

**BEFORE THE DISTRICT 9 GRIEVANCE COMMITTEE  
EVIDENTIARY PANEL 9-3  
STATE BAR OF TEXAS**

COMMISSION FOR LAWYER  
DISCIPLINE,  
Petitioner

V.

DANIEL ROBERT THERING,  
Respondent

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CASE NO. 201902735  
(Pierre)

**AGREED JUDGMENT OF PARTIALLY PROBATED 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 9-3, 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 resides in and maintains his principal place of practice in Travis County, Texas.
3. In March 2018, Respondent substituted into a lawsuit involving a real estate dispute as attorney of record for Complainant Jean Pierre (Pierre). On January 14, 2019, the trial court awarded Pierre damages and attorney's fees, to be paid from the earnest money being held by the title company relative to the underlying real estate transaction.
4. In February 2019, the title company wired the earnest money to Respondent's non-IOLTA to satisfy the judgment. In April 2019, when Pierre inquired about the funds, Respondent indicated that he could not deliver the funds to Pierre. Respondent failed to safeguard the funds, failed to promptly notify Pierre upon Respondent's receipt of the funds, and failed to promptly deliver the funds to Pierre. Upon conclusion of the *Contingent* ~~contingent~~ fee matter, Respondent failed to provide Pierre a written statement reflecting the remittance of settlement funds to Pierre and the method of the determination.
5. Further, Respondent failed to communicate with Pierre and, even though Respondent was provided notice of Pierre's grievance; Respondent failed to timely furnish a response to Pierre's grievance.
6. 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 1.03(a), 1.04(d), 1.14(a), 1.14(b), and 8.04(a)(8).

### Sanction

It is **AGREED** and **ORDERED** that the sanction of a Partially Probated Suspension shall be imposed against Respondent in accordance with 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 forty (40) months, beginning January 15, 2023, and ending May 14, 2026, provided Respondent complies with the following terms and conditions. Respondent shall be actively suspended from the practice of law for a period of twenty (20) months beginning January 15, 2023 and ending September 14, 2024. The twenty (20) month period of probated suspension shall begin on ~~shall begin on~~<sup>5/14</sup> September 15, 2024, and shall end on May 14, 2026.

### Terms of Active Suspension

It is further **ORDERED** that during the term of active suspension ordered herein, or that may be imposed upon Respondent by the Board of Disciplinary Appeals as a result of a probation revocation proceeding, 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 January 15, 2023, 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 January 15, 2023, 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 January 15, 2023, 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 January 15, 2023, 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 January 15, 2023, 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.

**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 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 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.

### **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 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 28<sup>th</sup> day of January, 2021 <sup>SH</sup>  
2020.

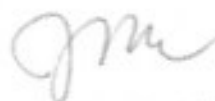
**EVIDENTIARY PANEL 9-3  
DISTRICT NO. 9  
STATE BAR OF TEXAS**

*Sylvia Hardman - Dingle*  
~~F. Witcher McCullough, III~~  
District 9, Panel 9-3 Presiding Member  
*Sylvia Hardman - Dingle*

**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