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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 EMERGENCY MOTION TO RESET HEARING, REOPEN
RECORD, AND FOR DUE PROCESS RELIEF REGARDING
COMPULSORY DISCIPLINE PROCEEDING**

COMES NOW Respondent, Thelma M. Anderson, and files this Emergency Motion to Reset Hearing, Reopen Record, and for Due Process Relief, and respectfully shows:

This Motion is filed because the compulsory discipline proceeding was taken under advisement before Respondent was able to complete the record regarding constitutional due process arguments, outstanding material evidence, controlling case law, and re-urging of Respondent's request for leave following late production of critical evidence.

This matter directly implicates Respondent's license to practice law and therefore requires strict adherence to constitutional due process protections, including the right to present a complete evidentiary and legal record before adjudication.

I. EMERGENCY BASIS FOR RELIEF

The matter was taken under advisement while:

- Respondent was experiencing documented technical failures
- The evidentiary record remained incomplete
- Due process arguments were not fully presented
- Outstanding material evidence remains withheld by a governmental entity
- Related litigation affecting evidentiary availability remains pending
- **Note the court reporter experienced technical issues as well.**

Proceeding to adjudication without completion of the record creates substantial constitutional prejudice.

II. TECHNICAL INTERRUPTION PREVENTED COMPLETION OF RECORD

Respondent appeared and participated beginning at approximately 9:00 a.m. At approximately 10:00 a.m., Respondent notified the tribunal that her system was stalling.

Following that notice:

- Computer required restart
- Internet connectivity failed
- Phone lost power preventing call-in backup
- Respondent restarted computer, modem, and electrical system

Respondent rejoined at approximately 10:17 a.m. and provided proof of reconnection. Respondent was then informed the matter had been adjourned and taken under advisement. As a result, Respondent was unable to complete multiple critical record submissions.

III. RECORD WAS INCOMPLETE ON COMPULSORY DISCIPLINE DUE PROCESS ISSUES

A. Outstanding Ordered Evidence

A governmental entity has not complied with an OAG production order requiring release of documents directly relevant to the disciplinary proceeding. Related mandamus enforcement litigation was heard in the 193rd Judicial District Court and remains under advisement.

The withheld documents directly affect:

- Criminal case integrity
- Evidence disclosure obligations
- Credibility and Brady-related analysis
- Pending federal investigation against perjury committed
- Attorney Conflict and Ineffective Assistance
- Attorney admission to withholding discovery
- Fairness of disciplinary reliance on underlying conviction
- Proceeding without access to ordered evidence is materially prejudicial.

B. Compulsory Discipline While Criminal Appeal and Related Litigation Remain Pending

Respondent was unable to finish presenting controlling and persuasive authority demonstrating that disciplinary suspensions have, in some matters, been deferred due to due process or evidentiary integrity concerns exist.

IV. DUE PROCESS REQUIRES OPPORTUNITY TO COMPLETE RECORD BEFORE ADJUDICATION

Under the Fourteenth Amendment and Article I, Section 19 of the Texas Constitution, Respondent is entitled to:

- Notice of evidence
- Opportunity to review evidence
- Opportunity to investigate evidence
- Opportunity to present rebuttal evidence
- Opportunity to present full legal argument
- Need for leave to investigate and respond

- Supporting legal authority for granting leave under due process principles

Where licensure is at stake, procedural protections must be strictly observed and is heighten when outstanding documents that are delayed due to a governmental entity where notice was provided to the tribunal with documentation of the outstanding relevant evidence.

Respondent affirmatively appeared, notified the tribunal of technical instability, and made immediate good-faith efforts to rejoin. The record was not completed due to circumstances outside Respondent's control, and fundamental fairness requires an opportunity to complete that record.

V. PREJUDICE IF RECORD IS NOT REOPENED

If the record is not reopened, Respondent will be deprived of the ability to:

- Present evidence regarding withheld OAG-ordered documents that are relevant to the hearing
- Present authority supporting deferral of discipline during appellate and evidentiary challenges where the fruit of the poisonous tree is present
- Present federal pending investigation for the current individuals being investigated for retaliatory persecution and submitting false documents to the federal government who failed to disclose
- Fully argue prejudice from outstanding evidence disclosure
- Fully argue prejudice from counsel for committing perjury in the submission of legal documents and misrepresenting to the board.
- Fully re-urge leave supported by legal authority
- Fully protect professional licensure interests

VI. REQUESTED RELIEF

Respondent respectfully requests that the Board:

1. Reset or continue the hearing.
2. Reset to Reopen the record for completion of due process and evidentiary arguments.
3. Reset to present evidence of Counsels Misconduct
4. Grant all further relief to which Respondent is entitled.

VII. PRAYER

WHEREFORE, PREMISES CONSIDERED, Respondent respectfully requests that the Board grant this Emergency Motion, reset or continue the hearing, reopen the record for completion of Respondent's evidentiary and legal presentation, and grant all other relief to which Respondent may be justly entitled.

Respectfully submitted,

THELMA M. ANDERSON
Respondent