

**BEFORE THE DISTRICT 9 GRIEVANCE COMMITTEE
EVIDENTIARY PANEL 9-2
STATE BAR OF TEXAS**

**COMMISSION FOR LAWYER
DISCIPLINE,
Petitioner**

V.

**DANIEL ROBERT THERING,
Respondent**

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**CASE NO. 201903319
(Wiklund)**

AGREED JUDGMENT OF ACTIVE SUSPENSION

Parties and Appearance

On this date, came to be heard the above-styled and numbered cause. Petitioner, Commission for Lawyer Discipline (Petitioner), and Respondent, **DANIEL ROBERT THERING**, Texas Bar Number **24042023**, announce that an agreement has been reached on all matters including the imposition of a Partially Probated Suspension.

Jurisdiction and Venue

The Evidentiary Panel 9-2, having been duly appointed to hear this complaint by the chair of the Grievance Committee for State Bar of Texas District 9, 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 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 Evidentiary 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 reside in and maintains his principal place of practice in Travis County, Texas.
3. Brett and Emily Wiklund (the Wiklunds) hired Respondent on March 3, 2016 for representation in a medical malpractice lawsuit against Dr. William Mitchell for injuries that Emily sustained during a medical procedure on January 30, 2016. On March 19, 2016, Respondent filed Plaintiff's Original Petition and, on March 20, 2016, Respondent requested issuance of citation for service on Dr. Mitchell. Thereafter, Respondent neglected the legal matter and failed to have Dr. Mitchell served with the lawsuit. Further, Respondent accepted employment in a legal matter which he should have known was beyond his competence because Respondent failed to obtain the necessary medical records and expert reports to prosecute a medical malpractice claim. The Wiklunds made numerous requests for a status of the case but Respondent failed to communicate with them and failed to keep them reasonably informed as to the status of the matter.
4. Further, even though Respondent was provided notice of the Wiklunds' grievance; Respondent failed to timely furnish a response.
5. 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 Five Hundred and 00/100 Dollars (\$500.00).

Conclusions of Law

Petitioner and Respondent agree that, based on the foregoing findings of fact, the following Texas Disciplinary Rules of Professional Conduct have been violated. Accordingly, the Evidentiary Panel concludes that the following Texas Disciplinary Rules of Professional Conduct have been violated: Rules 1.01(a), 1.01(b)(1), 1.03(a), 1.03(b), and 8.04(a)(8).

Sanction

It is **AGREED** and **ORDERED** that the sanction of an Active Suspension shall be imposed against Respondent in accordance with the Texas Rules of Disciplinary Procedure.

Accordingly, it is **ORDERED, ADJUDGED** and **DECREED** that Respondent shall be actively suspended from the practice of law for a period of forty-eight (48) months, beginning March 15, 2020, and ending March 14, 2024.

Terms of Active Suspension

It is further **ORDERED** that during the term of active suspension ordered herein, Respondent shall be 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 or Federal 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," or "lawyer."

It is further **ORDERED** that, on or before March 31, 2020, Respondent shall notify each of Respondent's current clients and opposing counsel in writing of this suspension.

In addition to such notification, it is further **ORDERED** Respondent shall return any files, papers, unearned monies and other property belonging to current clients in Respondent's possession to the respective clients or to another attorney at the client's request.

It is further **ORDERED** Respondent 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) on or before March 31, 2020, an affidavit stating all current clients and opposing counsel have been notified of Respondent's suspension and that all files, papers, monies and other property belonging to all current clients have been returned as ordered herein.

It is further **ORDERED** Respondent shall, on or before March 31, 2020, 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 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 is representing.

It is further **ORDERED** Respondent 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) on or before March 31, 2020, an affidavit stating Respondent has notified in writing each and every justice of the peace, judge, magistrate, and chief justice of each and every court in which Respondent has any matter pending 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 is representing in Court.

It is further **ORDERED** that, on or before March 31, 2020, Respondent shall surrender his law license and permanent State Bar Card to the State Bar of Texas, Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701), to be forwarded to the Supreme Court of Texas.

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 Five Hundred and 00/100 Dollars (\$500.00). Said attorney's fees and expenses shall be paid by cashier's check or money order, made payable to the State Bar of Texas, and submitted contemporaneously with the signing of this judgment, to the State Bar of Texas, Chief Disciplinary Counsel's Office, 14651 Dallas Parkway, Suite 925, Dallas, Texas 75254.

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 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 15th day of January, 2021.

EVIDENTIARY PANEL 9-2
DISTRICT NO. 9
STATE BAR OF TEXAS



Susan P. Burton

District 9, Panel 9-2 Presiding Member

AGREED AS TO BOTH FORM AND SUBSTANCE:



Daniel Robert Thering
State Bar No. 24042023
Respondent



Jackie K. Wheelington
State Bar No. 24086673
ASSISTANT DISCIPLINARY COUNSEL