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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 FOR CONTINUANCE

DUE TO UNAVOIDABLE TRAVEL IMPEDIMENTS, PENDING EMERGENCY REVIEW, AND OUTSTANDING MATERIAL DISCOVERY

Respondent, Thelma M. Anderson, files this Emergency Motion for Continuance of the July 31, 2026 hearing and respectfully shows the Board as follows. Respondent seeks a continuance because circumstances outside her control prevent lawful and approved travel to Austin, her emergency request for relief remains pending before the Supreme Court of Texas, and material records necessary to present her defense to final disbarment remain outstanding. Respondent has acted diligently and requests relief in the interests of justice.

I. EMERGENCY TRAVEL IMPEDIMENTS REQUIRE A CONTINUANCE

1. The Board issued its July 21, 2026 order requiring Respondent to provide written documentation of her travel restrictions through her probation officer and to appear in person in Austin on July 31, 2026. Those requirements were issued after the deadline by which Respondent could provide the ten-business-day advance notice and supporting documentation required to request probation approval for travel outside her authorized jurisdiction. Respondent's probation officer was out of the office until July 27 and continues to be shown as out of the office, further preventing a timely travel submission and written verification of Respondent's restrictions.

2. After receiving notice that her Expedited Motion to Stay filed against the Board remained pending, Respondent contacted the Clerk's Office at approximately 4:55 p.m. on July 30, 2026. The Clerk's Office advised that the expedited motion was still pending review.

3. Respondent was nevertheless prepared to submit an emergency travel request for the July 31 hearing. While preparing that request, Respondent discovered that she could not physically locate her Texas driver's license despite searching extensively for hours.

4. Respondent attempted to obtain a replacement license online but was advised that she must appear in person because she does not possess the identifying audit numbers required to complete the online replacement process. Without those numbers, she is also unable to obtain the temporary printable credential that would permit her to carry proof of licensure while awaiting the replacement.

5. Texas Transportation Code § 521.025 requires a person operating a motor vehicle to have the driver's license in her possession and to display it upon demand. Although Respondent's driving privilege has not been suspended or revoked, she cannot personally drive the approximately 400-mile round trip to Austin without risking a violation of Texas law. Any traffic stop and resulting law-enforcement contact could consequently be viewed as a violation of, or noncompliance with, her federal probation conditions requiring her to obey all federal, state, and local laws.

6. Out of an abundance of caution, Respondent immediately emailed her probation officer to disclose that her driver's license is missing and to request written guidance and verification that she is not permitted to operate a motor vehicle without physically possessing her valid driver's license. Respondent also requested guidance concerning the steps required to remain in compliance with her probation conditions where she does not possess a physical driver's license to travel outside of her jurisdiction. Respondent received an out-of-office response, and her probation officer continues to be shown as out of the office. Respondent must therefore contact her probation officer's immediate supervisor and obtain written guidance and verified confirmation regarding both the limitations on personally driving without possessing her license and the separate requirements for emergency travel approval.

7. Respondent does not have her driver's license for the purpose of traveling to a different jurisdiction because she cannot physically locate it. Before personally driving, Respondent must appear in person at the appropriate driver-license office to request a replacement and obtain an acceptable temporary credential. Personally operating a motor vehicle without possessing the required license could violate Texas law and could consequently be treated as a violation of, or noncompliance with, her federal probation conditions. Alternative transportation would not resolve the separate requirement that Respondent obtain probation authorization before traveling outside her approved jurisdiction. Accordingly, Respondent cannot travel until she receives verified guidance from the supervising probation officers regarding how to remain compliant and avoid an unauthorized or unlawful travel violation.

II. OUTSTANDING GOVERNMENTAL RECORDS PREVENT A MEANINGFUL DEFENSE

8. Separate from the emergency travel impediment, material records duly requested from the Dallas County District Attorney's Office, the Texas Office of the Attorney General ("OAG"), and the United States Small Business Administration ("SBA") remain outstanding. The Board was previously placed on notice of these unresolved records through Respondent's prior motions to abate and supporting exhibits. The continued absence of the records is therefore not a newly manufactured ground for delay; it is an existing and documented evidentiary problem that remains unresolved.

9. The first unresolved production arises from Respondent's March 7, 2025 public-information request to the Dallas County District Attorney's Office. That request sought employment records, internal communications, communications with federal agencies, policies, oaths of office, and records concerning Respondent's employment and the federal referral. On May 23, 2025, the OAG issued ruling OR2025-017868, rejecting the District Attorney's Office's asserted section 552.103 litigation exception and directing release of the remaining submitted information, except material held solely as an agent of the grand jury. See Exhibit C.

10. The OAG's October 21, 2025 determination found that the District Attorney's Office did not provide the required impracticability notice, did not challenge the ruling, did not provide a cost estimate, and did not release information until July 30, 2025, sixty-eight days after the OAG ruling. The OAG stated that a violation of the Texas Public Information Act may have occurred, but declined enforcement because the District Attorney's Office represented that all responsive, non-confidential information had been released. The OAG expressly made that determination subject to revision upon receipt of new, relevant, and persuasive information. See Exhibit C.

11. On February 24, 2026, the District Attorney's Office admitted that it had located additional information responsive to the same March 7, 2025 request. The Office described the supplemental material as primarily emails, including case communications, Brady information, notes concerning witnesses and victims, communications with other assistant district attorneys, and Respondent's personal information. In March and April 2026, the Office further confirmed that it had re-run the requested emails using a broader search and was processing a large volume of pages. Those admissions directly contradict the representation on which the OAG relied when it declined enforcement. On June 16, 2026, the OAG confirmed that Respondent's request to keep the complaint open remained pending review. See Exhibit C.

12. The second unresolved production arises from Dallas County Public Information Request No. D037001-061926, submitted June 19, 2026. That request seeks communications and records involving Laquita Long, Paul Hamilton, John Creuzot, Respondent and her businesses, the SBA, PPP matters, federal referrals or inquiries, communications with the OAG, employment authority, and related policies and records. Dallas County did not issue its cost estimate until July 27, 2026 and did not provide a definite production date before the July 31 hearing. See Exhibit D.

13. The July 27 cost letter compounded the delay by directing Respondent to place another requester's name and number, "D037449-070826-Ricky Starks," in the payment memo instead of Respondent's correct request number. Respondent promptly requested corrected instructions because payment under another person's information could be misapplied or rejected. The County also stated that production would require no fewer than fifteen business days after payment. Thus, even immediate payment under corrected instructions could not result in production before the July 31 hearing. See Exhibit E.

14. Texas Government Code § 552.221(a) requires a governmental body to produce public information promptly. When information cannot be produced within ten business days, § 552.221(d) requires certification of that fact and identification of a reasonable production date. Section 552.306(c) imposes specific duties after an OAG ruling, including production of information required to be released, and § 552.306(d) addresses compliance within thirty days of the ruling. The OAG's own October 21 determination documents apparent noncompliance with those duties. Sections 552.321 and 552.3215 authorize mandamus and OAG civil enforcement, confirming that Respondent has pursued recognized legal remedies rather than passively waiting for the records.

15. The third unresolved production arises from Respondent's June 22, 2026 FOIA request to the SBA. The request seeks the complete PPP borrower file; the original application and all versions; supporting documents; lender information; SBA notes and review records; electronic metadata and upload history; records identifying the source of uploaded documents; records reflecting modifications or substitutions; records identifying any third-party preparer, processor, referral source, intermediary, Blueacorn affiliate, or Dallas County District Attorney's Office employee involved with the application or referral. See Exhibit D.

16. Under 5 U.S.C. § 552(a)(6)(A)(i), a federal agency generally must determine whether to comply with a FOIA request within twenty working days and notify the requester of its determination, the reasons, and appeal rights, subject to lawful tolling or extension. Respondent's attached request establishes that she sought the SBA records for use in pending post-conviction proceedings. As of this filing, Respondent reports that the material SBA production remains outstanding.

17. The SBA records are material because they may identify who prepared, transmitted, uploaded, altered, reviewed, or referred the PPP application; what documents and figures were originally supplied; whether any third-party preparer or intermediary participated; whether Respondent's tax documents were used; the source and timing of electronic uploads; and whether Dallas County personnel communicated with the SBA. Those facts bear directly on Respondent's pending 28 U.S.C. § 2255 claims concerning knowledge, intent, the role of a third-party preparer, nondisclosure of material evidence, ineffective assistance of counsel, prosecutorial misconduct, and the integrity of the federal referral.

18. The Dallas County and OAG records are independently material because they may corroborate or contradict statements and memoranda attributed to Paul Hamilton and other public officials; establish employment status, authority, office policies, and permission for outside employment; identify communications with federal agents, prosecutors, or the SBA; and supply direct, impeachment, and mitigation evidence. Exhibit A further reflects that Respondent repeatedly notified the federal court that communications underlying the federal referral had been ordered produced but remained unavailable.

19. Respondent does not ask the Board, through this continuance request, to disregard Texas Rule of Disciplinary Procedure 8.02 or retry the criminal case. The records are material to the pending collateral challenge, the completeness and accuracy of the record, the appropriate disposition under Rules 8.05 and 8.06, mitigation, preservation of issues for review, and whether final disbarment should proceed while government-controlled evidence bearing on the underlying referral and constitutional challenge remains unavailable.

20. The Fourteenth Amendment and article I, § 19 of the Texas Constitution prohibit deprivation of a protected interest without due process of law. Due process requires a meaningful opportunity to be heard at a meaningful time and in a meaningful manner. Mathews v. Eldridge, 424 U.S. 319, 333 (1976). In attorney-discipline proceedings, procedural fairness is especially exacting because disbarment is a punishment affecting the lawyer's profession and reputation. In re Ruffalo, 390 U.S. 544, 550–52 (1968).

21. The Mathews factors favor a continuance. Respondent's private interest in her license and livelihood is substantial; the risk of erroneous deprivation is heightened when material, government-controlled records remain missing; the requested records could materially improve the accuracy of the proceeding; and the governmental burden of a brief continuance is minimal compared with the irreversible prejudice of final disbarment on an incomplete record. Proceeding despite documented notice of the missing evidence would deny Respondent a fair opportunity to investigate, prepare, present, and preserve her defense. The prejudice cannot be cured adequately after entry of a final judgment.

III. THE GOVERNING RULES AND EXTRAORDINARY CIRCUMSTANCES REQUIRE A CONTINUANCE

22. Under Board of Disciplinary Appeals Internal Procedural Rule 1.02, the Board has the powers of a trial court in disciplinary proceedings. Internal Procedural Rule 1.03 provides that, except as varied by the disciplinary rules and to the extent applicable, the Texas Rules of Civil Procedure apply to disciplinary matters before the Board. Texas Rule of Civil Procedure 251 authorizes a continuance upon sufficient cause supported by affidavit, by consent of the parties, or by operation of law. The combined, documented circumstances presented here are extraordinary and constitute sufficient cause: Respondent cannot obtain required travel guidance while her probation officer remains unavailable; she cannot personally drive lawfully without possessing her license; emergency review remains pending; and material evidence controlled by governmental agencies remains outstanding despite diligent requests and prior notice to the Board.

23. Respondent did not create the probation officer's absence, the continued pendency of emergency review, the loss of her physical driver's license, the unavailability of immediate online replacement, or the delayed and incomplete production of material records.

24. Respondent notified the appropriate offices promptly, attempted to obtain a replacement credential, contacted her probation officer, sought written compliance guidance, pursued the missing records, and filed this motion at the earliest practical time. The combined circumstances establish good cause and demonstrate that a continuance is required by fairness and the interests of justice.

PRAYER

For these reasons, Respondent respectfully requests that the Board:

1. Continue the July 31, 2026 hearing to a date that permits Respondent to obtain probation travel approval, replace her physical driver's license, and receive and review the outstanding material records;
2. Refrain from entering a final judgment of disbarment until Respondent has had a meaningful opportunity to obtain and present the outstanding material evidence; and
3. Grant Respondent all other relief to which she may be justly entitled.

Respondent incorporates the referenced exhibits and the supporting documentation previously submitted with her motions to abate and stay. Any additional documentation concerning the emergency travel circumstances, communications with the probation office, replacement-license attempt, pending emergency review, or governmental records requests will be supplemented promptly as it becomes available.

Respectfully submitted,

/s/ Thelma M. Anderson
THELMA M. ANDERSON
Respondent, Pro Se
State Bar Card No. 24091728

CERTIFICATE OF SERVICE

I certify that on July 31, 2026, a true and correct copy of this motion was served on all counsel of record through the electronic filing manager and/or the email addresses designated for service in this proceeding.

/s/ Thelma M. Anderson