

ORDER OF THE SUPREME COURT OF TEXAS

MISC. DOCKET NO. 01- 9073

IN THE MATTER OF TERRY W. HESSON

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

Therefore, the law license of Terry W. Hesson, of Abilene, Texas, State Bar Card Number 09549500, is canceled. Terry W. Hesson must immediately surrender his State Bar Card and Texas law license to the Clerk of the Supreme Court of Texas.

Consequently, Terry W. Hesson is prohibited from practicing law in the State of Texas. This includes 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 "Attorney at Law," "Counselor at Law," or "Lawyer."

Additionally, Terry W. Hesson 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. Terry W. Hesson 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.

Terry W. Hesson shall, within thirty (30) 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 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. Terry W. Hesson 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.

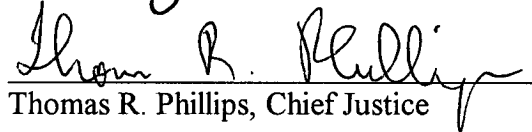
Terry W. Hesson shall satisfy all terms and conditions resulting from the adjudication of Cause No. 1:00-CR-0700-01-C, United States of America v. Terry Wayne Hesson, including any terms and conditions of probation. Completion of those terms and conditions is an absolute condition precedent to reinstatement.

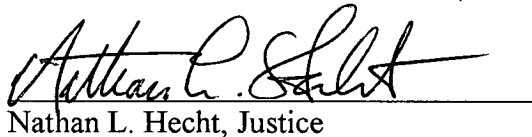
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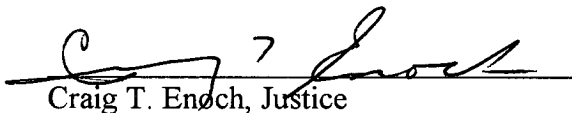
Terry W. Hesson shall satisfy the terms of the *Agreed Judgment of Suspension and Order of Probation* as ordered in Cause No. 44,867-A, *Commission for Lawyer Discipline v. Terry W. Hesson*. Payment of attorneys' fees and court costs as ordered are absolute conditions precedent to reinstatement.

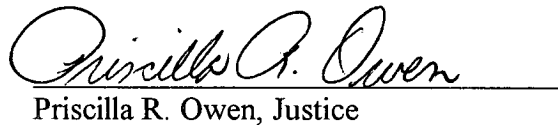
Finally, Terry W. Hesson shall satisfy the terms of the *Judgment of Suspension* as ordered in Case No. H0039714991, *Commission for Lawyer Discipline v. Terry W. Hesson*. Payment of restitution and attorneys' fees as ordered are absolute conditions precedent to reinstatement.

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

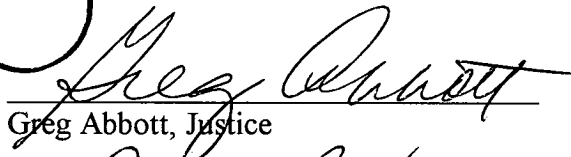

Thomas R. Phillips, Chief Justice

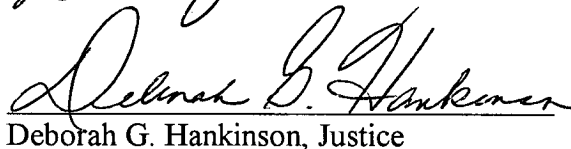

Nathan L. Hecht, Justice


Craig T. Enoch, Justice


Priscilla R. Owen, Justice


James A. Baker, Justice


Greg Abbott, Justice


Deborah G. Hankinson, Justice

Harriet O'Neill

Harriet O'Neill, Justice

Wallace B. Jefferson

Wallace B. Jefferson, Justice

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


OF

Terry W. Hesson

NOW COMES your Applicant, Terry W. Hesson, 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.

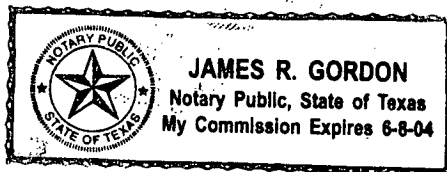
Attached hereto is the License and permanent State Bar card issued by this Court to the Applicant, Terry W. Hesson, as an Attorney and Counselor at Law on September 24, 1973. Said License and permanent State Bar card are hereby surrendered by the Applicant.

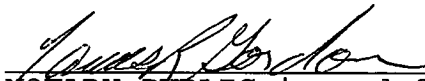
Your applicant is voluntarily resigning and withdrawing from the practice of law; Applicant does so in lieu of discipline for professional misconduct; and Applicant prays that his name be dropped and deleted from the list of persons licensed to practice law in Texas; and that his resignation be accepted.



Terry W. Hesson
09549500

SUBSCRIBED AND SWORN to before me by the said Terry W. Hesson this the 22d day of March, 2001.





NOTARY PUBLIC in and for
the State of Texas

MAR-26-2001 04:16P FROM:STATE BAR OF TEXAS 7137522158

TO:19155756505

P:2/2

AFFIDAVIT OF TERRY W. HESSON

On this 29 day of March, 2001, personally appeared before me, the undersigned **TERRY W. HESSON**, who, after being duly sworn, did state upon his oath:

"My name is **TERRY W. HESSON**, and I am over the age of eighteen (18) years, am competent to make this affidavit in all respects, and am personally acquainted with the facts in this Affidavit."

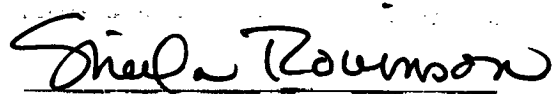
"I am an attorney licensed in the State of Texas. My bar card number is 09549500. I hereby acknowledge that the license to practice law and the permanent State Bar card issued to me by the SUPREME COURT OF TEXAS are the property of the SUPREME COURT OF TEXAS. The license and State Bar card issued to me were lost. If the license and/or State Bar card issued to me are found or recovered, they will be promptly returned to the SUPREME COURT OF TEXAS."



TERRY W. HESSON
State Bar No. 09549500

SWORN TO AND SUBSCRIBED BEFORE ME on this the 29th day of March, 2001.





Notary Public in and for the State of Texas

C:\HESSON\RESIGN.AFF

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
PROFESSIONAL AND COMPULSORY DISCIPLINE
OF TERRY W. HESSON

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, Terry W. Hesson, State Bar No. 09549500, has filed his *Motion for Acceptance of Resignation as Attorney and Counselor at Law*, dated March 22, 2001. Such *Motion for Acceptance of Resignation* is in lieu of discipline based upon professional misconduct and intentional crimes.

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

The COMMISSION FOR LAWYER DISCIPLINE contends 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 Respondent's professional misconduct and conviction of an intentional crime:

Federal Conviction

On or about March 23, 2001, Terry W. Hesson was convicted of an intentional crime in Cause No. 1:00-CR-0700-01-C, *United States of America v. Terry Wayne Hesson*, in the United

States District Court for the Northern District of Texas, Abilene Division. Pursuant to Rule 8.05 of the TEXAS RULES OF DISCIPLINARY PROCEDURE, when an attorney has been convicted of an Intentional Crime, and that conviction has become final, the attorney shall be disbarred.

IV. CONDITIONS FOR REINSTATEMENT

- A. All terms and conditions resulting from the adjudication of Cause No. 1:00-CR-0700-01-C, United States of America v. Terry Wayne Hesson, including any terms and conditions of probation, should be satisfied as absolute conditions precedent to any reinstatement.
- B. On June 7, 2000, Respondent entered into an *Agreed Judgment of Suspension and Order of Probation*, in Cause No. 44,867-A, styled Commission for Lawyer Discipline v. Terry W. Hesson. Pursuant to the terms of the Judgment, Respondent agreed to pay attorneys' fees in the amount of One Thousand and No/100 Dollars (\$1,000.00), and court costs in the amount of Two Hundred Thirty-Eight and No/100 Dollars (\$238.00). Payment of the attorneys' fees and court costs as ordered and agreed should be absolute conditions precedent to reinstatement.
- C. On March 18, 1999, a *Judgment of Suspension* was entered against Respondent in Case No. H0039714991, styled Commission for Lawyer Discipline v. Terry W. Hesson. Pursuant to the terms of the Judgment, Respondent was ordered to pay restitution to the Complainant in the amount of Five Thousand Five Hundred and No/100 Dollars (\$5,500.00), and attorneys' fees in the amount of Two Thousand Four Hundred and No/100 Dollars (\$2,400.00). Payment of restitution and attorneys' fees as ordered should be absolute conditions precedent to reinstatement.

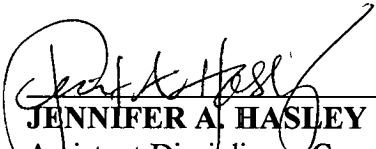
V.

WHEREFORE, the Chief Disciplinary Counsel of the STATE BAR OF TEXAS moves the Court to grant the *Motion for Acceptance of Resignation as Attorney and Counselor at Law* filed by Movant and order all restitution and other terms of compliance be satisfied as absolute conditions precedent to reinstatement.

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 6, 2001**, a true and correct copy of the ***Response of the Chief Disciplinary Counsel of the State Bar of Texas to Motion for Resignation in Lieu of Professional and Compulsory Discipline of Terry W. Hesson*** was delivered to the Respondent, by and through his attorney of record. On **April 17 and 18, 2001**, revised copies of the ***Response of the Chief Disciplinary Counsel of the State Bar of Texas to Motion for Resignation in Lieu of Professional and Compulsory Discipline of Terry W. Hesson*** were delivered to the Respondent, by and through his attorney of record.

Via Facsimile No. (915) 675-6505

**Roger M. Nichols
P.O. Box 1045
Abilene, Texas 79604**


A handwritten signature in black ink, appearing to read "Jennifer A. Hasley", is written over a solid horizontal line. Below the signature, the name "JENNIFER A. HASLEY" is printed in a bold, black, sans-serif font.

JENNIFER A. HASLEY

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 Terry W. Hesson, Bar Card No. 09549500

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 Terry W. Hesson*, dated March 22, 2001;
- (2) *Response of the Chief Disciplinary Counsel of the State Bar of Texas to Motion for Resignation in Lieu of Professional and Compulsory Discipline of Terry W. Hesson*, a copy of which was transmitted to Terry W. Hesson on April 18, 2001, at least ten (10) days prior to today's date;
- (3) *Affidavit of Terry W. Hesson* dated March 29, 2001, attesting to the fact that Mr. Hesson's State Bar card and license are lost; and
- (4) 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 Terry W. Hesson as Attorney and Counselor at Law.

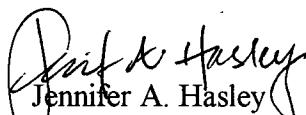
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1111 FANNIN, SUITE 1370 HOUSTON, TEXAS 77002
PHONE: (713) 759-6931 FAX: (713) 752-2158

John Adams, Clerk
SUPREME COURT OF TEXAS
May 4, 2001
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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: Terry W. Hesson
c/o Roger M. Nichols
P.O. Box 1045
Abilene, Texas 79604
***Via Certified Mail No. Z-271 942 989,
Return Receipt Requested***