

SUPREME COURT OF TEXAS
IN THE MATTER OF

MICHAEL D. MARTIN

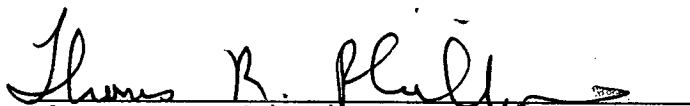
MISC. ORDER NO. 92- 0051


ORDER

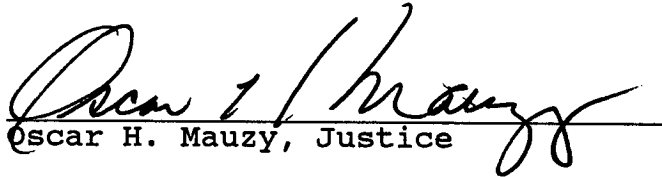
On this day, the Court considered the Motion for Acceptance of Resignation as Attorney and Counselor at Law of Michael Davis Martin. The Court has reviewed said Motion and finds it to be legally sufficient. The Court, being advised that such resignation is tendered in lieu of disciplinary action, and 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 Michael Davis Martin of Atwater, California, State Bar Card No. 13094620, 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. Receipt of the Bar card and license issued by this Court to Michael Davis Martin is hereby acknowledged.

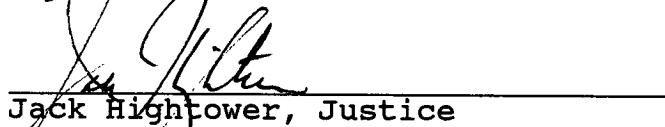
By this Court, en banc, in chambers, on this 24th day of February, 1992.

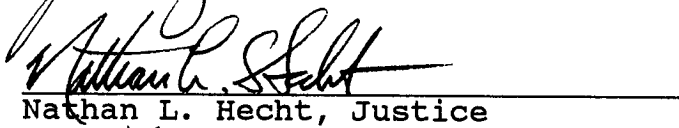

Thomas R. Phillips, Chief Justice

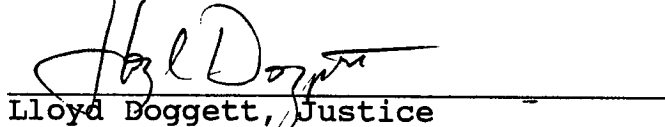

Raul A. Gonzalez, Justice

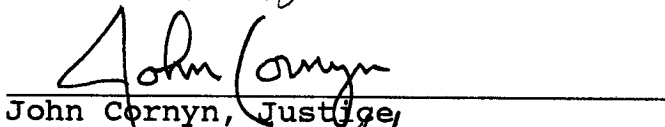

Oscar H. Mauzy, Justice

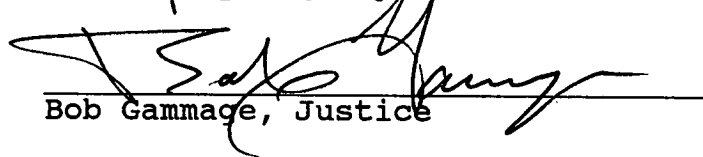

Eugene Cook, Justice


Jack Hightower, Justice


Nathan L. Hecht, Justice


Lloyd Doggett, Justice


John Cornyn, Justice


Bob Gammage, Justice

STATE BAR OF TEXAS



Office of the General Counsel

February 7, 1992

Mr. John T. Adams, Clerk
Supreme Court of Texas
Clerk's Office
209 W. 14th, Room G-04
Austin, Texas 78701

RE: No. 13094620
Michael Davis Martin, Resignation

Dear Mr. Adams:

Enclosed are the following concerning the referenced attorney:

- 1) MOTION FOR ACCEPTANCE OF RESIGNATION
- 2) CONCURRING MOTION OF THE GENERAL COUNSEL, STATE BAR OF TEXAS
- 3) CERTIFICATE 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,



James M. McCormack
General Counsel

tjm/enclosures

IN THE SUPREME COURT OF TEXAS

MOTION FOR ACCEPTANCE OF RESIGNATION AS
ATTORNEY AND COUNSELOR AT LAW
OF
MICHAEL D. MARTIN

TO THE HONORABLE SUPREME COURT OF TEXAS:

Movant, Michael Davis Martin, 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, in that on July 25, 1991, he was found guilty of violation of Art. 83, Uniform Code of Military Justice, (fraudulent appointment) in the court-martial, styled UNITED STATES v. LTJG MICHAEL D. MARTIN, at the Naval Legal Service Office, Newport, Rhode Island, as convened by Commanding Officer, Naval Justice School, at Newport, Rhode Island, by General Court-Martial Convening Order 1-91, dated 26 April 1991, and for which he was sentenced to ninety (90) days confinement, dismissal from the service, and forfeiture of all pay and allowances.

II.

Movant attaches hereto and hereby surrenders his License and permanent State Bar Card issued by the Court on November 2, 1990.

III.

Movant's State Bar Card number is 13094620. Movant's current address is Box 976, Atwater, CA 95301.

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,



MICHAEL DAVIS MARTIN

ACKNOWLEDGEMENT

STATE OF California
COUNTY OF Merced

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§

BEFORE ME the undersigned, a Notary Public in and for said County and State, on this day personally appeared Michael Davis Martin, known to me to be the person whose name is subscribed to the foregoing Motion, and acknowledged to me that he executed the same for the purposes therein expressed and that all the facts stated are within his personal knowledge and are true and correct.

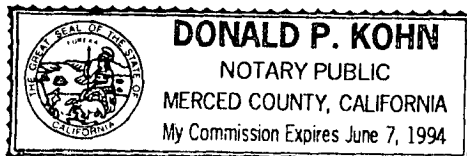
GIVEN UNDER my hand and seal of office this the 31st day of January, 1992.



Notary Public in and for the State of California

June 7, 1994
My Commission Expires

Donald P. Kohn
Printed Name of Notary



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

OF

MICHAEL D. MARTIN

TO THE HONORABLE SUPREME COURT OF TEXAS:

MOVANT, the State Bar of Texas, moves the Court to accept the resignation of MICHAEL DAVIS MARTIN, as Attorney and Counselor at Law, showing the Court:

I.

On or about July 25, 1991, Michael Davis Martin was convicted of a felony offense involving moral turpitude, to wit: fraudulent appointment, in violation of Art. 83, Uniform Code of Military Justice, in the court-martial, styled UNITED STATES v. LTJG MICHAEL D. MARTIN, at the Naval Legal Service Office, Newport, Rhode Island, as convened by General Court-Martial Convening Order 1-91, dated 26 April 1991, and for which he was sentenced to serve ninety (90) days confinement, dismissal from the service, and forfeiture of all pay and allowances.

II.

Movant would respectfully show that obtaining fraudulent appointment as a commissioned officer, in violation of Art. 83, Uniform Code of Military Justice, is a "serious crime" as defined in Article X, §26 of the State Bar Rules.

III.

Movant would respectfully show that as a matter of law, pursuant to State Bar Act, Tex. Gov't Code Ann., §81.078 (Vernon 1988), an order of disbarment may be entered on proof of a final conviction of any felony involving moral turpitude.

IV.

Movant would respectfully show that on or about January 31, 1991, Michael Davis Martin tendered his resignation to this Court.

V.

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

Respectfully submitted,

James M. McCormack
General Counsel

Russell A. Friemel
Assistant General Counsel

Office of the General Counsel
State Bar of Texas
P.O. Box 12487, Capitol Station
Austin, TX 78711
(512) 463-1381
FAX: (512) 477-4607



By: Russell A. Friemel
State Bar Card No. 07473500

ATTORNEYS FOR PETITIONER

IN THE SUPREME COURT OF TEXAS
CERTIFICATION OF THE GENERAL COUNSEL
OF THE
STATE BAR OF TEXAS
REGARDING
MICHAEL D. MARTIN

TO THE HONORABLE SUPREME COURT OF TEXAS:

I, James M. McCormack, 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 a disciplinary proceeding pending against Michael Davis Martin, of Atwater, California, State Bar Card No. 13094620. On July 25, 1991, Michael Davis Martin was convicted of a felony offense involving moral turpitude, and was assessed a punishment of ninety (90) days imprisonment, dismissal from the service, and forfeiture of all pay and allowances. As a matter of law pursuant to State Bar Act, Tex. Gov't. Code Ann., §81.078 (Vernon 1988), Michael Davis Martin should be disbarred. In view of the submission, by Michael Davis Martin, of his Motion For Acceptance Of Resignation as an attorney and counselor at law, and in anticipation of the Court's acceptance of the same, the General Counsel does not anticipate going forward with further disciplinary action, upon the entry of an order by the Supreme Court of Texas deleting Michael Davis Martin from the list of persons licensed to practice law in the State of Texas.


James M. McCormack
General Counsel