

Supreme Court of Texas

Misc. Docket No. 21-9113

In The Matter of Brian Anthony Hamner

The Court has reviewed the Motion for Acceptance of Resignation as Attorney and Counselor at Law in Lieu of Disciplinary Action of Brian Anthony Hamner (the Motion) and the Response of the Office of the Chief Disciplinary Counsel for the Commission for Lawyer Discipline (the Response). The Court concludes each meets the requirements of Part X of the Texas Rules of Disciplinary Procedure. The Court finds that Brian Anthony Hamner has waived his right to withdraw the Motion. Therefore, the Court deems the professional misconduct detailed in the Response conclusively established for all purposes. The Court further concludes that Brian Anthony Hamner's resignation is in the best interest of the public, the profession and Brian Anthony Hamner.

Therefore, the law license of Brian Anthony Hamner of San Antonio, Texas, State Bar Card Number 24041050 is canceled. Brian Anthony Hamner must 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 why he cannot.

Brian Anthony Hamner is prohibited from practicing law in the State of Texas. He is prohibited from 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."

Additionally, Brian Anthony Hamner must immediately notify in writing each of his current clients and opposing counsel of his resignation. He must also return any files, papers, unearned monies, and other property in his possession belonging to any client or former client to the respective client or former client or to another attorney at the client's or former client's request. Brian Anthony Hamner must file with the Statewide Compliance Monitor, State Bar of Texas, P.O. Box 12487, Austin, Texas 78711, within thirty days of the date of this Order an affidavit stating that all current clients and opposing counsel have been notified of his resignation and that all files, papers, monies, and other property belonging to all clients and former clients have been returned. If it is Respondent's assertion that at the time of resignation, he possessed no current clients and/or Respondent was not in possession of any files, papers, monies, or other property belonging to clients, Respondent shall submit an

affidavit attesting that, at the time of disbarment, Respondent had not current clients and did not possess any files, papers monies and other property belonging to clients.

Finally, Brian Anthony Hamner must, within thirty days after the date of this Order, notify in writing each justice of the peace, judge, magistrate, and chief justice of each court in which Brian Anthony Hamner 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) Brian Anthony Hamner is representing in court. Brian Anthony Hamner must file with the Statewide Compliance Monitor, State Bar of Texas, P.O. Box 12487, Austin, Texas 78711, within thirty 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. If it is Respondent's assertion that at the time of disbarment he was not currently listed as counsel or co-counsel in any matter pending before any justice of the peace, judge, magistrate, administrative judge or officer, or chief justice of any court or tribunal, Respondent shall submit an affidavit attesting to the absence of any such pending matter before any justice of the peace, judge, magistrate, administrative judge or officer, or chief justice.

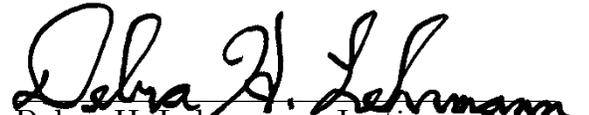
CONDITIONS FOR REINSTATEMENT

As absolute conditions precedent for the reinstatement of Brian Anthony Hamner, he must pay the following: (1) all amounts of restitution and attorney's fees and expenses from previous disciplinary judgments against Mr. Hamner that have not already been paid; (2) all amounts that have been paid by the State Bar of Texas' Client Security Fund because of Mr. Hamner; and (3) \$800.00 in attorneys' fees and \$630.70 in expenses to the State Bar of Texas. The attorneys' fees and expenses payable to the State Bar of Texas are reimbursement for fees and expenses incurred by Commission for Lawyer Discipline in the matters made the basis of Brian Anthony Hamner's resignation.

All payments of restitution must be made by certified or cashier's check or money order and must be delivered to the Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Austin, Texas 78711-2487 (1414 Colorado Street, Austin, Texas 78701).

SO ORDERED this 12th day of October, 2021.


Nathan L. Hecht, Chief Justice

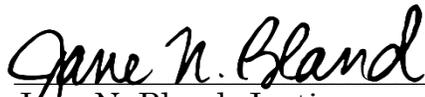

Debra H. Lehrmann, Justice


Jeffrey S. Boyd, Justice


John P. Devine, Justice


James D. Blacklock, Justice


J. Brett Busby, Justice


Jane N. Bland, Justice


Rebeca A. Huddle, Justice