



FILED  
6/12/23

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

BODA NO. 67358

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IN THE BOARD OF DISCIPLINARY APPEALS

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*Annette R. Loyd,  
Appellant*

vs.

*Commission for Lawyer Discipline,  
Appellee*

---

On Appeal from the Chief Disciplinary Counsel  
For the State Bar of Texas, Case No. 2021-03038

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**APPELLANT'S SUPPLEMENTAL BRIEF**

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Annette R. Loyd**

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**ORAL ARGUMENT REQUESTED**

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## **RECORD REFERENCES**

The record in this cause consists of the Clerk's Record (1 volume), the Supplemental Clerk's Record (1 volume), the Reporter's Record (2 volumes), Appellant's written designation requesting additional exhibits and testimony be included in the Reporter's Record pursuant to Rule 4.02(g) of the Board of Disciplinary Appeal's Internal Procedural Rules. The Clerk's Record will be referred to as "CR \_\_\_\_." The Clerk's Supplemental Record will be referred to as "SCR \_\_\_\_." Volume 1 of the Reporter's Record will be referred to as "RRv1 \_\_\_\_." Volume 2 of the Reporter's Record will be referred to as "RRv2 \_\_\_\_." The additional exhibits and testimony included in the Reporter's Record pursuant to Rule 4.02(g) will be referred to as "RRv3 \_\_\_\_."

## **STATEMENT REGARDING ORAL ARGUMENT**

Appellant respectfully requests oral argument in this case because it would significantly aid the Board of Disciplinary Appeal's decisional process in this case.

## SUPPLEMENTAL BRIEF

To the Honorable Board of Disciplinary Appeals (“BODA”),

Comes now, Appellant, Annette R. Loyd (“Appellant”) in the above-styled and numbered cause, and files this Appellant’s Supplemental Brief to inform the Board of procedural deficiencies related to Appellant’s disability and to request oral argument on this issue. In support of same, Appellant would respectfully show the Board as follows:

**I. The Evidentiary Panel failed to fulfill its responsibilities under TRDP by not entering a finding of disability.**

Rule 1.06(I) of the Texas Rules of Disciplinary Procedure (TRDP) defines a ‘Disability’ as “any physical, mental, or emotional condition that, with or without a substantive rule violation, results in the attorney’s inability to practice law, provide client services, complete contracts of employment, or otherwise carry out his or her professional responsibilities to clients, courts, the profession, or the public.” At all times relevant to this matter, Appellant has suffered from a disability. TRDP 1.06(I). In addition, the Chief Disciplinary Counsel (“CDC”) has been aware of Appellant’s disability since at least 2018, when the Default Judgment of Fully Probated Suspension was entered against Appellant, which ordered Appellant to undergo treatment with a mental health professional (“2018 Judgment”). *See* CR 000305-311. Since 2019, Appellant has received regular treatment for anxiety and depression

through prescription medication and regular treatment from her mental health counsel, Dr. Harry Klinefelter.

Importantly, Appellant's disability has not interfered with her ability to carry out her professional responsibilities to her clients, courts, or the public. In the four years since Appellant was diagnosed with anxiety and depression, she has continued practicing law without issue. Appellant's disability manifests itself as an inability to appropriately manage or address her own personal conflicts. *See* RRv1 at 64. In both personal and professional settings, when Appellant is presented with a problem that affects her own person directly, her immediate response is to enter into a state of denial, avoidance, and panic. *Id.* The findings of professional misconduct against Appellant are the result of her disability, which at times, prevented her from carrying out her professional responsibilities to the profession. *See* TRDP 1.06(I). Specifically, when Appellant learned that a Disciplinary Petition had been filed against her, she was so overcome with anxiety and fear that her professional career was over that she literally could not respond. Due to her disability, Appellant became essentially paralyzed at the devastating and overwhelming idea that she could lose her law license and in turn, her livelihood.

After Appellant's Evidentiary Hearing ("Hearing") before the District 7 Grievance Committee, Evidentiary Panel 7-1 (the "Evidentiary Panel"), the Evidentiary Panel should have reasonably recognized Appellant's disability, entered

a finding to that effect, and then forwarded that finding to the BODA for referral to a District Disability Committee pursuant to TRDP 2.17(P)(2). During the Hearing, the 2019 Judgement ordering Appellant to undergo mental health counseling was submitted into evidence by the Assistant Disciplinary Counsel for the CDC. In addition, Appellant testified at the Hearing that she struggled to participate in the disciplinary process due to her anxiety and depression. *See* RRv1 at 66. Moreover, it is evident, from a brief review of the Hearing transcript, that Appellant could not adequately articulate to the Evidentiary Panel the true nature and extent of her disability. *Id.*; RRv1 at 17. Although Appellant knew the allegations against her were meritless, her disability made it virtually impossible for her to meaningfully participate in the grievance process and defend herself.

Accordingly, for the reasons outlined above, the Evidentiary Panel failed to fulfill its responsibilities under TRDP 2.17(P)(2) by not entering a finding of disability for Appellant and forwarding that matter to BODA for referral to a District Disability Committee. If the Evidentiary Panel and the CDC had not been so concerned with punishing Appellant, they would have recognized that she was not an attorney who is consciously indifferent to the Texas Disciplinary Rules of Professional Conduct (“TDRPC”). Appellant was, and is, an attorney suffering from her disability in a system that had already vilified her.



**II. The Commission for Lawyer Discipline failed to fulfill its obligations under TRDP by failing to refer Appellant to a disability screening committee.**

Despite the Evidentiary Panel's failure to enter a finding of disability, the Texas Rules of Disciplinary Procedure have additional safeguards in place to ensure that attorneys suffering from a disability are provided the support they need. Specifically, under TRDP 4.06(I), Appellee, the Commission for Lawyer Discipline is charged with referring "information coming to its attention indicating that an attorney is disabled physically, mentally, or emotionally, or by the use or abuse of drugs" to an appropriate disability screening committee. Appellee's responsibilities under TRDP 4.06(I) are independent from the Evidentiary Panel, CDC, or any other committees in Texas' professional disciplinary and disability system.

On May 10, 2023, Appellant's counsel sent Appellee's counsel a detailed letter informing him of the nature and extent of Appellant's disability and further advised Appellee's counsel of his client's obligation to refer such matters to the appropriate disability screening committee (see Exhibit A, attached hereto, and incorporated herein for all purposes). *See* TRDP 4.06(I). In response, Appellee's counsel indicated that Appellee's hands were tied because the Evidentiary Panel did make a disability finding. Appellee's position is wholly unsupported by TRDP 4.06(I), which states that Appellee has a '*duty*' and '*responsibility*' to refer information regarding attorney disability to an appropriate disability screening

committee. As a result, Appellant was again denied the procedural safeguards that exist to protect attorneys who, like her, suffer from a debilitating disability.

**III. In the interest of fairness, BODA must refer Appellant to a District Disability Committee or, in the alternative, remand this cause to the Evidentiary Panel for a finding on disability.**

Based on the information outlined above, it is clear that the Evidentiary Panel and Appellee failed to give proper notice and response to Appellant's disability. However, Appellant's disability belies this entire cause, and BODA can make no other determinations without first considering the effect Appellant's disability had on her ability to comply with the TDRPC and the disciplinary proceedings to which she was wrongfully forced to endure. If BODA were to adopt the Evidentiary Panel and Appellee's position of refusing to acknowledge Appellant's disability, it would result in a grave injustice to Appellee and every other Texas attorney suffering from a disability. Texas' professional disciplinary system cannot survive if its commissions and committees remain willfully ignorant to the disabilities of the attorneys it prosecutes, and willfully disobedient to the rules mandating their notice and response when an attorney appears before them with a disability.

Pursuant to BODA Internal Procedural Rule 1.02, BODA has the power to do what the Evidentiary Panel and Appellee failed to do - refer this matter to a District Disability Committee. Alternatively, if BODA determines that it lacks the power to refer this matter directly to a District Disability Committee, Appellant requests that

BODA reverse and remand the Evidentiary Panel's Default Judgment of Active Suspension so that the Evidentiary Panel may enter a finding on Appellant's disability.

### **PRAYER**

For all the reasons previously discussed in Appellant's Brief and the reasons outlined in this Supplemental Brief, Appellant Annette R. Loyd respectfully requests that the Board of Disciplinary Appeals reverse and remand the Evidentiary Panel's Default Judgment of Active Suspension and return this matter for further proceedings before the Evidentiary Panel consistent with Texas Rules of Disciplinary Procedure 1.06(I), 2.17(P)(3) and 4.06(I), or in the alternative, that the Board of Disciplinary Appeals enter an order modifying the sanctions against Appellant, or referring this matter to a District Disability Committee, and grant Appellant such other and further relief at law or equity to which Appellant may be justly entitled.

Respectfully submitted,

**WEST, WEBB, ALLBRITTON & GENTRY, P.C.**

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## CERTIFICATE OF COMPLIANCE

I certify that this Appellant's Brief complies with the typeface and word-count requirements set forth in the Rules of Appellate Procedure. This Supplemental Brief has been prepared, using Microsoft Word, in 14-point Times New Roman font for the text and 12-point Times New Roman font for any footnotes. This Brief contains 1,277 words, as determined by the word count feature of the word processing program used to prepare this document, excluding those portions of the notice exempted by TEX. R. APP. P. 9.4(i)(1) and BODA Internal Procedural Rule 4.05(d).

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on all counsel listed below via email on June 9, 2023.

Michael G. Graham  
Appellate Counsel  
Office of the Chief Disciplinary Counsel  
State Bar of Texas  
P.O. Box 12487  
Austin, Texas 78711

*Via Email: michael.graham@texasbar.com*

Laurie Guerra  
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Dallas, Texas 75254

*Via Email: laurie.guerra@texasbar.com*

/s/ Gaines West  
GAINES WEST

## **APPENDIX**

**Appendix 1** RRv1, Transcript from Default Judgment Hearing on  
November 2, 2022

**Appendix 2** CR 000305, Default Judgment of Fully Probated  
Suspension

# **EXHIBIT A**



May 10, 2023

Michael G. Graham  
Appellate Counsel  
Office of the Chief Disciplinary Counsel  
P.O. Box 12487  
Austin, TX 78711

*Via Email: Michael.graham@texasbar.com*

Re: Annette Loyd (Vanicek); BODA #67358

Dear Mr. Graham,

I am writing this letter as a follow-up to our previous conversation concerning Ms. Vanicek's appeal pending before the Board of Disciplinary Appeals No. 67385. As detailed below, the above-referenced grievance matter is the result of Ms. Vanicek's disability. Accordingly, Ms. Vanicek needs support and treatment from the attorney discipline system, not punishment.

As you are aware, during Martha Dickie's time as President of the State Bar of Texas (the "Bar"), she brought significant awareness to the disproportionate number of lawyers struggling with mental health disabilities.<sup>1</sup> Ms. Dickie was equally passionate about the Bar's role in supporting and rehabilitating lawyer suffering from such disabilities. *Id.* Ms. Dickie's successors have furthered her mental health initiatives, including the current Bar President, Laura Gibson. Most recently, in the May 2023 issue of the *Texas Bar Journal*, Ms. Gibson published an article noting that 19% of lawyers reported that they had contemplated suicide during their careers and that death by suicide is the *third* leading cause of death among lawyers.<sup>2</sup>

Ms. Vanicek suffers from a disability, as that term is defined by Texas Rules of Disciplinary Procedure 1.06(I). Specifically, in 2019, Ms. Vanicek began seeing a mental health counselor, Dr. Harry Klinefelter. Shortly thereafter, Ms. Vanicek was diagnosed with anxiety and depression. Since her diagnosis, Ms. Vanicek has worked to manage her anxiety and depression through prescription medication and regular treatment from Dr. Klinefelter.

While anxiety and depression can look different for every person, Ms. Vanicek's disability manifests itself, in large part, as an inability to act in her own best interest due to avoidance, denial, panic, etc. As a result, when Ms. Vanicek learned that a Disciplinary Petition had been filed against her, she was overcome with anxiety and fear that her professional career was over. The idea that she could lose her law license and, in turn, her livelihood was so devastating and overwhelming for Ms. Vanicek that she was paralyzed. During the proceedings before the District 7 Grievance Committee, Evidentiary Panel 7-1 (the "Panel"), Ms. Vanicek explained to the Panel that she

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<sup>1</sup> See generally Martha S. Dickie, *Outside Your Comfort Zone*, 69 TEX. B.J. 608 (2006); Kelley Jones King, *A Profile of President Martha Dickie*, 69 TEX. B. J. 642 (2006).

<sup>2</sup> Laura Gibson, *Talk Saves Lives*, 86 TEX. B. J. 300 (2023).



May 10, 2023

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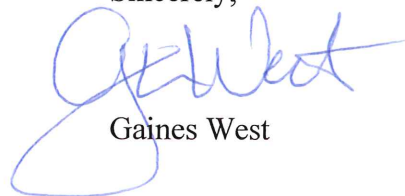
especially struggled with handling personal conflict. Although Ms. Vanicek knew the allegations against her were meritless, her disability made it impossible for her to meaningfully participate in the grievance process and defend herself.

It is important to note that, although Ms. Vanicek's disability prevented her from defending herself in the disciplinary matter at issue, it has not prevented her from zealously advocating for her clients. In the four years since the initial Default Judgment of Fully Probated Suspension was entered against Ms. Vanicek, she has continued practicing law without issue. During this time, Ms. Vanicek has represented approximately eighty clients in various litigation matters, including real estate disputes, construction law, evictions, uncontested probate matters, and collection lawsuits, as well as nonlitigation matters involving the preparation of real estate documents and prelitigation personal injury cases. Moreover, Ms. Vanicek has worked with local attorneys as opposing counsel and co-counsel on various litigation matters without issue. In fact, several of these attorneys voluntarily testified to Ms. Vanicek's abilities as an attorney before the Evidentiary Panel.

If the mental health of attorneys is as much of a priority as the Bar claims, then the Bar cannot treat Ms. Vanicek as an insubordinate attorney needing discipline. Leaders of the Bar have called on the attorney discipline system to offer tools and support to attorneys like Ms. Vanicek who are suffering from disabilities. Accordingly, we should jointly contact BODA and request a referral of Ms. Vanicek's matter to a District Disability Committee pursuant to Texas Disciplinary Rule of Procedure 2.17 so that Ms. Vanicek may receive the support she so desperately needs.

Please let me know if you have any additional questions.

Sincerely,



Gaines West

GW/lr

# Appendix 1

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REPORTER'S RECORD  
VOLUME 1 OF 2 VOLUMES

BEFORE THE DISTRICT 7 GRIEVANCE COMMITTEE  
EVIDENTIARY PANEL 7-1  
STATE BAR OF TEXAS



FILED  
Mar 16 2023

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

COMMISSION FOR LAWYER  
DISCIPLINE,  
Petitioner

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CASE NO. 202103038  
APPEAL NO. 67358

v.

ANNETTE R. LOYD,  
Respondent

EVIDENTIARY HEARING/  
SANCTIONS HEARING  
WEDNESDAY, NOVEMBER 2, 2022  
VOLUME 1 OF 2

On the 2nd day of November, 2022, the following proceedings came on to be heard in the above-entitled and -numbered cause before the District 7, Panel 7-1 Grievance Committee, held remotely via videoconferencing.

Proceedings reported stenographically by computerized steno type machine by Amanda J. Leigh, Certified Shorthand Reporter in and for the State of Texas.

## 1 APPEARANCES:

2

## 3 PANEL 7-1:

4 Lisa Kaye Hoppes, Panel Chair

5 Gerald Pruitt

6 Norma A. Bazan

7 Antonio Allen

8 Ann M. McDonald

9 Susan Brown Bulla

10

## 11 ATTORNEY FOR PETITIONER:

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13 Bar No. 24050696

14 State Bar of Texas

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16 Dallas, Texas 75254

17 Tel: (972) 383-2900

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## 20 ATTORNEY FOR RESPONDENT:

21 Francisco Hernandez, Jr., Esq.

22 Bar No. 09515950

23 Law Office of Francisco Hernandez

24 800 West Weatherford Street

25 Fort Worth, Texas 76102

Tel: (817) 335-2331

annette@vaniceklaw.com

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## 17 ALSO PRESENT:

18 Annette R. Loyd Vanicek, Respondent

19 Brittany Paynton, Legal Assistant

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(EVIDENTIARY HEARING)

EXHIBITS	DESCRIPTION	ADMITTED
CFLD 1	Copy of Affidavit of Service, including Service Receipt, 3/10/22 Correspondence, 3/10/22 Email, Copy of Envelope, Copy of Certified Mail Card, Evidentiary Petition and Request for Disclosure	22
CFLD 2	Certificate of Last Known Mailing Address	22
CFLD 3	Non-Military Affidavit, with Attachment A	23
CFLD 4	9/14/2022, Correspondence re Motion for Default Judgment, 9/14/2022 Email, Copy of Envelope, Copy of Certified Mail Card, Petitioner's Motion for Default Judgment Exhibit A: Affidavit of Service, Service Receipt Exhibit B: 5/24/2022 Correspondence, 3/10/2022 Correspondence, 3/10/2022 Email, Copy of Envelope, Copy of Certified Mail Card, Evidentiary Petition and Request for Disclosure, Service Receipt Exhibit C: State Bar Member Listing, Loyd, Annette R., page 1 of 2 and page 2 of 2, Notice of Default Hearing	24

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PETITIONER'S EXHIBITS  
(EVIDENTIARY HEARING)

EXHIBITS	DESCRIPTION	ADMITTED
CFLD 5	State Bar Member Listing, Loyd, Annette R., page 1 of 2 and page 2 of 2	25
CFLD 6	10/14/22 Email, Business Records Affidavit, Judgment of Fully Probated Suspension, Default Judgment of Fully Probated Suspension, Judgment Revoking Probation and Actively Suspending Respondent from the Practice of Law, Default Judgment of Partially Probated Suspension, Agreed Judgment of Active Suspension, Default Judgment of Fully Probated Suspension	35
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PETITIONER'S EXHIBITS  
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EXHIBITS	DESCRIPTION	ADMITTED
CFLD 7	Affidavit Proving Attorney's Fees and Direct Expenses Exhibit A: Attorney's Fees and Expenses Exhibit B: Laurie Guerra CV	52

## P R O C E E D I N G S

WEDNESDAY, NOVEMBER 2, 2022

(REPORTER'S NOTE: Quotation marks may be used with inexact quotes. Names not spelled on the record may be spelled phonetically.)

PANEL CHAIR HOPPES: All right. Good afternoon. My name is Lisa Hoppes. I am the chair of the Evidentiary Panel, District 7 Grievance Committee, hearing Case Number 202103038, styled Commission for Lawyer Discipline versus Ms. Annette R. Loyd. I now call this hearing to order.

This panel consists of six members. I am the panel chair, and I'm a lawyer. A quorum is present. The other panel members present are Mr. Gerald Pruitt, who is a lawyer; Ms. Norma Bazan, who is a lawyer; Mr. Antonio Allen, who is a lawyer; Ms. Ann McDonald, who is a public member and not a lawyer; and Ms. Susan Bulla, who is a public member and not a lawyer.

This evidentiary hearing is held to consider petitioner's motion for default judgment against respondent for failing to answer in accordance with the Texas Rule of Disciplinary Procedure 2.17(B). In this proceeding, the Commission for Lawyer Discipline has the burden to prove that a default has occurred.

1                   In the default portion of the hearing,  
2 testimony on the underlying complaint will not be taken.  
3 If a default is established, the facts alleged in the  
4 evidentiary petition will be accepted as true, in  
5 accordance with the Texas Rule of Disciplinary Procedure  
6 2.17(C).

7                   If respondent is found to be in default,  
8 the panel will then proceed to a hearing on the  
9 appropriate sanction to be imposed. The panel may  
10 consider any probative, relevant evidence on the issue  
11 of sanctions. I will rule as to the admissibility of  
12 any evidence and on any objections. The procedures  
13 followed by this panel allow examination of witnesses by  
14 respondent or respondent's attorney, counsel for the  
15 Commission for Lawyer Discipline, and members of this  
16 panel.

17                   Pursuant to Texas Rule of Disciplinary  
18 Procedure 2.16, this hearing is a confidential  
19 proceeding. The hearing is being recorded by a  
20 certified court reporter. Cameras or tape recorders are  
21 not allowed into this room -- or into this Zoom, and the  
22 panel will consider its deliberations in private.

23                   At this time, I ask anyone present who  
24 will give testimony today to rise and be sworn.

25                   Can you raise your right hand, please,

1 Ms. Loyd.

2 (Oath administered.)

3 PANEL CHAIR HOPPES: All right.

4 Is the commission ready to proceed?

5 MS. GUERRA: Yes, we are.

6 PANEL CHAIR HOPPES: All right.

7 Ms. Guerra, you may proceed.

8 MS. GUERRA: Thank you.

9 Good morning -- or good afternoon, I  
10 should say, to everyone.

11 I want to bring to the panel's attention  
12 that just this morning, prior to the start of this  
13 hearing, I received several emails that appear to have  
14 been sent on behalf of the respondent, regarding this  
15 default hearing. I have not heard from the respondent  
16 prior to this morning, regarding this answer. I have  
17 not received an answer from respondent prior to today,  
18 which is why we're here for a default. But at  
19 11:06 a.m. today, I received an email from Francisco  
20 Hernandez, stating that --

21 (Interruption.)

22 MS. GUERRA: I apologize for that. The  
23 phone is right next to my computer screen. At 11 --

24 (Interruption.)

25 MS. GUERRA: Sorry about that, guys.

1 Okay, start again from the beginning.

2 11:06 this morning, I get an email from  
3 Francisco Hernandez stating that Annette Loyd might have  
4 counsel for today's hearing. This is the first news  
5 that I received, as petitioner's counsel, that she is --  
6 first of all, that she's even going to appear, and,  
7 secondly, that she's going to have counsel.

8 In the email, Mr. Hernandez states that  
9 Ms. Loyd might have an attorney by the name of Roland  
10 Johnson representing her. Then at 12:05 p.m., which is  
11 around noontime today, I received a second email from  
12 Francisco Hernandez with attachments that they claim  
13 they want to use at today's hearing regarding her --  
14 regarding the issue of her noncompliance with the  
15 judgment.

16 Then I receive a third email from  
17 Francisco today. This is 11:57 a.m. This is an  
18 original answer filed on behalf of Annette Loyd. It has  
19 Annette Loyd's e-signature on that motion. So that  
20 leads me to believe that Ms. Loyd is going to be  
21 representing herself at today's hearing.

22 Then I get another email from Francisco  
23 Hernandez, at 1:14 p.m. This is the last email. And it  
24 is a motion for continuance, signed by Francisco. So it  
25 appears that he is going to be representing her.

1           So before we even get started and before  
2 any confidential matters are discussed at this hearing,  
3 I would ask that respondent make known and make clear  
4 who it is that's going to be representing her, if  
5 anyone, at this hearing.

6           PANEL CHAIR HOPPES: All right.

7           Ms. Loyd, who is your attorney today?  
8 Who is going to be representing you in this matter?

9           MR. HERNANDEZ: If I may interject,  
10 Ms. Hoppes, unless you prefer to hear from her first.

11          PANEL CHAIR HOPPES: Well, it's kind of a  
12 simple question, who's her lawyer.

13          MS. LOYD: Francisco today.

14          PANEL CHAIR HOPPES: Oh, you're muted, I  
15 think, Ms. Loyd.

16          MS. LOYD: I apologize.

17          PANEL CHAIR HOPPES: All right.

18          MS. LOYD: Francisco Hernandez is  
19 representing me today.

20          PANEL CHAIR HOPPES: Okay.

21          Mr. Hernandez, is that your  
22 understanding, that you're her lawyer going forward?

23          MR. HERNANDEZ: Yes, Ms. Hoppes. I do  
24 want to clarify. The first email that I sent this  
25 morning was to alert that it was on somebody's radar. I

1 was going in -- in a military (phonetic) defendant trial  
2 in CCCA, believe it or not, this week, and I have not  
3 been able to call Annette back; and then this came up.

4 Now, I called Mr. Roland Johnson to find  
5 out if he could undertake the representation, because,  
6 in the original hearing, I was a fact witness on behalf  
7 of Annette; and Mr. Johnson has to run his conflicts  
8 check, and it was late in the day, so he has not been  
9 able to run the conflicts check through his firm. He  
10 thought he could let me know this afternoon. And so --  
11 you know, if this were to go on, it will most likely be  
12 Mr. Johnson substituting for me.

13 In the -- in an abundance of caution, I  
14 had a response, an answer due, I guess somewhat akin to  
15 these Rules of Civil Procedure, as before a final  
16 judgment. If you file an answer before a final  
17 judgment's taken, then the answer is accepted. And I  
18 can only apologize for the delay. That's, you know,  
19 another -- another matter. And, then, I did think that  
20 I should at least file my appearance and a motion for  
21 continuance in case the matter was not rendered moot by  
22 the filing of the answer.

23 I also thought, in an abundance of  
24 caution, to at least send Annette's CLE transcript from  
25 the State Bar with hours that were relevant to the

1 noncompliance allegation, and we're trying to also run  
2 down the copy of the cashier's check that was mailed  
3 back in 2020 for the 5,000- -- '19, 2019, for the full  
4 \$5,000.00; but until that is done, I did offer to  
5 Ms. Guerra that I would personally deliver a firm check  
6 for the full \$5,000.00, if that would help things, you  
7 know, in the overall picture, obviously for compliance  
8 and as a show of good faith.

9 So for purpose of today, yes, I'm  
10 representing her. I guess I'll turn it back to you.

11 PANEL CHAIR HOPPES: All right.

12 Ms. Guerra, what -- okay, first of all,  
13 the continuance is for the default motion, that we're  
14 here on today?

15 MR. HERNANDEZ: Yes.

16 PANEL CHAIR HOPPES: I don't have it.  
17 It's not for the underlying --

18 MR. HERNANDEZ: We --

19 PANEL CHAIR HOPPES: -- allegations. Is  
20 that correct?

21 MR. HERNANDEZ: We faxed, concurrently  
22 with the emailing, to Ms. Guerra.

23 MS. GUERRA: Are you referring to the  
24 motion for continuance that you sent at 1:14?

25 MR. HERNANDEZ: Yes.



1 MS. GUERRA: Okay. And you don't dispute  
2 that you sent or that Ms. Loyd sent an original answer,  
3 for the first time, today, at 11:57 a.m.?

4 MR. HERNANDEZ: Correct. I faxed it. It  
5 should be on my number, sure.

6 MS. GUERRA: Well, I received it as an  
7 email.

8 MR. HERNANDEZ: Well, but I also faxed it  
9 to the State Bar fax.

10 MS. GUERRA: Okay.

11 So, Brittany, if you wouldn't mind  
12 forwarding that information to the panel so that they  
13 can refer to those emails.

14 MS. PAYNTON: Yes. And to confirm, do  
15 you want the continuance and answer?

16 MS. GUERRA: Yes, if those can be  
17 forwarded -- actually, just forward -- forward that one,  
18 and forward the email from 11:06, as well.

19 And, Madam Panel Chair, if they're asking  
20 for a continuance, of course, we would ask that that be  
21 denied.

22 PANEL CHAIR HOPPES: I understand. I  
23 want to see the -- I want to look at the documents.

24 MR. HERNANDEZ: If I may just -- you  
25 know, the -- Ms. Hoppes, you know I'm not a civil

1 lawyer, so I'll ask a dumb question. Do the Rules of  
2 Civil Procedure apply, or are there the separate Rules  
3 of Disciplinary Procedure?

4 PANEL CHAIR HOPPES: The Rules of Civil  
5 Procedure apply.

6 MR. HERNANDEZ: Okay.

7 (Pause in proceedings.)

8 MS. PAYNTON: Okay, panel, there should  
9 be one from 11:58, is on its way, and a motion for  
10 continuance at 1:19 is headed there.

11 MR. HERNANDEZ: I guess my -- my logic,  
12 as ill-founded as it might be, my thought was, if the  
13 answer, albeit late, renders the motion for default  
14 moot, under the Rules of Civil Procedure, then it may be  
15 that the commission defaults back to the original  
16 proceeding, in which case, we are asking for additional  
17 time to provide proof of compliance, if that makes  
18 sense.

19 PANEL CHAIR HOPPES: It makes sense, but  
20 I still just -- let me see. It hasn't come through yet.

21 MS. PAYNTON: Has it come through now?

22 PANEL CHAIR HOPPES: Uh-huh, thanks. I'm  
23 just -- it just came in. Thank you.

24 (Pause in proceedings.)

25 PANEL CHAIR HOPPES: Ms. Loyd, this has

1 been -- this has been pending for quite some time. What  
2 is the -- what took so long for you to respond to this?

3 MS. LOYD: Yes, part of my original  
4 compliance issues was to have psychological counseling,  
5 due to anxiety and depression disorders. I'm continuing  
6 in that counseling. In part of the compliance, there  
7 were reports provided by the -- my counselor, throughout  
8 the time period of the order. Because I suffer from  
9 those two issues, this is a proceeding that's very  
10 difficult for me to -- very difficult for me to deal  
11 with, and I had -- I had sought help from Mr. Hernandez  
12 and thought this was being taken care of; and due to his  
13 trial schedule and travel, I believe that did not  
14 happen. But I -- I'm prepared to proceed in short  
15 order, with only asking for 30 days to obtain banking --  
16 banking records regarding that compliance.

17 PANEL CHAIR HOPPES: Ms. Guerra, what's  
18 your response to Mr. Hernandez's argument?

19 MS. GUERRA: Oh, I would, first off,  
20 start out by saying that the Rules of Disciplinary  
21 Procedure apply and, if were silent, then the civil  
22 procedural rules would come into play. And the  
23 disciplinary rules are very clear. If there is a  
24 default action that is required because the respondent  
25 failed to timely submit an answer to the evidentiary

1 petition, then we move forward; the petition moves  
2 forward and -- or the petitioner moves forward with the  
3 case, and a default judgment shall be entered and the  
4 facts taken as true.

5           So I understand that Ms. Vanicek right  
6 now is attempting to argue the merits of her case, when  
7 she refers to her compliance issues; but those are  
8 matters that would be taken up during the sanctions  
9 portion of a default hearing, should we get to that  
10 portion. Before we even get there, we have to go  
11 through the initial hurdle, which is the motion for  
12 default itself. And, again, where there is no -- where  
13 there is no timely answer filed on the record, then we  
14 move forward with default, and default -- all the facts  
15 alleged in the petition shall be taken as true.

16           So it's our position that petitioner is  
17 ready to move forward with default, that the motion for  
18 continuance should be denied. Obviously, they're both  
19 present, Ms. Vanicek and her new counsel. So it's not  
20 that they aren't here to proceed; they both appeared,  
21 last-minute. And petitioner is ready to go forward.

22           PANEL CHAIR HOPPES: All right. I'm  
23 going to deny the motion for continuance.

24           And, Ms. Guerra, you may proceed.

25           MS. GUERRA: Thank you, Madam Panel

1 Chair.

2 I would refer first to the motion for  
3 default and just state, as a matter of record, that as  
4 to Case Number 202103038, styled Commission for Lawyer  
5 Discipline versus Annette R. Loyd, as respondent,  
6 petitioner has filed a motion for default judgment and  
7 therein states that on June 9, 2022, Annette R. Loyd was  
8 served, via personal service, with an evidentiary  
9 petition and request for disclosure in this disciplinary  
10 matter. Exhibits A and Exhibit B and C attached to our  
11 default motion include a copy of the service receipt by  
12 the personal -- by the process server, and it also shows  
13 our transmittal letter and our attached evidentiary  
14 petition.

15 Pursuant to Rule 2.17(B) of the Texas  
16 Rules of Disciplinary Procedure, the respondent is  
17 required to file a responsive pleading, either admitting  
18 or denying each specific charge of the evidentiary  
19 petition, no later than 5:00 p.m. on the first Monday  
20 following the expiration of 20 days after the date of  
21 service of the evidentiary petition. So in this case,  
22 she was served personally on June 9, 2022, so her  
23 deadline to respond to the evidentiary petition expired  
24 on July 5, 2022. That's because -- it was actually due  
25 July 4; but because that was a holiday, she had an extra

1 day, until July 5, 2022.

2 Respondent (sic) did not receive a timely  
3 answer from the respondent, nor any counsel on her  
4 behalf; and so her failure to timely file a responsive  
5 pleading within the time permitted constitutes a default  
6 under Rule 2.17(C) of the Texas Rules of Disciplinary  
7 Procedure; and in accordance with the rule, all facts  
8 alleged in the evidentiary petition shall be taken as  
9 true.

10 Those facts include that respondent  
11 failed to pay restitution of \$1,000.00 to complainant  
12 Vernon Bauer on or before January 1, 2020, as alleged in  
13 the petition; the respondent failed to pay attorney's  
14 fees of \$3,300.00 to the State Bar of Texas on or before  
15 January 1, 2020, again, as alleged in the petition; she  
16 failed to pay direct expenses of \$700.00 to the  
17 State Bar of Texas on or before January 1, 2020; and she  
18 failed to complete six additional hours of continuing  
19 legal education and law office management on or before  
20 January 1, 2020, which were ordered in addition to the  
21 minimum 15 hours of legal education that she's required  
22 to take; and failing to verify completion of these  
23 additional CLE hours to the State Bar of Texas. As  
24 alleged in the petition, she violated rules 8.04(a)(7)  
25 and 8.04(a)(8); and so we're moving forward on our

1 petition.

2 In support of the default judgment, I  
3 would move to admit CFLD Exhibit Number 1, which is a  
4 copy of the affidavit of service, showing that  
5 respondent was personally served with the evidentiary  
6 petition in this case.

7 And with the panel chair's permission,  
8 we'd like to have that entered into evidence.

9 PANEL CHAIR HOPPES: Any objection?

10 MR. HERNANDEZ: Well, Your Honor, no  
11 objection as to the affidavit itself. I do want to at  
12 least -- I was waiting till it was my turn, but I guess  
13 this is a good point -- good time to request that I  
14 don't want to waive my objection as to the default. If  
15 it is, indeed, governed by the Rules of Civil Procedure,  
16 I think Madam Chair knows the rule, that it does render  
17 the motion for default moot; but I just want to make  
18 sure I don't waive it by not objecting to these  
19 exhibits, Your Honor.

20 PANEL CHAIR HOPPES: I understand. I did  
21 not -- I don't know -- if I said the civil procedures  
22 applied, then I misspoke. I apologize for that. But  
23 your objection's noted as to that; you haven't waived  
24 it.

25 With no objection to Exhibit 1, Exhibit 1

1 is admitted.

2 (Petitioner's Exhibit 1 admitted.)

3 MS. GUERRA: And, Brittany, if you  
4 could -- if you don't mind posting that on the screen  
5 one more time, I just want to highlight for the panel  
6 that the respondent was personally served, it says here,  
7 June 9, 2022, and the address shown -- I just want to  
8 highlight that for the panel because this address will  
9 appear on subsequent documentation. She was served at  
10 4528 West Vickery Boulevard, Suite 202, Fort Worth,  
11 Texas, in Tarrant County, 76107.

12 I would also move into evidence CFLD  
13 Exhibit Number 2, which is Certificate of Last Known  
14 Mailing Address, again, highlighting the address that I  
15 just read into the record. This is the address we have  
16 on file, as per our State Bar of Texas membership rolls,  
17 and that is the address that we use to communicate via  
18 mail or personal service to respondent, and that is the  
19 address at which she was served with personal service.

20 So I'd move Exhibit 2 into evidence.

21 PANEL CHAIR HOPPES: Any objection?

22 MR. HERNANDEZ: No objection, Your Honor.

23 PANEL CHAIR HOPPES: Exhibit 2 is  
24 admitted.

25 (Petitioner's Exhibit 2 admitted.)



1 MS. GUERRA: Next, I would move into  
2 evidence CFLD Exhibit Number 3, which is a copy of the  
3 non-military affidavit. This affidavit simply states  
4 that, to the best of my knowledge, as petitioner's  
5 counsel, and through our diligent search for military  
6 records, we do not have any reason to believe that the  
7 respondent was serving active military service during  
8 the pendency of this suit, this cause number, and so  
9 that would not be a reason or cause for her to claim  
10 that she was nonresponsive. In other words, she can't  
11 claim military service was the reason she was unable to  
12 timely file her answer.

13 So I would move CFLD Exhibit 3 into  
14 evidence.

15 PANEL CHAIR HOPPES: Any objection?

16 MR. HERNANDEZ: No objection.

17 PANEL CHAIR HOPPES: It's admitted.

18 (Petitioner's Exhibit 3 admitted.)

19 MS. GUERRA: Next, I would move into  
20 evidence CFLD Exhibit Number 4. This is a copy of the  
21 notice of default hearing, along with a copy of the  
22 motion for default judgment, that was sent to the  
23 respondent.

24 Now, I will first state that the Rules do  
25 not require the State Bar or the Commission for Lawyer

1 Discipline to send notice of a default hearing to a  
2 respondent. That's pursuant to 2.17(O), the Texas Rules  
3 of Disciplinary Procedure. However, we provided notice,  
4 nonetheless, and we provided 45 days' notice. So she's  
5 had as much time to know that today's hearing was set  
6 for -- for hearing on this very issue, of default.

7 The notice of hearing is attached at the  
8 end, so if I can get Brittany to scroll to the last two  
9 pages of this exhibit.

10 And, I apologize, I know it's showing on  
11 the screen, but can we -- can we have a ruling as to  
12 whether or not it's admitted?

13 PANEL CHAIR HOPPES: Is there any  
14 objection to Number 4?

15 MR. HERNANDEZ: No, Your Honor.

16 PANEL CHAIR HOPPES: Okay. It's  
17 admitted.

18 (Petitioner's Exhibit 4 admitted.)

19 MS. GUERRA: Okay. I just wanted to be  
20 clear because I'm going to delve into it.

21 The last two pages show the notice of  
22 default hearing, and it shows that she was provided with  
23 hearing twice over: once by email, as shown there on the  
24 certificate of service, on September 14 of this year,  
25 and then also by certified mail to the address noted in

1 membership.

2 And next, I would move to admit CFLD  
3 Exhibit Number 5, which is a copy of our State Bar of  
4 Texas membership rolls. This verifies that this is, in  
5 fact, the physical address that we have on file for  
6 Ms. Loyd. So I would move that into evidence, as well.

7 PANEL CHAIR HOPPES: Any objection?

8 MR. HERNANDEZ: No objection.

9 PANEL CHAIR HOPPES: It's admitted.

10 (Petitioner's Exhibit 5 admitted.)

11 MS. GUERRA: Okay. And as to  
12 petitioner's case, without going into the sanctions, I  
13 would just point out to the panel, again, for the  
14 record, that Ms. Loyd, by admission this morning, has  
15 just today submitted an answer. So she is in default,  
16 and we ask that the -- that petitioner's motion for  
17 default judgment be granted in this case.

18 I would also ask for bifurcation at this  
19 point. If the panel would like to deliberate in  
20 private, outside the presence of the parties and outside  
21 the presence of the court reporter, so that they may  
22 deliberate as to any finding of professional misconduct,  
23 then we can resume and move into sanctions, should that  
24 be necessary, after deliberations.

25 PANEL CHAIR HOPPES: I'll grant the

1 motion for bifurcation.

2 Is that all for your case-in-chief?

3 MS. GUERRA: Yes. Thank you.

4 PANEL CHAIR HOPPES: Mr. Hernandez, do  
5 you have anything you want to present as to the default,  
6 today, not the underlying offense?

7 MR. HERNANDEZ: Yeah, Your Honor, we  
8 have -- I have emailed to the Bar -- faxed to the Bar  
9 and emailed to Ms. Guerra the CLE transcript of the law  
10 office management courses that Ms. Loyd took; and I  
11 would certainly argue that, even if she may or may not  
12 have submitted them to the committee independently, the  
13 committee certainly had a constructive knowledge that  
14 it's in her CLE transcript, the specific courses that  
15 she was to take. Now, why, you know, she didn't get  
16 them to you before today, you know, that's -- that was  
17 the nature of our -- my request for continuance.

18 And as far as payment of the money, you  
19 know, her bank -- well, I guess I could elicit that  
20 through Ms. Vanicek; but we'd like to be able to show  
21 that the funds were sent to the committee through --  
22 with a cashier's check. We have to find the bank  
23 records, because the bank has been taken over, and we  
24 have to go back, since it was 2019, 2020, to get them  
25 from, you know, some phone bank somewhere.

1                   PANEL CHAIR HOPPES: Mr. Hernandez, we're  
2 here today, though, not on that. We're here today on  
3 her default and her failure to answer, under the  
4 specific Rules of Disciplinary Procedure --

5                   MR. HERNANDEZ: Yes, although on the  
6 specific findings on the motion for default --

7                   PANEL CHAIR HOPPES: So --

8                   MR. HERNANDEZ: -- are the failure to pay  
9 and the failure to complete the classes, but -- right?

10                  PANEL CHAIR HOPPES: The default is for  
11 her not complying with the Rules of Disciplinary  
12 Procedure and appropriately answering the requests  
13 for --

14                  MR. HERNANDEZ: Oh.

15                  PANEL CHAIR HOPPES: -- disclosure and  
16 the things that she was asked to do. It has nothing to  
17 do, today, with the underlying offenses; it's the  
18 procedure that she did not do when this was brought --

19                  MR. HERNANDEZ: Okay, so there's a  
20 separate allegation as to the failure to answer, that  
21 we're here on?

22                  PANEL CHAIR HOPPES: Yes. We are here on  
23 a motion for default, because she failed to comply with  
24 timely made and properly served requests by the State  
25 Bar of Texas Disciplinary Commission --

1 MR. HERNANDEZ: Okay --

2 PANEL CHAIR HOPPES: -- and they're  
3 requesting -- we are going forward on that today.

4 MR. HERNANDEZ: Okay. If I may just have  
5 quick access to the motion, just -- I, most certainly,  
6 may have it wrong, Your Honor.

7 I did not know that the failure to file  
8 the answer was a part of the default, but -- if I may  
9 refer you to page 2, subparagraph 3, in the Factual  
10 Allegations section, it only alleges the four items, the  
11 CLE and the failure to pay the money. I don't believe  
12 it alleges the failure to respond as a separate  
13 violation of the Rules.

14 (Pause in proceedings.)

15 PANEL CHAIR HOPPES: Is there anything  
16 else that you want to present?

17 MR. HERNANDEZ: If I may have a second.

18 (Pause in proceedings.)

19 MR. HERNANDEZ: If I may just call  
20 Ms. Loyd.

21 PANEL CHAIR HOPPES: Of course.

22 MS. GUERRA: Your Honor, for the record,  
23 I'm just going to submit an objection at this point  
24 because, according to the Rules, the facts in the  
25 petition -- all of the facts as alleged in the

1 evidentiary petition shall be taken as true under the  
2 Rules; and so the need for her to testify on those  
3 alleged facts, I would argue, is moot, pursuant to the  
4 Rule.

5 PANEL CHAIR HOPPES: I'll sustain the  
6 objection.

7 MR. HERNANDEZ: Okay. If I may have, I  
8 guess, a running objection on that, Your Honor, like we  
9 do on the criminal side?

10 PANEL CHAIR HOPPES: Yes, that's fine.  
11 But having sustained the objection, I don't know that  
12 there's anything else that....

13 MR. HERNANDEZ: Okay. May I submit an  
14 offer of proof, with the same testimony, for appeal  
15 purposes, Your Honor?

16 PANEL CHAIR HOPPES: Ms. Guerra, what's  
17 your response to that?

18 MS. GUERRA: I would object to that.  
19 Everything that we are using to sustain this default --  
20 this motion for default judgment is attached to the  
21 motion for default judgment, and it's already a matter  
22 of the record.

23 PANEL CHAIR HOPPES: I'll sustain the  
24 objection.

25 MR. HERNANDEZ: Okay. And from a -- note

1 my objection on the record to the committee's not  
2 allowing Ms. Loyd to present her testimony. I just  
3 don't want to waive it. Is that noted for the record,  
4 Your Honor?

5 PANEL CHAIR HOPPES: It is noted. It's  
6 noted for the record, Mr. Hernandez.

7 MR. HERNANDEZ: Thank you.

8 PANEL CHAIR HOPPES: All right. At this  
9 time, since I granted the bifurcation, let's go into  
10 recess and deliberate.

11 Can we do that, Brittany?

12 MS. PAYNTON: Uh-huh, yes. Give me one  
13 second; I'm creating a breakout room for you guys.

14 PANEL CHAIR HOPPES: Okay.

15 MS. PAYNTON: Only the panel members hit  
16 the green box.

17 PANEL CHAIR HOPPES: Okay.

18 (Deliberations.)

19 PANEL CHAIR HOPPES: All right, we'll go  
20 back on the record, then.

21 All right. The committee has  
22 deliberated. Do I have any motions?

23 MR. PRUITT: Move to find default.

24 MS. BULLA: Second.

25 PANEL CHAIR HOPPES: All right. Having



1 heard a motion and a second, I call for a vote.

2 Everyone in favor, please say aye or raise your hand.

3 (Panel members respond aye.)

4 MR. HERNANDEZ: And I'll make, just for  
5 the record, that I'm not waiving my prior objections. I  
6 apologize, Your Honor, but if I could just have a ruling  
7 on the record that my objections are not waived.

8 PANEL CHAIR HOPPES: That's already been  
9 ruled on, Mr. Hernandez.

10 All right. Then the committee has found  
11 that Ms. Loyd was in default, and the allegations in the  
12 motions are sustained.

13 Ms. Guerra.

14 MS. GUERRA: Yes.

15 PANEL CHAIR HOPPES: Do you want to  
16 present as to sanctions?

17 MS. GUERRA: Yes, I'm ready to move  
18 forward as to sanctions.

19 PANEL CHAIR HOPPES: All right. You can  
20 proceed.

21 MS. GUERRA: Thank you.

22 For this portion of the testimony, we  
23 will be calling Heather White to testify regarding the  
24 complainant's (sic) prior disciplinary history. Heather  
25 White is a compliance monitor for the State Bar of

1 Texas. She's available on Zoom on standby; and I would  
2 ask, with the panel's permission, that she be sworn in  
3 for testimony.

4 PANEL CHAIR HOPPES: All right. Can we  
5 bring her in, Brittany?

6 MS. PAYNTON: Yes. I'm getting her on;  
7 give me one second.

8 PANEL CHAIR HOPPES: Thank you.

9 (Ms. Heather White joins.)

10 MS. PAYNTON: Ms. White, can you hear us?  
11 Yes.

12 MS. WHITE: Can you hear me?

13 MS. PAYNTON: Yes, ma'am.

14 PANEL CHAIR HOPPES: All right. Hi,  
15 Ms. White. I'm Lisa Hoppes. I'm the chair of this  
16 panel.

17 MS. WHITE: Hello.

18 PANEL CHAIR HOPPES: I'm going to need to  
19 get you sworn in. So can you raise your right hand.  
20 And can you state your name, please, for the record.

21 MS. WHITE: Heather White.

22 PANEL CHAIR HOPPES: All right.

23 (Oath administered.)

24 PANEL CHAIR HOPPES: All right.

25 Ms. Guerra, you may proceed.

1 MS. GUERRA: Yes, thank you.

2 I would like to turn the panel's  
3 attention to CFLD Exhibit 6, which I will be moving into  
4 evidence. This is a copy of the business records  
5 affidavit with the attached prior disciplinary history  
6 of the respondent, with the State Bar.

7 And I would ask that that be moved into  
8 evidence.

9 PANEL CHAIR HOPPES: Thank you, Brittany.  
10 Is there any objection?

11 (Pause in proceedings.)

12 PANEL CHAIR HOPPES: The business records  
13 affidavit.

14 MR. HERNANDEZ: Well, Your Honor, I would  
15 object in that it does contain a narrative that -- or  
16 more of an opinion, rather than the facts. If it was  
17 just a fact of whatever history there is on the  
18 State Bar rolls, I would have no objection, except that  
19 these contain newly drafted allegations that, through no  
20 fault of the State Bar, I have not had a chance to  
21 review. But we would object to them on hearsay, and  
22 they have opinions that do not have the proper predicate  
23 and opinions by someone who's not -- does not have first  
24 knowledge.

25 PANEL CHAIR HOPPES: Do you have a

1 response, Ms. Guerra?

2 MS. GUERRA: Yes. I would first like to  
3 address the comment that I heard him make on the record.  
4 This was provided to the respondent. It was provided  
5 via email on October the 14th, 2022, and we do have, as  
6 the first page of the exhibit, a copy of that email  
7 notification, sent to annette@vaniceklaw.com, which is  
8 the email address the State Bar has on file for  
9 Ms. Vanicek. So, yes, she was given a copy of this in  
10 advance. If Mr. Hernandez has not had a chance to  
11 review it, I don't know; but it was timely provided to  
12 her, well in advance of this hearing.

13 The business records affidavit simply  
14 verifies that the attached judgments are true and  
15 correct copies of the judgments that we have on file for  
16 Ms. Vanicek, and they outline her prior disciplinary  
17 history at the State Bar. And so this does not include  
18 any new allegations. I'm not sure what Mr. Hernandez  
19 was trying to point to when he was trying to talk about  
20 the content of these documents, but they're simply  
21 judgments that are on file and that are a matter of  
22 record with the State Bar.

23 These typically come in as evidence at  
24 the sanctions portion; and so we, again, reurge our  
25 initiative to have these as Exhibit 6, on the record.

1                   PANEL CHAIR HOPPES: All right. The  
2 objection is overruled, and Exhibit Number 6 is entered  
3 into evidence, admitted.

4                   (Petitioner's Exhibit 6 admitted.)

5                   MS. GUERRA: Brittany, if you could  
6 please go to the top of this exhibit and -- right there,  
7 page 3.

8                   HEATHER WHITE,  
9 having been duly administered the oath, testified as  
10 follows:

11                   DIRECT EXAMINATION

12 BY MS. GUERRA:

13                 Q     Heather, can you hear me?

14                 A     I can.

15                 Q     I'm going to go through these judgments one at  
16 a time with you. And if you would, please, let the  
17 panel know whether or not the respondent is in  
18 compliance with any of these judgments; and if she  
19 isn't, then I'll give you an opportunity to explain why  
20 she is not or how she is not.

21                 A     Okay.

22                 Q     Okay.

23                   Starting with this first judgment, in  
24 Case Number 201505595, this was a judgment of  
25 fully probated suspension entered against the

1 respondent. You'll notice on the next page, subpart  
2 number 9, it says that respondent owes restitution of  
3 \$1,000.00, payable to Vernon Bauer. Subpart number 10,  
4 it also mentions that the respondent owes fees and costs  
5 of \$3,300.00 to the State Bar -- or, I'm sorry, in fees  
6 of \$3,300.00. And then subpart 11 says that respondent  
7 owes costs of \$700.00 to the State Bar.

8 Do you see where I pointed that out,  
9 Ms. White?

10 A I do.

11 Q Okay.

12 And then on the next page, it shows that  
13 the respondent has violated several rules under this  
14 judgment: 1.01(b)(1), 1.03(a), 1.03(b), 8.04(a)(7), and  
15 8.04(a)(8). Again, this shows failure to respond to a  
16 grievance.

17 I ask you about this, Ms. White, because  
18 this is the -- this is the judgment about which this  
19 current State Bar-initiated grievance was filed. The  
20 reason we filed this grievance was because she failed --  
21 the allegation is she failed to comply with this  
22 specific judgment.

23 So can you tell the panel a little bit  
24 more about the -- whether or not Ms. Loyd complied or  
25 failed to comply with this judgment and what she was

1 unable to complete in terms of the court-ordered terms  
2 of the judgment?

3 A Yes, absolutely.

4 Ms. Loyd remains out of compliance with  
5 this judgment. She failed to pay restitution to  
6 Mr. Vernon Bauer in the amount of \$1,000.00. That was  
7 due January 1, 2020. She failed to pay the attorney's  
8 fees, as Laurie mentioned, in the amount of \$3,300.00,  
9 to the State Bar of Texas, also due January 1, 2020.  
10 And she failed to pay the costs, in the amount of  
11 \$700.00, to the State Bar of Texas, due January 1, 2020.

12 She was also required to maintain  
13 financial records on each client, including written  
14 receipts of funds, written accounting of time billed,  
15 client funds applied, and written contacts -- excuse me,  
16 contracts with each client. Although the judgment did  
17 not require her to submit anything, we still don't know  
18 whether she complied with that, because she stopped  
19 communicating with our office.

20 And the other remaining term, the law  
21 office management consultation, that term is no longer  
22 enforced. We stopped requiring respondents to comply  
23 with that term.

24 And that is it. So she still remains  
25 noncompliant with this judgment.

1 Q Okay.

2 MS. GUERRA: And, Brittany, if you could  
3 scroll down to the next page of that exhibit. I just  
4 want to highlight for the panel.

5 Under bullet point number 9, it does give  
6 the date that these fees were owed, January 1, 2020;  
7 bullet point number 10 makes the same point, as to  
8 January 1, 2020, being the deadline to pay the fees.

9 Q (BY MS. GUERRA) Can you explain to the panel,  
10 Heather, what efforts, if any, you made to try to help  
11 the respondent come into compliance with this judgment?

12 A Yes. We made several efforts to get Ms. Loyd  
13 into compliance, several attempts to contact her, via  
14 email, phone calls, and letters. Specifically, we sent  
15 two compliance letters. One was on January 25, 2021.  
16 We sent that to her via email. And then we sent her  
17 another letter, on February 25, 2021, and I mailed --

18 Q Actually, let me stop you, really quickly,  
19 Heather, because I want to focus on the emails that are  
20 dealing with this specific judgment.

21 Do you recall sending any email to  
22 respondent on April the 8th, 2020?

23 A Yes.

24 Q Okay.

25 MS. GUERRA: And, Brittany, if you could



1 post -- or, I should say, Madam Panel Chair, I'm going  
2 to move into evidence CFLD Exhibit 6a, which is a copy  
3 of the email.

4 MS. PAYNTON: Laurie, I don't see it in  
5 there.

6 MS. GUERRA: It's in the directory.

7 MS. PAYNTON: I know. I don't see it.

8 MS. GUERRA: It should be under -- if you  
9 can click under "Heather."

10 MS. PAYNTON: Uh-huh. Oh, okay, I see it  
11 now. Okay, this one.

12 MS. GUERRA: Can you scroll down and make  
13 sure that one has the label, Brittany? Because it  
14 should.

15 MS. PAYNTON: Yeah, yeah --

16 MS. GUERRA: Yes.

17 MS. PAYNTON: -- right there.

18 MS. GUERRA: Yes, that's the one I'm  
19 offering into evidence, Madam Panel Chair.

20 PANEL CHAIR HOPPES: All right. 6a is  
21 admitted.

22 (Petitioner's Exhibit 6a admitted; refer  
23 to page 71 for admission clarification.)

24 Q (BY MS. GUERRA) Heather, is this the email  
25 that you sent to Ms. Vanicek to try to get her into

1 compliance with the judgment?

2 A That is correct.

3 Q And in the subject line, it does refer to  
4 cause number 201505595, correct?

5 A Yes.

6 Q Tell us a little bit about what you were  
7 trying to highlight for Ms. Loyd in this email.

8 A The compliance team was trying to highlight  
9 that Ms. Loyd was past due in making payments for  
10 restitution and attorney's fees, and so we listed out  
11 what was owed and when it was due. And we also  
12 mentioned that, at this time, we had not received her  
13 verification of completion of her additional required  
14 CLEs.

15 Q Okay. So by taking a look at this email, I  
16 notice that it's asking her to submit payment for  
17 attorney's fees. It's also asking her to submit the  
18 restitution to Vernon Bauer, correct?

19 A Yes.

20 Q Okay. And, then, the last paragraph mentions  
21 the CLE that she still has yet to comply with, correct?

22 A Correct.

23 Q Okay.

24 Do you recall sending Ms. Loyd another  
25 email, on January 25 of 2021, also to try to get her

1 into compliance with this judgment?

2 A Yes.

3 MS. GUERRA: Brittany, if you could pull  
4 up CFLD Exhibit B, that I will move into evidence as the  
5 email communication referenced.

6 (Pause in proceedings.)

7 MS. GUERRA: And with the Panel Chair's  
8 permission, can this exhibit be admitted into evidence?

9 PANEL CHAIR HOPPES: Any objection?

10 MR. HERNANDEZ: No objection.

11 PANEL CHAIR HOPPES: It's admitted.

12 (Petitioner's Exhibit 6b admitted.)

13 (Reporter clarification.)

14 MS. GUERRA: 6b, as in boy.

15 Q (BY MS. GUERRA) Ms. White, at the top of this  
16 email, it looks like it was dated January 25, 2021; is  
17 that right?

18 A Yes.

19 Q And it references cause number 201505595,  
20 correct?

21 A Yes.

22 Q And also at the top right corner, it shows  
23 that this email was sent to annette@vaniceklaw.com; is  
24 that right?

25 A Correct.

1           Q     Can you tell the panel a little bit about the  
2 content of this communication and what you were trying  
3 to get Ms. Loyd to do at this point?

4           A     Yes. We tried to -- or we let Ms. Loyd know  
5 that she's out of compliance with that judgment, with  
6 the judgment of fully probated suspension, and that she  
7 needs to get into compliance with the following items,  
8 and that was restitution, attorney's fees, and costs.

9                     We also were requiring her to submit her  
10 monthly reports for her mental health counseling  
11 sessions and submit her MCLE transcript verifying the  
12 completion of the additional required CLE.

13          Q     Okay. And after you sent this email to  
14 Ms. Vanicek, did she come into compliance with the  
15 judgment?

16          A     No, she did not.

17          Q     Did she make any efforts to communicate with  
18 you to explain why she wasn't in compliance with the  
19 judgment?

20          A     No.

21          Q     Did you send Ms. Vanicek any subsequent email  
22 communication to try to get her into compliance?

23          A     Email communication?

24          Q     Or any communication, mailed or emailed.

25          A     Yes. We sent another letter, which should be

1 next, February 2, 2021.

2 Q Okay.

3 MS. GUERRA: And, Brittany, if you could  
4 please pull up CFLD Exhibit 6c, which is a copy of the  
5 referenced communication.

6 And I would move that exhibit into  
7 evidence.

8 PANEL CHAIR HOPPES: Is there any  
9 objection?

10 MR. HERNANDEZ: No, Your Honor.

11 PANEL CHAIR HOPPES: It's admitted.

12 (Petitioner's Exhibit 6c admitted.)

13 Q (BY MS. GUERRA) Is this the February 2, 2021,  
14 communication that you just referenced, Ms. White?

15 A Yes, it is.

16 Q And how was this sent to the respondent?

17 A We sent this to Ms. Loyd to two -- we sent it  
18 via certified mail and regular mail to two different  
19 addresses.

20 Q Uh-huh, okay.

21 And this communication also references  
22 specifically case number 201505595?

23 A Correct.

24 Q Okay. And can you explain to the panel, very  
25 briefly, what this letter was trying to communicate to

1 Ms. Loyd?

2 A Yes. We let Ms. Loyd know that she's out of  
3 compliance with that judgment and that she needs to get  
4 into compliance with the following terms, and that  
5 included restitution, attorney's fees, costs, and her  
6 mental health sessions, as well as the additional  
7 required CLE.

8 Q Okay.

9 And it looks like -- because she was late  
10 in paying some of these fees and costs, it looks like  
11 there's an interest that's added?

12 A Yes, we included interest.

13 Q Okay. So that's why the numbers here for  
14 restitution is a little higher than it was in the  
15 judgment?

16 A That's correct.

17 Q And interest is also the reason why the  
18 number's a little higher as to attorney's fees and costs  
19 than it was in the judgment?

20 A Correct.

21 Q Okay.

22 After you sent Ms. Loyd this  
23 communication, did you hear from her?

24 A I did not.

25 Q Okay. To your knowledge, did she come into

1 compliance with the judgment after this communication  
2 was sent?

3 A No, she did not.

4 Q Do you remember sending Ms. Loyd any  
5 additional communication regarding her noncompliance?

6 A I did call her on the -- on February 25, 2021,  
7 and left her a message to call me back; but I did not  
8 hear back.

9 Q Okay. Do you recall sending any email  
10 communications to Ms. Vanicek on February 10, 2021?

11 A On February 10?

12 Q 2021?

13 A Yes.

14 Q Okay.

15 MS. GUERRA: Brittany, if you could pull  
16 up CFLD Exhibit 6d.

17 And I would move this exhibit into  
18 evidence.

19 PANEL CHAIR HOPPES: Any objection?

20 MR. HERNANDEZ: No, Your Honor, subject  
21 to -- you know, I just don't want to waive my  
22 objections, but not to the exhibit.

23 PANEL CHAIR HOPPES: All right. It's  
24 admitted.

25 (Petitioner's Exhibit 6d admitted.)

1 Q (BY MS. GUERRA) Ms. White, this email is  
2 dated February 10, 2021; is that right?

3 A Yes, that's correct.

4 Q And it was sent to annette@vaniceklaw.com,  
5 which is respondent's email address on file with the  
6 State Bar membership rolls?

7 A Yes, that's correct.

8 Q And the subject line also references, again,  
9 the same case number, 201505595?

10 A Yes, that's correct.

11 Q Okay.

12 Now, it looks like, on the very first  
13 line of this email, you're indicating to the respondent  
14 that your office has received her most recent mental  
15 health report, dated December of 2020. Do you see that?

16 A I do.

17 Q But aside from that, were there other issues  
18 that she still remained not in compliance with regarding  
19 that 201505595 judgment?

20 A Yes. We still have not received her payment  
21 for restitution, for her attorney's fees and costs'  
22 payment, as well as her MCLE transcript verifying the  
23 completion of the additional CLE.

24 Q Okay.

25 And it looks like, the very last line --



1 or I should say -- right above the last line, it does  
2 mention that you are going to be referring her  
3 noncompliance for additional discipline?

4 A It does.

5 Q Okay. And that additional discipline became  
6 the State Bar-initiated grievance that we're here on  
7 today, correct?

8 A Correct.

9 Q Is there any additional information that you  
10 want to provide the panel regarding this particular  
11 judgment?

12 A No, there's not.

13 Q Okay.

14 MS. GUERRA: I would direct the panel's  
15 attention back to CLE Exhibit 6, which is the business  
16 records affidavit.

17 And I would ask, Brittany, that you  
18 scroll to the next judgment in that packet, which is a  
19 default judgment of fully probated suspension against  
20 the respondent in case number 201706886.

21 Q (BY MS. GUERRA) Ms. White, it looks like this  
22 was a default judgment that was entered against the  
23 respondent. Do you see that on our screen?

24 A I do.

25 Q Okay.

1 MS. GUERRA: And, Brittany, if you'll  
2 scroll to the next page.

3 Q (BY MS. GUERRA) It looks like the respondent  
4 was ordered, in this judgment, to pay reasonable  
5 attorney's fees and costs of \$750.00.

6 A That is correct.

7 Q And then an additional -- additional expenses  
8 to the Bar for \$250.00. And it looks like the rule  
9 violations were 1.01(b)(1), 1.03(a), and 8.04(a)(8). Do  
10 you see that on page 3?

11 A I do.

12 Q As to this particular judgment, do you know if  
13 the respondent was, in fact, compliant with all the  
14 terms of the judgment?

15 A She was compliant with the terms of this  
16 judgment.

17 Q Okay.

18 MS. GUERRA: And, Brittany, if you can  
19 please scroll to the next judgment in the packet.

20 Q (BY MS. GUERRA) This is a judgment revoking  
21 probation and actively suspending respondent from the  
22 practice of law, Case Number 48710. The next page, it  
23 shows that the respondent was found in violation of Rule  
24 1.01(b)(2), 1.03(a), and again, 8.04(a)(8). Do you see  
25 that, Ms. White?

1           A     I do.

2           Q     Regarding this judgment, was the respondent in  
3 compliance with all terms?

4           A     Yes. Yes, she was.

5           Q     Okay.

6                   MS. GUERRA: Brittany, if you could  
7 scroll to the next judgment in the packet.

8           Q     (BY MS. GUERRA) This is a default judgment of  
9 partially probated suspension, Case Number D0031039672.  
10 Looks like under the terms of this judgment, on the next  
11 page--I'm sorry, the page after that--she was ordered to  
12 pay attorney's fees to the State Bar of \$1,225.00, fees  
13 to the State Bar of \$331.97. She was also found in  
14 violation of rules 1.01(b) (2), 1.03(a), and 8.04(a) (8).  
15 Do you see that, Ms. White?

16          A     I do.

17          Q     And can you tell the panel if the respondent  
18 was found in violation of this particular judgment or if  
19 she complied?

20          A     She did comply with the terms of this  
21 judgment.

22          Q     Okay.

23                   MS. GUERRA: And, Brittany, if you can go  
24 to the next judgment in the packet.

25          Q     (BY MS. GUERRA) This is an agreed judgment of

1 active suspension, Case Number D0051143118, agreed  
2 judgment of active suspension. On the next page, it  
3 shows that she was ordered to pay fees of \$895.00 to the  
4 State Bar of Texas. Do you know if she complied with  
5 that -- with those terms, Ms. White?

6 A She did -- yes, she did.

7 Q And it looks like that the rule violations  
8 found in that case were 8.04(a)(1), 8.04(a)(7), again,  
9 8.04(a)(8), and 8.04(a)(11). Did I read that correctly?

10 A Yes.

11 Q Okay.

12 MS. GUERRA: And, Brittany, if you can go  
13 to the next judgment in the packet.

14 MS. PAYNTON: Do you have a page number?

15 MS. GUERRA: I do not.

16 MS. PAYNTON: Okay, give me one second.  
17 Here it is; I found it.

18 MS. GUERRA: Default judgment.

19 Q (BY MS. GUERRA) This is a default judgment of  
20 fully probated suspension, Case Number F0010313527.  
21 Three pages in to this document, it looks like she was  
22 found in violation of rules 1.01(b)(1), 1.03(a), and  
23 again, 8.04(a)(8). Did I read that correctly?

24 A Yes.

25 Q Okay. She was also ordered to pay fees and

1 costs in this case to the State Bar.

2 Do you know if she was in compliance with  
3 the terms of this judgment?

4 A Yes.

5 Q And, lastly, Heather, now that I've gone  
6 through all of the prior history that was part of the  
7 business records affidavit, is there anything, in  
8 closing, that you would like to tell the panel regarding  
9 the responsiveness that Ms. Loyd showed you, in the  
10 compliance department, when trying to get her to comply  
11 with the terms of the judgment that she wasn't in  
12 compliance with?

13 A Generally speaking, I don't believe that  
14 Ms. Loyd had any intent on getting to compliance with  
15 the terms of her judgment. I think she did towards the  
16 beginning; but towards the end, she did not. We just  
17 stopped hearing from her altogether.

18 Q Okay. Did she relate to you why she was  
19 having any trouble complying?

20 A She did not.

21 Q Okay.

22 All right. Thank you, Ms. White.

23 MS. GUERRA: I'll pass the witness.

24 MS. WHITE: Thank you.

25 MR. HERNANDEZ: I have no questions for

1 this witness.

2 PANEL CHAIR HOPPES: All right.

3 Ms. Guerra, may she be excused?

4 MS. GUERRA: Yes, ma'am. Thank you.

5 PANEL CHAIR HOPPES: Thank you,

6 Ms. White.

7 (Ms. Heather White disconnects.)

8 PANEL CHAIR HOPPES: Call your next  
9 witness.

10 MS. GUERRA: Actually, I just have one  
11 more exhibit to present to the panel, and it's as to  
12 attorney's fees and direct expenses in this case. If I  
13 may, I would like to offer into evidence CFLD Exhibit  
14 Number 7.

15 Brittany, if you can scroll down for the  
16 panel to see the exhibit number. Thank you.

17 Again, I would move this into evidence.

18 PANEL CHAIR HOPPES: Any objection?

19 MR. HERNANDEZ: No, Your Honor.

20 PANEL CHAIR HOPPES: It's admitted.

21 (Petitioner's Exhibit 7 admitted.)

22 MS. GUERRA: This exhibit shows the -- a  
23 total amount of time and costs expended by petitioner in  
24 pursuit of this State Bar-initiated grievance. We have  
25 spent a total of 5.59 hours preparing for this case, as

1 detailed in Exhibit A attached to this affidavit.

2           Brittany, if you can scroll down to  
3 Exhibit A. This shows that the total amount of  
4 attorney's fees in this matter are \$1,257.75; the total  
5 management, in costs and expenses, are \$485.00; the  
6 total amount of attorney's fees, costs and expenses, is  
7 \$1,742.75, of which the Bar would be asking for an even  
8 \$1,700.00 in attorney's fees, pursuing this grievance,  
9 this State Bar-initiated grievance.

10           And just, lastly, for the record --  
11 Brittany, if you could scroll to Exhibit B to show that  
12 it is attached thereto.

13           Also, if I just may quickly address the  
14 panel, what we're asking for, in addition to these  
15 attorney's fees and costs -- if the panel wants to  
16 entertain the State Bar's recommendation at this time.  
17 What we're asking for, given her extensive history,  
18 given all of the testimony that you've seen regarding  
19 the State Bar's efforts to try to bring her into  
20 compliance on the judgment that is the underlying  
21 judgment for this grievance, for this default hearing,  
22 and taking into account that, in her prior history, she  
23 has a history of nonresponsiveness, failing to respond  
24 to the grievance; she has prior default judgments. This  
25 is a pattern with Ms. Loyd. It is a pattern that is

1 well documented in her business records affidavit. Yet  
2 again, she displayed that same behavior as to this case,  
3 by failing to submit an answer until the morning of  
4 today's hearing. Again, this is the pattern that  
5 remains unchanged.

6 And so when -- you know, we take these  
7 matters seriously. We review all of the information in  
8 front of us. And at this point, the panel -- or the  
9 commission is of the opinion that those matters cannot  
10 be ignored, and they have -- we hope will be given heavy  
11 weight by the panel. I have authority from the  
12 commission in this case to seek disbarment of this  
13 respondent. We would be asking for restitution in the  
14 amount of \$1,000.00, to Vernon Bauer, the original  
15 attorney's fees of \$3,300.00, and \$700.00 in costs, with  
16 regard to the underlying judgment mentioned in this  
17 evidentiary petition for this case, along with the  
18 \$1,700.00 associated with the prosecution of this  
19 State Bar-initiated grievance. So those are the matters  
20 that we're presenting before this panel.

21 And, again, this is a pattern that is  
22 well documented with Ms. Loyd. The Bar takes it  
23 seriously, and we feel that she has had plenty of  
24 opportunity to take corrective action regarding her  
25 behavior, along with the State Bar's help. She had a



1 compliance monitor willing to work with her, who made  
2 repeated efforts to reach out to her. And Ms. Loyd just  
3 continues to noncomply. And this has been going on for  
4 years, if you look at the dates of these judgments.

5 So that's what we're asking for in this  
6 case. We know it's a big ask, but we also know that we  
7 have the judgments to support our recommendation for  
8 disbarment.

9 PANEL CHAIR HOPPES: All right. Thank  
10 you, Ms. Guerra.

11 Mr. Hernandez, you can proceed.

12 MR. HERNANDEZ: Your Honor, if I may,  
13 given that the level of sanctions that the State Bar is  
14 requesting, I don't think it's far-fetched to ask or  
15 expect a -- at least a continuance, via courtesy, to get  
16 our ducks together, because we did not -- could not have  
17 imagined they would go for, you know, what they're going  
18 for. And I think maybe even a one-week continuance or  
19 at the next regularly-scheduled hearing, just to  
20 supplement this part. And we don't -- you know, we will  
21 not object to any timing, any notice issues. The -- you  
22 know, we've tried to kind of hurry it by not objecting  
23 to a lot of things that probably don't really matter in  
24 the scheme of things. So given the consequences,  
25 drastic consequences that are being requested, like to

1 request at least a week or, you know, a week, to the  
2 next convenient time for the committee.

3 PANEL CHAIR HOPPES: That request for  
4 continuance is denied.

5 Do you have anything that you want to  
6 present?

7 MR. HERNANDEZ: I'd like to call  
8 Ms. Loyd, please.

9 PANEL CHAIR HOPPES: Okay.

10 ANNETTE R. LOYD VANICEK,  
11 having been duly administered the oath, testified as  
12 follows:

13 DIRECT IN NARRATIVE

14 MS. LOYD: With the committee's  
15 permission, I would like to, by narration, explain that  
16 I have complied with the terms of the order.

17 Linzy Hill, who was the assistant to  
18 Heather White, instructed me to just make sure my CLE  
19 was reported to the MCLE committees. I did all of that  
20 in the two years of the judgment that was entered in  
21 2019. I completed the law practice management courses  
22 that both Heather and Linzy had sent me to complete  
23 or -- they had given me a number of those, and I  
24 completed those hours.

25 With respect to the total of \$5,000.00

1 that was ordered to be paid, the \$1,000.00 to Mr. Bauer  
2 and to the Bar for 4,000.00, I sent a cashier's check to  
3 the State Bar offices in Austin. It was all lumped  
4 together. It was not a separate -- it was not separate  
5 checks. It was one cashier's check for \$5,000.00. That  
6 was sent from my bank, which is now Veritex Community  
7 Bank. I have requested they provide me information as  
8 to the status of that cashier's check, because I did  
9 not -- after it was -- the cash was withdrawn from my  
10 account; I couldn't track it for that purpose. But I  
11 did, in fact, pay that \$5,000.00 in March of 2019 and  
12 sent that in while I was coordinating to get the CLE and  
13 also a counselor, as required by that judgment.

14 I did comply with the counseling required  
15 by the counselor, was Dr. Klinefelter; and those reports  
16 were sent directly by him in compliance with the order.

17 I have not ignored the Bar. I understood  
18 that sending the cashier's check was sufficient to pay  
19 the \$5,000.00; and I have continued with the mental  
20 health counselor, Dr. Klinefelter, in addressing the  
21 issues I have, as well.

22 I have not ignored the Bar. I understood  
23 that the CLE transcripts submitted in my birth month  
24 were sufficient for the monitor to obtain to show that I  
25 had done those classes, and I had sent in the cashier's

1 check payable to the State Bar shortly after the  
2 proceedings in February of 2019.

3 I am recognizing the committee has  
4 incurred additional attorney's fees and would be willing  
5 to satisfy those costs, as well. If I misunderstood  
6 where the reporting requirements were and the payment,  
7 I -- I understood that that was what was required, to  
8 make sure they were in the MCLE transcript.

9 I would ask the committee to consider not  
10 only have I complied in the past and satisfied those, I  
11 have done so with the most recent proceedings, in 2019.  
12 I did comply with a small order in -- that was pending  
13 at the same time as the 2019 order, the one, I believe,  
14 was dated December 2018; and I understood that this  
15 was -- that I had done what I needed to do at the end of  
16 the two-year probated period.

17 I would ask the committee consider a  
18 lesser sanction than what is requested by the Bar. I --  
19 Fran, I don't know -- I don't think --

20 MR. HERNANDEZ: I think they -- they get  
21 it.

22 MS. LOYD: Okay.

23 MR. HERNANDEZ: Thank you, Your Honor.

24 PANEL CHAIR HOPPES: Ms. Guerra, do you  
25 have any questions of this witness?

1 MS. GUERRA: Yes, ma'am, just a few.

2 PANEL CHAIR HOPPES: Okay. You may  
3 proceed.

4 CROSS-EXAMINATION

5 BY MS. GUERRA:

6 Q Ms. Loyd, when you say that you have proof of  
7 payments -- first of all, you have had notice of this  
8 evidentiary petition since June 9 of 2022, correct, when  
9 you were personally served with the evidentiary  
10 petition?

11 A Yes.

12 Q And since that time, you have not tendered to  
13 anyone at the Bar any of these -- any of these checks  
14 that you claim to have in your possession, correct?

15 A I don't have the checks. I --

16 Q Copy of the checks.

17 A -- withdrew \$5,000.00 to buy a cashier's check  
18 payable to the State Bar, and that was done in March of  
19 2019.

20 Q Okay. Ms. --

21 A I sent that in with a copy of the order,  
22 showing the total amount. And I have asked my bank for  
23 a copy of that check. It was a cashier's check drawn on  
24 Veritex Bank.

25 Q Okay, let me stop you right there, because you

1 did not submit an answer to that evidentiary petition  
2 and did not provide us with any copies of any of these  
3 checks that you say you've now ordered from the bank.  
4 Isn't that right?

5 A I do not have them from the bank. Their  
6 system was changed in June of 2019, so the research  
7 department is obtaining those records from that time  
8 period before they switched over to a different system.

9 Q So bottom line, you don't have any copies of  
10 those checks to present at this hearing today, correct?

11 A I do not have a copy of that. I have only --  
12 could provide a bank statement, if I -- if I could put  
13 my hands on it, showing a \$5,000.00 withdrawal.

14 Q And you heard Ms. White testify as to your  
15 noncompliance on one of these judgments, and you did not  
16 bother to cross-examine her to see if those payments  
17 had, in fact, been submitted. Correct?

18 A I -- I didn't cross-examine her myself, no.

19 Q Okay.

20 And lastly, Ms. Loyd, I would add that  
21 what you're arguing, you're arguing that the restitution  
22 to Mr. Bauer and that the attorney's fees and costs  
23 totaling \$4,000.00 in the underlying judgment that  
24 served -- that was the judgment you violated, and that's  
25 why we filed this State Bar-initiated grievance, you

1 understand that those facts, about whether you paid or  
2 not, the facts as listed in the petition, are to be  
3 taken as true; the facts that I've alleged in my  
4 petition are to be taken as true. They already have  
5 been found true, pursuant to the Rules of Disciplinary  
6 Procedure. So what you're trying to do is say that you  
7 are -- you're going against what this panel has already  
8 found in their -- at the first portion of this hearing.

9 Do you understand how this process works?

10 A I under -- I understood that by filing an  
11 answer, that the motion for default would not be --  
12 would be moot.

13 Q That's not what the rule says, Ms. Loyd. Have  
14 you had a chance to look at the Rules of Disciplinary  
15 Procedure?

16 A I did not understand that was the rule in  
17 these proceedings.

18 Q Ma'am, this is not the first default judgment  
19 you've had -- or this is not the first default hearing  
20 you've had against you, correct?

21 A No, it is not.

22 Q But your testimony to this panel is that you  
23 don't understand how defaults work?

24 A I did not understand that I would not be  
25 permitted to explain my compliance issues. I believed

1 the answer would have sufficed to show that I was  
2 attempting to provide that evidence to the committee.

3 Q Okay. But bottom line, you don't have any  
4 exhibits to show the panel today, in your defense,  
5 correct?

6 A Other than the transcripts for the CLE that  
7 were emailed to you.

8 Q I don't know what transcripts you are  
9 referring to. Would those have been sent to me today?

10 A Yes.

11 Q Okay, the day of hearing.

12 And if you sent them to me, then that  
13 means you have them in your possession. Correct?

14 A I believe Mr. Hernandez sent them to you.

15 Q Okay. But they have not been presented as  
16 part of this hearing, correct?

17 A I would -- I would either have to bring them  
18 up --

19 MR. HERNANDEZ: Yeah, put them up.

20 MS. LOYD: Okay.

21 Q (BY MS. GUERRA) Well, this is my  
22 cross-examination; so if he wants to redirect and  
23 introduce items, I would like to know what exactly he's  
24 going to introduce before we get there. I'm simply  
25 saying, Ms. Loyd, that you've had ample time to prepare



1 for this hearing, ample time to hire counsel. You had  
2 ample time to submit an answer. And yet, it wasn't  
3 until this morning that you decided to file an answer in  
4 this case. Correct?

5 A The answer was submitted today. I had  
6 contacted counsel previously about representing me here.

7 Q Okay.

8 MS. GUERRA: All right. Nothing further,  
9 Ms. Panel Chair.

10 PANEL CHAIR HOPPES: All right.

11 Mr. Hernandez, call your next witness.

12 MR. HERNANDEZ: Your Honor, I would just  
13 like the committee to take judicial notice of her -- of  
14 Ms. Loyd's Texas Bar CLE, which is what we emailed the  
15 Bar, yes, late, but, arguably, at least it's been on  
16 record constructively, for their knowledge, since 2019,  
17 and each year she has taken the CLE. So it's not like  
18 it can be invented. It comes from their own website.

19 But whenever you're ready for argument,  
20 Your Honor.

21 PANEL CHAIR HOPPES: All right.

22 Council members, do you have any  
23 questions -- committee members?

24 MR. ALLEN: I have a question. I'd like  
25 to know from Ms. Loyd -- she mentioned earlier that part

1 of the issue here were some mental health issues she was  
2 having, and I'd like to know what help Ms. Loyd is  
3 seeking to address those mental health issues, and if  
4 that help she's seeking, does she believe it's going to  
5 resolve the issues that she's had in the past?

6 MS. LOYD: May I answer? I'm hearing an  
7 echo, so.

8 I have been counseling with  
9 Dr. Klinefelter. His first name -- nickname is Hap. He  
10 is a counselor here in Fort Worth. And initially, when  
11 I was directed to seek counseling, through the judgment  
12 that was entered in 2019, the diagnosis was depression  
13 and anxiety. I have improved on the depression issues  
14 and am no longer on that medication, but I am struggling  
15 and continue to seek counseling for anxiety issues,  
16 similar to the -- similar to addressing these types of  
17 confrontations; and I have found Dr. Klinefelter to be  
18 helpful in allowing me to work through those issues.  
19 It -- I -- without addressing family-related issues,  
20 that the anxiety issues are still part of why I seek  
21 that counseling.

22 MR. ALLEN: And, ma'am, I think you  
23 talked earlier about your inability to respond to the  
24 request for information that was filed. Can you explain  
25 how your mental health issues prevented you from being

1 able to respond, you know, certainly in terms of when  
2 this petition -- when it was filed by the State Bar and  
3 then, subsequently, when the -- when you had notice of  
4 the default? And I believe that there had been, like,  
5 45 -- at least 45 days from the time you were given  
6 notice. Can you explain how your issues prevented you  
7 from being able to make a response?

8 MR. HERNANDEZ: May I be allowed to  
9 answer that question? Or I can wait till argument, but  
10 it goes right to the heart of what the committee member  
11 asked.

12 PANEL CHAIR HOPPES: Well, let her answer  
13 the question, and you can make argument.

14 MR. HERNANDEZ: Okay.

15 PANEL CHAIR HOPPES: You can answer,  
16 Ms. Loyd.

17 MS. LOYD: Okay.

18 Mr. Allen, the anxiety issues I have make  
19 it somewhat difficult for me to focus on what is  
20 required, particularly when -- when these confrontations  
21 occur; and I have believed I was in compliance. So I  
22 had contacted some attorneys to represent me in these  
23 last -- since I received the information regarding the  
24 affidavit, and I struggle, as -- I don't know if you can  
25 tell or not. I struggle with the -- with -- again,

1 attempting to focus on these -- these proceedings. I am  
2 addressing them, as I thought I had addressed in the  
3 judgment of compliance, and I had periodically spoken to  
4 a Linzy Hill, in Ms. White's office, as well.

5 So I don't know if I've completely  
6 answered your question. If I haven't, please let me  
7 know if there's a remaining part to be addressed.

8 (Pause in proceedings.)

9 PANEL CHAIR HOPPES: All right.

10 Panel members?

11 MR. PRUITT: I have a question,  
12 Panel Chair, or a couple, actually.

13 Ms. Loyd, so I understand that you have  
14 problems dealing with, I guess, engaging on these  
15 issues; but do you agree that you received emails back  
16 in 2020 from the State Bar saying that your -- that this  
17 money was due and that they needed your MCLE compliance?

18 MS. LOYD: I recall receiving an email  
19 asking for a CLE and for the mental health reports. I  
20 spoke with either Linzy or somebody named Daesha  
21 (phonetic) and understood that my CLE reporting, which  
22 was due in January, because that's my birth month, was  
23 available and they -- that would be all I would need  
24 to --

25 PANEL CHAIR HOPPES: Ms. Loyd. Ms. Loyd,

1 I'm just going to interrupt you and ask that you listen  
2 to the question that he's asking you and answer that  
3 question.

4 MR. PRUITT: You got the emails about not  
5 making the payments, or did you not?

6 MS. LOYD: I did receive them and  
7 responded by what I thought was appropriate, a phone  
8 call.

9 MR. PRUITT: And then did you receive  
10 later the email that included the letter from counsel  
11 for the commission, a year later, basically saying the  
12 same thing, that you had not paid the restitution, nor  
13 the costs, nor the attorney's fees?

14 MS. LOYD: I do not recall receiving that  
15 because that was -- I believe that was a time period  
16 where we had a freeze, and there was disruption at my  
17 office at that point. I don't remember receiving those  
18 letters.

19 MR. PRUITT: Now, one of the prior  
20 default judgments that you received, as I recall, from  
21 the document that was put into evidence--I think it may  
22 be 6c--you filed an answer in that default on the same  
23 day as the default hearing, as well. Do you recall  
24 doing that, or was that done by counsel for you?

25 MS. LOYD: I don't recall doing that.

1 In -- I do not recall that, no, I'm sorry.

2 MR. PRUITT: Could we pull that up again,  
3 Laurie. And, I'm sorry, I don't have the specific  
4 number. I think it's -- I think it's 6b, but I could be  
5 wrong. Probably am wrong.

6 (Pause in proceedings.)

7 MS. GUERRA: I'm sorry, sir, were you  
8 referring to a specific email that we can pull up for  
9 you --

10 MR. PRUITT: No, it's the judgment --  
11 it's one of the judgments that you put into evidence  
12 with the business records affidavit.

13 PANEL CHAIR HOPPES: Business records  
14 affidavit.

15 MS. GUERRA: Okay. That would be CFLD  
16 Exhibit 6.

17 MR. PRUITT: Okay.

18 MS. GUERRA: And let me see if I can get  
19 Brittany back online.

20 MR. PRUITT: And it's the default in  
21 which she filed an answer the day of the hearing.

22 MS. GUERRA: Okay.

23 MS. PAYNTON: I got it. Just what year  
24 of it? Which one is it?

25 MS. GUERRA: It's one of the default

1 hearings, so --

2 MS. PAYNTON: Okay. Let me see. Let's  
3 just start, this one.

4 Here's this one.

5 (Pause in proceedings.)

6 MR. PRUITT: I don't believe that's the  
7 one.

8 MS. PAYNTON: Okay. Let's just go....  
9 Here's this one.

10 MR. PRUITT: Okay.

11 (Pause in proceedings.)

12 MR. PRUITT: You're -- I think it's  
13 pretty early. It's in the state recitation at the very  
14 beginning of the one that I'm talking about. Going to  
15 be on the first page --

16 MS. PAYNTON: Okay.

17 MR. PRUITT: -- of the default.

18 MS. PAYNTON: Right here. It's right  
19 here. "Respondent appeared pro se, and filed an  
20 untimely Answer on date of said hearing."

21 MR. PRUITT: Okay. Well --

22 MS. LOYD: I can explain that one, as  
23 well.

24 MR. PRUITT: Okay. Please do.

25 MS. LOYD: Initially in this matter, we

1 had a committee meeting, or there was a panel, and the  
2 public member had either coronary arrest or stroke  
3 during the proceedings. I had filed an answer in the  
4 initial committee meeting; and because of the public  
5 member being removed by ambulance, it was rescheduled  
6 for the February date. And I believe the answer had  
7 already been on file for quite some time before the  
8 February proceeding.

9           The initial panel -- the initial panel  
10 that was convened with the public member having a health  
11 issue, I believe the answer was filed prior to that  
12 hearing. May not have been -- I don't recall exactly  
13 the timing of it, but I know that the panel was convened  
14 with an answer on file and then, because of the public  
15 member health, it was reset to February; and my answer  
16 had been on file at that time for the February  
17 proceeding.

18           MR. PRUITT: Okay.

19           I have only one last question, and that's  
20 just can you tell us, generally, the nature of your  
21 current law practice?

22           MS. LOYD: I'm sorry? I didn't hear you.

23           MR. PRUITT: What's the nature of your  
24 current law practice? What are you -- what are you  
25 doing as a lawyer currently?



1 MS. LOYD: I do a general practice with  
2 real estate and just a general civil practice. I do  
3 eviction hearings and -- and title issues in the real  
4 estate matters.

5 MR. PRUITT: I thank you.

6 That's all my questions.

7 PANEL CHAIR HOPPES: All right.

8 (Reporter clarification.)

9 PANEL CHAIR HOPPES: Mr. Hernandez, do  
10 you recall Exhibit 6a?

11 MR. HERNANDEZ: I do not.

12 PANEL CHAIR HOPPES: Brittany, what was  
13 that?

14 MS. PAYNTON: It is the email -- hold on  
15 one second. I have it right here. It's going to be the  
16 first email that was sent to compliance. It's right  
17 here.

18 MR. HERNANDEZ: I don't believe there was  
19 an objection at all.

20 PANEL CHAIR HOPPES: All right. Having  
21 no objection, it's admitted.

22 All right, Mr. Hernandez, do you have any  
23 other evidence or witnesses you want to present before  
24 we go to argument?

25 MR. HERNANDEZ: I do not.

1 PANEL CHAIR HOPPES: All right.

2 All right, Ms. Guerra.

3 MS. GUERRA: The only thing I would --  
4 and I won't belabor this--I know we have another  
5 hearing--but the only point I'd like to clarify, it  
6 seems to me, if I may ask the respondent just a few  
7 additional questions regarding this payment that she  
8 said she submitted?

9 PANEL CHAIR HOPPES: Yes. Go ahead.

10 RE-CROSS-EXAMINATION

11 BY MS. GUERRA:

12 Q Ms. Loyd, you mentioned that you had submitted  
13 a payment. You've provided no proof thereof, but you  
14 claim that you have. It's my understanding -- and  
15 please correct me if I misunderstood you, but it's my  
16 understanding that you claim you sent all of the fees  
17 and the restitution as one lump-sum check? Was that  
18 your testimony?

19 A Yes, for a total of \$5,000.00.

20 Q And you're aware that the judgment that  
21 ordered you to pay those fees and restitution  
22 specifically tells you in writing, in the judgment, that  
23 you are to submit separate checks: a restitution check  
24 made payable to Vernon Bauer and a separate check for  
25 attorney's fees and costs to the State Bar of Texas.

1 And those checks -- or that money, I should say, needs  
2 to be submitted in the form of a money order or  
3 cashier's check. Did you understand that instruction in  
4 the judgment?

5 A I recall it was to be a cashier's check. I  
6 did not recall that it had to be separate checks.

7 Q Okay. But that was, nonetheless, the  
8 instruction written and ordered in the judgment, to  
9 provide separate checks, correct?

10 A If that's what the judgment says, yes. I just  
11 recall that it was a cashier's check that was required.

12 Q Thank you.

13 MS. GUERRA: That's all I needed to  
14 clarify, Ms. Panel Chair. Thank you.

15 PANEL CHAIR HOPPES: All right. Do you  
16 have any other argument other than what you've already  
17 told us?

18 MS. GUERRA: No, ma'am. I would just ask  
19 the panel to take into consideration, again, her deep  
20 history for defaults, not complying to the State Bar,  
21 not responding to grievances, filing answers at the last  
22 minute, and just in general, not complying with what  
23 she's ordered by panel -- by panels to comply with, and  
24 to please take that into consideration with our request  
25 for disbarment.

1                   PANEL CHAIR HOPPES: All right. Thank  
2 you.

3                   Mr. Hernandez, argument?

4                   MR. HERNANDEZ: Yes.

5                   Committee, let's -- you know, kind of,  
6 let's think about this. I remember--and I know we can't  
7 comment on it--but when Reagan Wynn got sanctioned by  
8 the Bar, and I was so shocked because he -- you know, I  
9 had such admiration for him and his legal abilities,  
10 we're talking about a powerhouse. I mean, I've been  
11 around some incredibly talented lawyers in 32 years and  
12 the -- at Skadden Arps, at AT&T, here in Tarrant County;  
13 but I would still put my child's life into somebody like  
14 Reagan Wynn's hands. So to me, it just put a new  
15 perspective or understanding what depression really is.

16                   I don't mind telling you that I routinely  
17 refer cases to Annette. I don't mind telling you that I  
18 will stick up for her anytime. I will sign on her case  
19 anytime. What's bizarre here is, out of all of the  
20 behavior you guys have heard, about disregarding  
21 deadlines, about anxiety, about disregard, it is the  
22 polar opposite of the way I see her conduct and handle  
23 cases with clients that I refer to her. In fact, she is  
24 so slow and methodical and thought-through that she  
25 gives me anxiety, to sit there and listen through the

1 whole explanation. Annette is the kind of lawyer whose  
2 therapy is practicing law. That's her therapy. That's  
3 what keeps her sane, because -- to see how she handles  
4 her own deal, as you've seen, you wonder what in the  
5 world is going on, because it -- this depression, it  
6 paralyzes you, from what I understand. I have no idea.  
7 But to inflict a death penalty on somebody, I don't mind  
8 telling you, whose skills are regarded as high as Reagan  
9 Wynn, in her respective field, you know, we can't just  
10 do capital -- you know, capital punishment. We at least  
11 got to look at it.

12 I would say let's put this off a little  
13 bit, do some -- you know, have the Bar pick a  
14 psychologist that can give us a straight assessment,  
15 whether it's behavior or whether it is paralyzing her  
16 personal life, as we all do as lawyers, for the benefit  
17 of our clients. That's the burden that we carry. And  
18 then to be afflicted with depression, I have no idea  
19 what it is. But I tell you who could give us a good  
20 assessment -- Madam Chair, who's the one in Arlington  
21 that all the family judges appoint to? I mean, she  
22 tells it like it is. What's her name? She's, like,  
23 parental counseling stuff in divorces.

24 PANEL CHAIR HOPPES: I just don't think  
25 it's appropriate in my role as panel chair to pipe in on

1 that. Okay?

2 MR. HERNANDEZ: Yeah, fair enough.

3 I'm --

4 PANEL CHAIR HOPPES: And this is  
5 argument, as well, you know; this is not testimony.

6 MR. HERNANDEZ: Yeah. What it gets to --  
7 you know, what I'm arguing we should do is let's get a  
8 study done on Annette before we inflict a capital  
9 punishment, and see if, you know, treatment does affect  
10 it; and maybe, you know, an anonymous audit of some of  
11 her existing clients, because, again, what we don't want  
12 happening is Annette messing up somebody's lives because  
13 of a case she took. I think it's the opposite. She  
14 lets these cases ruin her life. But I see no flaw in  
15 her legal work. So kind of -- maybe a suggestion out of  
16 the box.

17 PANEL CHAIR HOPPES: All right, anything  
18 else?

19 (Pause in proceedings.)

20 PANEL CHAIR HOPPES: All right. Then  
21 we're going to adjourn to deliberate.

22 And, Brittany or Ms. Guerra, would you  
23 notify the respondent in writing of our decision?

24 MS. PAYNTON: I was just going to let you  
25 know, we -- it is on record today after you deliberate.

1 So we have the court reporter, and she puts it on  
2 record, what y'all decide.

3 PANEL CHAIR HOPPES: Okay, wonderful.  
4 That's what I wanted to know.

5 Okay. Can you send us to breakout,  
6 please?

7 MS. PAYNTON: Yes, ma'am. Just the panel  
8 hit the button.

9 (Deliberations.)

10 PANEL CHAIR HOPPES: All right. Back on  
11 the record.

12 MR. PRUITT: I have a motion to make,  
13 after having deliberated. I move that we give the  
14 respondent a three-year active suspension beginning  
15 immediately, \$1,000.00-plus-interest payment to  
16 Mr. Bauer, \$3,300.00 plus interest for the prior  
17 attorney-fee award, \$700.00 plus interest on the prior  
18 cost award, and \$1,700.00 on the current attorney's fees  
19 and costs.

20 PANEL CHAIR HOPPES: Do we have a second?

21 MS. BULLA: Second.

22 PANEL CHAIR HOPPES: Okay. All in favor,  
23 say aye or raise hand, please.

24 (Panel members respond aye.)

25 PANEL CHAIR HOPPES: Ann, you're muted

1 and you're off your video. We can't see you or hear  
2 you.

3 MS. MCDONALD: Aye.

4 PANEL CHAIR HOPPES: All right.

5 MS. MCDONALD: Did you get that?

6 PANEL CHAIR HOPPES: I got it.

7 All right. The motion carries, and that  
8 will be the panel's ruling.

9 MR. HERNANDEZ: Thank you. May we be  
10 excused?

11 PANEL CHAIR HOPPES: Yes, you may. Thank  
12 you.

13 MS. GUERRA: Actually, I'm sorry --

14 PANEL CHAIR HOPPES: That's all right.

15 MS. GUERRA: I just want to make sure  
16 that I've got this clear for purposes of the judgment  
17 that will be entered in this case. When you say a  
18 thousand plus interest, I'm referring to the  
19 already-admitted Exhibit 6b, which refers to restitution  
20 made payable to Vernon Bauer in the amount of \$1,050.00.  
21 Is that the number that the panel contemplated when they  
22 included interest?

23 PANEL CHAIR HOPPES: Yes.

24 MS. GUERRA: Okay. So it'll be 1,050.00.

25 And, then, as far as attorney's fees with



1 interest, that total, according to 6b, was 3,465.00.

2 PANEL CHAIR HOPPES: Yes.

3 MS. GUERRA: Okay, that's the one --  
4 that's what the panel contemplated?

5 PANEL CHAIR HOPPES: Yes.

6 MS. GUERRA: And then the costs were  
7 735.00, also including interest.

8 PANEL CHAIR HOPPES: That is correct.

9 MS. GUERRA: And then the seventeen --  
10 and those amounts were as to the underlying case, Case  
11 Number 201505595, which served as the basis for this  
12 State Bar-initiated grievance. And then as to this  
13 State Bar-initiated grievance, there's \$1,700.00 in  
14 attorney's fees and costs made payable to the State Bar.

15 PANEL CHAIR HOPPES: Thank you.

16 MS. GUERRA: Thank you. I just wanted to  
17 make sure I clarified that for the record. Appreciate  
18 it.

19 PANEL CHAIR HOPPES: All right.

20 MR. PRUITT: That's correct.

21 PANEL CHAIR HOPPES: All right. Thank  
22 you all.

23 (Proceedings concluded.)

24

25

1 STATE OF TEXAS )

2 COUNTY OF DALLAS )

3 I, AMANDA J. LEIGH, Certified Shorthand Reporter in  
4 and for the State of Texas, do hereby certify that the  
5 foregoing contains a true and correct transcription, to  
6 the best of my ability, of all portions of evidence and  
7 other proceedings requested in writing by Respondent to  
8 be included in this Reporter's Record, in the  
9 above-styled and -numbered cases, all of which were  
10 reported by me.

11 I further certify that this Reporter's Record of  
12 the proceedings truly and correctly reflects the  
13 exhibits, if any, admitted, tendered in an offer of  
14 proof, or offered into evidence.

15 I further certify I am neither financially  
16 interested in the action nor a relative or employee of  
17 any attorney or any party to this action.

18 WITNESS MY OFFICIAL HAND this 10th day of November,  
19 2022.

20 /s/ Amanda J. Leigh

21 \_\_\_\_\_  
22 AMANDA J. LEIGH, CSR  
23 Texas CSR No. 3791  
24 Expiration Date: January 31, 2023  
25

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# Appendix 2

**BEFORE THE DISTRICT 7 GRIEVANCE COMMITTEE  
EVIDENTIARY PANEL 7-2  
STATE BAR OF TEXAS**

**COMMISSION FOR LAWYER  
DISCIPLINE,  
Petitioner**

**V.**

**ANNETTE R. LOYD,  
Respondent**

**SUBSTITUTION OF SERVICE**

**CASE NO. 201706886**

**DEFAULT JUDGMENT OF FULLY PROBATED SUSPENSION**

**Parties and Appearance**

On December 12, 2018, came to be heard the above-styled and numbered cause. Petitioner, Commission for Lawyer Discipline, appeared by and through its attorney of record and announced ready. Respondent, **ANNETTE R. LOYD** (Respondent), Texas Bar Number **16731100**, was duly served with the Evidentiary Petition and notice of this default and sanctions hearing. Respondent appeared pro se, and filed an untimely Answer on date of said hearing.

**Jurisdiction and Venue**

The Evidentiary Panel 7-2, having been duly appointed to hear this complaint by the chair of the Grievance Committee for State Bar of Texas District 7, finds that it has jurisdiction over the parties and the subject matter of this action and that venue is proper.

**Default**

The Evidentiary Panel finds Respondent was properly served with the Evidentiary Petition and that Respondent failed to timely file a responsive pleading to the Evidentiary Petition as required by Rule 2.17(B) of the Texas Rules of Disciplinary Procedure. Accordingly, the Evidentiary Panel finds Respondent in default and further finds that all

facts alleged in the Evidentiary Petition are deemed true pursuant to Rule 2.17(C) of the Texas Rules of Disciplinary Procedure.

### **Professional Misconduct**

The Evidentiary Panel, having deemed all facts as alleged in the Evidentiary Petition true, finds Respondent has committed Professional Misconduct as defined by Rule 1.06(W) of the Texas Rules of Disciplinary Procedure.

### **Findings of Fact**

The Evidentiary Panel, having considered the allegations as deemed true, 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 her principal place of practice in Tarrant County, Texas.
3. On February 14, 2017, Complainant, Tommy H. Watley (Watley), hired Respondent to represent him regarding a matter involving his Last Will and Testament.
4. In representing Watley, Respondent neglected the legal matter entrusted to her.
5. Respondent failed to keep Watley reasonably informed about the status of his legal matter and failed to promptly comply with reasonable requests for information from Watley.
6. Respondent failed to timely furnish to the Chief Disciplinary Counsel's office a response or other information as required by the Texas Rules of Disciplinary Procedure. Respondent did not in good faith timely assert a privilege or other legal ground for failure to do so.
7. The Chief Disciplinary Counsel of the State Bar of Texas has incurred reasonable attorney's fees associated with this Disciplinary Proceeding in the amount of Seven Hundred Fifty Dollars and No Cents (\$750.00).

8. The Chief Disciplinary Counsel of the State Bar of Texas has incurred direct expenses associated with this Disciplinary Proceeding in the amount of Two Hundred Fifty Dollars and No Cents (\$250.00).

### **Conclusions of Law**

The Evidentiary Panel concludes that, based upon the foregoing findings of fact, the following Texas Disciplinary Rules of Professional Conduct have been violated: Rules 1.01(b)(1), 1.03(a), and 8.04(a)(8).

### **Sanction**

The Evidentiary Panel, having found 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 Professional Misconduct is a Probated Suspension.

Accordingly, it is **ORDERED, ADJUDGED** and **DECREED** that Respondent be suspended from the practice of law for a period of twelve (12) months, with the suspension being fully probated pursuant to the terms stated below. The period of probated suspension shall begin on January 7, 2019, and shall end on January 6, 2020.

### **Terms of Probation**

It is further **ORDERED** that during all periods of suspension, Respondent shall be under the following terms and conditions:

1. Respondent shall not violate any term of this judgment.
2. Respondent shall not engage in professional misconduct as defined by Rule 1.06(W) of the Texas Rules of Disciplinary Procedure.
3. Respondent shall not violate any state or federal criminal statutes.

4. Respondent shall keep State Bar of Texas membership department notified of current mailing, residence and business addresses and telephone numbers.
5. Respondent shall comply with Interest on Lawyers Trust Account (IOLTA) requirements.
6. Respondent shall promptly respond to any request for information from the Chief Disciplinary Counsel in connection with any investigation of any allegations of professional misconduct.
7. Respondent shall pay all reasonable and necessary attorney's fees to the State Bar of Texas in the amount of Seven Hundred Fifty Dollars and No Cents (\$750.00). The payment shall be due and payable on or before February 6, 2019, and shall be made by certified or cashier's check or money order. Respondent shall forward the funds, made payable to the State Bar of Texas, to the Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701).
8. Respondent shall pay all direct expenses to the State Bar of Texas in the amount of Two Hundred Fifty Dollars and No Cents (\$250.00). The payment shall be due and payable on or before February 6, 2019, and shall be made by certified or cashier's check or money order. Respondent shall forward the funds, made payable to the State Bar of Texas, to the Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701).
9. In addition to complying with the Minimum Continuing Legal Education (MCLE) requirements of the State Bar of Texas, Respondent shall complete two (2) additional hours of continuing legal education in the area of Law Practice Management and an additional three (3) hours of continuing legal education in the area of Ethics. These additional hours of CLE are to be completed by January 6, 2020. Within ten (10) days of the completion of these additional CLE hours, Respondent shall verify completion of the course(s) to the State Bar of Texas, Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701).
10. Respondent shall make contact with the Chief Disciplinary Counsel's Office's Compliance Monitor at 877-953-5535, ext. 1334 and Special Programs Coordinator at 877-953-5535, ext. 1323, not later than seven (7) days after receipt of a copy of this judgment to coordinate Respondent's compliance.

11. Respondent shall submit to counseling sessions for the twelve (12) month duration of this judgment, with a minimum of one (1) session per month, by a mental health professional licensed in Texas as a psychiatrist, a psychologist, a master's level social worker (LCSW), or a licensed professional counselor (LPC). The mental health professional shall provide written monthly reports to the State Bar of Texas verifying Respondent's attendance at the sessions and the general issue(s) addressed during the sessions. The initial report shall be due no later than February 6, 2019, documenting the session(s) that occur(s) during January 2019. Each subsequent report shall be due on the 6<sup>th</sup> day of each month, documenting the session(s) that occur(s) during the previous month. The final report will be due no later than January 6, 2020.
12. Respondent shall take all necessary action, including the execution of a valid release of information, to permit any treating mental health professional to provide written or oral reports for the duration of the supervision period.
13. Respondent shall be responsible for all costs and expenses incurred, directly or indirectly, by compliance with these terms and shall pay all such costs and expenses as required by the provider, but in no event later than the final day of the supervision period.
14. Any and all reports and evaluations required by these terms of probation shall be sent to the State Bar of Texas, Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Suite 200, Austin, TX 78701).

### **Probation Revocation**

Upon information that Respondent has violated a term of this judgment, the Chief Disciplinary Counsel may, in addition to all other remedies available, file a motion to revoke probation pursuant to Rule 2.23 of the Texas Rules of Disciplinary Procedure with the Board of Disciplinary Appeals (BODA) and serve a copy of the motion on Respondent pursuant to Tex.R.Civ.P. 21a.

BODA shall conduct an evidentiary hearing. At the hearing, BODA shall determine by a preponderance of the evidence whether Respondent has violated any term of this Judgment. If BODA finds grounds for revocation, BODA shall enter an order revoking

probation and placing Respondent on active suspension from the date of such revocation order. Respondent shall not be given credit for any term of probation served prior to revocation.

It is further **ORDERED** that any conduct on the part of Respondent which serves as the basis for a motion to revoke probation may also be brought as independent grounds for discipline as allowed under the Texas Disciplinary Rules of Professional Conduct and Texas Rules of Disciplinary Procedure.

**Attorney's Fees and Expenses**

It is further **ORDERED** Respondent shall pay all reasonable and necessary attorney's fees to the State Bar of Texas in the amount of Seven Hundred Fifty Dollars and No Cents (\$750.00). The payment shall be due and payable on or before February 6, 2019, shall be made by certified or cashier's check or money order, and made payable to the State Bar of Texas. Respondent shall forward the funds to the State Bar of Texas, Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701).

It is further **ORDERED** Respondent shall pay all direct expenses to the State Bar of Texas in the amount of Two Hundred Fifty Dollars and No Cents (\$250.00). The payment shall be due and payable on or before February 6, 2019, shall be made by certified or cashier's check or money order, and made payable to the State Bar of Texas. Respondent shall forward the funds to the State Bar of Texas, Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701).

It is further **ORDERED** that all amounts ordered herein are due to the misconduct of Respondent, are assessed as a part of the sanction in accordance with Rule 1.06(Z) of the



Texas Rules of Disciplinary Procedure. Any amount not paid shall accrue interest at the maximum legal rate per annum until paid and the State Bar of Texas shall have all writs and other post-judgment remedies against Respondent in order to collect all unpaid amounts.

**Publication**

This suspension shall be made a matter of record and appropriately published in accordance with the Texas Rules of Disciplinary Procedure.

**Other Relief**

All requested relief not expressly granted herein is expressly DENIED.

SIGNED this 16<sup>th</sup> day of <sup>January 2019</sup> ~~December, 2018~~.

**EVIDENTIARY PANEL 7-2  
DISTRICT NO. 7  
STATE BAR OF TEXAS**



**CHRIS NICKELSON**  
District 7, Panel 7-2 Presiding Member