

ORDER OF THE SUPREME COURT OF TEXAS

MISC. DOCKET NO. 05- 9116

IN THE MATTER OF BARRY W. FINKEL

On this day, the Court considered the Motion for Acceptance of Resignation as Attorney and Counselor at Law of Barry W. Finkel, together with the Response of the Chief Disciplinary Counsel to the Motion for Acceptance of Resignation as Attorney and Counselor at Law of Barry W. Finkel. The Court has reviewed said Motion and Response and finds that each meets the requirements of Part X of the Texas Rules of Disciplinary Procedure. In conformity with Part X, Section 10.02 of the Texas Rules of Disciplinary Procedure, the Court considers the detailed statement of professional misconduct contained within the Response of Chief Disciplinary Counsel to be deemed conclusively established for all purposes. The Court finds that Barry W. Finkel is resigning in lieu of discipline. The Court, being advised that the acceptance of the resignation is in the best interest of the public and the profession, hereby concludes that the following Order is appropriate.

IT IS ORDERED that the law license of Barry W. Finkel of Dallas, Texas, State Bar card number 00793007, which was previously issued by this Court, be canceled and his name be dropped and deleted from the list of persons licensed to practice law in Texas.

IT IS FURTHER ORDERED that Barry W. Finkel 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 the cause of his inability to do so.

IT IS FURTHER ORDERED that Barry W. Finkel is permanently enjoined and prohibited from practicing law in the State of Texas, 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."

It is further **ORDERED** that Barry W. Finkel shall, on or before ninety (90) days from the effective date of this Order, make restitution in the amount of **Six Thousand Eight Hundred Fifty Six and 20/100 Dollars (\$6,856.20)** to Ronald J. Stratton. Said restitution shall be made by cashier's check or money order made payable to Ronald J. Stratton, and delivered to the Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Austin, Texas 78711.

It is further **ORDERED** that Barry W. Finkel shall, on or before ninety (90) days from the effective date of this Order, make restitution in the amount of **Seven Hundred Twenty and 20/100 Dollars (\$720.00)** to Mary E. Stratton. Said restitution shall be made by cashier's check or money order made payable to Mary E. Stratton, and delivered to the Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Austin, Texas 78711.

It is further **ORDERED** that Barry W. Finkel shall, on or before ninety (90) days from the effective date of this Order, make restitution in the amount of **One Thousand Five Hundred and NO/100 Dollars (\$1,500.00)** to Sandra M. Peck. Said restitution shall be made by cashier's check or money order made payable to Sandra M. Peck, and delivered to the Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Austin, Texas 78711.

It is further **ORDERED** that Barry W. Finkel shall, on or before ninety (90) days from the effective date of this Order, make restitution in the amount of **Five Hundred and NO/100 Dollars (\$500.00)** to Casandra Young. Said restitution shall be made by cashier's check or money order made payable to Casandra Young, and delivered to the Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Austin, Texas 78711.

It is further **ORDERED** that Barry W. Finkel shall immediately notify each of his current

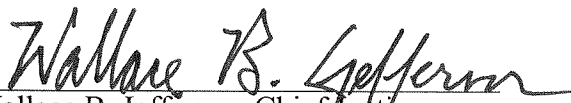
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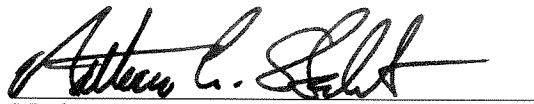
clients in writing of this resignation. In addition to such notification, Barry W. Finkel is **ORDERED** to return any files, papers, unearned monies and other property belonging to clients in his possession to the respective clients or to another attorney at the client's request. Barry W. Finkel is **ORDERED** to file with the Office of the Chief Disciplinary Counsel, State Bar of Texas, 5400 LBJ Freeway, Suite 1280, Dallas, Texas 75240, within thirty (30) days of the effective date of this Order an affidavit stating that all current clients have been notified of his resignation and that all files, papers, monies and other property belonging to all clients have been returned as ordered herein.

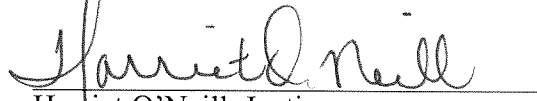
It is further **ORDERED** that Barry W. Finkel shall, within thirty (30) days after the date on which this Order is signed by the Court, notify in writing each and every justice of the peace, judge, magistrate, and chief justice of each and every court in which Barry W. Finkel has any matter pending of the terms of this Order, the style and cause number of the pending matter(s), and the name(s), address(es) and telephone number(s) of the client(s) Barry W. Finkel is representing in Court. Barry W. Finkel is **ORDERED** to file with the Office of the Chief Disciplinary Counsel, State Bar of Texas, 5400 LBJ Freeway, Suite 1280, Dallas, Texas 75240, within thirty (30) days of the effective date of this Order an affidavit stating that he has notified in writing each and every justice of the peace, judge, magistrate, and chief justice of each and every 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(s), address(es) and telephone number(s) of the client(s) he is representing in Court.

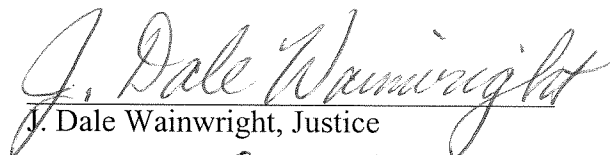
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By the Court, en banc, in chambers, this the 5th day of July, 2005.

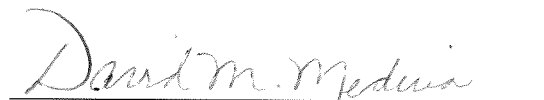

Wallace B. Jefferson, Chief Justice



Nathan L. Hecht, Justice

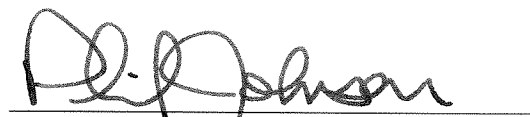

Harriet O'Neill, Justice


J. Dale Wainwright, Justice


Scott Brister, Justice


David M. Medina, Justice


Paul W. Green, Justice


Phil Johnson, Justice