

**ORDER OF THE SUPREME COURT OF TEXAS**

Misc. Docket No. 00- 9076

Appointment of a District Judge to Preside  
in a State Bar Disciplinary Action

The Supreme Court of Texas hereby appoints the Honorable Bascom W. Bentley, Judge of the 369th District Court, Anderson County, Texas, to preside in the Disciplinary Action styled:


**The Commission for Lawyer Discipline v. George M. Hamm**

to be filed in a District Court of Harris County, Texas.

The Clerk of the Supreme Court shall promptly forward to the District Clerk of Harris County, Texas, a copy of this Order and of the Disciplinary Petition for filing and service pursuant to Rule 3.03, Texas Rules of Disciplinary Procedure.

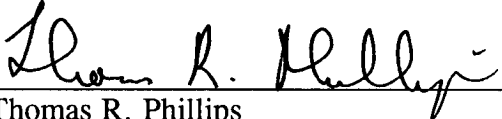
As ordered by the Supreme Court of Texas, in chambers,

With the Seal thereof affixed at the City  
Austin, this 25<sup>th</sup> day of April, 2000.

  
JOHN T. ADAMS, CLERK  
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 00-9076, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 25 day of April, 2000.

  
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Thomas R. Phillips  
Chief Justice

CAUSE NO. \_\_\_\_\_

COPY

COMMISSION FOR LAWYER DISCIPLINE,

Petitioner

v.

GEORGE M. HAMM,

Respondent

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IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

\_\_\_\_\_ JUDICIAL DISTRICT

**ORIGINAL DISCIPLINARY PETITION**

**TO THE HONORABLE JUDGE OF THE COURT:**

COMES NOW, Petitioner, the COMMISSION FOR LAWYER DISCIPLINE, a committee of the STATE BAR OF TEXAS (hereinafter referred to as "Petitioner"), complaining of Respondent, GEORGE M. HAMM (hereinafter referred to as "Respondent"), and would respectfully show unto the Court the following:

**I. DISCOVERY CONTROL PLAN**

Pursuant to Rules 190.1 and 190.2, TEXAS RULES OF CIVIL PROCEDURE (TRCP), Petitioner intends discovery in this case to be conducted under the Level 1 Discovery Control Plan. Pursuant to Rule 190.2(a)(1), TRCP, Petitioner affirmatively pleads that it seeks only monetary relief aggregating fifty thousand and no/100 dollars (\$50,000.00) or less, excluding costs, pre-judgment interest and attorneys' fees.

**II. NATURE OF PROCEEDING**

Petitioner brings this disciplinary action pursuant to the STATE BAR ACT, TEXAS GOVERNMENT CODE ANNOTATED §81.001, *et seq.* (Vernon 1988 and supp. 1994); the TEXAS

DISCIPLINARY RULES OF PROFESSIONAL CONDUCT; and the TEXAS RULES OF DISCIPLINARY PROCEDURE.

### III. VENUE

Respondent is an attorney licensed to practice law in Texas and is a member of the STATE BAR OF TEXAS. Respondent's residence and principal place of practice is Harris County, Texas; therefore, venue is appropriate in Harris County, Texas, pursuant to Rule 3.03 of the TEXAS RULES OF DISCIPLINARY PROCEDURE. Respondent may be served at his business address, 333 N. Sam Houston Parkway E., Suite 400, Houston, Harris County, Texas, 77060.

### IV. CAUSE OF ACTION

On or about May 1, 1998, GENE ROWAN (hereinafter referred to as "ROWAN") hired Respondent to represent him in two (2) civil actions, Cause No 98CV0466, W. Kevin Bateman, Individually and W. Kevin Bateman, Inc. d/b/a Ventec v. Gene Rowan, Individually and d/b/a River Road Machine Manufacturing Co., In the 10th Judicial District Court of Galveston County, Texas (hereinafter referred to as "the *Bateman* suit") and Cause No. 98CV0323, Jen-Cyn Enterprises, Inc. v. Gene Rowan, Individually, and d/b/a River Road Machines, In the 212th Judicial District Court of Galveston County, Texas (hereinafter referred to as "the *Jen-Cyn* suit").

Thereafter, Respondent was suspended from the practice of law beginning November 1, 1998, and ending January 31, 1999. By letter dated October 30, 1998, Respondent notified ROWAN and the Courts of his suspension and his withdrawal from the *Bateman* suit and the *Jen-Cyn* suit. However, Respondent failed to give ROWAN reasonable notice of his withdrawal to allow ROWAN to hire other counsel.

Additionally, Respondent failed to protect ROWAN'S interests in the *Bateman* suit when on or about May 24, 1999, ROWAN received from Respondent a *Notice of Hearing* for a hearing scheduled for May 24, 1999, as well as six (6) unopened envelopes from the opposing counsel. The unopened envelopes were mailed to Respondent between the dates of January 27, 1999, and April 26, 1999. As a result, a default judgment was rendered against ROWAN.

#### **V. RULE VIOLATIONS**

The acts and/or omissions of Respondent described in Paragraph IV above constitute conduct in violation of Rules 1.15(d) [upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled, and refunding any advance payments of fee that has not been earned]; and 8.04(a)(1) [a lawyer shall not violate the TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT, knowingly assist or induce another to do so, or do so through the acts of another, whether or not such violation occurred in the course of a client-lawyer relationship], of the TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT.

#### **VI.**

The complaint that forms the basis of this cause of action was brought to the attention of the Office of the Chief Disciplinary Counsel of the STATE BAR OF TEXAS by GENE ROWAN'S filing of a complaint on July 26, 1999.

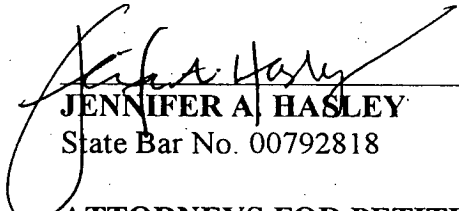
**PRAYER FOR RELIEF**

**WHEREFORE, PREMISES CONSIDERED**, Petitioner, the **COMMISSION FOR LAWYER DISCIPLINE**, respectfully prays that this Court discipline Respondent, **GEORGE M. HAMM**, by reprimand, suspension, or disbarment, as the facts shall warrant; order restitution to Complainant; and grant all other relief to which Petitioner may show itself to be justly entitled, including costs of court and attorneys' fees.

Respectfully submitted,

**DAWN MILLER**  
Chief Disciplinary Counsel

**STATE BAR OF TEXAS**  
**Office of the Chief Disciplinary Counsel**  
1111 Fannin, Suite 1370  
Houston, Texas 77002  
Phone: (713) 759-6931  
Fax No.: (713) 752-2158

  
\_\_\_\_\_  
**JENNIFER A. HASLEY**  
State Bar No. 00792818

**ATTORNEYS FOR PETITIONER,  
THE COMMISSION FOR  
LAWYER DISCIPLINE**

# STATE BAR OF TEXAS



## OFFICE OF THE CHIEF DISCIPLINARY COUNSEL

March 14, 2000

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

**RE: *Commission for Lawyer Discipline v. George M. Hamm***

Dear Mr. Adams:

Enclosed please find an original and two (2) copies of the *Original Disciplinary Petition* being filed by the Commission for Lawyer Discipline against George M. Hamm. Mr. Hamm has designated Harris County, Texas, as his principal place of practice. Request is hereby made that the Court appoint an active district judge who does not reside in the Administrative Judicial Region in which Respondent resides to preside in this case. Upon appointment, request is made that you notify the Respondent (at the address shown below) and the undersigned of the identity and address of the judge assigned:

George M. Hamm  
333 N. Sam Houston Parkway E., Suite 400  
Houston, Texas 77060.

As a practical matter, we respectfully suggest that an inquiry be made as to whether the judge will be able to comply with the one hundred and eighty (180) day deadline by which the case must be set for trial as set forth in Section 3.07 of the TEXAS RULES OF DISCIPLINARY PROCEDURE. If not, we respectfully request that an alternate appointment be made.

Once a trial judge has been appointed, please forward the original and two (2) copies of the *Original Disciplinary Petition*, the *Civil Case Information Sheet*, the filing fee check (all enclosed herewith), and the *Court's Appointing Order* to the District Clerk of Harris County, Texas, with the request that the suit be filed, service be obtained, and a file-marked copy of the petition be returned to the undersigned.

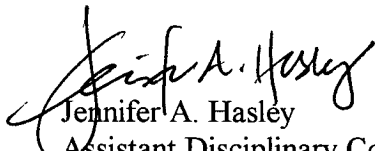
John T. Adams, Clerk  
Supreme Court of Texas  
March 14, 2000  
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Additionally, enclosed please find a pre-addressed envelope for your use in transmitting the petition, etc., to the District Clerk of Harris County, Texas, and a return envelope to be sent to the District Clerk of Harris County, Texas, for the Clerk's use in returning a file-marked copy of the *Original Disciplinary Petition* to the undersigned.

Thank you for your courtesies in this matter.

Sincerely,

  
Jennifer A. Hasley  
Assistant Disciplinary Counsel

JAH/sml

- Enclosures
1. Original Disciplinary Petition (original and two (2) copies)
  2. Civil Case Information Sheet
  3. Filing Fee Check
  4. Pre-Addressed Envelope to District Clerk
  5. Pre-Addressed Envelope to State Bar of Texas





# The Supreme Court of Texas

CHIEF JUSTICE  
THOMAS R. PHILLIPS

201 West 14th Street Post Office Box 12248 Austin TX 78711  
Telephone: 512/463-1312 Facsimile: 512/463-1365

CLERK  
JOHN T. ADAMS

JUSTICES  
NATHAN L. HECHT  
CRAIG T. ENOCH  
PRISCILLA R. OWEN  
JAMES A. BAKER  
GREG ABBOTT  
DEBORAH G. HANKINSON  
HARRIET O'NEILL  
ALBERTO R. GONZALES

EXECUTIVE ASSISTANT  
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASST  
JIM HUTCHESON

ADMINISTRATIVE ASSISTANT  
NADINE SCHNEIDER

MAY 05 2000

The Honorable Charles Bacarisse  
District Clerk of Harris County  
P.O. Box 4651  
Houston, Texas 77002

Dear Mr. Bacarisse:

Pursuant to Rule 3.03 of the Texas Rules of Disciplinary Procedure, I am sending for filing State Bar of Texas Disciplinary Action styled: *The Commission for Lawyer Discipline v. George M. Hamm*, and a copy of the Supreme Court's order appointing the Honorable Bascom W. Bentley, Judge of the 369<sup>th</sup> District Court, Palestine, Texas, to preside in this Disciplinary Action.

Sincerely,

**SIGNED**

John T. Adams  
Clerk

cc: Honorable Bascom W. Bentley  
Ms. Jennifer A. Hasley  
Mr. George M. Hamm  
Ms. Melissa Dartez



# The Supreme Court of Texas

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DEPUTY EXECUTIVE ASST  
JIM HUTCHESON

ADMINISTRATIVE ASSISTANT  
NADINE SCHNEIDER

MAY 05 2000

Ms. Jennifer A. Hasley  
Assistant General Counsel, State Bar of Texas  
1111 Fannin, Suite 1370  
Houston, Texas 77002

Mr. George M. Hamm  
333 N. Sam Houston Parkway E, Suite 400  
Houston, Texas 77060

Dear Ms. Hasley and Mr. Hamm:

Pursuant to Rule 3.02 of the Texas Rules of Disciplinary Procedure, I hereby notify you that the Supreme Court of Texas has appointed the Honorable Bascom W. Bentley, Judge of the 369<sup>th</sup> District Court, Palestine, Texas to preside in

*Commission for Lawyer Discipline v. George M. Hamm*

Sincerely,

**SIGNED**

John T. Adams  
Clerk



# The Supreme Court of Texas

CHIEF JUSTICE  
THOMAS R. PHILLIPS

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Telephone: 512/463-1312 Facsimile: 512/463-1365

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JIM HUTCHESON

ADMINISTRATIVE ASSISTANT  
NADINE SCHNEIDER

MAY 05 2000

Honorable Bascom W. Bentley  
Judge, 369<sup>th</sup> District Court  
P.O. Box 221  
Palestine, Texas 75802-0221

Dear Judge Bentley:

We enclose for your information a copy of the order of assignment, a copy of the Disciplinary Action, a copy of the notification letter to Mr. Hamm and Ms. Hasley, and a copy of the letter to the District Clerk of Harris County.

It is recommended that, six to eight weeks after receipt of this letter, you contact the Harris County District Court Administrative Office (713-755-7593) to find out the district court to which this disciplinary case has been assigned. We then recommend that, either before or immediately after you set the case for trial, you again contact the Harris County District Court Administrative Office (713-755-6593) to reserve a courtroom, provide for a court reporter, etc. Finally, you should contact the Presiding Judge of the Administrative Judicial Region into which you have been assigned (713-471-3911) to obtain information on lodging, allowable expenses, and claims forms for your expenses incident to presiding over this disciplinary case.

Sincerely,

**SIGNED**

John T. Adams  
Clerk