

IN THE
SUPREME COURT OF TEXAS
IN THE MATTER OF
EDWARD I. PALMER II

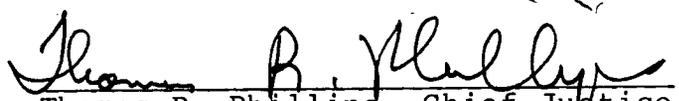
MISC. DOCKET NO. 91- 0001

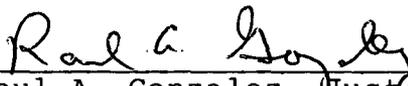
ORDER

On this day, the Court considered the Motion for Acceptance of Resignation as Attorney and Counselor at Law of Edward I. Palmer II, together with the Concurring Motion of the Grievance Committee for State Bar District Number 1A, State Bar of Texas, and the Certification of the General Counsel of the State Bar of Texas. The Court has reviewed said Motions and Certification and finds each to be legally sufficient. The Court, being advised that such resignation is tendered in lieu of disciplinary action, and being of the opinion that such resignation is in the public interest and will meet the ends of justice, hereby concludes that the following order is appropriate.

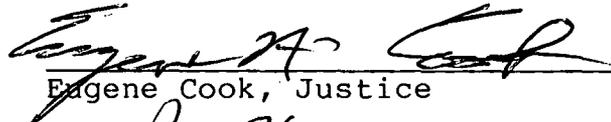
IT IS ORDERED that the Law License of Edward I. Palmer II, of Hopkins County, Texas, State Bar Card No. 15437000, heretofore issued by this Court, be cancelled and his name be dropped and deleted from the list of persons licensed to practice law in Texas.

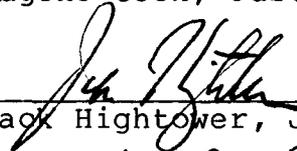
By the Court, en banc, in chambers, on this 7th day of JANUARY, 1991.


Thomas R. Phillips, Chief Justice

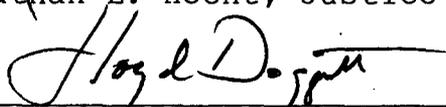

Raul A. Gonzalez, Justice

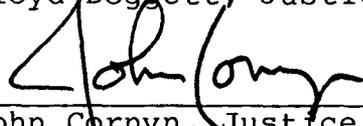

Oscar H. Mauzy, Justice

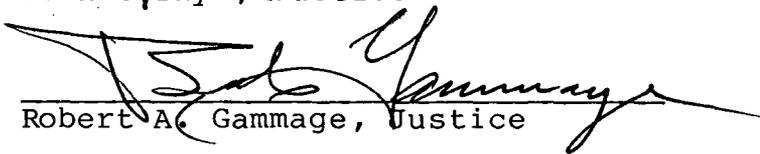

Eugene Cook, Justice


Jack Hightower, Justice


Nathan L. Hecht, Justice


Lloyd Doggett, Justice


John Cornyn, Justice


Robert A. Gammage, Justice

STATE BAR OF TEXAS



Office of the General Counsel

December 20, 1990

Mr. John T. Adams, Clerk
SUPREME COURT OF TEXAS
Supreme Court Building
Austin, TX 78711

Re: No. 15437000
Edward I. Palmer II, Resignation

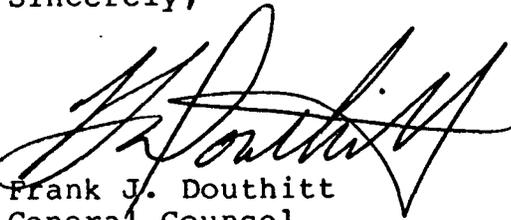
Dear Mr. Adams:

Enclosed are the following concerning the referenced attorney:

- 1) MOTION FOR ACCEPTANCE OF RESIGNATION
- 2) CONCURRING MOTION OF THE DISTRICT 1-A GRIEVANCE COMMITTEE
- 3) CERTIFICATION BY THE GENERAL COUNSEL
- 4) PROPOSED COURT ORDER (2 COPIES)

I will appreciate your bringing this to the Court's attention. Please return a signed original Court Order when the Court has signed it.

Sincerely,



Frank J. Douthitt
General Counsel

RAF/tjm
Enclosures

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

OF

EDWARD I. PALMER, II

TO THE HONORABLE SUPREME COURT OF TEXAS:

Movant, EDWARD I. PALMER, II, moves the Court to accept his resignation as an Attorney and Counselor at Law, showing the Court:

I.

Movant hereby resigns as an Attorney and Counselor at Law in lieu of disciplinary sanction for having committed professional misconduct.

II.

Movant attaches hereto and hereby surrenders his License and permanent State Bar Card issued by the Court on September 14, 1966.

III.

Movant's State Bar Card number is 15437000. Movant's current address is P.O. Box 406, Sulpher Springs, Texas 75482.

Movant prays that the Court accept his resignation as an Attorney and Counselor at Law and drop his name form the list of persons licensed to practice law in the State of Texas.

Respectfully submitted,



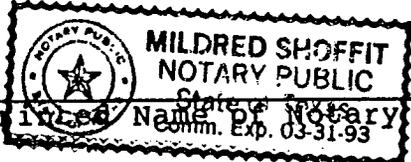
Edward I. Palmer, II
Movant

THE STATE OF TEXAS §
 §
COUNTY OF HOPKINS §

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared Edward I. Palmer, II, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

GIVEN UNDER my hand and seal of office this 10th day of December, 1990.

Mildred Shoffit
NOTARY PUBLIC in and for
the State of Texas


MILDRED SHOFFIT
NOTARY PUBLIC
State of Texas
Comm. Exp. 03-31-93

My Commission Expires:

IN THE SUPREME COURT OF TEXAS
CONCURRING MOTION FOR ACCEPTANCE OF RESIGNATION AS
ATTORNEY AND COUNSELOR AT LAW
OF
EDWARD I. PALMER II

TO THE HONORABLE JUDGE OF SAID COURT:

The Grievance Committee for State Bar District No. 1A, State Bar of Texas, moves the Court to accept the Resignation as Attorney and Counselor at Law of Edward I. Palmer II, hereinafter referred to as Respondent, showing the Court:

I.

On December 10th, 1990, Edward I. Palmer voluntarily executed a Motion for Acceptance of Resignation as Attorney and Counselor at Law. The Grievance Committee hereby concurs in such motion. Acceptance of such resignation in lieu of disciplinary action will protect the public.

II.

In connection with such resignation, the Grievance Committee makes the following findings of fact and conclusions of law:

Respondent is an attorney licensed to practice law in Texas and a member of the State Bar of Texas. Respondent is a resident of Hopkins County, Texas.

III.

During or about November, 1987, Respondent was retained by Billy Creed to pursue a claim against an ex-landlord for damages resulting from the alleged breach of a lease agreement. The

representation was on a contingent fee basis. Respondent cashed a check for \$150.00 that was received from the client for filing fees. Respondent thereafter failed to render any meaningful legal services for the client. The conduct of Respondent hereinabove alleged constitutes violation of Disciplinary Rules 1-102(A)(6) and 6-101(A)(3).

IV.

On or about November 30, 1989, Respondent appeared in the 8th Judicial District Court, Hopkins County, Texas and executed appearance forms in criminal cases. Respondent had previously been suspended from the practice of law for default of payment of membership fees pursuant to Art. III, Sec. 5 and had not been reinstated as of November 30, 1989. The conduct of Respondent as hereinabove alleged constitutes violation of Disciplinary Rule 1-102(A)(6), Texas Code of Professional Responsibility (Art. X, Sec. 9, State Bar Rules) and Art. X, Secs. 7(1) and 7(7).

V.

On or about January 22, 1990, Respondent received from Michael B. Evers, Investigator, Office of General Counsel, State Bar of Texas, on behalf of the District 1-A Grievance Committee, a request that he respond in writing not later than 20 days after his receipt of said request, to the inquiry regarding whether he engaged in the practice of law on or about November 30, 1989 while he was suspended for default in payment of State

Bar membership fees. On or about February 3, 1990, Respondent requested an extension of the period of time in which to respond until February 15, 1990. The extension was granted to March 15, 1990. Respondent failed to respond within the period for which extension was granted and failed to assert any reason for his failure to respond. On or about March 21, 1990, a request was sent to Respondent from Michael B. Evers, on behalf of the District 1A Grievance Committee, that he respond in writing to the above-referenced inquiry. The envelope containing said request was returned on or about April 16, 1990 marked "Unclaimed" by the United States Postal Service. The conduct of Respondent as hereinabove alleged constitutes violation of Art. X, Sec. 7(4), State Bar Rules.

VI.

On or about January 22, 1990, Respondent received from Michael B. Evers, Investigator, Office of the General Counsel, State Bar of Texas, on behalf of the District 1A Grievance Committee, a request that he respond in writing no later than 20 days after his receipt of said request, to the complaint against him by Billy Creed.

On or about February 6, 1990, Respondent requested an extension of the period of time in which to respond until February 25, 1990. The extension was granted to March 15, 1990. Respondent failed to respond within the period for which extension was granted and failed to assert any reason for his

failure to respond. On or about March 21, 1990, a request was sent to Respondent from Michael B. Evers, on behalf of the District 1A Grievance Committee, that he respond in writing to the above-referenced complaint. The envelope containing said request was returned on or about April 16, 1990 marked "Unclaimed" by the United States Postal Service. The conduct of Respondent as hereinabove alleged constitutes violation of Art. X, Sec. 7(4), State Bar Rules.

VII.

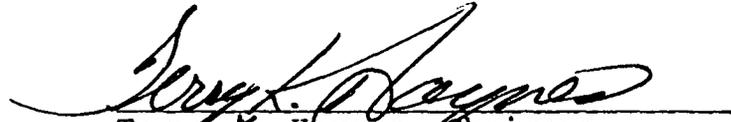
Respondent has previously been disciplined for professional misconduct in Cause No. 20734 styled The State Bar of Texas v. Ed I. Palmer, in the 8th Judicial District Court of Hopkins County, Texas by Judgment dated April 29, 1980. Respondent was granted probation of suspension pursuant to the terms of said Judgment.

Respondent has also previously been disciplined for professional misconduct by the District 1A Grievance Committee, State Bar of Texas, as reflected by the Agreed Judgment of Suspension (No. 1A-60-89), signed by Respondent on January 25, 1990, for separate acts of professional misconduct not described in Paragraphs III-VI above and not part of the misconduct alleged in the pending disciplinary proceeding against Respondent, Cause No. 26,903, styled The State Bar of Texas v. Edward I. Palmer, Jr., in the 62nd Judicial District Court, Hopkins County, Texas, referenced in the Certification of the General Counsel submitted herewith. Respondent was also granted probation pursuant to the terms of said Judgment which is on file with this Court.

VIII.

The Grievance Committee prays that the Court accept the resignation as an Attorney and Counselor at Law of Edward I. Palmer, II and drop his name from the list of persons licensed to practice law in the state of Texas.

Respectfully submitted,


Terry K. Haynes, Chairman
District 1A Grievance Committee
State Bar of Texas

IN THE SUPREME COURT OF TEXAS
CERTIFICATION OF THE GENERAL COUNSEL
OF THE
STATE BAR OF TEXAS
REGARDING
EDWARD I. PALMER II

TO THE HONORABLE SUPREME COURT OF TEXAS:

I, Frank J. Douthitt, General Counsel of the State Bar of Texas, in accordance with the Rules Governing the State Bar of Texas Art. X, §15, hereby certify that there is currently pending a disciplinary action against Edward I. Palmer II, Hopkins County, Texas, State Bar Card Number 15437000; styled: State Bar of Texas v. Edward I. Palmer, Jr., No. 26,903, 62nd District Court, Hopkins County, Texas.

Respectfully submitted,


Frank J. Douthitt
General Counsel