

**BEFORE THE BOARD OF DISCIPLINARY APPEALS
APPOINTED BY
THE SUPREME COURT OF TEXAS**

**IN THE MATTER OF
GEORGE ALLEN DAY
STATE BAR CARD NO. 05609000**

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DOCKET NO. 07011

AGREED JUDGMENT

On this 18th day of August, 2005, came to be heard Petitioner's Motion for Entry of Judgment of Disbarment against the Respondent, George Allen Day, State Bar Card Number 05609000. The Petitioner and Respondent have reached an agreement and have submitted this Agreed Judgment of Disbarment to the Board. Based on the agreement of the parties, the Board makes the following findings and conclusions, and makes the following orders:

On the 16th day of November 2000, the above-styled and numbered disciplinary action was called for hearing before the Board of Disciplinary Appeals. The Board of Disciplinary Appeals entered an Interlocutory Order of Suspension on or about November 27, 2000, which provided in pertinent part the following findings and orders:

- (1) On or about January 27, 1995, Respondent was convicted of conspiracy to commit bank fraud and aiding and abetting in violation of 18 U.S.C. § 371 (Count 1); two counts of misapplication of bank funds and aiding and abetting in violation of 18 U.S.C. § 656 (Count 2 and 4); two counts of bank fraud and aiding and abetting in violation of 18 U.S.C. § 1344(a)(1) and § 1344(a)(2) (Count 3 and Count 5); and making a false statement to the F.D.I.C. and aiding and abetting (Count &) in Cause No. 6:94-CR-0033-01, *United States of America v. George Allen Day*, United States District Court, Northern District of Texas, San Angelo Division (hereinafter referred to the "Day criminal case"). On or about May 19, 1995, Respondent was sentenced to four (4) years' confinement as to each Counts 1, 2, 3, 4, and 5, and two (2) years' confinement as to Count 7, with the sentences to run concurrently, and a Five Thousand and no/100 (\$5,000.00) Dollar

fine for each Count, for a total of Thirty Thousand and no/100 (\$30,000.00) Dollars, with the sentences and payment of the fines to be suspended and Respondent to be placed on probation for a period of five (5) years.

- (2) On or about August 3, 1995, the Board of Disciplinary Appeals entered an Interlocutory Order of Suspension against Respondent suspended him from the practice of law in Texas pending the outcome of his criminal appeal.
- (3) On or about June 14, 1996, the Board of Disciplinary Appeals entered a Final Judgment of Suspension against Respondent suspending him from the practice of law in Texas for the term of his criminal probation. Said order provided that in the event that Respondent's criminal probation was revoked, the Respondent would be disbarred.
- (4) On May 10, 2000, an Amended Order was entered in the Day criminal case revoking Respondent's probation. Respondent was sentenced to the custody of the United States Bureau of Prison for a term of four (4) years as to each of Counts 1 through 5 and two years as to Count 7, with all sentences to run concurrently. Respondent was ordered to pay the outstanding balance of restitution in the amount of \$22,548.25 and the original fine of \$5,000.00 as to each of Counts 1, 2, 3, 4, 5, and 7, for a total fine of \$30,000.00.
- (5) Respondent, George Allen Day, is the same person as the George Allen Day, who is the subject of the Amended Order described above.

An appeal was taken from the Amended Order entered in the Day criminal case by Respondent, George Allen Day.

As a result of the foregoing, the Board of Disciplinary Appeals entered an Interlocutory Order of Suspension on or about November 27, 2000, which provided in pertinent part that Respondent's license to practice law would be suspended pending the outcome of his appeal of the revocation of probation and that, upon conclusion of his appeal and in the event the revocation of probation became final, Respondent would be disbarred.

A Mandate affirming the Judgment in the Day criminal case was issued by the United States Court of Appeals for the Fifth Circuit on or about January 23, 2001. The Judgment in the criminal case has now become final.

It is the agreement of the parties and the Board finds that Respondent's conviction for which he was sentenced in the United States District Court, Northern District of Texas, San Angelo Division, has become final and that a judgment of disbarment as of January 23, 2001, should be entered.


It being the agreement of the parties, it is accordingly, ORDERED, ADJUDGED, AND DECREED that, effective January 23, 2001, Respondent, George Allen Day, State Bar Card No. 05609000, be and he is hereby DISBARRED from the practice of law in the State of Texas and his license to practice law in this state be and is hereby revoked.

It is further ORDERED, ADJUDGED and DECREED that Respondent, George Allen Day, is prohibited, effective January 23, 2001, from practicing law in Texas, holding himself out as an attorney at law, performing any legal service for 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, or holding himself out to others or using his name, in any manner, in conjunction with the words "attorney," "counselor," or "lawyer."

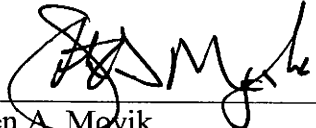
It is further ORDERED that Respondent, George Allen Day, if he has not previously done so, immediately surrender his Texas law license and permanent State Bar Card to the Office of the Chief Disciplinary Counsel, State Bar of Texas, P. O. Box 12487, Austin, Texas 78711, for transmittal to the Clerk of the Supreme Court of Texas.

It is further ORDERED that a certified copy of the Petition for Compulsory Discipline on file herein along with a copy of this Final Judgment of Disbarment be sent to the Chief Disciplinary Counsel of the State Bar of Texas, P.O. Box 12487, Austin, Texas 78711.

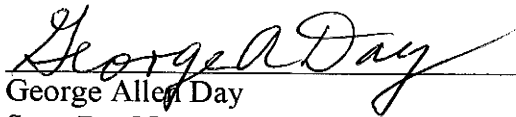
Signed this 18th day of August 2005.


Chair Presiding
BOARD OF DISCIPLINARY APPEALS

AGREED AS TO BOTH
FORM AND SUBSTANCE:


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RESPONDENT, PRO SE