

ORDER OF THE SUPREME COURT OF TEXAS

MISC. DOCKET No. 01- 9074

IN THE MATTER OF GEORGE MORRIS HAMM

The Court has reviewed the *Motion for Acceptance of Resignation as Attorney and Counselor at Law of George Morris Hamm* and the *Response of the Chief Disciplinary Counsel for the Commission for Lawyer Discipline*. The Court concludes each meets the requirements of Part X of the TEXAS RULES OF DISCIPLINARY PROCEDURE. In the absence of a request by George Morris Hamm to withdraw his motion, the Court deems the professional misconduct detailed in the *Response of the Chief Disciplinary Counsel* conclusively established for all purposes. The Court further concludes that acceptance of George Morris Hamm's resignation is in the best interest of the public and the profession.

Therefore, the law license of George Morris Hamm of Houston, Texas, State Bar Card Number 08853500 is canceled effective June 15, 2001. George Morris Hamm must surrender his 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.

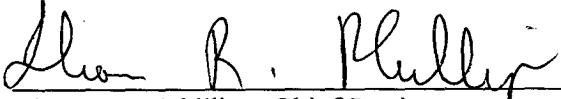
Consequently, George Morris Hamm is prohibited from practicing law in the State of Texas. This includes holding himself out as attorney at law, performing legal services for others, giving legal advice to others, accepting any fee directly or indirectly for legal services, appearing as counsel or in 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 "Attorney at Law," "Counselor at Law," or "Lawyer."

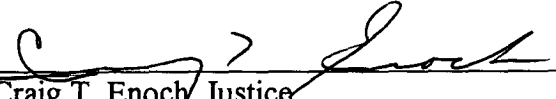
Additionally, George Morris Hamm must immediately notify in writing each of his current clients of his resignation. He shall also return any files, papers, unearned monies and other property in his possession belonging to any client to the respective client or to another attorney at the client's request. George Morris Hamm shall file with the **STATE BAR OF TEXAS, Office of the Chief Disciplinary Counsel, P.O. Box 12487, Austin, Texas 78711-2487**, within thirty (30) days of the 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.


Finally, George Morris Hamm shall, within thirty (30) days after the date of the Order, notify in writing each justice of the peace, judge, magistrate, and chief justice of each court in which George Morris Hamm has any matter pending 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) George Morris Hamm is representing in court. George Morris Hamm shall file with the **STATE BAR OF TEXAS, Office of the Chief Disciplinary Counsel, P.O. Box 12487, Austin, Texas 78711-2487**, within thirty (30) 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.

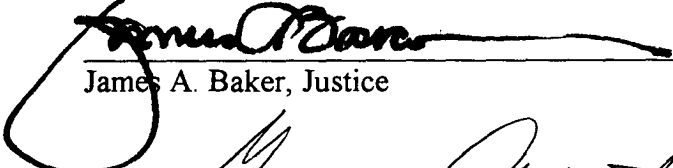
IT IS ORDERED the 14th day of May, 2001.

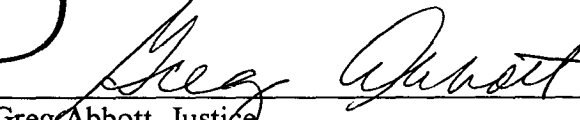

Thomas R. Phillips, Chief Justice



Nathan L. Hecht, Justice

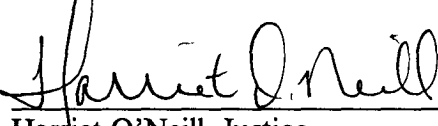

Craig T. Enoch, Justice



Priscilla R. Owen, Justice


James A. Baker, Justice


Greg Abbott, Justice


Deborah G. Hankinson, Justice


Harriet O'Neill, Justice


Wallace B. Jefferson, Justice

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

OF

GEORGE MORRIS HAMM

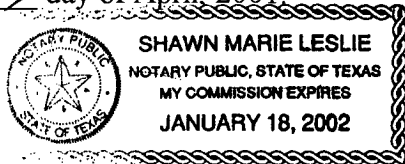
NOW COMES your Applicant, George Morris Hamm, and hereby submits to the Court his resignation as an Attorney and Counselor at Law in the State of Texas and prays that the Court accept said resignation.


Attached hereto and surrendered by the Applicant is the permanent State Bar card issued by this Court on December 7, 1972. Also attached hereto is an affidavit attesting to the inability to surrender the law license issued by this Court to the Applicant.

Your Applicant is voluntarily resigning and withdrawing from the practice of law; Applicant does so in lieu of discipline for professional misconduct; Applicant prays that his name be dropped and deleted from the list of persons licensed to practice law in the State of Texas; and Applicant prays that his resignation be accepted.


GEORGE MORRIS HAMM
State Bar No. 08853500

24th **SUBSCRIBED AND SWORN** to before me by the said George Morris Hamm, this the _____ day of April, 2001.




Notary Public in and for the State of Texas

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

**AFFIDAVIT OF
GEORGE MORRIS HAMM**

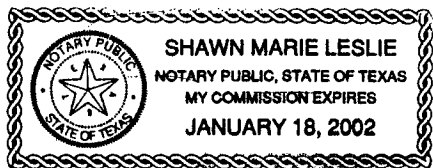
On this 24th day of April, 2001, personally appeared before me, the undersigned **GEORGE MORRIS HAMM**, who, after being duly sworn, did state upon his oath:


“My name is **GEORGE MORRIS HAMM**, and I am over the age of eighteen years and am competent to make this affidavit in all respects, and am personally acquainted with the facts in this Affidavit.”

“I am an attorney licensed in the State of Texas. My bar card number is 08853500. I hereby acknowledge that the license to practice law issued to me by the SUPREME COURT OF TEXAS is the property of the SUPREME COURT OF TEXAS. The license issued to me was lost. If the license issued to me is found or recovered, it will be promptly returned to the SUPREME COURT OF TEXAS.”


GEORGE MORRIS HAMM
State Bar No. 08853500

SWORN TO AND SUBSCRIBED BEFORE ME on this the 24th day of April, 2001.




Notary Public in and for the State of Texas

IN THE SUPREME COURT OF TEXAS

**RESPONSE OF THE CHIEF DISCIPLINARY COUNSEL OF
THE STATE BAR OF TEXAS
TO MOTION FOR RESIGNATION IN LIEU OF DISCIPLINE
GEORGE MORRIS HAMM**

TO THE HONORABLE SUPREME COURT OF TEXAS:

COMES NOW, Jennifer A. Hasley, Assistant Disciplinary Counsel, and Dawn Miller, Chief Disciplinary Counsel of the STATE BAR OF TEXAS, and in accordance with Part X of the TEXAS RULES OF DISCIPLINARY PROCEDURE, would show unto the Court as follows:

I. RESIGNATION OF MOVANT

Movant, George Morris Hamm, State Bar No. 08853500, has filed his *Motion for Acceptance of Resignation as Attorney and Counselor at Law*, dated April 24, 2001. Such *Motion for Acceptance of Resignation* is in lieu of discipline for professional misconduct.

**II. ACCEPTANCE OF RESIGNATION IS IN THE
BEST INTERESTS OF THE PUBLIC AND THE PROFESSION**

The COMMISSION FOR LAWYER DISCIPLINE believes that the acceptance of Movant's *Motion for Acceptance of Resignation* is in the best interests of the public and the profession.

III. DISCIPLINARY CHARGES

The COMMISSION FOR LAWYER DISCIPLINE has information regarding the following instances of Professional Misconduct:

Rowan Complaint

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”).

A. The Bateman Suit

On or about June 20, 1998, the *Bateman* parties met with their respective attorneys, and reached an agreement resolving all issues in the *Bateman* case. Accordingly, on June 25, 1998, Plaintiff’s attorney, Charles Fitch prepared the agreement and mailed it to Respondent with a cover letter dated June 25, 1998. Rowan was never notified upon receipt of the settlement agreement, and thus, the agreement was not executed. Furthermore, Respondent failed to keep Rowan reasonably informed about the status of the case.

Thereafter, Respondent entered into an *Agreed Final Judgment* in Cause No. 98-03842, *Commission for Lawyer Discipline v. George M. Hamm*, in the 234th Judicial District Court of Harris County, Texas. Accordingly, Respondent received a six (6) month partially probated suspension (30 days active from 07/01/98 through 07/30/98) for professional misconduct in violation of the TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT. Respondent failed to explain the effect of the suspension to Rowan to the extent reasonably necessary to permit Rowan to make informed decisions regarding the representation.

A few months later, Respondent, again, entered into an *Agreed Judgment of Suspension* and was suspended from the practice of law beginning November 1, 1998, and ending January 31, 1999.

From June 25, 1998, to October 30, 1998, Respondent neglected the *Bateman* case and failed to communicate with Rowan. Upon termination of representation on or about October 30, 1998,

Respondent failed to take steps to the extent reasonably practicable to protect Rowan's interests such as providing Rowan with a copy of the proposed settlement agreement, timely notifying Rowan of the termination, notifying the court and opposing counsel of his withdrawal, and forwarding documents received on Rowan's behalf. It was not until on or about May 24, 1999, that Respondent provided Rowan with a *Notice of Hearing on Plaintiff's Motion for Default Judgment* scheduled for that same day, 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, on May 25, 1998, a default judgment was entered against Rowan in the *Bateman* suit and Rowan ordered to pay \$742,000.00.

B. The Jen-Cyn Suit

On or about May 15, 1998, the *Jen-Cyn* Plaintiffs served Respondent, as Rowan's attorney, discovery requests (First Set of Interrogatories, Request for Production, and Request for Admissions). These discovery requests were mailed; therefore, the responses were due by no later than June 17, 1998. Respondent wholly failed to respond. As a result, on or about July 9, 1998, Plaintiffs filed a *Motion for Partial Summary Judgment* relying in part on the deemed admissions.

Although Respondent was on active suspension from July 1, 1998, to July 30, 1998, he failed to advise Rowan, the court, and/or opposing counsel of his thirty (30) day suspension. Immediately prior and subsequent to his active period of suspension, Respondent failed to file any *Motion to Undeem the Deemed Admissions*, failed to file any responses to the discovery requests, and failed to respond to the *Motion for Partial Summary Judgment*.

On August 5, 1998, the court granted *Plaintiff's Motion for Partial Summary Judgment* and awarded liquidated damages in the amount of \$76,529.49, and attorneys' fees and costs in the amount

of \$8,842.75. Respondent did not notify Rowan of this adverse ruling until Respondent terminated the attorney-client relationship on or about October 30, 1998.

Respondent notified the court of his cessation of practice due to disciplinary suspension, effective November 1, 1998. However, upon termination of representation, Respondent failed to take steps reasonably necessary to protect Rowan's interests, as he failed to notify Rowan and opposing counsel that he was no longer the attorney of record. Accordingly, opposing counsel continued to communicate directly with Respondent and to take positions adverse to Rowan.

Respondent's conduct as set forth in the Rowan complaint violates Rules 1.01(b)(1), 1.01(b)(2), 1.03(a), 1.03(b), and 1.15(d) of the TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT.

Walters Complaint

In or around August 1996, Joseph Walters (hereinafter referred to as "Walters") hired Respondent to represent him in connection with an accident which occurred on Walters' ranch. Thereafter, on or about August 6, 1996, Respondent filed *Plaintiff's Original Petition* in Cause No. 6646-96, *Joe L. Walters v. J. M. Clements, Individually and d/b/a Clements Electric*, In the 216th Judicial District Court of Bandera County, Texas.

On or about October 30, 1998, Respondent sent Walters a letter advising him of the three (3) month active suspension imposed on him by the STATE BAR OF TEXAS; with the understanding that he would resume the representation upon reinstatement. Thereafter, Respondent failed to communicate with Walters and further failed to promptly comply with Walters' many requests for information on his case.

Additionally, Respondent added Summers Electric Company (hereinafter referred to as

“Summers”) as a defendant. Summers filed a *Motion for Summary Judgment* which was granted on May 26, 1999. However, Respondent failed to file a response, failed to appear on Walters’ behalf, and failed to inform Walters of the hearing date as well as the outcome.

Further, on or about November 23, 1999, Walters sent Respondent a letter, requesting the status of his case and urging Respondent to take action in resolving the matter. In response, on or about March 20, 2000 (and after a grievance was filed against him), Respondent sent a letter to the opposing counsel re-opening settlement negotiations.

Respondent’s conduct as set forth in the Walters complaint violates Rules 1.01(b)(1), 1.01(b)(2), 1.03(a), and 1.03(b) of the TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT.

Williford Complaint

On or about June 25, 1996, James H. Williford (hereinafter referred to as “Williford”) hired Respondent for representation against a homeowners association in Cause No. 1996-13978, *Creekside Estates South Homeowners Association v. James H. Williford and Patricia Williford*, In the 269th Judicial District Court of Harris County, Texas.

Thereafter, on or about November 19, 1996, Respondent received discovery requests from Plaintiff. However, Respondent failed to timely file discovery responses. Plaintiff filed a *Motion for Summary Judgment* based on deemed admissions. On or about April 30, 1997, Respondent filed a motion to permit late filing of a response to the motion for summary judgment, as he had missed the deadline. On or about May 5, 1997, summary judgment was granted in favor of the Plaintiff. Respondent failed to inform Williford of any of the above-mentioned activity.

Respondent’s conduct as set forth in the Williford complaint violates Rules 1.01(b)(1) and 1.03(a) of the TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT.

Husk Complaint

During 1997-1998, Respondent represented Don Husk's firm, GRI Disaster Technologies, Inc., in four (4) separate lawsuits. Thereafter, Respondent entered into an *Agreed Final Judgment* in Cause No. 98-03842, *Commission for Lawyer Discipline v. George M. Hamm*, in the 234th Judicial District Court of Harris County, Texas. Accordingly, Respondent received a six (6) month partially probated suspension (30 days active from 07/01/98 through 07/30/98) for professional misconduct in violation of the TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT. Respondent failed to inform Husk of the suspension and further failed to attend a dispositive hearing, wherein a judgment was entered against Husk and his firm.

Respondent's conduct as set forth in the Husk complaint violates Rules 1.01(b)(1), 1.03(a), and 1.03(b) of the TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT.


III.

WHEREFORE, the Chief Disciplinary Counsel of the STATE BAR OF TEXAS moves the Court to accept the resignation in lieu of discipline and grant the *Motion for Acceptance of Resignation as Attorney and Counselor at Law* filed by Movant.

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
Assistant Disciplinary Counsel
State Bar No. 00792818

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

CERTIFICATE OF SERVICE


I hereby certify that on **April 24, 2001**, *Response of the Chief Disciplinary Counsel of the State Bar of Texas to Motion for Resignation in Lieu of Discipline of George Morris Hamm* was delivered to the Respondent, by hand delivery:

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



JENNIFER A. HASLEY

RECEIVED:



GEORGE MORRIS HAMM

4-24-01
Date

STATE BAR OF TEXAS



OFFICE OF THE CHIEF DISCIPLINARY COUNSEL

May 4, 2001

*Via Certified Mail No. Z-271 942 988,
Return Receipt Requested*

John Adams, Clerk
SUPREME COURT OF TEXAS
Supreme Court Building
P.O. Box 12248
Austin, Texas 78711

RE: Resignation of George Morris Hamm, Bar Card No. 08853500

Dear Mr. Adams:

Pursuant to Part X of the TEXAS RULES OF DISCIPLINARY PROCEDURE, please find enclosed herewith the following:

- (1) *Motion for Acceptance of Resignation as Attorney and Counselor at Law of George Morris Hamm*, dated April 24, 2001, and effective **June 15, 2001**;
- (2) *Response of the Chief Disciplinary Counsel of the State Bar of Texas to Motion for Resignation in Lieu of Discipline of George Morris Hamm*, a copy of which was transmitted to George Morris Hamm on April 24, 2001, at least ten (10) days prior to today's date;
- (3) *Affidavit of George Morris Hamm* dated April 24, 2001, attesting to the fact that Mr. Hamm's law license is lost;
- (4) State Bar Card of George Morris Hamm; and
- (5) Original and one (1) copy of proposed *Order of the Supreme Court of Texas* for review and entry by the Court, accepting the resignation of George Morris Hamm as Attorney and Counselor at Law effective **June 15, 2001**.

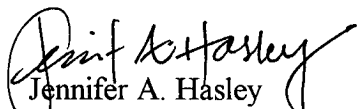
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1111 FANNIN, SUITE 1370 HOUSTON, TEXAS 77002
PHONE: (713) 759-6931 FAX: (713) 752-2158

John Adams, Clerk
SUPREME COURT OF TEXAS
May 4, 2001
Page 2

Please present the enclosed *Order* to the Court for review and entry. Upon entry of the *Order* by the Court, please transmit a true and correct copy of the same to the undersigned so that we may properly give notice to all parties of the Court's decision.

Sincerely,


Jennifer A. Hasley
Assistant Disciplinary Counsel

JAH/sml
Enclosures

cc: George Morris Hamm
333 N. Sam Houston Parkway E., Suite 400
Houston, Texas 77060
***Via Certified Mail No. Z-271 942 990,
Return Receipt Requested***