

IN THE SUPREME COURT OF THE STATE OF TEXAS

Misc. Docket No. 97- 9031

IN THE MATTER OF

David Lee Whaley

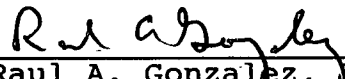
ORDER


On this day came on for consideration the Motion for Acceptance of Resignation as Attorney and Counselor at Law of David Lee Whaley together with the Response filed by the Chief Disciplinary Counsel of the State Bar of Texas acting through the Commission for Lawyer Discipline. The Court has reviewed said Motion and the Response 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 best interest of the public and of the profession and will meet the ends of justice, hereby concludes that the following Order is appropriate.

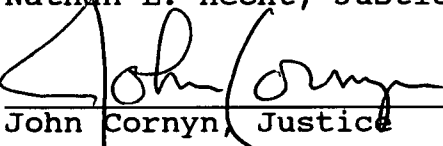
It is ORDERED that the law license of David Lee Whaley heretofore issued by this court, be, and the same is hereby cancelled and revoked and his name be, and is hereby, removed and deleted from the list of persons licensed to practice law in the State of Texas. Receipt of the license and permanent State Bar card issued by this Court to David Lee Whaley is hereby acknowledged.

By the Court, en banc, in chambers, this the 10th day
of February, 1997.


Thomas R. Phillips, Chief Justice

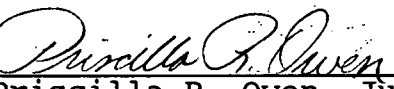

Raul A. Gonzalez, Justice

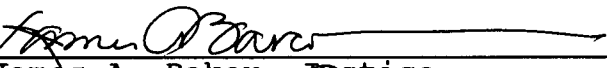

Nathan L. Hecht, Justice


John Cornyn, Justice


Craig Enoch, Justice


Rose Spector, Justice


Priscilla R. Owen, Justice


James A. Baker, Justice


Greg Abbott, Justice

21239500
Attorney's Bar Card Number

Misc. Docket No. 97- 9031

CF6-19A.pri

STATE BAR OF TEXAS



Office of the Chief Disciplinary Counsel

January 26, 1997

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

Re: David Lee Whaley

Dear Mr. Adams:

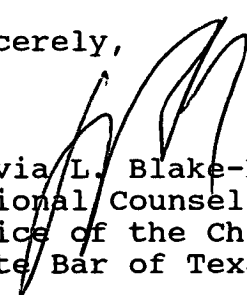
Pursuant to Part X of the Texas Rules of Disciplinary Procedure, please find enclosed herewith the following:

- (1) Original executed Motion for Acceptance of Resignation as Attorney and Counselor at Law for the above referenced attorney;
- (2) Original and two (2) copies of the Response of the Chief Disciplinary Counsel to Motion for Acceptance of Resignation as Attorney and Counselor at Law for the above referenced attorney; and
- (3) Permanent State Bar Card and law license (or affidavit stating whereabouts of either item) for the above referenced attorney.
- (4) Original Order of Resignation for the Court's signature.

Pursuant to Rule 10.02 of the Texas Rules of Disciplinary Procedure, the required ten (10) day timeframe has passed and the above-referenced attorney has made no attempt to withdraw the Motion for Acceptance of Resignation. Therefore, the detailed statement of professional misconduct is deemed to have been conclusively established for all purposes.

I will appreciate your bringing this to the Court's attention.
Please return a fully executed copy of the Order to our office at
your earliest convenience.

Sincerely,



Sylvia L. Blake-Larson
Regional Counsel
Office of the Chief Disciplinary Counsel
State Bar of Texas

Enclosure

CF3-24RA.PRI

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

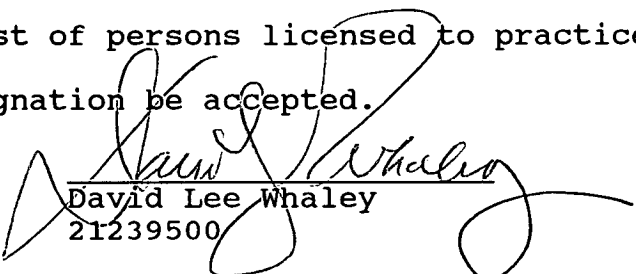
OF

David Lee Whaley

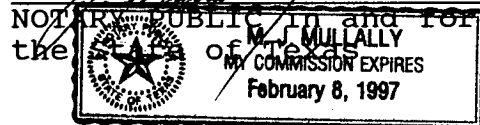
NOW COMES your Applicant, David Lee Whaley, and hereby resigns as an Attorney and Counselor at Law in the State of Texas; and hereby submits to the Court his resignation as an Attorney and Counselor at Law; and prays that the Court accept said resignation.

Attached hereto is the License and permanent State Bar card issued by this Court to the Applicant, David Lee Whaley, as an Attorney and Counselor at Law on November 14, 1996. 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.


David Lee Whaley
21239500

SUBSCRIBED AND SWORN to before me by the said David Lee Whaley this the 14th day of November, 1996.



David Lee Whaley
C/O Attorney Albert Ross,
P.O.Box 399
Arlington, Texas 76004

I:\INVSTGNS\07ACMP7\FWS498MM.RES

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

OF

David Lee Whaley

TO THE HONORABLE SUPREME COURT OF TEXAS:

Pursuant to Part X of the Texas Rules of Disciplinary Procedure, Steve W. Young, Chief Disciplinary Counsel, hereby files this 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 in Lieu of Discipline filed by David Lee Whaley, and would show as follows:

I.

The acceptance by the Court of the Resignation of David Lee Whaley is in the best interest of the public and of the profession.

II.

Complaints alleging professional misconduct were filed against David Lee Whaley by former clients Lillian & Daniel Pavlovsky, Teresa Riley and Stewart N. Devore. Their complaints allege neglect of legal matters entrusted to him, failure to seek their objectives and failure to communicate. Attorney Whaley was delivered copies of these complaints, via Certified Mail, with notice to respond to each complaint within thirty. Attorney Whaley did not respond to any of the complaints, nor did he assert any grounds for his failure to do so. Additionally, on August 22,

1996, in the United States District Court for the Northern District of Texas, Fort Worth Division, David Lee Whaley pled guilty to False Declarations Before a Grand Jury, a violation of Title 18, United States Code, Section 1623.

These charges involve violations of Rule 1.01, Rule 1.02, Rule 1.03, Rule 8.01(b), 8.04(a)(1), Rule 8.04(a)(2), Rule 8.04(a)(3), Rule 8.04(a)(4), and Rule 8.04(a)(8) Texas Disciplinary Rules of Professional Conduct.

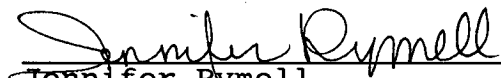
III.

WHEREFORE, the State Bar of Texas, moves the Court to accept the resignation in lieu of discipline and grant the motion filed by Movant.

Respectfully Submitted:

Steve W. Young
Chief Disciplinary Counsel

Jennifer Rymell
Assistant General Counsel
Office of the Chief
Disciplinary Counsel
State Bar of Texas
201 Main Street, Suite 1150
Fort Worth, Texas 76102

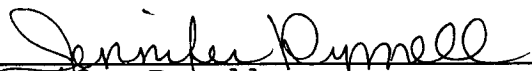


Jennifer Rymell
Assistant General Counsel

State Bar Card No.18043750

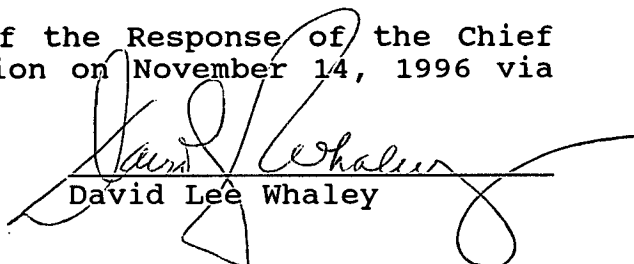
CERTIFICATE OF SERVICE

This is to certify that the Response of the Chief Disciplinary Counsel to the Resignation of David Lee Whaley has been served on David Lee Whaley, via **Hand Delivery** on November 14, 1996 at 201 Main Street, Suite 1150, Fort Worth, Texas 76102.



Jennifer Rymell
Assistant General Counsel

I hereby acknowledge receipt of the Response of the Chief Disciplinary Counsel to my Resignation on November 14, 1996 via Hand Delivery.



David Lee Whaley