

ORDER OF THE SUPREME COURT OF TEXAS

MISC. DOCKET NO. 17-9162

IN THE MATTER OF DAVID ALAN KENNEDY

The Court has reviewed the Motion for Acceptance of Resignation as Attorney and Counselor at Law in Lieu of Disciplinary Action of David Alan Kennedy (the Motion) and the Response of the Office of the Chief Disciplinary Counsel for the Commission for Lawyer Discipline (the Response). The Court concludes each meets the requirements of Part X of the Texas Rules of Disciplinary Procedure. The Court finds that David Alan Kennedy has waived his right to withdraw the Motion. Therefore, the Court deems the professional misconduct detailed in the Response conclusively established for all purposes. The Court further concludes that David Alan Kennedy's resignation is in the best interest of the public, the profession and David Alan Kennedy.

Therefore, the law license of David Alan Kennedy of Mesquite, Texas, State Bar Card Number 00787819 is canceled. David Alan Kennedy must immediately surrender his State Bar Card and Texas law license to the Clerk of the Supreme Court of Texas or file with the Court an affidavit stating why he cannot.

David Alan Kennedy is prohibited from practicing law in the State of Texas. He is prohibited from holding himself out as an attorney at law, performing legal services for others, giving legal advice to others, accepting any fee directly or indirectly for legal services, appearing as counsel or in any representative capacity in any proceeding in any Texas court or before any Texas administrative body (whether state, county, municipal, or other), or holding himself out to others or using his name in any manner in conjunction with the words "Attorney at Law," "Counselor at Law," or "Lawyer."

Additionally, David Alan Kennedy must immediately notify in writing each of his current clients and opposing counsel of his resignation. He must also return any files, papers, unearned monies and other property in his possession belonging to any client or former client to the respective client or former client or to another attorney at the client's or former client's request. David Alan Kennedy must file with the Statewide Compliance Monitor, State Bar of Texas, P.O. Box 12487, Austin, Texas 78711, within thirty days of the date of this Order an affidavit stating that all current clients and opposing counsel have been notified of his resignation and that all files, papers, monies and other property belonging to all clients and former clients have been returned.

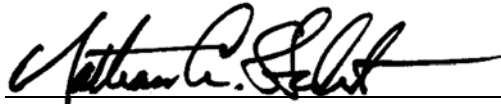
Finally, David Alan Kennedy must, within thirty days after the date of this Order, notify in writing each justice of the peace, judge, magistrate, and chief justice of each court in which David Alan Kennedy has any matter pending of the terms of this Order, the style and cause number of the pending matter(s), and the name, address and telephone number of the client(s) David Alan Kennedy is representing in court. David Alan Kennedy must file with the Statewide Compliance Monitor, State Bar of Texas, P.O. Box 12487, Austin, Texas 78711, within thirty days of the date of this Order an affidavit stating that he has notified in writing each justice of the peace, judge, magistrate, and chief justice of each court in which he has any matter pending of the terms of this Order, the style and cause number of the pending matter(s), and the name, address and telephone number of the client(s) he is representing in Court.

CONDITIONS FOR REINSTATEMENT

As absolute conditions precedent for the reinstatement of David Alan Kennedy, he must pay the following: (1) restitution to Johnna Birdsong in the amount of One Thousand and no/100 Dollars (\$1,000.00). All payments of restitution must be made by certified or cashier's check or

money order and must be delivered to the Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Austin, Texas 78711-2487 (1414 Colorado Street, Austin, Texas 78701).

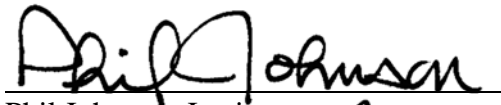
SO ORDERED this 23rd day of January, 2018.



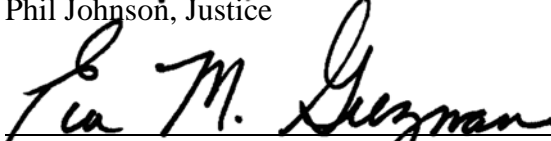
Nathan L. Hecht, Chief Justice



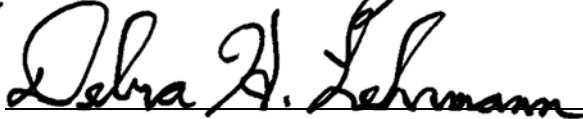
Paul W. Green, Justice



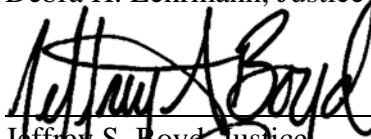
Phil Johnson, Justice



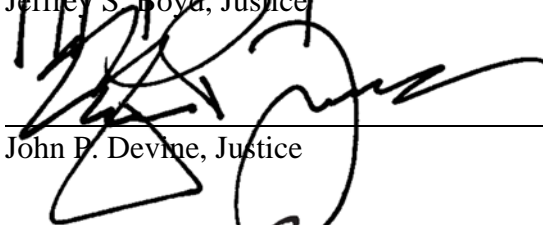
Eva M. Guzman, Justice



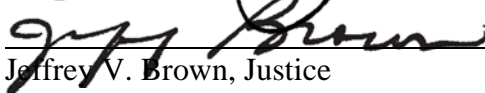
Debra H. Lehrmann, Justice



Jeffrey S. Boyd, Justice



John F. Devine, Justice



Jeffrey V. Brown, Justice



James D. Blacklock