



**BEFORE THE BOARD OF DISCIPLINARY APPEALS
APPOINTED BY
THE SUPREME COURT OF TEXAS**

IN THE MATTER OF	§	
SCOTT M. TIDWELL	§	CAUSE NO. 49518
STATE BAR CARD NO. 20020730	§	

INTERLOCUTORY ORDER OF SUSPENSION

On the 27th day of January 2012, the above-styled and numbered compulsory disciplinary action was called for hearing before the Board of Disciplinary Appeals. Petitioner, Commission for Lawyer Discipline of the State Bar of Texas, appeared by attorney and announced ready. Respondent, Scott M. Tidwell, appeared in person and by attorney and announced ready. All issues of fact as well as all questions of law were submitted to the Board of Disciplinary Appeals for determination. Having considered the pleadings on file, having received evidence, and having heard the argument of counsel, the Board of Disciplinary Appeals is of the opinion that Petitioner is entitled to entry of the following findings and orders:

Findings of Fact. The Board of Disciplinary Appeals finds that:

- (1) Respondent, Scott M. Tidwell, whose State Bar Card number is 20020730, is licensed by the Supreme Court of Texas to practice law and currently authorized to practice law in the State of Texas.

- (2) On or about January 13, 2011, Respondent was charged by Grand Jury Indictment with Counts One and Two – Misuse of Official Information in violation of Texas Penal Code § 39.06(b); Counts Three and Four –

Retaliation in violation of Texas Penal Code § 36.06(a)(1)(A); and Counts Five and Six – Official Oppression in violation of Texas Penal Code § 39.03(a)(1) in Case No. 5191, styled *The State of Texas v. Scott Tidwell*, in the 109th Judicial District Court of Winkler County, Texas.

- (3) On or about October 13, 2011, a Judgment of Conviction by Jury was entered in Case No. 5191 Count One, styled *The State of Texas v. Scott Tidwell*, in the 109th District Court of Winkler County, Texas, wherein Respondent was found guilty of Misuse of Official Information, a Third Degree Felony, and was committed into the custody of the Institutional Division of the Texas Department of Criminal Justice to be imprisoned for a total term of ten (10) years. The Court suspended the confinement and placed Respondent on community supervision for ten (10) years, ordered him to pay a fine of \$4,000 and court costs of \$305. The Court ordered this sentence to run concurrently with Counts Two, Three and Four.
- (4) On or about October 13, 2011, a Judgment of Conviction by Jury was entered in Case No. 5191 Count Two, styled *The State of Texas v. Scott Tidwell*, in the 109th District Court of Winkler County, Texas, wherein Respondent was found guilty of Misuse of Official Information, a Third Degree Felony, and was committed into the custody of the Institutional Division of the Texas Department of Criminal Justice to be imprisoned for a total term of ten (10) years. The Court suspended the confinement and placed Respondent on community supervision for ten (10) years. The Court ordered this sentence to run concurrently with Counts One, Three and Four.
- (5) On or about October 13, 2011, a Judgment of Conviction by Jury was entered in Case No. 5191 Count Three, styled *The State of Texas v. Scott Tidwell*, in the 109th District Court of Winkler County, Texas, wherein Respondent was found guilty of Retaliation, a Third Degree Felony, and was committed into the custody of the Institutional Division of the Texas Department of Criminal Justice to be imprisoned for a total term of ten (10) years. The Court suspended the confinement and placed Respondent on community supervision for ten (10) years. The Court ordered this sentence to run concurrently with Counts One, Two and Four.
- (6) On or about October 13, 2011, a Judgment of Conviction by Jury was entered in Case No. 5191 Count Four, styled *The State of Texas v. Scott Tidwell*, in the 109th District Court of Winkler County, Texas, wherein Respondent was found guilty of Retaliation, a Third Degree Felony, and was committed into the custody of the Institutional Division of the Texas Department of Criminal Justice to be imprisoned for a total term of ten (10) years. The Court

suspended the confinement and placed Respondent on community supervision for ten (10) years. The Court ordered this sentence to run concurrently with Counts One, Two and Three.

- (7) Respondent, Scott M. Tidwell, is the same person as the Scott Tidwell who is the subject of the Tidwell criminal case described above.
- (8) Respondent has appealed the criminal convictions.

Conclusions of Law. Based upon the foregoing findings of facts the Board of Disciplinary

Appeals makes the following conclusions of law:

- (1) This Board has jurisdiction to hear and determine this matter. TEX. R. DISCIPLINARY P. 7.08(G) ("TRDP").
- (2) Respondent, Scott M. Tidwell, having been convicted of Misuse of Official Information, has been convicted of an Intentional Crime as defined by TRDP 1.06(T). Said crime is also a Serious Crime as defined by TRDP 1.06(Z).
- (3) Respondent, Scott M. Tidwell, having been convicted of Retaliation, has been convicted of an Intentional Crime as defined by TRDP 1.06(T). Said crime is also a Serious Crime as defined by TRDP 1.06(Z).
- (4) Having been found guilty and convicted of an Intentional and Serious Crime and having appealed such convictions, Respondent, Scott M. Tidwell, should have his license to practice law in Texas suspended during the appeal of his criminal convictions. TRDP 8.04.
- (5) The Board retains jurisdiction to enter a final judgment in this matter when the criminal appeal is final.

It is, accordingly, ORDERED, ADJUDGED, and DECREED that Respondent, Scott M. Tidwell, State Bar Card No. 20020730, is hereby SUSPENDED from the practice of law in the State of Texas effective immediately upon entry of this order and continuing hereafter until further order of this Board.

It is further ORDERED, ADJUDGED and DECREED that Respondent, Scott M. Tidwell,

during said suspension is hereby prohibited, effective immediately, from practicing law in Texas, holding himself out as an attorney at law, performing any legal service for others, accepting any fee directly or indirectly for legal services not completed before the date of this order, appearing as counsel in any proceeding in any Texas court or before any Texas administrative body, or holding himself out to others or using his name or bar card number, in any manner, in conjunction with the words “attorney,” “counselor,” or “lawyer.”

It is further ORDERED that Respondent, Scott M. Tidwell, shall notify in writing, no later than thirty (30) days from the date of this Order, each and every justice of the peace, judge, magistrate, and chief justice of each and every court in which Respondent, Scott M. Tidwell, has any legal matter pending, if any, of his suspension, of the style and cause number of the pending matter(s), and of the name, address, and telephone number of the client(s) Respondent is representing in that court. Respondent is also ORDERED to mail copies of all such notifications to the Statewide Compliance Monitor, Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711.

It is further ORDERED that Respondent, Scott M. Tidwell, shall immediately notify each of his current clients and opposing counsel, if any, in writing, of his suspension. In addition to such notification, Respondent is ORDERED to return all files, papers, unearned fees paid in advance, and all other monies and properties which are in his possession but which belong to current or former clients with active cases pending, if any, to those respective clients or former clients with active cases pending within thirty (30) days after the date of this Order. Respondent is further ORDERED to file with the Statewide Compliance Monitor, Office of the Chief Disciplinary Counsel, State Bar

of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711, within the same thirty (30) days, an affidavit stating either (a) that all current clients and opposing counsel have been notified of his suspension and that all files, papers, unearned fees paid in advance, and all other monies and properties belonging to clients and former clients with active cases pending have been returned as ordered herein or (b) that Respondent has no current clients, files, or papers, and that any unearned fees paid in advance or other monies or properties belonging to clients have previously been returned to the appropriate client. If Respondent is unable to return any file, papers, money or other property to any client or former client with active cases pending, Respondent's affidavit shall state with particularity the efforts made by Respondent with respect to each particular client and the cause of his inability to return to said client any file, paper, money or other property. Respondent is also ORDERED to mail a copy of all notification letters to the Statewide Compliance Monitor, Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711.

It is further ORDERED that Respondent, Scott M. Tidwell, immediately surrender his Texas law license and permanent State Bar Card to the Statewide Compliance Monitor, Office of the Chief Disciplinary, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711, for transmittal to the Clerk of the Supreme Court of Texas.

It is further ORDERED that this Order is interlocutory and that the Board retains jurisdiction to enter a final judgment when the appeal of the criminal conviction is final. TRDP 8.05; *In the Matter of Mercier*, 242 SW 3d 46 (Tex. 2007).

It is further ORDERED that Respondent shall promptly notify the Board and the State Bar of

Texas Chief Disciplinary Counsel when the appeal of the criminal conviction is final.

It is further ORDERED that the Chief Disciplinary Counsel of the State Bar of Texas shall monitor the status of the appeal of the criminal conviction on at least a quarterly basis and promptly file an appropriate motion for entry of final judgment with the Board when the appeal of the criminal conviction is final.

Signed this 30th day of January 2012.


VICE CHAIR PRESIDING

Board Chair W. Clark Lea recused