



FILED

Feb 11 2026

THE BOARD of DISCIPLINARY APPEALS
Appointed by the Supreme Court of Texas

TO: Board of Disciplinary Appeals

FROM: Thelma M. Anderson, Respondent

DATE: February 11, 2026

RE: EMERGENCY MEMORANDUM REGARDING APPEARANCE OF IMPROPRIETY, LEGITIMACY CONCERNS, AND DUE PROCESS IMPACT RELATED TO PROOF OF SERVICE DOCUMENTATION PRODUCED FEBRUARY 10, 2026, AFTER EXTENDED WITHHOLDING

I. EMERGENCY NATURE OF THIS MEMORANDUM

This filing is made on an emergency basis because jurisdictional proof-of-service documentation was withheld for approximately 21 weeks and first produced only on February 10, 2026, despite more than fifteen written requests beginning September 4, 2025 appears to have concerning defects.

The sudden production of service documentation after months of non-production creates severe and urgent concerns regarding:

- Document authenticity
- Chain of custody legitimacy
- Notary verification integrity
- Metadata reliability
- Disclosure integrity
- Structural due process compliance

If these documents are unreliable, reconstructed, or not contemporaneously maintained, Respondent has been severely prejudiced in her ability to investigate and defend against jurisdictional claims now being used in proceedings that directly threaten her professional license.

II. CORE STRUCTURAL CONCERN DOCUMENT LEGITIMACY, APPEARANCE OF IMPROPRIETY, AND DUE PROCESS FAILURE

This disciplinary matter seeks to adjudicate Respondent's professional license while material evidence remains pending before the 193rd Judicial District Court relating to Respondent's criminal appeal involving innocence-based issues, including allegations of withheld discovery.

Respondent is now experiencing materially similar disclosure and evidence-withholding concerns in this disciplinary matter.

Service documentation a jurisdictional prerequisite appears unauthenticated, incomplete, or otherwise unreliable and was withheld for months before being produced on **February 10, 2026**, approximately **21 weeks** after Respondent's first written request.

The timing and method of disclosure prevented Respondent from conducting meaningful investigation into:

- Service provider legitimacy
- Notary legitimacy
- Timeline authenticity
- Metadata verification
- Consistency across service narratives
- This is not a technical defect.
- This is a structural due process failure.

If jurisdictional documents can be withheld for months and then produced only after repeated written demands and motion practice, the appearance of impropriety is clear.

III. FACTUAL HISTORY REPEATED DEMANDS AND NON-DISCLOSURE

Beginning September 4, 2025, Respondent repeatedly demanded proof of service.

During this period, Counsel did not disclose:

- Existence of multiple service providers
- Existence of service affidavits
- Existence of service attempt documentation
- Existence of multiple service timelines
- Respondent issued more than fifteen written requests.

December 16, 2025, Partial Disclosure Only

Counsel admitted service attempts were ineffective and produced only the Original Petition. During the period in which Respondent repeatedly demanded proof of service, Disciplinary Counsel did not disclose material service-related information necessary for Respondent to evaluate the validity of alleged service attempts.

Specifically, Counsel did not disclose:

- Notary verification documentation and identification
- The total number of service attempts allegedly made
- The identity of each individual or entity who allegedly attempted service
- The names of any private process service companies involved
- Whether law enforcement personnel were used and in what capacity
- The existence of any affidavits of service or sworn statements related to service attempts
- Contact information for any service provider or affiant
- The dates and documentation each alleged service attempt occurred
- The dates and documents any affidavits were allegedly executed

- The dates and documents any service documentation was first received by Counsel

This information was not produced despite more than fifteen written requests by Respondent prior to December 16, 2025, specifically requesting proof of service and service verification documentation.

The absence of these disclosures prevented Respondent from conducting timely investigation into the validity of alleged service attempts, including verifying service provider credentials, contacting affiants, obtaining contemporaneous service records, and evaluating whether any affidavits were prepared contemporaneously with the alleged service attempts.

The late production of service-related documentation after a 21-week delays significantly impaired Respondent's ability to investigate these issues while records, witnesses, and documentation were readily available. Respondent remained without proof of service.

February 10, 2026; First Production of Service Documentation

Only on **February 10, 2026**, did Counsel produce documentation purporting to reflect service attempts involving multiple service providers.

This occurred after:

- 21 weeks of demands
- Formal Notices of Non-Service
- Motion practice
- Counsel admission service was ineffective

IV. FAILURE TO CURE THROUGH TRUTHFUL DISCLOSURE

Counsel had multiple opportunities to cure the issue through transparency. Counsel could have truthfully admitted he did not possess proof-of-service documentation during the more than fifteen written requests made by Respondent. Instead, the prolonged absence of disclosure followed by sudden document production on February 10, 2026 creates a **clear appearance of impropriety**.

V. TEXAS DISCIPLINARY RULES IMPLICATED

Potential rules implicated include:

Rule 3.03 — Candor Toward the Tribunal

Rule 3.04 — Fairness in Adjudicatory Proceedings

Rule 4.01 — Truthfulness in Statements

Rule 8.04(a)(3) — Dishonesty, Fraud, Deceit, Misrepresentation

RESPONDENT REQUEST IMMEDIATE INVESTIGATION

VI. AUTHENTICATION, NOTARY, AND METADATA CONCERNS

Late disclosure prevented investigation into:

- Notary identity
- Commission validity
- Notary journal entries
- Affidavit execution timing
- Document creation history
- Service provider internal logs

If metadata shows documents were created or finalized later than alleged service dates, reliability is compromised.

VII. PREJUDICIAL IMPACT

Respondent was deprived of ability to:

- Investigate service providers
- Investigate notary verification
- Examine metadata
- Compare service narratives
- Prepare jurisdictional challenges

This prejudice is irreversible if proceedings continue without investigation.

VIII. CONSTITUTIONAL DUE PROCESS VIOLATIONS

This matter implicates:

- Fourteenth Amendment Due Process
- Texas Due Course of Law
- Jurisdictional notice requirements

IX. BOARD INTEGRITY AND PUBLIC TRUST

If jurisdictional documents can be withheld for months and introduced only after repeated demands, confidence in the disciplinary system is compromised.

X. REQUEST FOR EMERGENCY RELIEF

Respondent requests:

1. Immediate Stay of Proceedings
2. Evidentiary Hearing on Service Authenticity
3. Production of Native Files and Metadata
4. Production of Service Provider Full Files
5. Production of Notary Verification Records
6. Investigation Into Disclosure Timeline

XI. CONCLUSION

Respondent has repeatedly and consistently demanded proof of service for over five months. Despite these repeated written demands, no proof of service documentation was produced until February 10, 2026, approximately 21 weeks after Respondent's first request.

The sudden production of service-related affidavits after over 15 previous requests with an extended period calls into serious question the legitimacy, reliability, and authenticity of the documents submitted by Disciplinary Counsel.

The timing of this production, combined with the prior failure to disclose the existence of multiple service providers, raises substantial concerns that the documents were not maintained through a legitimate, transparent, and verifiable chain of custody. Instead, the circumstances surrounding their late appearance create a reasonable and urgent concern that the documents may have been created, finalized, or reconstructed after the fact to cover up lack of service instead of being in truthful to the tribunal and the respondent who has been affected.

Counsel had multiple opportunities to cure this defect through truthful disclosure and could have acknowledged he did not possess proof-of-service documentation during the more than fifteen requests made by Respondent. Instead, the delayed disclosure creates a clear appearance of impropriety.

Respondent is deeply concerned that the February 10, 2026, submission reflects documentation that is not reliable, not contemporaneously maintained, potentially not authentic and counsel appearance of not being truthful and forthcoming. The introduction of jurisdictional documents after such an extended withholding period is profoundly prejudicial.

This is not a procedural technicality.

This is a due process issue.

This is a jurisdictional integrity issue.

This is a structural fairness issue.

If these documents are ultimately determined to be unreliable, reconstructed, or improperly maintained, the prejudice to Respondent would be irreversible. Immediate intervention is required.

Respondent respectfully requests that the board immediately open an investigation into Counsel production of documents. This memo is to put the board on notice of my intent to fill a motion due to the nature of the issue.

Respectfully,

Thelma M. Anderson