCE:



ROCHELLE DIANNE DAVIS
State Bar No. 24099669
RESPONDENT



KHADIJA T. ROBERTS
State Bar No. 24069579
ASSISTANT CHIEF DISCIPLINARY COUNSEL