

IN THE SUPREME COURT OF TEXAS

IN THE MATTER OF

SHERYLL S. DEMPSEY

MISC. DOCKET NO. 97- 9218

ORDER

On this day came on for consideration the Motion for Acceptance of Resignation as Attorney and Counselor at Law of Sheryll S. Dempsey together with the Response filed by the General Counsel's Office 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 SHERYLL S. DEMPSEY, State Bar No. 05655350, heretofore issued by this court, be, and the same is hereby canceled and revoked and her name be, and is hereby, removed and deleted from the list of persons licensed to practice law in the State of Texas. Receipt of the license and permanent State Bar card issued by this Court to Sheryll S. Dempsey, III, is hereby acknowledged as they have previously been surrendered to the Court in connection with the September 3, 1996 Judgment of Suspension entered by the 156th District Court, San Patricio County, Texas, in Cause No. S-95-5797CV-B, styled Commission

for Lawyer Discipline v. Sheryll S. Dempsey.

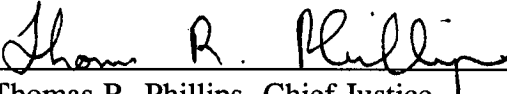
IT IS FURTHER ORDERED that SHERYLL S. DEMPSEY be, and she is hereby, permanently enjoined and prohibited from practicing law in the State of Texas, holding herself out as an attorney at law, performing any legal services for others, giving legal advice to others, accepting any fee directly or indirectly 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 herself out to others or using her name in any manner in conjunction with the words "Attorney at Law", "Counselor at Law", or "Lawyer".

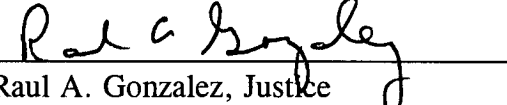
IT IS FURTHER ORDERED that SHERYLL S. DEMPSEY shall, within thirty (30) days after the date on which this Order is signed by the Court, notify in writing each and every justice of the peace, judge, magistrate, and chief justice of each and every Texas court in which Sheryll S. Dempsey may have any client matter pending, advising each court of her resignation, of the style and cause number of any matter pending in that court, and of the name, address and telephone number of the client(s) she is representing in that court. Sheryll S. Dempsey is ORDERED to send copies of all such notifications to the State Bar of Texas, 425 Soledad, Suite 300, San Antonio, Texas 78205.

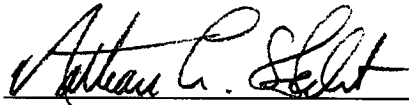
IT IS FURTHER ORDERED that Sheryll S. Dempsey immediately notify each of her current Texas clients, if any, in writing of her resignation. In addition to such notification, Sheryll S. Dempsey is ORDERED to return all files, papers, unearned fees paid in advance, and

all other monies and properties which are in her possession but which belong to current clients, if any, to those respective clients within thirty (30) days after the date on which this Order is signed. Sheryll S. Dempsey is further ORDERED to file with the State Bar of Texas, 425 Soledad, Suite 300, San Antonio, Texas 78205, within the same thirty (30) days, an affidavit stating that all current Texas clients have been notified of her resignation and that all files, papers, unearned fees paid in advance, and all other monies and properties belonging to clients have been returned as ordered herein. If Sheryll S. Dempsey should be unable to return any file, papers, money or other property to any client, Sheryll S. Dempsey's affidavit shall state with particularity the efforts made by her with respect to each particular client and the cause of her inability to return to said client any file, paper, money or other property. Sheryll S. Dempsey is also ORDERED, within the same thirty (30) days, to mail a copy of said affidavit and copies of all notification letters to clients, to the State Bar of Texas, 425 Soledad, Suite 300, San Antonio, Texas 78205.

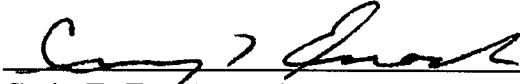
By the Court, en banc, in chambers, this the 12th day of December 1997.


Thomas R. Phillips, Chief Justice


Raul A. Gonzalez, Justice



Nathan L. Hecht, Justice



Craig T. Enoch, Justice



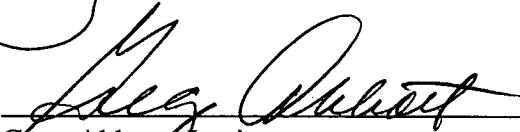
Rose Spector, Justice



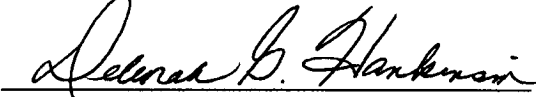
Priscilla R. Owen, Justice



James A. Baker, Justice



Greg Abbott, Justice



Deborah G. Hankinson, Justice

IN THE SUPREME COURT OF THE STATE OF TEXAS
RESPONSE TO MOTION FOR ACCEPTANCE OF RESIGNATION AS
ATTORNEY AND COUNSELOR AT LAW
OF
SHERYLL S. DEMPSEY

TO THE HONORABLE SUPREME COURT OF TEXAS:

Pursuant to Part X of the Texas Rules of Disciplinary Procedure, Steven 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 filed by Sheryll S. Dempsey, and would show as follows:

I.

On November 6, 1997, Sheryll S. Dempsey, State Bar No. 05655350, executed the Motion for Acceptance of Resignation. The acceptance by the Court of the Resignation of Sheryll S. Dempsey is in the best interest of the public and of the profession.

II.

PENDING MATTERS - HANNA COMPLAINT

(1) In April 1996, Applicant, Sheryll S. Dempsey, agreed to represent Complainant, Ms. Barbara Hanna, in a divorce case, and accepted a \$1,000.00 retainer from Ms. Hanna. The retainer was deposited into a bank account held by Applicant and Applicant's work on Ms. Hanna's case was to be billed against the retainer as it was completed.

(2) On June 10, 1996, a Final Judgment of Suspension was entered against Applicant by the 156th Judicial District Court, San Patricio County, Texas, in Cause No. S-95-5797CV-B, styled Commission for Lawyer Discipline v. Sheryll S. Dempsey. Applicant was actively suspended from the practice of law for one (1) year effective September 3, 1996. At the time the active suspension began on September 3, 1996, Applicant had not completed Ms. Hanna's case. Thereafter, Applicant failed to timely return to Ms. Hanna the unearned portion of the fees.

(3) Applicant failed to safeguard the fee paid in advance and was unable to timely refund \$247.00 in unearned fees to Ms. Hanna that were owed at the time Applicant began the term of active suspension on September 3, 1996.

(4) The conduct of Applicant described above constitutes a violation of the following Texas Disciplinary Rules of Professional Conduct: 1.14(a); 1.15(d); and 8.04(a)(7).

III.

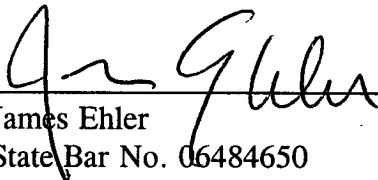
WHEREFORE, the State Bar of Texas, moves the Court to accept the resignation and grant the motion filed by Movant.

Respectfully submitted,

Steven W. Young
General Counsel

James Ehler
Assistant General Counsel

Office of the General Counsel
State Bar of Texas
425 Soledad, Suite 300
San Antonio, Texas 78205
Telephone: (210) 271-7881
Telecopier: (210) 271-9642

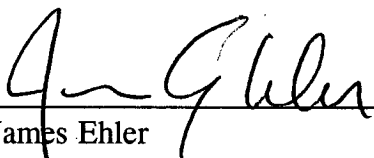

James Ehler
State Bar No. 06484650

ATTORNEYS FOR PETITIONER

CERTIFICATE OF SERVICE

I hereby certify that a complete, true and correct photocopy of the foregoing instrument was duly served upon all parties and/or counsel of record via certified mail, return receipt requested, facsimile transmission, or by hand delivery on the 13th day of November, 1997, as follows:

Sheryll S. Dempsey
P.O. Drawer 987
Odem, Texas 78370


James Ehler
State Bar No. 06484650

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

OF

SHERYLL S. DEMPSEY

NOW COMES your Applicant, SHERYLL S. DEMPSEY, State Bar No. 05655350, and hereby resigns as an Attorney and Counselor at Law in the State of Texas; and hereby submits to the Court her resignation as an Attorney and Counselor at Law; and prays that the Court accept said resignation.

I.

The License and permanent State Bar card issued by this Court to the Applicant, SHERYLL S. DEMPSEY, as an Attorney and Counselor at Law on May 13, 1983, have previously been surrendered to the Court in connection with the September 3, 1996, Judgment of Suspension entered by the 156th District Court, San Patricio County, Texas, in Cause No. S-95-5797CV-B, styled Commission for Lawyer Discipline v. Sheryll S. Dempsey

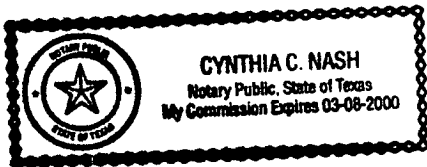
II.

Your applicant is voluntarily resigning and withdrawing from the practice of law and Applicant prays that her name be dropped and deleted from the list of persons licensed to practice law in Texas; and that her resignation be accepted.

END
SD

Sheryll S. Dempsey
SHERYLL S. DEMPSEY
State Bar No. 05655350

SUBSCRIBED AND SWORN to before me by the said SHERYLL S. DEMPSEY, this
the 6th day of November, 1997.



My commission expires

Cynthia C. Nash
NOTARY PUBLIC in and for
the State of Texas

Cynthia C. Nash
Printed name of notary

STATE BAR OF TEXAS



Office of the General Counsel

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
P 135 471 547

December 2, 1997

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

Re: Sheryll S. Dempsey

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) Original Order of Resignation for the Court's signature.

The Applicant's permanent State Bar Card and law license have previously been surrendered to the Supreme Court in connection with the September 3, 1996 Judgment of Suspension entered by the 156th District Court, San Patricio County, Texas, in Cause No. S-95-5797CV-B, styled Commission for Lawyer Discipline v. Sheryll S. Dempsey.

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 this office at your earliest convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Ehler". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

James A. Ehler
Assistant General Counsel
Office of the Chief Disciplinary Counsel
State Bar of Texas

Enclosure

CF3-24RA.PRI