

**IN THE SUPREME COURT OF TEXAS**

MISC. DOCKET NO. 98- 9205

**IN THE MATTER OF VIVIAN RAY DAVIS**

**ORDER**

On this day, the Court considered the Motion for Acceptance of Resignation as Attorney and Counselor at Law of Vivian Ray Davis, together with the Response of Chief Disciplinary Counsel to the Motion for Acceptance of Resignation as Attorney and Counselor at Law of Vivian Ray Davis. The Court has reviewed said Motion and Response and finds that each meets the requirements of Part X of the Texas Rules of Disciplinary Procedure. In conformity with Part X, Section 10.02 of the Texas Rules of Disciplinary Procedure, the Court considers the detailed statement of professional misconduct contained within the Response of Chief Disciplinary Counsel to be deemed conclusively established for all purposes. The Court finds that Vivian Ray Davis is resigning in lieu of discipline. The Court, being advised that the acceptance of the resignation is in the best interest of the public and the profession, hereby concludes that the following Order is appropriate.

**IT IS ORDERED** that the law license of Vivian Ray Davis of Dallas, Texas, State Bar Card Number 05556500, heretofore issued by the Court, be canceled and his name be dropped and deleted from the list of persons licensed to practice law in Texas.

**IT IS FURTHER ORDERED** that Vivian Ray Davis immediately surrender his State Bar Card and Texas law license to the Clerk of the Supreme Court of Texas or file with the Court an affidavit stating the cause of his inability to do so.

**IT IS FURTHER ORDERED** that Vivian Ray Davis be, and he is hereby permanently enjoined and prohibited from practicing law in the State of Texas, holding himself out as an

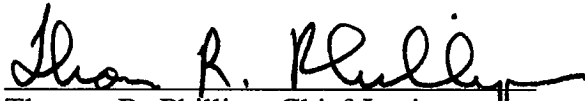
attorney at law, performing legal services for others, giving legal advice to others, accepting any fee directly or indirectly for legal services, appearing as counsel or in any representative capacity in any proceeding in any Texas court or before any Texas administrative body (whether state, county, municipal, or other), or holding himself out to others or using his name in any manner in conjunction with the words "Attorney at Law", "Counselor at Law", or "Lawyer".

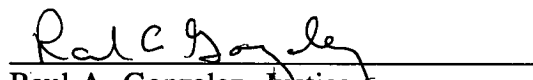
It is further **ORDERED** that Vivian Ray Davis shall immediately notify each of his current clients in writing of this resignation. In addition to such notification, Vivian Ray Davis is **ORDERED** to return any files, papers, unearned monies and other property belonging to clients and former clients in his possession to the respective clients or former clients or to another attorney at the client's or former client's request. Vivian Ray Davis is **ORDERED** to file with the State Bar of Texas, Office of General Counsel, P. O. Box 12487, Capitol Station, Austin, Texas 78711-2487, within thirty (30) days of the date of this Order an affidavit stating that all current clients have been notified of his resignation and that all files, papers, monies and other property belonging to all clients and former clients have been returned as ordered herein.


It is further **ORDERED** that Vivian Ray Davis shall, on or before thirty (30) days from the date of this Order, notify in writing each and every justice of the peace, judge, magistrate, and chief justice of each and every court in which Vivian Ray Davis has any matter pending of the terms of this Order, the style and cause number of the pending matter(s), and the name, address and telephone number of the client(s) Vivian Ray Davis is representing in Court. Vivian Ray Davis is **ORDERED** to file with the State Bar of Texas, Office of General Counsel, P.O. 12487, Capitol Station, Austin, Texas 78711-2487, within thirty (30) days of the date of this Order an affidavit stating that he has notified in writing each and every justice of the peace, judge, magistrate, and chief justice of each and every court in which he has any matter pending of the

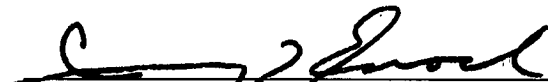
terms of this Order, the style and cause number of the pending matter(s), and the name, address and telephone number of the client(s) he is representing in Court.

By the Court, en banc, in chambers, this the 10<sup>th</sup> day of December, 1998.

  
Thomas R. Phillips, Chief Justice

  
Raul A. Gonzalez, Justice


  
Nathan L. Hecht, Justice


  
Craig T. Enoch, Justice

  
Rose Spector, Justice

  
Priscilla R. Owen, Justice

  
James A. Baker, Justice

  
Greg Abbott, Justice

  
Deborah G. Hankinson, Justice

# STATE BAR OF TEXAS



Office of the General Counsel

November 20, 1998

Mr. John Adams, Clerk  
Supreme Court of Texas  
Supreme Court Building  
P.O. Box 12248  
Austin, Texas 78711

**Re: Resignation of Vivian Ray Davis; Bar Card No. 05556500**

Dear Mr. Adams:

Pursuant to Part X of the Texas Rules of Disciplinary Procedure, please find enclosed the following:

- (1) Motion for Acceptance of Resignation as Attorney and Counselor at Law of Vivian Ray Davis, dated November 2, 1998.
- (2) Response of Chief Disciplinary Counsel of Motion for Acceptance of Resignation as Attorney and Counselor at Law of Vivian Ray Davis.
- (3) Original and one (1) copy of proposed Order for review and entry by the Court accepting the resignation of Vivian Ray Davis as Attorney and Counselor at Law.
- (4) Original bar card and law license issued to Vivian Ray Davis.

Upon entry of the Order by the Court, please transmit a true and correct copy of the same to the undersigned in order that this office may properly give notice to all parties of the Court's disposition of such motion.

Sincerely,

A handwritten signature in cursive script that reads "William R. Garrett".

William R. Garrett  
Assistant General Counsel

*Mr. John Adams, Clerk  
Supreme Court of Texas  
November 20, 1998  
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cc: Mr. Vivian Ray Davis  
1700 Commerce Street, Suite 850  
Dallas, Texas 75201  
*Certified Mail, Return Receipt Requested, #Z 746 074 950*

**IN THE SUPREME COURT OF TEXAS  
MOTION FOR ACCEPTANCE OF RESIGNATION AS  
ATTORNEY AND COUNSELOR AT LAW**

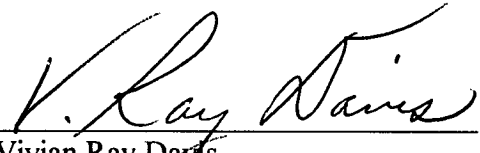
**OF**

**VIVIAN RAY DAVIS**

**NOW COMES** your applicant, Vivian Ray Davis, and hereby resigns as an Attorney and Counselor at Law in the State of Texas; and hereby submits to the Court his resignation as an Attorney and Counselor at Law; and prays that the Court accept said resignation.

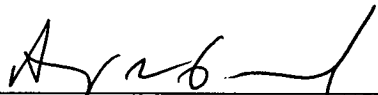
Attached hereto is the License and permanent State Bar card issued by this Court to the Applicant, Vivian Ray Davis, as an Attorney and Counselor at Law on April 29, 1974. Said License and permanent State Bar card are hereby surrendered by the Applicant.

Your applicant is voluntarily resigning and withdrawing from the practice of law; Applicant does so in lieu of discipline for professional misconduct; and Applicant prays that his name be dropped and deleted from the list of persons licensed to practice law in Texas; and that his resignation be accepted.



Vivian Ray Davis  
05556500  
1700 Commerce Street, Suite 850  
Dallas, Texas 75201

**SUBSCRIBED AND SWORN** to before me by the said Vivian Ray Davis this the 2  
day of November, 1998.

  
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NOTARY PUBLIC in and for  
the State of Texas  
ALFONZO ROMANO GREEN  
NOTARY PUBLIC  
State of Texas  
Comm. Exp. 04-30-2001

**IN THE SUPREME COURT OF TEXAS**  
**RESPONSE OF THE CHIEF DISCIPLINARY COUNSEL OF**  
**THE STATE BAR OF TEXAS**  
**TO MOTION FOR RESIGNATION IN LIEU OF DISCIPLINE**  
**OF VIVIAN RAY DAVIS**

**TO THE HONORABLE SUPREME COURT OF TEXAS:**

COMES NOW, Steven W. Young, Chief Disciplinary Counsel for the State Bar of Texas and in accordance with Part X of the Texas Rules of Disciplinary Procedure, would show unto the Court as follows:

**I. RESIGNATION OF MOVANT**

Movant, Vivian Ray Davis, State Bar No. 05556500, has filed his Motion for Acceptance of Resignation as Attorney and Counsel at Law, dated November 2, 1998. Such Motion for Acceptance of Resignation is in lieu of disciplinary action being filed against him.

**II. ACCEPTANCE OF RESIGNATION IS IN THE**  
**BEST INTERESTS OF THE PUBLIC AND THE PROFESSION**

The State Bar of Texas believes that the acceptance of Movant's Motion for Acceptance of Resignation is in the best interests of the public and the profession.

**III. DISCIPLINARY CHARGES**

The State Bar of Texas has information regarding the following Professional Misconduct:

**A. Summary of Facts**

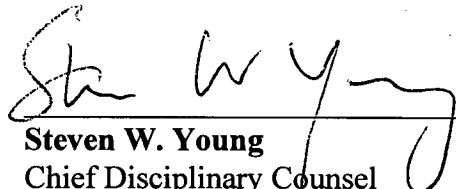
1. On or about June 25, 1998, in Cause No. F-9619904-KN styled *State of Texas v. Vivian Ray Davis*; In the 195th Judicial District Court of Dallas, County, Texas, Movant, Vivian Ray Davis, was found guilty of one (1) count of Bribery in the second degree, in violation of V.T.C.A.

Penal Code, § 36.02. Said offense is classified as a felony. For his crime, Movant was sentenced to two (2) years confinement in the institutional division of the Texas Department of Criminal Justice, and was ordered to pay a fine in the amount of \$10,000.00. As a result of a jury verdict, Respondent stands convicted of an intentional and serious crime, as defined by Texas Rules of Disciplinary Procedure 1.06(O) and 1.06(U).

2. In view of Movant, Vivian Ray Davis', conviction of the above-referenced charge, as well as the Motion for Acceptance of Resignation as Attorney and Counselor at Law of Vivian Ray Davis dated November 2, 1998, and in anticipation of the Court's acceptance of same, the Chief Disciplinary Counsel does not anticipate going forward with compulsory disciplinary action against Movant, Vivian Ray Davis.

#### **IV. PRAYER**

The State Bar of Texas prays that this Honorable Court accept the Motion for Acceptance of Resignation as Attorney and Counselor at Law of Vivian Ray Davis, State Bar Card No. 05556500, and that such motion to resign is in lieu of discipline of Vivian Ray Davis, State Bar Card No. 05556500, pursuant to Part X and any other applicable provisions of the Texas Disciplinary Rule of Professional Conduct.

  
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**Steven W. Young**  
Chief Disciplinary Counsel  
State Bar of Texas