CAUSE NUMBER 62242

RONALD T. SPRIGGS	§	BOARD OF
Appellant	§	DISCIPLINARY APPEALS
v	§	
	§	
COMMISSION FOR LAWYER DISCIPLINE	§	
Appellee.	§	STATE OF TEXAS

FROM THE DISRICT 13-2 GRIEVANCE COMMITTEE PANEL 2; EVIDENTIARY HEARING APRIL 12, 2019. CASE NUMBER 201407032.

Oral arguments are not requested.

Respectfully Submitted,

/s/ Ronald T. Spriggs
TSBN 00792853
1011 S. Jackson Street
Amarillo, Texas 794101
(806) 376-7260 | Tel.
(806) 372-3298 | Fax
spriggslawronald@gmail.com

Identity of Parties and Counsel

Ronald T. Spriggs, Respondent

Lauri Guerra, Commission's Trial Attorney

Matthew Greer, Appellate Commission Attorney

Robert Bell, A Caucasian male, Chair, Atty

Blair Oscarsson: Caucasian Female, Atty

Craig Jones, Caucasian Male, Atty

Titiana D. Frausto, Black Female, Atty

Kathleen Morris, Caucasian Female, Public

Scott Mills, Caucasian Male, Public

TABLE OF CONTENTS

Index of Authorities

Statement of Facts

Respondent is accused of _____. See attached.

The complainant's, Cleveland K. Gustin, III's, case was not called for trial.

Mr. Gustin's wife and his mother were in constant contact with the Spriggs law office. P.38 L.11 -P.40 L.23. Mr. Gustin admitted that his questions were answered. P.39 L.15-23. Myra, an employee during the time Gustin was a client, and a 13 year teacher, stated she has known Gustin's wife since 1999. P.233 L17-19 Myra heard the Gustins talking about SAFP. P235 L.7- 23. Myra heard Mr. Spriggs tell the Gustins about the conflict in San Antonio. P237 L.8-L. 13.P 238L 1-P.239 L.4 The State Bar never defined what communications consisted of.

Mr. Spriggs wrote two letters to the client. P88 L22-P89 L10.

The panel's facts are:

Findings of Fact [See Exhibit #1]

The Evidentiary Panel, having considered the pleadings, evidence and argument of counsel, makes 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 resides in and maintains his principal place of practice in Amarillo, Potter County, Texas.

3. On March 20, 2013, Cleveland K. Gustin, III ("Gustin") hired Respondent to represent him in a felony criminal matter

4. During the course of the representation, Respondent failed to appear in court for Gustin's criminal trial.

5. Respondent also failed to keep Gustin reasonably informed about the status of Gustin's criminal matter, and failed to promptly comply Gustin's reasonable requests for case information.

6. Upon termination of representation, Respondent failed to refund to Gustin advance payments of the fee that had not been earned.

7. Respondent owes restitution in the amount of Three Thousand Dollars and No Cents ($3,000.00) payable to Cleveland K. Gustin, III.

8. The Chief Disciplinary Counsel of the State Bar of Texas has incurred reasonable attorney's fees and direct expenses associated with this Disciplinary Proceeding in the amount of Four Thousand Dollars and No Cents ($4,000.00).

Conclusions of Law

The Evidentiary Panel concludes that, based on foregoing findings of fact, the following Texas Disciplinary Rules of Professional Conduct have been violated: Rules 1.01(b)(1), 1.03(a) and 1.15(d).

Sanction

The Evidentiary Panel, having found that Respondent has committed professional misconduct, heard and considered additional evidence regarding the appropriate sanction to be imposed against Respondent. After hearing all evidence and argument and after having considered the factors in Rule 2.18 of the Texas Rule of Disciplinary Procedure, the Evidentiary Panel finds that the proper discipline of the Respondent for each act of CF6-16 Judgment of Partially Probated Suspension – Spriggs.7032 Page 3 of 8

Professional Misconduct is a Partially Probated Suspension.

Accordingly, it is ORDERED, ADJUDGED and DECREED that Respondent be suspended from the practice of law for a period of twenty-four (24) months beginning August 1, 2019, and ending July 31, 2021. Respondent shall be actively suspended from the practice of law for a period of three (3) months beginning August 1, 2019, and ending October 31, 2019. The twenty-one (21) month period of probated suspension shall begin on November 1, 2019, and shall end on July 31, 2021.

Terms of Active Suspension

It is further ORDERED that during the term of active suspension ordered herein, or that may be imposed upon Respondent by the Board of Disciplinary Appeals as a result of a probation revocation proceeding, Respondent shall be prohibited from practicing law in Texas; holding himself out as an attorney at law; performing any legal services for others; accepting any fee directly or indirectly for legal services; appearing as counsel or in any representative capacity in any proceeding in any Texas or Federal court or before any administrative body; or holding himself out to others or using his name, in any manner, in conjunction with the words "attorney at law," "attorney," "counselor at law," or "lawyer."

It is further ORDERED that, on or before August 1, 2019, Respondent shall notify each of Respondent's current clients and opposing counsel in writing of this suspension.

In addition to such notification, it is further ORDERED Respondent shall return any files, papers, unearned monies and other property belonging to current clients in Respondent's possession to the respective clients or to another attorney at the client's request.

“Investigatory Panel” means a panel of the Committee that conducts a nonadversarial proceeding during the investigation of the Complaint by the Chief Disciplinary Counsel. 1.06 (W)Texas Rules of Disciplinary Procedure.

Mr. Gustin wife and his mother were in constant contact with the Spriggs law office. P.38 L.11 -P.40 L.23. Mr. Gustin admitted that his questions were answered. P.39 L.15-23. Myra a 13 year teacher stated she has known Gustin's wife since 1999. P.233 L17-19 Myra heard the Gustins talking about SAFP. P235 L.7- 23. Myra heard Mr. Spriggs tell the Gustins about the conflict in San Antonio. P237 L.8-L. 13.P 238L 1-P.239 L.4 The State Bar never defined what communications consisted of. Mr. Spriggs wrote two letters to the client. P88 L22-P89 L10.

Due process is violated where any fact finder, judge, or jury cherry-picks facts in support of their/his/her conclusion. Discretion to determine credibility is not without limit. There must be support in the record establishing a nexus between the evidence and the conclusion. Here, the panel or critical influential members of the panel declined, wrongfully, to allow the accused and panel members to hear final arguments. The evidence showed that the case was not called for trial, the defendant--Gustin--was instructed to appear by counsel, who had a scheduling conflict, and obligated to appear to preserve his bond, and that respondent provided reasonable representation in seeking a resolution of the case with a plea agreement favorable to the defendant and informing defendant of hearings. On its face, defendant knew there was setting, the setting was not a trial, and defendant's bond was not revoked.

Perhaps, a panel possesses discretion to find a defendant accused of acts of violence, as Gustin was, more credible than unimpeached teachers, lawyers, and legal secretaries; however, where there is no corroborating evidence to resolve contested issues the plaintiff/petitioner has not carried the burden of proof. For example, claiming there is a trial when there was no trial does not create a trial, regardless of what the fact

finder may believe. Likewise, claiming that nothing was done does not undo the work that was done, regardless of what the fact finder may believe. Even in fiction, a jury couldn't make Tom Robinson's restore left arm.[1] The evidence of the present case is neither factually nor legally sufficient to support the conclusion reached.

In representing a client, a lawyer shall not: (1) neglect a legal matter entrusted to the lawyer; or 103(a) (a) A lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.

(and 1.15(d) (d) Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled and refunding any advance payments of fee that has not been earned. The lawyer may retain papers relating to the client to the extent permitted by other law only if such retention will not prejudice the client in the subject matter of the representation.

Issue: Did the State Bar violate Respondent Equal protection Rights of Respondent, Ronald T. Spriggs, A black male, Atty. where the panel consisted of:

Robert Bell, A Caucasian male, Chair, Atty

Blair Oscarsson: Caucasian Female, Atty

Craig Jones, Caucasian Male, Atty

Titiana D. Frausto, Black Female, Atty

[1]See *To Kill a Mockingbird*, Harper Lee, J. B. Lippincott & Co., July 11, 1960.

Kathleen Morris, Caucasian Female, Public

Scott Mills, Caucasian Male, Public

Argument & Authority

Any litigant who is threatened with loss of liberty or property is protected by the Due Process Clause of the Federal Constitution, and the Texas Due-Course-of Law protection under the Texas Constitution. U.S. Const. amend. XIV, § Tex. Const. I§19. These protection extent to lawyers facing judicial disciplinary proceedings. See *In re Ruffalo*, 390 U.S. 544, 88.Ct. 1222,20 L.Ed.2d 117(1968)(right to notice); *Comm'n for lawyer Discipline v. Stern* 355 S.W.3d 129, (Tex. App.-Houston[1st Dist.]pet denied); *Weiss v. Comm'n for Lawyer Discipline*, 981 S.W.2d8, 14(Tex. App.-San Antonio 1998,pet denied). Due Process requires, at a minimum, notice and an opportunity to be heard at a meaningful manner. *Mathew v. Eldridge,* 424 U.S. 319, 333, 96S.Ct. 893, 902, 47L.Ed.2d 18 (1976); *Univ. of Tex.Med.Sch.at Houston v. Than*, 901 S.W.2d 926, 930 (Tex.1995). *Crampton v. Comm'n for lawyer Discipline* No.08-1500074-CV,2016 WL 7230396 at 9(Tex. App. Dec. 2016, review denied (Feb 2, 2018).

"The Texas State Bar purposeful or deliberate denial to Blacks on account of race of participation as panel members in Lawyer discipline administration of justice violates the Equal Protection Clause." 380 U.S., at 203-204, 85 S.Ct., at 826-27.

Here, the complainant's testimony contemplates that respondent was working toward a favorable resolution of the case:

Vol.1, P.21 L.2-25.
Mr. Spriggs?
A. It was within a month of this time.
Q. Okay. So you met with Mr. Spriggs within a month, is that fair to say, twice within a month?
A. Yes, ma'am.
Q. Okay. And the second time that you met with him, what was the status of your case at that point?
A. That's when he was telling me about the SAFP, that's what he was wanting to do. And my wife and I were talking, we might need to find somebody else, you know, because we already -- we didn't know what was going on, and it seemed to us like he was not trying.
Q. What made you say -- what made you say he wasn't trying? I mean, do you know for a fact?
A. No, ma'am, I don't know for a fact, it just -- it just seemed like that was what we were offered and that's what we were going to get, you know, instead of -- wants a plea bargain or something.
Q. Uh-huh. Did you communicate with him and tell him that -- express your concerns with SAFP?
A. Yes, we did.
Q. Okay. And the response you got was what from Mr. Spriggs?
A. I don't really recall. Like I think that was the best we could do.

We all know about the struggles Blacks had to gain admission to law schools. Now that many of the racist laws and obstacles have been eliminated by the U.S. high courts. The State of Texas has a more subtle procedure to get blacks out of the practice of law. Because of the low number of black attorneys most of them personally know each other and the very few on panels will have to recuse themselves in the interest of fairness. This is an example of why Mrs. Frausto did not serve on the panel for Mr. Spriggs. She believed that after having conversations with Mr. Spriggs, she was conflicted and recused herself. Having that belief, she did the right thing. This happen a lot in towns like Amarillo. The State Bar has set this system up. They go after Black

attorneys. The State Bar endured that the Black attorneys get something negative on their record, so it is very likely that black attorney will be out of the running for State Bar positions. Even judgeships and politics are beyond that lawyer reasonable reach. Big case will go to the white attorneys who has an unblemished record. This is done to tear them down and put black attorneys in their place, Below the Caucasian attorneys. Eliminate the black competition. The procedure is worse than Batson v. Kentucky. The State does not allow Blacks to participate in lawyers discipline. They just do not select blacks. Being on a State Bar committee is a popularity contest. It is a white boy only club. It is about who you know. Typically, it is male Caucasians selecting male Caucasians. Now and then they select a female Caucasian. One can understand there are a shortage of Black attorneys. But, to ensure justice there should be more black attorneys on the panels. There is not a shortage of blacks to be public members. They can rationalize all the excuses they want; as to why they do not have Black public members. I have been practicing law for over 24 years and I have only heard of one Black public member serving on a committee. I heard about 20 years ago there was a black public member. The State bar never selects them. They are intentionally excluded from the process. The Texas State Bar has a policy and has designed a system where blacks can be eliminated without question.

This discriminatory system has the same effect as Batson V. Kentucky ("Batson"): keep blacks out of the process of lawyer discipline. We should look at this system the same as Batson. A defendant may establish a prima facie case of purposeful discrimination solely on evidence concerning the State Bar's exercise of selections of members selected to be on the committees. There is no need for

peremptory challenges. I believe it can be shown that a cognizable racial group, and that the State Bar exercised their discretion not to select Black Attorneys or Black citizens to be public members of the disciplinary panels to just eliminate them from participating. The Respondent may also rely on the fact that the selection process constitutes a selection practice that permits those to discriminate who are of a mind to discriminate. Finally, the Respondent must show that such facts and any other relevant circumstances raise an inference that the Texas State Bar used the selection process to exclude blacks from the disciplinary Panels on account of their race.

Issue: Was due process denied where the respondent's pleadings, motions, and filings must be submitted to the agent, employee, or person under control of an adversarial party who can obtain attorney fees if successful.

And, to ensure the State Bar gets the desired result, they have set up a fake filing system. A young lady by the name of Darcia Back is the filing clerk and the secretary to the opposing counsel Laurie Guerra. I had to contact BODA's office to get a copy of the Clerk's record from Ms. Back. I eventually got a copy of the Clerk's record, late. BODA's made them send me a copy of the Clerk's Record. My ability to write my brief has been greatly hindered(loss of momentum) because of the late receipt of the record.

Issue: Was the evidence sufficient where the complaining witness claimed there was an event--that his case was called for trial--when the court reporter for the purported court during the time testifies that the case was not called for trial.

Spriggs challenges the sufficiency of the evidence supporting the judgment of suspension. He claims that the Commission's entire case was predicated upon the testimony of one mentally challenged single witness, Cleveland Gustin, whom Spriggs claims was not credible.

The Texas Supreme Court defined “scintilla of evidence” in *King Ranch, Inc. v. Chapman*, 118 S.W.3d 742, 751 (Tex. 2003). “Less than a scintilla of evidence exists when the evidence is ‘so weak as to do no more than create a mere surmise or suspicion’ of a fact. [citing Kindred v. Con/Chem, Inc., 650 S.W.2d 61, 63 (Tex.1983)]. More than a scintilla of evidence exists when the evidence ‘rises to a level that would enable reasonable and fair-minded people to differ in their conclusions.’ ” [citing Merrell Dow Pharms., Inc v. Havner, 953 S.W.2d 706, 711(Tex. 1997)]

Mr. Jones turned Levi Spriggs into an expert witness. He had Levi answer hypothetical questions concerning the facts of this case. Levi’s answers were similar to the actions of Ronald T. Spriggs. See Vol.1 P.227,L.3-24.

The hearing that Gustin complains about was never called for trial.Vol.1 P129 L.17-L18. The Court reporter testified the case was never called. Vol.1P130 L1-17. Barbara younger the Court reporter for the 251s District Court is the official record keeper for the court. She did not have any notes to prove the case was ever called that week Vol.1P.154 L14- 155 L23. Nothing of Mr. Gustin’s case was heard until the October of 2013.Vol.1,P.158L2-4.

Issue: Was a fundamental due process right denied where the leader of the panel, some of whom are laypersons, intimated that closing arguments -- "a summation of the evidence" -- would not be heard.

> MR. BELL: All right. We're not -- I'm not going to have a summation of the evidence, okay, because we've all heard it. Okay? So --
> MR. SPRIGGS: You're good.
> MR. BELL: It's 4:00 o'clock, too.
> Ms. Guerra, you had something else?
> MS. GUERRA: Yes, I did. Oh, my goodness. I'm sorry.
> MR. BELL: That's okay.
> (Off the record.) P.259 L.3-12.
> MR. SPRIGGS: What's that?
> MR. BELL: You can be excused. Y'all can be excused. The panel will take this under submission.
> MR. SPRIGGS: You want closing arguments?
> MR. BELL: I do not.
> MR. SPRIGGS: Sir?
> MR. BELL: I do not.
> MR. SPRIGGS: If I asked for it, you wouldn't give it to me?
> MR. BELL: No, sir. It's not that I don't like you, because I do, but I don't think closing arguments will be beneficial at this point in the proceeding. Okay. Off the record.
> (Panel deliberation.)
> MR. BELL: We're back on the record in this matter. We have spent most of the day listening to the evidence. P264 L.2-18

Both the United States and Texas Constitution guarantee a defendant the opportunity to present closing argument. *See* U.S. Const. amend. VI; Tex. Const. art. I, § 10; *Herring v. New York,* 422 U.S. 853, 858–59, 95 S.Ct. 2550, 45 L.Ed.2d 593 (1975); *Ruedas,* 586 S.W.2d at 522. The denial of counsel at such a critical stage of trial leads to **a presumption of prejudice**. *United States v. Cronic,* 466 U.S. 648, 659 & n. 25, 104 S.Ct. 2039, 80 L.Ed.2d 657 (1984). *Habib v. State*, 431 S.W.3d 737, 741–42 (Tex. App. 2014).

A defendant's state constitutional right to be heard assures the defendant the right to make a closing argument. Vernon's Ann.Texas Const. Art. 1, § 10. Hyer v. State, 335 S.W.3d 859 (Tex. App. 2011). As the *Hyer* court explained in a footnote, relying on United States Supreme Court and Texas Court of Criminal Appeals cases, the Sixth Amendment right to effective assistance of counsel and a defendant's right to be heard under Article 1, Section 10 of the Texas Constitution both guarantee a defendant the right to make a closing argument. **Those rights, therefore, are violated when a trial court denies a defendant the opportunity to make a closing argument. Because the error is constitutional and the effect of the denial of closing argument cannot be assessed, the error is reversible without any showing of harm.** We therefore sustain Appellant's point, which is dispositive. Consequently, we do not reach his second point. Lake v. State, 481 S.W.3d 656, 660 (Tex. App. 2015), rev'd, 532 S.W.3d 408 (Tex. Crim. App. 2017).

In *Herring v. New York*, the Supreme Court explained the critical nature of a defendant's ability to present a closing argument. 422 U.S. 853, 858–65, 95 S. Ct. 2550, 2553–57 (1975). The issue in that case was the constitutionality of a statute that allowed judges in bench trials to deny closing arguments. *Id.* at 853, 95 S. Ct. at 2551. There can be no doubt that closing argument for the defense is a basic element of the adversary factfinding process in a criminal trial. A party is entitled to reasonable opportunity to have due process issues heard and determined by court. U.S.C.A. Const.Amend. 14. See *Wade v. Comm'n for Lawyer Discipline*, 961 S.W.2d 366 (Tex. App. 1997).

Relying on the principles from *Herring*, various courts (including Texas courts) have reversed criminal convictions or juvenile delinquency judgments for the denial of a defendant's opportunity to present closing argument. *See Ruedas*, 586 S.W.2d at 523–24; *see also S.S. v. State*, 204 S.W.3d 512, 514 (Ark. 2005) ("[W]hen a defendant has been denied the right to make a closing argument, there is no way to know whether an appropriate argument in summation may have affected the ultimate judgment in his case; thus, the trial judge's decision cannot be 1Tex. Const. I considered harmless."); *Fain v. State*, 134 So. 3d 1039, 1040 (Fla. Dist. Ct. App. 2013) (holding that denial of closing argument in a probation revocation appeal was not harmless because the court could not "know how [the] closing argument might have affected the judge's perception of the evidence"). Lake v. State, No. 02-13-00521-CR, 2017 WL 3821902, at *3 (Tex. App. Aug. 31, 2017), petition for discretionary review refused (Nov. 22, 2017).

The Due Course of law guarantee of the Texas Constitution provides: No citizen of this State shall be deprived of life, liberty, property, privileges or immunities, or in any manner disfranchised, except by due course of the law of the land. US. Const. amend. XIV §1Tex. Const. art. I, §19. The Texas due course clause is nearly identical to the federal due process clause, which provides: No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life liberty, or property, without due process of law; US. Const. amend. XIV §1. While the Texas Constitution is textually different in that it refers to "due course" Rather than "due process" we regard these terms as without meaningful distinction. *Mellinger v. City of Houston*, 68Tex. 37, 3 SW 249, 252-53 (1887). As a result, in the matter of procedure due process, we have traditionally

followed contemporary federal due process interpretation of procedural due process issues. *Mellinger*, 3SW a 252-53; also see *Spring Branch Indep. Sch. Dist. V. Stanos*, 695 S.W. 2d556, 560-61 (Tex. 1985); *Tarrant County V. Ashmore*, 635 S.W. 2d 417, 422-23(Tex.), cert denied 459 US.1038, 103S. Ct. 452,74 L.Ed. 2d 606(1982); *House of Tobacco, Inc. v Calvert* 394 SW2d654657-58 (Tex. 1965): *Great oaks Util v. City of Houston*, 161Tex. 417, 340 S.W. 2d 783, 784(1960). Although not bound by federal due process jurisprudence in this case, we consider federal interpretation of procedural due process to persuasive authority in applying our due course of law guarantee.

Vol.2,P.30,L4-11.

MR. SPRIGGS: My hourly rate with 24 years' experience is $350 per hour.

MR. BELL: Okay. Do you disagree that a $225 hourly rate for a nine-year attorney is unreasonable in Potter and Randall County?

Q. For how many hours total? I was keeping track for a bit, but I may have lost track. How many hours, total, are you claiming?

A. I think it's, like, 17 hours, 17 or 18 hours.
B.
Q. Okay. Because that's close to the number that I have.

Okay. All right. Let's see. Just one last thing, just for symmetry in this case. I'm going to show you Exhibit 12. Do you recognize that?

A. Yes, I do.
MS. GUERRA: I'm going to move Exhibit 12

Vol 1,P.125,L. 21.

(BY MS. GUERRA) Okay. Let me just back up before I forget. The second thousand dollar payment, do you recall approximately when you made that payment to

BY MR. SPRIGGS:
Q. Now, Mr. Gustin, you say that you paid a thousand dollars --
A. Yes, sir.
Q. -- a couple days later? Who did you pay that to?
A. Paid it right there in your office.
Q. Who did you pay it to?
A. I'm sure your secretary.
Q. Which secretary?
A. I don't know which one it was. The lady up front at the time.
Q. Well, was she short or was she tall, or do you even remember?

A. I don't recall.
Q. But you didn't get a receipt?
A. I do recall going to the Bank of America off of Paramount and getting cash out of that bank, though.
Q. Why didn't you ask for a receipt?
A. I bet we got a receipt, it's probably lost through the years.
Q. Well, you had the other receipt, correct?
A. That's because it was filed, yes, sir.
Q. That's because you received the receipt, correct?
A. Uh-huh.
Q. Isn't it true that you didn't receive a receipt because you didn't pay a thousand dollars?
A. Yes, we did, but I'm not going to argue.
Q. But you did not receive a receipt or request one?
A. I'm sure we did.
Q. And did the young lady refuse to give
Vol.1, P. 36 L13-P.37,L19.

Vol.2,P.30,L.22- P.31,L.4.

MS. GUERRA: Just one last thing as to restitution. Of course, that's up to the panel to decide. I believe that the evidence showed that the respondent had paid as much as $5,000 -- I'm sorry -- the complainant had paid as much as

31

$5,000 for the representation. Again, we're not here to say the respondent did not do work on this case so we're not asking for a full $5,000 in restitution but whatever the panel would deem fair.

Vol 2, P. 24L11-24.

MR. SPRIGGS: This is addressing your request to me. You told me the last time to bring my receipt books, okay, and look through them. Levi objected to the receipt books leaving the office because he has clients in there, so I couldn't bring them. But I'll tell you what I did find. I did find two receipts in there and I just forgot them. They're on my desk. If necessary, I can go get them. But I did find two receipts in there from the Gustins. None of them was for $1,000. Now, I do have those receipts.

MR. BELL: None of them for $1,000?

MR. SPRIGGS: No, sir.

MR. BELL: What were they for?

MR. SPRIGGS: One was for 200 and one was for 800.

25

MR. BELL: Okay.

MR. SPRIGGS: And they were different days. And listening to Mr. Gustin, he said they went to the bank and they got $1,000 and came and paid the thousand dollars and I couldn't find it. The only reason why we found those two is because I had Myra, like I said, who used to run the office, come and she found two receipts in there for $200 and $800. If the chair likes, I can fax them to you or whatever you

Attorney's Fees

Laurie Guerra did not give testimony to her Attorney's fees and expenses. She turned in an affidavit. She stated what litigation would cost in Dallas County, Texas. The litigation was held In Amarillo, Potter County, Texas. Ms. Guerra does not mention

of the necessary reasonableness of attorney's fees in Potter County, Texas. Mr. Spriggs believed here rates were unreasonable in Amarillo, Texas Vol.2, P30, L.4-11.

Ms. Guerra did not prove she was familiar with the usual and customary fees in *Potter County. Metroplex Mailing Servs. V. RR Donnelley & Son Co*., 410 SW.3d 889-900 (Tex. App.—Dallas 2013, no. pet.).

Ms. Guerre's affidavit is not a proper business record under the TRCP. Vol.2. P.28, L4-15.

Vol.2, P. 29, L5-11

What's your rate per hour?
MS. GUERRA: I believe it shows $225.
MR. BELL: Yeah, it does. So based on the fact that Ms. Guerra -- and her resume is here, she is certainly qualified to opine on these issues, and noting that she is here to testify, the objection will be overruled and Petitioner's 17 will be admitted.
(Petitioner's Exhibit 17 admitted.)
MR. SPRIGGS: Your Honor, for the record, though, Your Honor, I know you ruled, but I think I need to put this on the record. But she put in there, you know, Dallas rates. This is not Dallas, Your Honor. I mean, she has to be familiar with the rates in the county in which the hearing is in --

Ms. Guerra's affidavit is not a proper business record under the TRCP. Vol.2. P.28, L4-15. The commission fail to give the 14 day notice.

Evidence in Disciplinary action which attorneys filed against Mr. Spriggs was legally insufficient to support finding that expenses incurred by attorneys in prosecution of client's case were reasonably necessary; no witnesses testified that the litigation expenses were reasonably necessary, no other evidence was admitted showing that the litigation expenses were reasonably necessary, and attorneys' expense report merely contained a brief description of each expense and listed its amount but did not contain any information showing that the litigation expenses were reasonably necessary. Davenport v. Hall, No. 04-14-00581-CV, 2019 WL 1547617 (Tex. App. Apr. 10, 2019). Mr. Spriggs is being billed up front by the commission and on the back by the reporting firms. That is unreasonable. There is no documentation for the alleged court reporters' payments from the commission. Mr. Spriggs produces Exhibit #1 to show he paid the full price for transcripts at Sondra Cargle & Associates. Witch is incorporated by reference and attached.

Conclusion

As the law above states, Mr. Spriggs' constitutional Rights were clearly violated by this system and panel.

Prayer

Ronald T. Spriggs pray that this case be reversed and dismissed.

Respectfully Submitted,
/s/ Ronald T. Spriggs
TSBN 00792853
1011 S. Jackson Street

Amarillo, Texas 794101
(806) 376-7260 | Tel.
(806) 372-3298 | Fax
spriggslawronald@gmail.com

Certificate of Service

On November 13 a copy of the above document was emailed to the address listed below.

Matthew Greer
Appellate Disciplinary Counsel
State Bar of Texas
P. O. Box 12487
Austin, Texas 78711
Via Email: matthew.greer@texasbar.com

\S\Ronald T. Spriggs

Statement

Sondra Cargle & Associates
4103 SW 49TH AVE
Amarillo, TX 79109
T.I.N # 75-2345331

Date
8/16/2019

To:
Mr. Ronald T. Spriggs The Spriggs Law Office 1011 S. Jackson Amarillo, Texas 79101

Amount Due	Amount Enc.
$184.35	

Date	Transaction	Amount	Balance
07/16/2019	Balance forward		0.00
07/23/2019	PMT #1435.	-2,044.35	-2,044.35
08/16/2019	INV #1617. Due 08/16/2019. Brenda Rohrs	1,857.80	-186.55
08/16/2019	INV #1618. Due 08/16/2019. Shelly Burnett	370.90	184.35

RESPONDENT'S EXHIBIT

8-19-19
Paid Cash

CURRENT	1-30 DAYS PAST DUE	31-60 DAYS PAST DUE	61-90 DAYS PAST DUE	OVER 90 DAYS PAST DUE	Amount Due
184.35	0.00	0.00	0.00	0.00	$184.35