

IN THE SUPREME COURT OF THE STATE OF TEXAS

Misc. Docket No. 96- 9249

IN THE MATTER OF

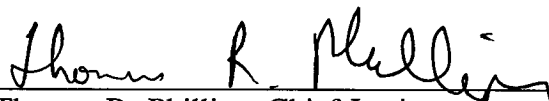
Stephen T. Scott

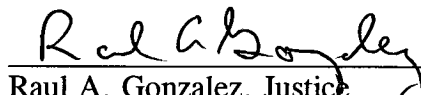
ORDER


On this day came on for consideration the Motion for Acceptance of Resignation as Attorney and Counselor at Law of Stephen T. Scott together with the Response filed by the Chief Disciplinary Counsel of the State Bar of Texas acting through the Commission for Lawyer Discipline. The Court has reviewed said Motion and the Response and finds each to be legally sufficient. The Court, being advised that such resignation is tendered in lieu of disciplinary action, and being of the opinion that such resignation is in the best interest of the public and of the profession and will meet the ends of justice, hereby concludes that the following Order is appropriate.

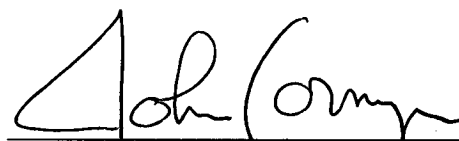
It is ORDERED that the law license of Stephen T. Scott heretofore issued by this court, be, and the same is hereby cancelled and revoked and his name be, and is hereby, removed and deleted from the list of persons licensed to practice law in the State of Texas. Affidavit in lieu of receipt of the license and permanent State Bar card issued by this Court to Stephen T. Scott is hereby acknowledged.

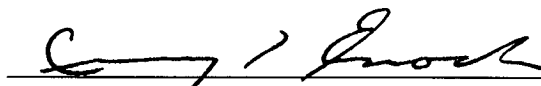
By the Court, en banc, in chambers, this the 6th day of December, 1996.

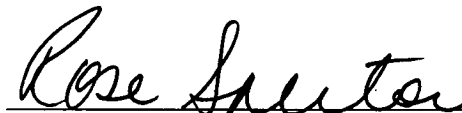

Thomas R. Phillips, Chief Justice


Raul A. Gonzalez, Justice



Nathan L. Hecht, Justice

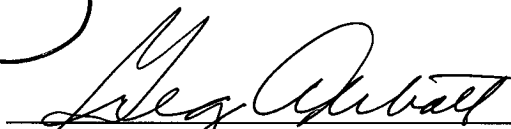

John Comyn, Justice


Craig T. Enoch, Justice


Rose Spector, Justice


Priscilla R. Owen, Justice


James A. Baker, Justice


Greg Abbott, Justice

STATE BAR OF TEXAS



Office of the General Counsel

November 20, 1996

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

Re: Stephen T. Scott

Dear Mr. Adams:

Pursuant to Part X of the Texas Rules of Disciplinary Procedure, please find enclosed herewith the following:

- (1) Original executed Motion for Acceptance of Resignation as Attorney and Counselor at Law for the above referenced attorney;
- (2) Original and two (2) copies of the Response of the Chief Disciplinary Counsel to Motion for Acceptance of Resignation as Attorney and Counselor at Law for the above referenced attorney; and
- (3) Permanent State Bar Card and law license (or affidavit stating whereabouts of either item) for the above referenced attorney.
- (4) Original Order of Resignation for the Court's signature.

Pursuant to Rule 10.02 of the Texas Rules of Disciplinary Procedure, the required ten (10) day timeframe has passed and the above-referenced attorney has made no attempt to withdraw the Motion for Acceptance of Resignation. Therefore, the detailed statement of professional misconduct is deemed to have been conclusively established for all purposes.

I will appreciate your bringing this to the Court's attention. Please return a fully executed copy of the Order to our office at your earliest convenience.

Sincerely,

A handwritten signature in black ink, appearing to be "JR" or similar initials, written in a cursive style.

John J. Rivas
Assistant General Counsel
Office of the Chief Disciplinary Counsel
State Bar of Texas

Enclosure

CF3-24RA.PRI

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

OF

Stephen T. Scott

NOW COMES your Applicant, Stephen T. Scott, and hereby resigns as an Attorney and Counselor at Law in the State of Texas; and hereby submits to the Court his resignation as an Attorney and Counselor at Law; and prays that the Court accept said resignation.

I.

Attached hereto is the License and permanent State Bar card issued by this Court to the Applicant, Stephen T. Scott, as an Attorney and Counselor at Law on November 6, 1978. Said License and permanent State Bar card are hereby surrendered by the Applicant.

In the event that Applicant has lost or misplaced his license and or/ permanent State Bar card and that at this time they cannot be tendered to the Court, Applicant represents to the Court that should Applicant find his License and permanent State Bar card, Applicant will immediately surrender same to the Court.

II.

In connection with such resignation, Applicant acknowledges the following findings of fact and conclusions of law:

(1) Respondent is an attorney licensed to practice law in Texas is a member of the State Bar of Texas.

(2) Respondent was hired by Patricia Lynn Baer in January 1994 to represent her in a Personal Injury matter.

(3) Respondent received a draft from State Farm Mutual Automobile Insurance Company, Re: Claim # 53-L198-234, in behalf of Ms. Baer on or about May 18, 1994 regarding a PIP claim in the amount of \$1,955.00.

(4) Respondent failed to deposit the PIP funds into his trust account, failed to maintain these funds separate from his own, and failed to disburse the funds received for PIP coverage to the health care providers or to Ms. Baer. Respondent further has failed to account for the PIP funds.

(5) Respondent was noticed of this complaint by certified letter on January 17, 1995. Respondent failed to timely respond to the committee's request for information.

(6) Respondent acknowledges that by this conduct he has violated Rule 1.14 (a) & (b), Rule 8.04 (a) 3 & 8, of the Texas Disciplinary Rules of Professional Conduct.

(7) Respondent shall pay State bar attorney's fees in the amount of \$600.00, by certified or cashier's check.

(8) Respondent shall pay restitution to Ms. Patricia Lynn Baer in the amount of \$1,955.00, by certified or cashier's check.

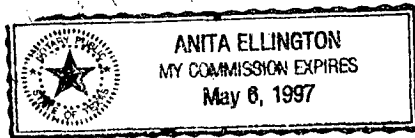
III.

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

Stephen T. Scott

Stephen T. Scott
State Bar No. 17915800

SUBSCRIBED AND SWORN to before me by the said Stephen T. Scott
this the 8th day of June 1995



Anita Ellington
NOTARY PUBLIC in and for
the State of Texas

CF6-17.PRI


AFFIDAVIT

STATE OF TEXAS §
 §
COUNTY OF BEXAR §

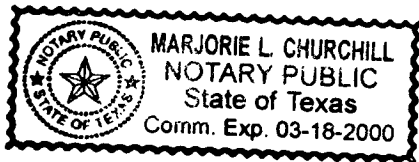
BEFORE ME, a Notary Public, on this day personally appeared Stephen T. Scott, known to me to be the person whose name is subscribed below, who, by me duly sworn, made the following statements and swore that they were true:


1. “My name is Stephen T. Scott, and I am over the age of eighteen, and fully competent to make this statement.
2. “In connection with disciplinary proceedings, I have submitted my Motion for Acceptance of Resignation to the Court. However, after a diligent search, I am unable to locate and tender my bar card and law license. I recognize that the bar card and law license are the property of the Supreme Court of Texas. I further affirm that if the bar card and/or law license are located, that I will promptly tender it/ them to the Court.”

Further Affiant sayeth not.


Stephen T. Scott

SUBSCRIBED and SWORN TO BEFORE ME on the 5th day of November 1996, to certify which witness my hand and official seal.




Notary Public, State of Texas

IN THE SUPREME COURT OF THE STATE OF TEXAS
RESPONSE TO MOTION FOR ACCEPTANCE OF RESIGNATION AS
ATTORNEY AND COUNSELOR AT LAW
OF
STEPHEN T. SCOTT

TO THE HONORABLE SUPREME COURT OF TEXAS:

Pursuant to Part X of the Texas Rules of Disciplinary Procedure, Steve W. Young, Chief Disciplinary Counsel, hereby files this response on behalf of the State Bar of Texas, acting by and through the Commission for Lawyer Discipline, to the Motion for Acceptance of Resignation in Lieu of Discipline filed by Stephen T. Scott, and would show as follows:

I.

The acceptance by the Court of the Resignation of Stephen T. Scott is in the best interest of the public and of the profession.

II.

In connection with the Resignation, the Commission for Lawyer Discipline acknowledges the following findings of fact and conclusions of law:

(1) Respondent is an attorney licensed to practice law in Texas and is a member of the State Bar of Texas.

(2) Respondent was hired by Patricia Lynn Baer in January 1994 to represent her in a personal injury matter.

(3) Respondent received a draft from State Farm Mutual Automobile Insurance Company, Re: Claim #53-L198-234, in behalf of Ms. Baer on or about May 18, 1994 regarding a PIP claim in the amount of \$1,955.00.

(4) Respondent failed to deposit the PIP funds into his trust account, failed to maintain these funds separate from his own, and failed to disburse the funds received for PIP coverage to the health care providers or to Ms. Baer. Respondent further has failed to account for the PIP funds.

(5) Respondent was noticed of this complaint by certified letter on January 17, 1995. Respondent failed to timely respond to the committee's request for information.

(6) Respondent acknowledges that by this conduct he has violated Rule 1.14 (a) & (b), Rule 8.04 (a) 3 & 8, of the Texas Disciplinary Rules of Professional Conduct.

(7) Respondent shall pay State Bar attorney's fees in the amount of \$600.00, by certified or cashier's check.

(8) Respondent shall pay restitution to Ms. Patricia Lynn Baer in the amount of \$1,955.00, by certified or cashier's check.

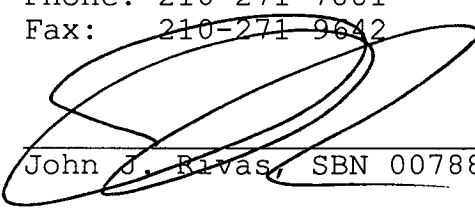
III.

WHEREFORE, the State Bar of Texas, moves the Court to accept the resignation in lieu of discipline and grant the motion filed by Movant.

Respectfully Submitted:

Steve W. Young
General Counsel

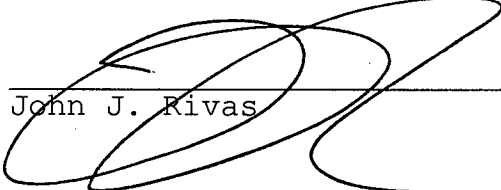
John J. Rivas
Assistant General Counsel
Office of the General Counsel
State Bar of Texas
425 Soledad, Suite 300
San Antonio, Texas 78205
Phone: 210-271-7881
Fax: 210-271-9642



John J. Rivas, SBN 00788285

CERTIFICATE OF SERVICE

This is to certify that the Response of the Chief Disciplinary Counsel to the Resignation of Stephen T. Scott has been served on Stephen T. Scott, at 425 Soledad, Suite 300, San Antonio, Texas 78205, via hand delivery on November 5, 1996.



John J. Rivas

CF6-19.PRI