

IN THE SUPREME COURT OF TEXAS  
IN THE MATTER OF  
ERNEST R. FINNEY

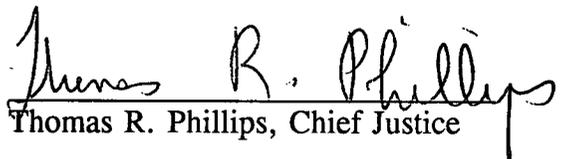
MISC. DOCKET NO. 91- 0009

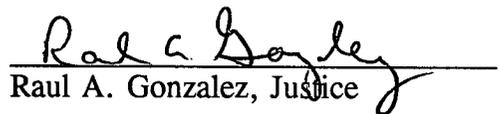
ORDER

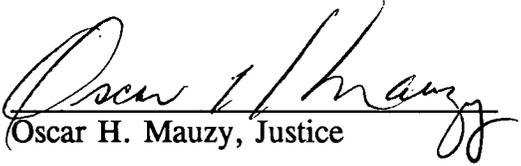
On this day, the Court considered the Motion for Acceptance of Resignation as Attorney and Counselor at Law of Ernest R. Finney, together with the concurring Motion of the Grievance Committee for State Bar District 13A, State Bar of Texas, and the Certification of the General Counsel of the State Bar 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.

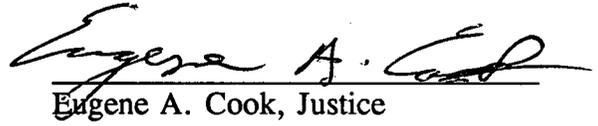
IT IS ORDERED that the law license of Ernest R. Finney, of Potter County, Texas, State Bar of Texas, State Bar Card No. 07025000. heretofore issued by this Court, be canceled and his name be dropped and deleted from the list of persons licensed to practice law in Texas.

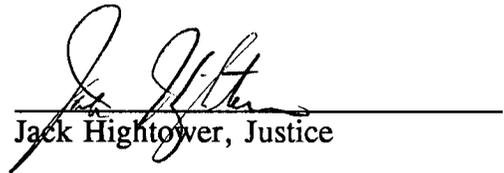
By the Court, en banc, in chambers, on this 11<sup>th</sup> day of February, 1991.

  
Thomas R. Phillips, Chief Justice

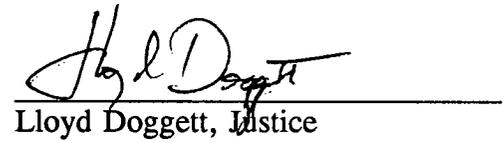
  
Raul A. Gonzalez, Justice

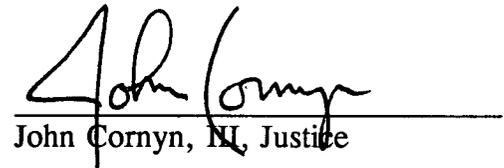
  
Oscar H. Mauzy, Justice

  
Eugene A. Cook, Justice

  
Jack Hightower, Justice

  
Nathan L. Hecht, Justice

  
Lloyd Doggett, Justice

  
John Cornyn, III, Justice

  
Robert A. Gammage, Justice

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

TO THE HONORABLE SUPREME COURT OF TEXAS:

Movant, Ernest R. Finney, 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.

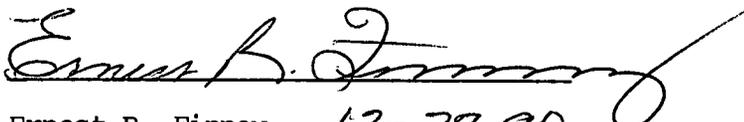
Movant attaches hereto and hereby surrenders his License and permanent State Bar Card issued by the Court on May 8, 1948.

III.

Movant's State Bar number is 07035000. Movant's current address is 904 Texas Commerce Bank Bldg., Amarillo, TX 79109.

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

Respectfully submitted,

  
Ernest R. Finney 12-27-90

IN THE SUPREME COURT OF THE STATE OF TEXAS  
CONCURRING MOTION FOR ACCEPTANCE OF RESIGNATION AS  
ATTORNEY AND COUNSELOR AT LAW  
OF  
ERNEST R. FINNEY

TO THE HONORABLE SUPREME COURT OF TEXAS:

The Grievance Committee for State Bar District No. 13A, State Bar of Texas, moves the Court to accept the Resignation as Attorney and Counselor at Law of Ernest R. Finney, showing the Court that:

I.

On December 27, 1990, Ernest R. Finney 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:

1) Ernest R. Finney is an attorney licensed to practice law in Texas and a member of the State Bar of Texas. Ernest R. Finney's last known address is Texas Commerce Bank Building, Suite 904, Amarillo, Texas 79109.

2) Ernest R. Finney was made Trustee of a trust established by Neil G. and Lula Marie Yows on December 23, 1969.

3) Ernest R. Finney appropriated assets of the trust for his own use.

4) Ernest R. Finney was removed as Trustee October 4, 1989 and replaced by the Amarillo National Bank.

5) The Amarillo National Bank filed suit against Ernest R. Finney for recovery of the trust which suit was settled by an Agreed Judgment June 26, 1990.

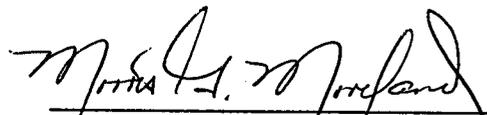
6) Ernest R. Finney on December 4, 1989, gave to the Amarillo National Bank an insufficient funds check of \$111,201.24.

### III.

Based on the foregoing findings of fact, the Grievance Committee concludes as a matter of law that Ernest R. Finney committed professional misconduct by violating DR 9-102 and DR 1-102(A)(4) of the Texas Code of Professional Responsibility and, Rule 1.14 and Rule 8.04(a)(3) of the Texas Disciplinary Rules of Professional Conduct.

The Grievance Committee prays that the Court accept the resignation as an Attorney and Counselor at Law of Ernest R. Finney and drop his name from the list of persons licensed to practice law in the State of Texas.

Respectfully submitted,

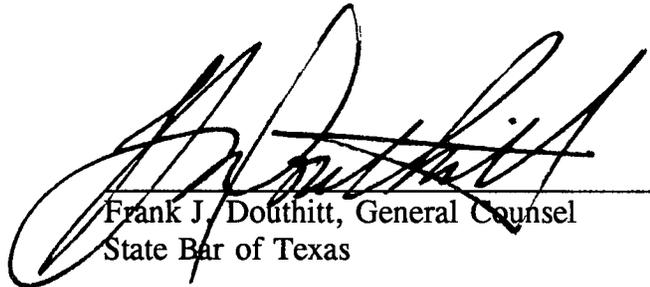


Morris Moreland, Acting Chairman  
Grievance Committee for State  
Bar District No. 13A  
State Bar of Texas

**IN THE SUPREME COURT OF TEXAS**  
**CERTIFICATION OF THE GENERAL COUNSEL**  
**OF THE**  
**STATE BAR OF TEXAS**  
**REGARDING**  
**ERNEST R. FINNEY**

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 not currently pending any disciplinary proceeding against Ernest R. Finney, Amarillo, Texas, State Bar Card No. 07035000. On December 27, 1990, the General Counsel received a properly executed Motion for Acceptance of Resignation as Attorney and Counselor at Law by Ernest R. Finney and a properly executed concurring Motion for Acceptance of Resignation by the District 13A Grievance Committee, State Bar of Texas. In anticipation of the Court's acceptance of these motions, the General Counsel does not anticipate the filing of a disciplinary lawsuit.

  
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Frank J. Douthitt, General Counsel  
State Bar of Texas