



FILED

Feb 26 2026

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

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

**IN THE MATTER OF  
THELMA M. ANDERSON,  
STATE BAR CARD NO. 24091728**

**CAUSE NO. 71154**

**RESPONDENT'S RECORD PRESERVATION NOTICE,  
CONSTITUTIONAL OBJECTION,  
AND ASSERTION OF ABUSE OF DISCRETION  
REGARDING DENIAL OF MEDICAL CONTINUANCE**

COMES NOW Respondent, Thelma M. Anderson, and files this Record Preservation Notice to formally preserve constitutional, procedural, and appellate objections to the February 25, 2026, denial of Respondent's Motion for Continuance. The motion was based upon documented medical necessity that predates the February 26, 2026, hearing setting. This filing is made to ensure a complete and preserved record in the event the Board proceeds in Respondent's compelled absence.

**I. PRESERVED AND UNDISPUTED FACTUAL RECORD**

1. Respondent's medically necessary appointment was scheduled prior to the hearing being set.
2. The Board set the hearing on the same date as the pre-existing medical appointment.
3. Respondent immediately notified the Board upon learning of the conflict and sought guidance under BODA Rule 1.09.
4. Respondent timely filed a Motion for Continuance supported by sworn declaration consistent with TRCP 251 and 252.
5. Respondent provided notice that medical leave would begin February 26, 2026 and extend approximately six (6) weeks.
6. The conflict was not self-created. The setting created the conflict.
7. The denial did not identify procedural noncompliance, insufficiency of affidavit, or failure under TRCP 251, TRCP 252, or BODA Rule 1.09.

**II. GOVERNING LAW LIMITS DISCRETION**

Texas Rule of Civil Procedure 251 mandates that a continuance shall be granted upon sufficient cause supported by affidavit. A documented medical necessity constitutes sufficient cause.

Texas Rule of Civil Procedure 252 provides protection where a party's absence is not voluntary and participation is material. Respondent's participation in a disciplinary proceeding affecting licensure is materially necessary.

Nothing in the Texas Rules of Disciplinary Procedure or the BODA Internal Rules authorizes denial of a continuance where: (a) medical necessity exists; (b) the appointment predates the hearing setting; (c) the conflict was not self-created; and (d) the motion complies with Rule 1.09. While docket management involves discretion, discretion is not unfettered. It must be exercised within the bounds of procedural rules and constitutional protections.

### **III. CONSTITUTIONAL VIOLATION RISK AND ABUSE OF DISCRETION**

A license to practice law is a protected property interest under the Fourteenth Amendment to the United States Constitution and Article I, Section 19 of the Texas Constitution.

Procedural due process requires a meaningful opportunity to be heard. Meaningful participation in a disciplinary proceeding is constitutionally required — not discretionary.

Forcing Respondent to choose between compliance with a medically necessary appointment initiating documented medical leave and defense of a protected professional license constitutes a deprivation of meaningful participation where the Respondent did not create the conflict.

Denial of a continuance under these circumstances, without identifying procedural deficiency, constitutes an abuse of discretion and risks constitutional violation.

Proceeding despite documented medical unavailability creates substantial prejudice, compromises fundamental fairness, and threatens the integrity of the disciplinary process.

### **IV. FORMAL PRESERVATION OF OBJECTION FOR APPELLATE PURPOSES**

Respondent formally objects to the denial of the medical continuance and to any proceeding conducted during Respondent's documented medical leave.

This filing preserves objection under TRCP 251, TRCP 252, the Texas Rules of Disciplinary Procedure, BODA Rule 1.09, the Fourteenth Amendment, and Article I, Section 19 of the Texas Constitution.

If the Board elects to proceed, Respondent's absence shall be deemed compelled by medical necessity and shall not constitute waiver of rights.

Respectfully submitted,

**THELMA M. ANDERSON**  
Respondent