

IN THE
SUPREME COURT OF TEXAS
IN THE MATTER OF
DWAIN LEE GIBSON

Misc. Docket No. 93 - 0070

ORDER


On this day came on for consideration the Motion for Acceptance of Resignation as Attorney and Counselor at Law of DWAIN LEE GIBSON, together with the Concurring Motion of the Grievance Committee for State Bar District 14A, 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 DWAIN LEE GIBSON of Throckmorton County, Texas, State Bar Card No. 07861400, 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. Receipt of the Texas law license and State Bar Card issued by this Court to DWAIN LEE GIBSON is hereby acknowledged.

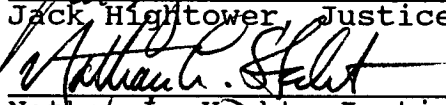
By the Court, en banc, in chambers, on this 5th day of April, 1993.

Thomas R. Phillips
Thomas R. Phillips, Chief Justice

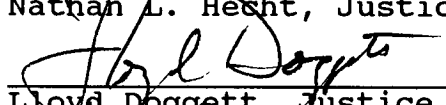
Raul A. Gonzalez
Raul A. Gonzalez, Justice



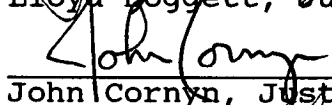
Jack Hightower, Justice




Nathan L. Hesht, Justice



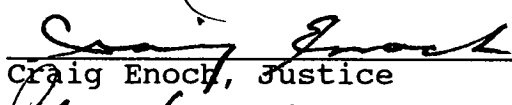
Lloyd Doggett, Justice




John Cornyn, Justice



Bob Gammage, Justice



Craig Enoch, Justice



Rose Spector, Justice

07861400
ATTORNEY'S BAR CARD NUMBER

Misc. Docket No. 93-0070

STATE BAR OF TEXAS



March 2, 1993

Office of the General Counsel

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

Re: Resignation of Dwain Lee Gibson; Bar Card No. 07861400

Dear Mr. Adams:

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

- (1) Motion for Acceptance of Resignation as Attorney and Counselor at Law
- (2) Response of the Chief Disciplinary Counsel to Motion for Acceptance of Resignation as Attorney and Counselor at Law of Dwain Lee Gibson
- (3) Original and one (1) copy of proposed Order for review and entry by the Court accepting the resignation of Dwain Lee Gibson as Attorney and Counselor at Law.

When I have received Mr. Gibson's law license and permanent State Bar Card from the Fort Worth office, I will forward the items to you.

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

Sincerely,

A handwritten signature in cursive script that reads "Patricia Strickland".

Patricia Strickland
Administrative Assistant

Enclosures

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

OF

DWAIN LEE GIBSON

NOW COMES your Applicant, Dwain Lee Gibson, 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, Dwain Lee Gibson, as an Attorney and Counselor at Law on the day of NOVEMBER 2, 1984. 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.

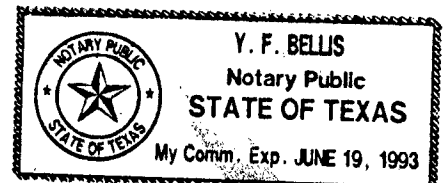
Dwain Lee Gibson
Dwain Lee Gibson
07861400

SUBSCRIBED AND SWORN to before me by the said Dwain Lee Gibson this the 23rd day of September 1992.

Y. F. Bellis
NOTARY PUBLIC in and for
the State of Texas

Dwain Lee Gibson
P O Box 696

CF6-17.PRI



IN THE SUPREME COURT OF TEXAS
RESPONSE OF THE CHIEF DISCIPLINARY COUNSEL
OF THE
STATE BAR OF TEXAS
REGARDING
DWAIN LEE GIBSON

TO THE HONORABLE SUPREME COURT OF TEXAS:

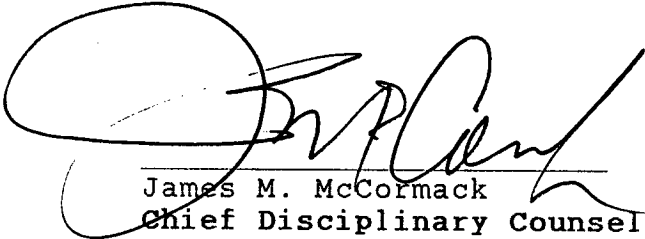
I, James M. McCormack, Chief Disciplinary Counsel of the State Bar of Texas, in accordance of Part X of the Texas Rules of Disciplinary Procedure, hereby file a response on behalf of the State Bar of Texas, acting by and through the Commission for Lawyer Discipline, to the Motion for Acceptance of Resignation as Attorney and Counselor of Law of Dwain Lee Gibson received on or about September 25, 1992. The acceptance of the resignation of Dwain Lee Gibson is in the best interest of the public and the profession. Dwain Lee Gibson resigned in lieu of discipline for professional misconduct for pending complaints before the District 14A Grievance Committee.

The professional misconduct with which Dwain Lee Gibson is charged is as follows:

In April 1992 Attorney Rick J. Rutman filed a complaint with the State Bar of Texas wherein he alleged professional misconduct on the part of attorney Dwain Lee Gibson in that in February 1987 he referred a case to Attorney Gibson on a fee splitting arrangement. Attorney Rutman alleges that subsequently, Attorney Gibson completely neglected the legal matter entrusted to him and failed to communicate with him despite repeated attempts throughout the years to obtain information regarding the status of the case referred.

This complaint (F005920007) was docketed by the 14A Grievance Committee and a copy of it was delivered to Attorney Gibson on or about June 9, 1992. Attorney Gibson was requested, pursuant to Rule 2.09 of the Texas Rules of Disciplinary Procedure, to make a written response to the allegations within thirty (30) days. Attorney Gibson failed to respond; therefore, a State Bar of Texas complaint (F0079200257) was docketed by the District 14A Grievance Committee for his failure to respond to a lawful demand for information. This complaint was delivered to Attorney Gibson on or about July 20, 1992; however, he never responded. Such acts and/or omissions on the part of Dwain Lee Gibson as described herein above constitutes conduct violative of DR6-101 and DR7-101 of the Texas Code of Professional Responsibility in addition to Rules 1.01, 1.03 and 8.01(b) of the Texas Rules of Professional Conduct revised November, 1991.

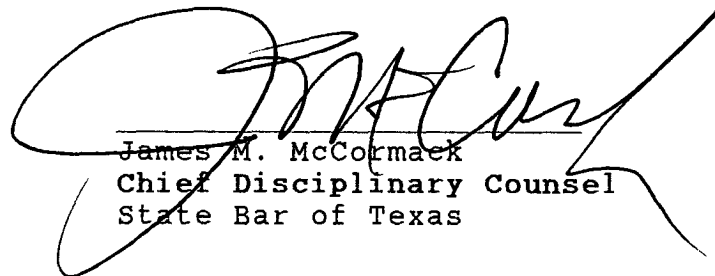
In view of Dwain Lee Gibson's execution on or about September 25, 1992 of his resignation as an attorney and counselor at law, and in anticipation of the Court's acceptance of same, the Chief Disciplinary Counsel does not anticipate going forward with disciplinary actions and intends to dismiss the complaints upon entry of Order by the Supreme Courts of Texas deleting Dwain Lee Gibson from the list of persons licensed to practice law in the State of Texas.



James M. McCormack
Chief Disciplinary Counsel
State Bar of Texas

CERTIFICATE OF SERVICE

A true and correct copy of this Response of the Chief Disciplinary Counsel of the State Bar of Texas Regarding Dwain Lee Gibson has been served upon Dwain Lee Gibson on this 12th day of ~~January~~ February, 1993, by delivery by both regular and certified mail, return receipt requested, to Dwain Lee Gibson at the address shown on the Motion For Acceptance of Resignation as Attorney and Counselor at Law of Dwain Lee Gibson, to-wit, P.O. Box 696 Throckmorton, Texas 76083.



James M. McCormack
Chief Disciplinary Counsel
State Bar of Texas