

**BEFORE THE DISTRICT 1 GRIEVANCE COMMITTEE
EVIDENTIARY PANEL 1-1
STATE BAR OF TEXAS**

**COMMISSION FOR LAWYER
DISCIPLINE,
Petitioner**

V.

**DANIEL ROBERT THERING,
Respondent**

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**CASE NO. 201707369
(Gamble)**

JUDGMENT OF FULLY PROBATED SUSPENSION

Parties and Appearance

On March 13, 2020, came to be heard the above-styled and numbered cause. Petitioner, Commission for Lawyer Discipline (Petitioner), and Respondent, **DANIEL ROBERT THERING** (Respondent), Texas Bar Number **24042023**, appeared via telephone and announced ready

Jurisdiction and Venue

The Evidentiary Panel 1-1, having been duly appointed to hear this complaint by the chair of the Grievance Committee for State Bar of Texas District 1, finds that it has jurisdiction over the parties and the subject matter of this action, and that venue is proper.

Professional Misconduct

The Evidentiary Panel, having considered the pleadings, admissions, stipulations and argument, finds Respondent has committed Professional Misconduct as defined by Rule 1.06(W) of the Texas Rules of Disciplinary Procedure.

Findings of Fact

The Evidentiary Panel, having considered the pleadings, evidence and argument of counsel, makes the following findings of fact and conclusions of law:

1. Respondent is an attorney licensed to practice law in Texas and is a member of the State Bar of Texas.
2. At the time of the filing of this Disciplinary Proceeding, Respondent resided in and maintained his principal place of practice in Collin County, Texas.
3. In October 2016, Complainant Tracy Gamble (Gamble) hired Respondent after she was involved in a vehicle accident. Thereafter, Respondent failed to keep Gamble reasonably informed about the status of her personal injury matter and failed to promptly comply with Gamble's reasonable requests for information.
4. Upon conclusion of Gamble's personal injury matter, Respondent failed to provide Gamble with a written statement showing the remittance to Gamble and the method of its determination.
5. Respondent failed to hold funds belonging in part to Gamble that were in Respondent's possession in connection with the representation separate from Respondent's own property.
6. Respondent failed to promptly deliver to Gamble funds that Gamble was entitled to receive and, upon request by Gamble, Respondent failed to promptly render a full accounting regarding such funds.
7. Upon termination of representation, Respondent failed to surrender papers and property to which Gamble was entitled.
8. On or about December 6, 2019, Respondent paid restitution to Tracy Gamble in the amount of Twenty Three Thousand Sixteen and 00/100 Dollars (\$23,016.00).
9. The Chief Disciplinary Counsel of the State Bar of Texas has incurred reasonable attorney's fees and direct expenses associated with this Disciplinary Proceeding in the amount of Two Thousand and 00/100 Dollars (\$2,000.00).

Conclusions of Law

The Evidentiary Panel concludes that, based on the foregoing findings of fact, the following Texas Disciplinary Rules of Professional Conduct have been violated: Rules 1.03(a), 1.04(d), 1.14(a), 1.14(b), and 1.15(d).

Sanction

The Evidentiary Panel, having found that Respondent has committed professional misconduct, heard and considered additional evidence regarding the appropriate sanction to be imposed against Respondent. After hearing all evidence and argument and after having considered the factors in Rule 2.18 of the Texas Rule of Disciplinary Procedure, the Evidentiary Panel finds that the proper discipline of the Respondent for each act of Professional Misconduct is a Probated Suspension.

Accordingly, it is **ORDERED, ADJUDGED** and **DECREEED** that Respondent be suspended from the practice of law for a period of twenty-four (24) months, with the suspension being fully probated pursuant to the terms stated below. The period of probated suspension shall begin on December 15, 2026, and shall end on December 14, 2028.

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(W) 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, email address 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 all reasonable and necessary attorney's fees and direct expenses to the State Bar of Texas in the amount of Two Thousand and 00/100 Dollars (\$2,000.00). The payment shall be due and payable on or before March 13, 2021, and shall be made by certified or cashier's check or money order. Respondent shall forward the funds, made payable to the State Bar of Texas, to the Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701).

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 Rule 2.23 of 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.

Attorney's Fees and Expenses

It is further **ORDERED** that Respondent shall pay all reasonable and necessary attorney's fees and direct expenses to the State Bar of Texas in the amount of Two Thousand and 00/100 Dollars (\$2,000.00). The payment shall be due and payable on or before March 13, 2021, and shall be made by certified or cashier's check or money order. Respondent shall forward the funds, made payable to the State Bar of Texas, to the Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701).

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(Z) 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 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 _____ day of March, 2020.

**EVIDENTIARY PANEL 1-1
DISTRICT NO. 1
STATE BAR OF TEXAS**

**Rafael De La Garza, II
District 1, Panel 1-1 Presiding Member**

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Publication

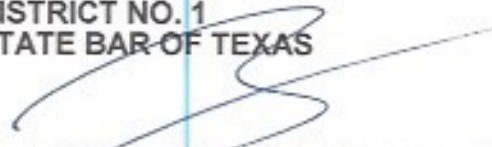
This suspension shall be made a matter of record and appropriately published in accordance with the Texas Rules of Disciplinary Procedure.

Other Relief

All requested relief not expressly granted herein is expressly DENIED.

SIGNED this 18 day of March, 2020.

**EVIDENTIARY PANEL 1-1
DISTRICT NO. 1
STATE BAR OF TEXAS**



**Rafael De La Garza, II
District 1, Panel 1-1 Presiding Member**