

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



FILED

9/9/26

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

CAUSE NO. 73797

IN THE MATTER OF
ROSELYN NYAMBURA COLEMAN
STATE BAR CARD NO. 24124029

RETURN

Came to my hand: 8/25/2026 AT 9:26 AM the following specified documents:

PETITION FOR COMPULSORY DISCIPLINE
NOTICE OF HEARING

and executed by me on 08/29/2026, at 9:23 o'clock AM, at, 1426 Creekview Drive, Lewisville, TX 75067
within the county of DENTON by delivering to ROSELYN NYAMBURA COLEMAN in person, a true copy of the
above specified documents having first endorsed on such copy the date of delivery.

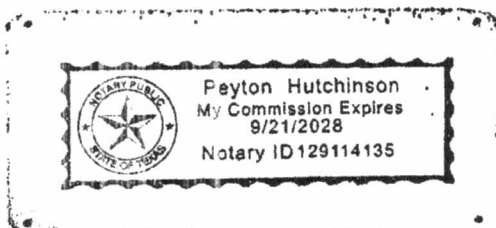
I am over the age of 18, not a party to nor interested in the outcome of the above numbered suit, and I declare under
penalty of perjury that the foregoing is true and correct.

By: (print name) CALEB MICHAEL HALE
PSC NO: 23513
Expiration Date: 11/30/2027
ASSURED CIVIL PROCESS AGENCY
5926 Balcones Dr. Ste. 290, Austin, TX 78731

STATE OF TEXAS

VERIFICATION

Before me, a notary public, on this day personally appeared the above named Authorized person, known to me to be the
person whose name is subscribed to the foregoing document and, being by me first duly sworn, declared that the
statements/facts therein contained are within his/her personal knowledge and experience to be true and correct. Given
under my hand and seal of the office on this the 8th day of September, 2026



Notary Public

STATE BAR OF TEXAS



FILED
Aug 24 2026

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

Office of the Chief Disciplinary Counsel

August 24, 2026

Ms. Jenny Hodgkins
Board of Disciplinary Appeals
Supreme Court of Texas
P. O. Box 12426
Austin, Texas 78711

Via e-filing filing@txboda.org

Re: *In the Matter of Roselyn Nyambura Coleman, State Bar Card No. 24124029; Before the Board of Disciplinary Appeals Appointed by the Supreme Court of Texas*

Dear Ms. Hodgkins:

Attached please find the Petition for Compulsory Discipline of Respondent, Roselyn Nyambura Coleman, which includes a Notice of Hearing. Please file the original Petition with the Board. Additionally, please file-mark and acknowledge the cause number and return a copy to me.

A true and correct copy of this letter, and a file-marked copy of the Petition for Compulsory Discipline and Notice of Hearing will be served on Ms. Coleman.

Sincerely,

Amanda M. Kates
Assistant Disciplinary Counsel
Office of Chief Disciplinary Counsel
State Bar of Texas

AMK/aa
Attachment



FILED
Aug 24 2026

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

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

**IN THE MATTER OF
ROSELYN NYAMBURA COLEMAN
STATE BAR CARD NO. 24124029**

§
§
§

CAUSE NO. 73797

PETITION FOR COMPULSORY DISCIPLINE

TO THE BOARD OF DISCIPLINARY APPEALS:

The Commission for Lawyer Discipline (hereinafter referred to as the "Commission"), brings this compulsory discipline action against attorney Roselyn Nyambura Coleman (hereinafter referred to as "Respondent"), and would show the following:

1. This action is commenced by the Commission pursuant to Part VIII of the Texas Rules of Disciplinary Procedure. The Commission is providing Respondent a copy of this Board's procedures for handling a compulsory discipline matter by attaching a copy of such procedures to this petition.

2. Respondent, Roselyn Nyambura Coleman, may be served with a true and correct copy of this Petition for Compulsory Discipline and its attachments, as well as a notice of hearing, at Roselyn Nyambura Coleman, 1426 Creekview Drive, Lewisville, Texas 75067-4994.

3. On or about September 25, 2025, a True Bill of Indictment (Exhibit 1) was filed against Roselyn Coleman in Cause No. F25-4069-16, 16th Judicial District Court, Denton County, Texas, which states in pertinent part as follows:

IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS

THE GRAND JURORS, in and for the County of Denton, State of Texas, duly organized, impaneled, and sworn as such, at the July Term, A.D., 2025, of the District Court of the 158th Judicial District in and for said county and state, upon their oaths, present in and to said Court that ROSELYN COLEMAN, who is hereinafter styled defendant, on or about

the 1st day of May, 2025, and anterior to the presentment of this Indictment, in the county and state aforesaid, did then and there, with intent to damage or destroy a habitation located at 1426 Creekview Drive, Lewisville, Texas, start a fire, by igniting combustible material or items with a lighter or open flame, knowing that the habitation was within the limits of an incorporated city or town, namely Lewisville, Texas;

against the peace and dignity of the State.

4. On or about June 10, 2026, a Felony Plea of Guilty, Indictment/Information (Exhibit 2) was filed in Cause No. F25-4069-16, styled *State of Texas vs. Roselyn Coleman*, in the 16th Judicial District Court, of Denton County, Texas, that states in pertinent part as follows:

...

I do further admit and judicially confess that I am the person named in the charging instrument and that I understand the charge contained therein and:

I am GUILTY of the offense Arson as alleged in the charging instrument including any amendments or modifications thereto and I confess that I did unlawfully commit the said offense in Denton County, Texas on the date alleged in the charging instrument; I further agree that the amount of restitution determined is fair and reasonable;

...

5. On or about June 10, 2026, an Order of Deferred Adjudication (Exhibit 3) was entered in Cause Number F25-4069-16, styled *The State of Texas v. Roselyn Coleman*, in the 16th District Court, Denton County, Texas, wherein Respondent pled guilty to the offense of Arson, a 2nd Degree Felony, in violation of Texas Penal Code 28.02. Respondent was placed on Deferred Adjudication Community Supervision for a period of seven (7) years. Respondent was further ordered to pay a fine in the amount of \$1,000.00 and \$305.00 in court costs.

6. Attached hereto are true and correct copies of the following documents in the Coleman criminal case: True Bill of Indictment filed September 25, 2025 (Exhibit 1); Felony Plea of Guilty, Indictment/Information filed June 10, 2026 (Exhibit 2); and Order of Deferred

Adjudication entered June 10, 2026 (Exhibit 3). The Commission expects to introduce certified copies of all exhibits at the time of hearing of this cause.

7. Respondent, Roselyn Nyambura Coleman, whose bar card number is 24124029, is the same person as Roselyn Coleman who is the subject of the True Bill of Indictment, Felony Plea of Guilty, Indictment/Information, and Order of Deferred Adjudication, described above, true and correct copies of which are attached hereto.

8. Attached hereto as Exhibit 4 is a true and correct copy of an affidavit of Amanda M. Kates, Attorney of Record for the Commission herein, attesting to the fact that Respondent is the same person as the person who is the subject of the True Bill of Indictment, Felony Plea of Guilty, Indictment/Information, and Order of Deferred Adjudication, entered in the Coleman criminal case. The Commission expects to introduce the original of said affidavit at the time of hearing of this cause.

9. The offense for which Respondent was convicted is an Intentional Crime (as defined by Rule 1.06(V)(1) of the Texas Rules of Disciplinary Procedure) because Respondent's offense is a Serious Crime (as defined by Rule 1.06(GG), Texas Rules of Disciplinary Procedure) that requires knowledge or intent as an essential element.

10. Having been found guilty of an Intentional and Serious crime, and such judgment being final, Respondent is subject to compulsory discipline as provided in Part VIII, Texas Rules of Disciplinary Procedure.

PRAYER

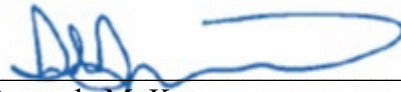
WHEREFORE, PREMISES CONSIDERED, the Commission prays that Respondent be given notice of these proceedings as provided by law and, upon hearing of this matter, that the

Board enter an order imposing compulsory discipline on Respondent and for such other and further relief to which the Commission may be entitled to receive.

Respectfully submitted,

Seana Willing
Chief Disciplinary Counsel

Amanda M. Kates
Assistant Disciplinary Counsel
Office of the Chief Disciplinary Counsel
STATE BAR OF TEXAS
P.O. Box 12487, Capitol Station
Austin, Texas 78711-2487
Telephone: 512.427.1350
Facsimile: 512.427.4253
Email: amanda.kates@texasbar.com



Amanda M. Kates
State Bar Card No. 24075987

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument has been sent for service on Roselyn Nyambura Coleman, 1426 Creekview Drive, Lewisville, Texas 75067, Via Personal Service on this 24th day of August, 2026.



Amanda M. Kates

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that a trial on the merits of the Petition for Compulsory Discipline heretofore sent to be filed with the Board of Disciplinary Appeals on this day, will be held in the courtroom of the Supreme Court of Texas, Tom C. Clark Building, 14th and Colorado Streets, Austin, Texas, at 9:00 a.m. on the **30th day of October, 2026**. The Board of Disciplinary Appeals will notify the parties of any changes to the hearing location or format.



Amanda M. Kates

☒ 16th ☐ 158th ☐ 211th ☐ 362nd ☐ 367th ☐ 462nd

CAUSE NO. 25-4069-16

TRN: 9328607582 / A001

BOND: \$20,000 ☐ BOND CONDITIONS ☐ FV ☐ DWI ☐ CAC PID NO. 3795882

DEFENDANT: ROSELYN COLEMAN

SID: TX 14586918 B/F 07/24/1980

CHARGE: ARSON

ART: NONE

CODE: PENAL

CO-DEFENDANT: NONE

WARRANT NO: 211-050525-01

WITNESS: J. MARTINSON

BY [Signature] DEPUTY

CONTROL NO: 25-12669

TRUE BILL OF INDICTMENT

IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS

THE GRAND JURORS, in and for the County of Denton, State of Texas, duly organized, impaneled, and sworn as such, at the July Term, A.D., 2025, of the District Court of the 158th Judicial District in and for said county and state, upon their oaths, present in and to said Court that ROSELYN COLEMAN, who is hereinafter styled defendant, on or about the 1st day of May, 2025, and anterior to the presentment of this Indictment, in the county and state aforesaid, did then and there, with intent to damage or destroy a habitation located at 1426 Creekview Drive, Lewisville, Texas, start a fire, by igniting combustible material or items with a lighter or open flame, knowing that the habitation was within the limits of an incorporated city or town, namely Lewisville, Texas;

EXHIBIT
1

against the peace and dignity of the State.

PAUL JOHNSON
CRIMINAL DISTRICT ATTORNEY OF
DENTON COUNTY, TEXAS

[Signature]
Foreman of the Grand Jury



CERTIFIED A TRUE AND CORRECT COPY
OF THE RECORD ON FILE IN MY OFFICE
DAVID TRANHAM
DENTON COUNTY DISTRICT CLERK

06/30/2026

CAUSE NO. F25-4069-16

THE STATE OF TEXAS
VS.
ROSELYN COLEMAN

IN THE 16TH JUDICIAL DISTRICT COURT OF
DENTON COUNTY, TEXAS

JAN 10 2026
DISTRICT CLERK
Denton County Texas
BY _____ DEPU

**FELONY PLEA OF GUILTY
INDICTMENT / INFORMATION**

Comes now the Defendant with the consent and approval of Defendant's attorney and does in person, in writing, and in open court waive the right to trial by jury and requests the Court to consent to and approve this waiver.

Attorney for Defendant

Defendant

Comes now the undersigned attorney for the State and consents to and approves Defendant's waiver of jury.

Assistant District Attorney
Denton County, Texas

DEFENDANT'S WAIVERS AND JUDICIAL CONFESSION

Comes now the Defendant in open Court in the above entitled and numbered cause represented by Defendant's attorney with whom Defendant has previously consulted and makes the following voluntary statement:

1. That I am the person named in the charging instrument in this case.
2. That I am mentally competent and that I understand the charge contained in the charging instrument in this cause and enter my plea as set forth herein.
3. That I have been advised as to the consequences of a plea of guilty or nolo contendere including the minimum and maximum punishment provided by law and that any recommendation of the prosecuting attorney as to the punishment is not binding on the Court.
4. That I understand that I have the right to a trial by a jury whether I plead "guilty", "not guilty" or "nolo contendere".
5. That I have the right to remain silent but if I choose not to remain silent, anything I may say can be used against me.
6. That I have the right to be confronted with the witnesses against me whether I have a trial before the Court or the jury.
7. That I have the right to be tried on an indictment returned by a grand jury.

However, I desire to waive and do waive the following rights:

1. I waive the right to be prosecuted by a Grand Jury Indictment and announce my election and consent to be charged by an Information, where trial is not by Indictment.
2. I waive any defect, error or irregularity of form or substance in the charging instrument.
3. I waive arraignment and the reading of the charging instrument.
4. I waive my right to remain silent and state that I will testify and make a judicial confession of my guilt knowing anything I may say can be used against me.
5. I waive in writing and in open court the appearance, confrontation and cross-examination of witnesses, and I further consent to an oral or written stipulation of the evidence and testimony and I agree to the introduction of testimony by affidavit, written statements of witnesses, a judicial confession and any other documentary evidence.
6. I waive any additional time for arraignment or preparation for trial, and I waive the right to a 10 day waiting period for trial after the appointment of counsel (if counsel appointed) and announce ready for trial.
7. I waive the right to a pre-sentence investigation and report and request that none be made. If a pre-sentence report has been made, I agree that the Court might review it concerning punishment.
8. I defer the requirement that a risk and needs assessment be conducted prior to the Court determining the conditions of my community supervision in this case. At this time, I request that the Court determine the conditions of community supervision without the necessity of such assessment.
9. I further understand that where there is a plea bargain agreement and the punishment assessed by the Court does not exceed the agreed recommendation, I do not have the right to appeal without permission of the Court, except for those matters raised by written motions filed and presented to the Court prior to trial.
10. I further waive any right to have an official court reporter make a full record of this proceeding.

EXHIBIT 2



I do further admit and judicially confess that I am the person named in the charging instrument and that I understand the charge contained therein and:

X I am GUILTY of the offense Arson as alleged in the charging instrument including any amendments or modifications thereto and I confess that I did unlawfully commit the said offense in Denton County, Texas on the date alleged in the charging instrument; I further agree that the amount of restitution determined is fair and reasonable;

I admit the victim of this offense incurred losses in the amount agreed upon by the plea agreement from my actions herein.

I admit the law enforcement agencies incurred costs as set forth in the plea agreement for the analysis, storage, or disposal of raw materials, controlled substances, chemical precursors, drug paraphernalia, or other materials seized in connection with this offense.

I further state that my plea is made freely and voluntarily and is not influenced by any consideration of fear or any persuasion or any delusive hope of pardon, and I request the Court to consider probating any sentence imposed.

I further understand that in the event that I am convicted, unless I waive the right to appeal or am precluded from appeal by acceptance of a plea bargain agreement that is followed by the Court, as set out in paragraph 9 herein, I have the legal right of appeal and also the right to be represented on appeal by an attorney of my choice, or if I am indigent and unable to pay for such attorney or the record on appeal the Court will, without expense to me, provide an attorney and a proper record on appeal.

I agree that the Court may consider my judicial confession as evidence in this case.

I understand that if I am not a citizen of the United States of America a plea of guilty or nolo contendere for the offense charged may result in deportation, the exclusion from admission to this country, or the denial of naturalization under Federal law.

Having read all of the above waivers, consents, agreements and statements and having had them explained to me by my attorney, I now request the Court to accept them and I state that they are made voluntarily, knowingly, and intelligently and I further state that the statements contained in my judicial confession are true and correct.

This the _____ day of JUN 10 2026, 2026

Witnessed

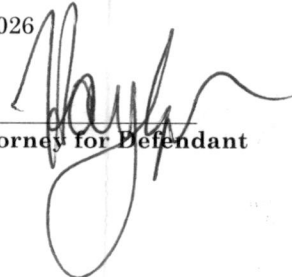

Defendant

ACKNOWLEDGMENT OF DISCOVERY

Before the entry of the Defendant's plea herein, comes now the Defendant, Counsel for the Defendant, and Counsel for the State and acknowledges in writing the timely disclosure by the State and receipt by the Defendant of all discovery documents, items, and information required under TEX. CODE CRIM. PROC., art. 39.14. The parties further stipulate that the State made available and timely produced and permitted the inspection and the electronic duplication, copying, and photographing of the items listed in the attached Discovery Stipulation(s).

This the 10 day of June, 2026


Assistant District Attorney
Denton County, Texas


Attorney for Defendant


Defendant



ATTORNEY FOR DEFENDANT

I have consulted with the Defendant concerning the plea in this case and I have advised the Defendant of the Defendant's rights and the charge to which the Defendant is pleading. I believe the Defendant to be competent and approve and agree to the waivers, agreements and statements that the defendant has signed herein. I agree and consent to the waiver of indictment if prosecution by information, waiver of defects in charging instrument, agreements to stipulate testimony, waiver of additional time for arraignment or 10 days to prepare for trial, waiver of arraignment, waiver of jury trial, deferral of risk and needs assessment, and I ask the Court to accept said waivers and agreements and I announce ready for trial and enter Defendant's plea of GUILTY before the Court.

JUN 10 2026
Date

[Signature]
Attorney for Defendant
State Bar No. 2907885

ATTORNEY FOR STATE

Before the entry of the Defendant's plea herein, the above requests, waivers, agreements and stipulations are hereby consented to and approved by me, the attorney representing the State.

6-10-2026
Date

[Signature]
Assistant District Attorney
Denton County, Texas

JUDGE

It clearly appearing to the Court that the Defendant is mentally competent and is represented by competent counsel and that said Defendant understands the nature of the charge against the Defendant and that the Defendant has been warned by the Court of the consequences of the plea entered herein including the minimum and maximum punishment provided by law, that the Defendant, attorney for Defendant and the attorney for the State consent to and approve the waiver of trial by jury and agreement to stipulate the testimony in this case. Before the entry of the Defendant's plea herein, the Court accepts the parties' acknowledgment of discovery. The Court, therefore, consents to and approves the Defendant's waiver of jury in this cause and finds such plea, and all waivers, agreements, and consents contained herein to be freely and voluntarily made and accepts the Defendant's plea and approves the consent to stipulate testimony.

6/10/2026
DATE

[Signature]
JUDGE

WAIVER OF APPEAL

Comes now the Defendant in the above entitled and numbered cause and states as a fact that I have been fully informed by the Judge of this Court and by my attorney and I understand that where there is a plea bargain agreement and the punishment assessed by the Court does not exceed the agreed recommendation, I do not have the right to appeal without permission of the Court, except for those matters raised by written motions and presented to the Court prior to trial and that I have the right to be represented on appeal by an attorney of my choice, or if I am indigent and unable to pay for such attorney or the record on appeal the Court will, without expense to me, provide an attorney and a proper record on appeal. With a full understanding of the foregoing, I hereby, with the consent and approval of my attorney, in person, in writing, and in open court waive the right to any appeal in this case and state that I do not desire to appeal.

[Signature]
Attorney for Defendant

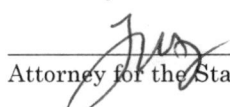
[Signature]
Defendant



**NOTICE OF INTENT TO DESTROY EVIDENCE, AND
WAIVER OF PRESERVATION AND ART. 38.43 RIGHTS**

COMES NOW the undersigned Assistant Criminal District Attorney in the above entitled case and informs the Defendant, the defendant's attorney, and the Court that the State intends to destroy any and all evidence in the possession of the State, any clerk, court reporter, law enforcement agency, or other person or entity relating to this case, even if that evidence is covered by TEX. CODE CRIM. PROC., art. 38.43. The State does not affirmatively claim that any of said evidence contains biological material that if subjected to scientific testing would more likely than not either establish the identity of the person committing the offense or exclude a person from the group of persons who could have committed the offense, but it might.

The undersigned further certifies that by the execution of this document and filing it in the papers of this cause, written notice of the State's intent to destroy evidence has been given to the Defendant, the defendant's attorney of record, and this Honorable Court. The State's recommendation concerning punishment in this case is contingent, among other things, upon the Defendant's waiver of TEX. CODE CRIM. PROC., art. 38.43 rights.

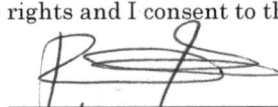


Attorney for the State

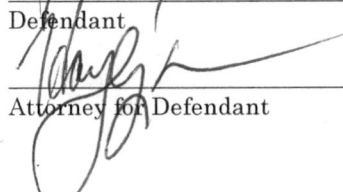
WAIVER OF PRESERVATION OF EVIDENCE AND ART. 38.43 RIGHTS

By this document and by my attorney I have been advised that any evidence in possession of the attorney representing the state or a clerk or any other officer, which is known to contain biological material and which, if subjected to scientific testing would more likely than not establish the identity of the person committing the offense for which I am charged in this case or which would exclude a person from a group of persons who could have committed the offense in this case, is required to be preserved in accordance with the requirements of TEX. CODE CRIM. PROC., art. 38.43. I have further been advised that I have a right to receive written notice by mail of the State's intent to destroy the evidence and that I have a right to object to the destruction of such evidence. I understand today that in this very motion the State is giving me notice of it's intent to destroy any such evidence.

Joined and approved by my attorney as evidenced by our signatures below and fully understanding my rights to 1) the preservation of evidence; 2) mailed written notice of any planned destruction of evidence; and 3) the right to object within ninety days to the destruction of evidence, I wish to waive all of those rights and I consent to the destruction of all evidence in this case.



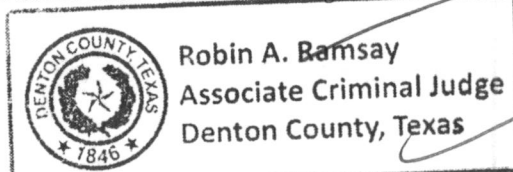
Defendant



Attorney for Defendant

ORDER

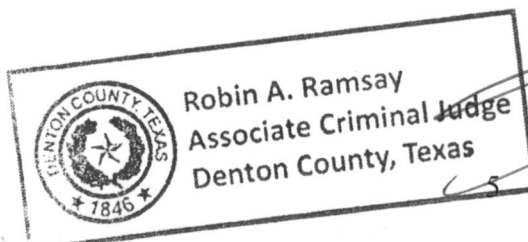
The Court approves the Defendant's waiver of rights secured under TEX. CODE CRIM. PROC., art. 38.43 and finds that Defendant's Attorney waives mailed written notice rights under that same article. The Court itself waives its right to mailed written notice under said article. Signed on the date reflected as the entry of judgment.



JUDGE PRESIDING
STATE OF TEXAS
COUNTY OF DENTON

BEFORE ME, the undersigned authority, personally appeared the Defendant listed and named hereinabove, who having been by me duly sworn, did swear that the facts set out above are true and correct.

SUBSCRIBED AND SWORN TO, before me, this date: 6/10/22



JUDGE



CERTIFIED A TRUE AND CORRECT COPY
OF THE RECORD ON FILE IN MY OFFICE
DAVID TRANTHAM
DENTON COUNTY DISTRICT CLERK

06/30/2026



CASE NO. F25-4069-16 COUNT NO. SINGLE
INCIDENT NO./TRN: 9328607582 / A001

THE STATE OF TEXAS

V.

ROSELYN COLEMAN

STATE ID No.: TX 14586918

§
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§

IN THE 16TH DISTRICT

COURT

DENTON COUNTY, TEXAS

FILED
AT 2:24 P.M.
JUN 10 2026
DISTRICT CLERK
Denton County, Texas
BY [Signature] DEPUTY

ORDER OF DEFERRED ADJUDICATION

Judge Presiding:

ROBIN RAMSAY ^{JH}

Date Proceedings
Deferred:

06/10/2026

Attorney for State:

MICHELLE DOBSON-24049075
JESSE DAVIS-24067030
JORDAN MOTSENBOCKER 24105548
JESSICA HOGLE - 24128449

Attorney for
Defendant:

TIMOTHY POWERS -
00797261

Offense:

ARSON (20990010)

Charging Instrument:

INDICTMENT

Statute for Offense:

28.02 Penal Code

Date of Offense:

05/01/2025

Defendant waived the right to trial by jury and entered the plea below:

GUILTY

Degree of Offense:

2ND DEGREE FELONY

Findings on Deadly Weapon:

N/A

1st Enhancement Paragraph:

N/A

Finding on 1st Enhancement Paragraph:

N/A

2nd Enhancement Paragraph:

N/A

Findings on 2nd Enhancement Paragraph:

N/A

Terms of Plea Bargain (if any): or ☒ Terms of Plea Bargain are attached and incorporated herein by this reference.

PLEAD GUILTY RECEIVE 7 YEARS DEFERRED PROBATION / \$1000.00 FINE

ADJUDICATION OF GUILT DEFERRED;

DEFENDANT PLACED ON DEFERRED ADJUDICATION COMMUNITY SUPERVISION.

PERIOD OF DEFERRED ADJUDICATION COMMUNITY SUPERVISION:

SEVEN (7) YEARS.

CONFINEMENT AS A CONDITION OF DEFERRED ADJUDICATION COMMUNITY SUPERVISION:

☐ The Court ORDERS Defendant confined _____ DAYS in ☐ THE COUNTY JAIL ☐ A STATE JAIL FACILITY as a condition of deferred adjudication community supervision. The period of confinement as a condition of community supervision starts when Defendant arrives at the designated facility, absent a special order to the contrary.

Fine:

\$ 1000.00

Court Costs:

\$305.00

Restitution:

\$ 0

Restitution Payable to: N/A

(See special finding or order of restitution which is incorporated herein by this reference.)

☐ Defendant is required to register as sex offender in accordance with Chapter 62, Tex. Code Crim. Proc.

(For sex offender registration purposes only) The age of the victim at the time of the offense was N/A

Was the victim impact statement returned to the attorney representing the State? N/A

This cause was called and the parties appeared. The State appeared by her District Attorney as named above.

EXHIBIT

3



Counsel / Waiver of Counsel (select one)

- ☒ Defendant appeared with Counsel.
☐ Defendant appeared without counsel and knowingly, intelligently, and voluntarily waived the right to representation by counsel in writing in open court.

Both parties announced ready for trial. Defendant waived the right of trial by jury and entered the plea indicated above. The Court admonished Defendant. It appeared to the Court that Defendant was mentally competent to stand trial, made the plea freely and voluntarily, and was aware of the consequences of the plea. The Court received the plea and entered it of record. Having heard the evidence submitted, the Court **FINDS** that such evidence substantiates Defendant's guilt. However, the Court **FINDS** that it is in the best interest of society and Defendant to defer proceedings without entering an adjudication of guilt and to place Defendant on deferred adjudication community supervision.

Therefore, the Court **ORDERS** no judgment entered at this time. The Court further **ORDERS** Defendant placed on deferred adjudication community supervision for the period of time indicated above as long as Defendant abides by the conditions of the deferred adjudication community supervision.

The Court **FINDS** that the Presentence Investigation, if so ordered, was done according to the applicable provisions of Subchapter F, Chapter 42A, Tex. Code Crim. Proc.

After having conducted an inquiry into Defendant's ability to pay, the Court **Orders** Defendant to pay the fine, court costs, and restitution, if any, as indicated above.

The document setting forth the conditions of deferred adjudication community supervision is attached and incorporated herein by this reference.

Fines Imposed Include (check each fine and enter each amount as pronounced by the court):

- ☒ General Fine (§12.32, 12.33, 12.34, or 12.35, Penal Code, Transp. Code, or other Code) \$ **1000.00** (not to exceed \$10,000)
☐ Child Abuse Prevention Fine (Art. 102.0186, Code Crim. Proc.) \$ _____ (\$100)
☐ EMS, Trauma Fine (Art. 102.0185, Code Crim. Proc.) \$ _____ (\$100)
☐ Family Violence Fine (Art. 42A.504 (b), Code Crim. Proc.) \$ _____ (\$100)
☐ Juvenile Delinquency Prevention Fine (Art. 102.0171(a), Code Crim. Proc.) \$ _____ (\$50)
☐ State Traffic Fine (§ 542.4031, Transp. Code) \$ _____ (\$50)
☐ Children's Advocacy Center Fine - as Cond of CS (Art. 42A.455, Code Crim. Proc.) \$ _____ (not to exceed \$50)
☐ Repayment of Reward Fine (Art. 37.073/42.152, Code Crim. Proc.) \$ _____ (To Be Determined by the Court)
☐ Repayment of Reward Fine - as Cond of CS (Art. 42A.301 (b) (20), Code Crim. Proc.) \$ _____ (not to exceed \$50)

Furthermore, the following special findings or orders apply:

- (a) Commit no offense against the laws of this State or of any other state or of the United States;
(b) Avoid the use of illegal narcotics, barbiturates, marihuana, tetrahydrocannabinol, or controlled substance;
(c) Avoid persons or places of disreputable or harmful character;
(d) Report to the Community Supervision and Corrections Department of Denton County, Texas, immediately following this hearing, and no less than monthly thereafter, or as scheduled by the court or supervision officer and obey all rules and regulations of the department;
(e) Pay to the Community Supervision and Corrections Department of Denton, Texas, a supervision fee in the amount of \$**60.00** on or before the 20th day of June, 2026, and pay \$60.00 on or before the 20th day of each month thereafter during the period of community supervision. "This fee will run concurrent with any other active Denton County probation case."
(f) Permit the supervision officer to visit her at her home or elsewhere;
(g) Work faithfully at suitable employment as far as possible;
(h) Remain within the State of Texas during the pendency of the term of community supervision unless given permission to leave the State in writing by the Court;



- (i) Pay the fine in the amount of **\$1000.00** to the office of the District Clerk of Denton County, Texas, said fine to be paid **INSTANTER**; however, if applying for a payment plan, you are Ordered to immediately report to the Denton County Collections Compliance Department located in the Courts Building at 1450 E. McKinney, Suite 2443 and make payments in accordance with the terms and conditions agreed upon;
- (j) Pay the Court Costs in the amount that is due and any other fee incurred herein to the office of the District Clerk of Denton County, Texas, P.O. Box 2146, Denton County, Texas 76202, said court costs and other fees to be paid **INSTANTER**; however, if applying for a payment plan, you are Ordered to immediately report to the Denton County Collections Compliance Department located in the Courts Building at 1450 E. McKinney, Suite 2443 and make payments in accordance with the terms and conditions agreed upon
- (j-1) Pay a time payment fee of \$15.00 to the District Clerk of Denton County not earlier than 31 days nor more than 120 days from the date of this judgment if within thirty days from the date of this judgment the defendant has not paid in full all of the fine, court costs, and restitution ordered in this judgment;
- (k) Pay to the District Clerk of Denton County, P.O. Box 2146, Denton, Texas 76202 the sum of \$_____ to reimburse Denton County for compensation paid to appointed counsel to be paid **INSTANTER**; however, if applying for a payment plan, you are Ordered to immediately report to the Denton County Collections Compliance Department located in the Courts Building at 1450 E. McKinney, Suite 2443 and make payments in accordance with the terms and conditions agreed upon;
- (k-1) Pay to the District Clerk of Denton County, P.O. Box 2146, Denton, Texas 76202 the sum of \$-0- to reimburse Denton County for compensation paid to a foreign language interpreter in this case. Said sum to be paid **INSTANTER**; however, if applying for a payment plan, you are Ordered to immediately report to the Denton County Collections Compliance Department located in the Courts Building at 1450 E. McKinney, Suite 2443 and make payments in accordance with the terms and conditions agreed upon;
- (l) Pay restitution in the amount of \$_____ as determined by the Denton County Community Supervision Department; said amount of restitution or property due (to be delivered to the Denton County Community Supervision and Corrections Department for transfer to the victim or other person OR to be made directly to the victim or other person) in installments of \$_____ per month, beginning on the 20th day of June, 2026, and a like payment on the same day of each month thereafter until fully paid. If ordered to pay restitution payments in installments, the defendant shall pay a \$12.00 restitution fee within 90 days of this order;
- (m) Support her dependents;
- (n) Within 30 days from the date of this Judgment provide the Denton County Community Supervision and Corrections Department with a copy of any Court order currently in effect which directs you to pay child support. If any such order exists, pay in full, at the times the same is ordered, any and all Court ordered child support, unless otherwise excused by the Court, and provide written verification of such payments to the Denton County Community Supervision and Corrections Department upon request by your Probation Officer.
- (o) Do not own or possess firearms, ammunition, or incendiary devices;
- (p) Notify the community supervision officer of any change of address or employment within five days prior to such change;
- (q) The defendant shall serve ____ days in the Denton County Jail beginning instanter with ____ days of credit for time served;
- (r) Pay \$50.00 fee to the Denton County Crime Stoppers Program through the Denton County Community Supervision Department within 90 days after being placed on community supervision;

- (s) Defendant is to complete **140** hours of Community Service Restitution at a community service project or projects for an organization or organizations approved by the judge and designated by the Denton County Community Supervision Department, to be completed at a rate of not less than four hours per week starting by but not later than 60 days from the date of community supervision;
- (t) Submit to testing for alcohol or drug usage at the request of a community supervision officer. Pay the cost for these tests within thirty (30) days of giving the specimen;
- (u) Within sixty (60) days, the defendant shall complete a drug/alcohol evaluation through an agency which offers such services and approved by her community supervision officer and provide written proof of compliance to the supervision officer within 10 days of completion. If treatment is deemed necessary, the defendant shall abide by any and all treatment directives, comply with the rules and regulations of the approved agency, pay all costs incurred for such services. Continue in said treatment until successfully completed as stated by the counselor with the agreement of this community supervision officer.
- (v) Consume no alcoholic beverages.
- (w) As a condition for receiving Community Supervision in this case, the defendant has irrevocably waived extradition to the State of Texas from any jurisdiction in or outside the United States in the event a Motion to Revoke or Adjudicate Community Supervision is filed. As a condition of Community Supervision, therefore, she is prohibited from contesting extradition to the State of Texas for any alleged violation of such Community Supervision.
- (x) Furnish a sample of her breath, blood, or urine to any peace officer who has probable cause to believe the probationer has committed any crime in chapter 49 of the Texas Penal Code and who requests such a sample;
- (y) Comply with **Mental Health Therapy** and abide by any and all treatment recommendations, including prescribed medication(s), and comply with the rules and regulations of the approved agency and pay all costs incurred
- (z) Defendant shall immediately submit a DNA sample as directed by the Denton County Community Supervision and Corrections Department;
- (aa) Defendant shall avoid the use in any form of cannabidiol (CBD) and any products derived from CBD;
- (bb) If deemed appropriate by the TRAS risk assessment instrument, submit to a psychological evaluation and participate in and complete any counseling recommended by said evaluation, and pay all costs associated with the evaluation and counseling;
- (cc) Participate in the **Mental Health Caseload** at the direction of her community supervision officer, continue in such treatment until successfully discharged by her counselor and community supervision officer, and pay all costs incurred for such services;
- (dd) Defendant will comply with DFPS directives and agreements;

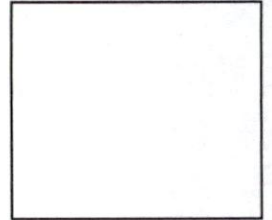
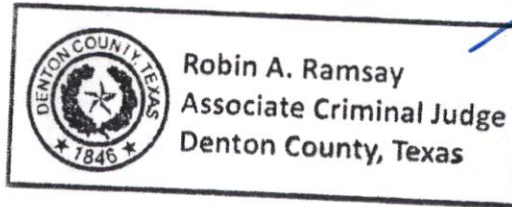
The Court enters an affirmative finding that Defendant willfully failed to appear 0 time(s) after the Defendant was released from custody for the offense. Code Crim. Proc. art. 42.01 § 17.



Signed on June 10, 2026

X

JUDGE PRESIDING



Right Thumbprint

F25-4069-16

STATE OF TEXAS

VS.

Roselyn Nambura Coleman

§
§
§
§
§

IN THE DISTRICT COURT

16th Judicial District Court

DENTON COUNTY, TEXAS

FINGERPRINT DOCKET SHEET

Pursuant to Article 38.33 of the Texas Code of Criminal Procedure, Defendant, ROSELYN NAMBURA COLEMAN, has been found guilty or placed on deferred adjudication probation for the offense of ARSON.

Print taken by: Rasth 4661 Date: 06102026

I AM THE DEFENDANT WHO RECEIVED THIS
JUDGMENT ORDER ON THE ABOVE DATE IN OPEN COURT

X Rasth
Defendant

7/24/1980
Date of Birth

Texas Driver's License

Right Thumb



CERTIFIED A TRUE AND CORRECT COPY
OF THE RECORD ON FILE IN MY OFFICE
DAVID TRANHAM
DENTON COUNTY DISTRICT CLERK
06/30/2026

Page 6 of 6

By: [Signature]
Deputy Clerk

AFFIDAVIT

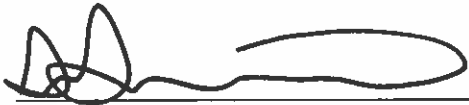
THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

BEFORE ME, the undersigned authority, on this day personally appeared Amanda M. Kates, the Commission's attorney of record, who, being by me duly sworn, deposed as follows:

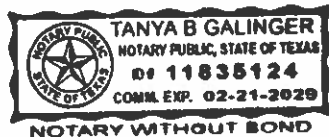
"My name is Amanda M. Kates. I am over the age of 18 years, of sound mind, capable of making this affidavit, and state the following:

Based upon information and belief, Roselyn Nyambura Coleman, whose Texas Bar Card Number is 24124029, is licensed as an attorney and counselor at law in the State of Texas. Based upon information and belief Roselyn Nyambura Coleman, named as Respondent in the Petition for Compulsory Discipline filed with the Board of Disciplinary Appeals is one and the same person as the Roselyn Coleman who is the subject of the Order of Deferred Adjudication in Cause Number F25-4069-16, styled *The State of Texas v. Roselyn Coleman*, in the 16th District Court, Denton County, Texas, wherein Respondent pled guilty to the offense of Arson, a 2nd Degree Felony, in violation of Texas Penal Code 28.02. Respondent was placed on Deferred Adjudication Community Supervision for a period of seven (7) years. Respondent was further ordered to pay a fine in the amount of \$1,000.00 and \$305.00 in court costs.

FURTHER Affiant saith not.


Amanda M. Kates

SWORN AND SUBSCRIBED before me on the 24th day of August, 2026.




NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

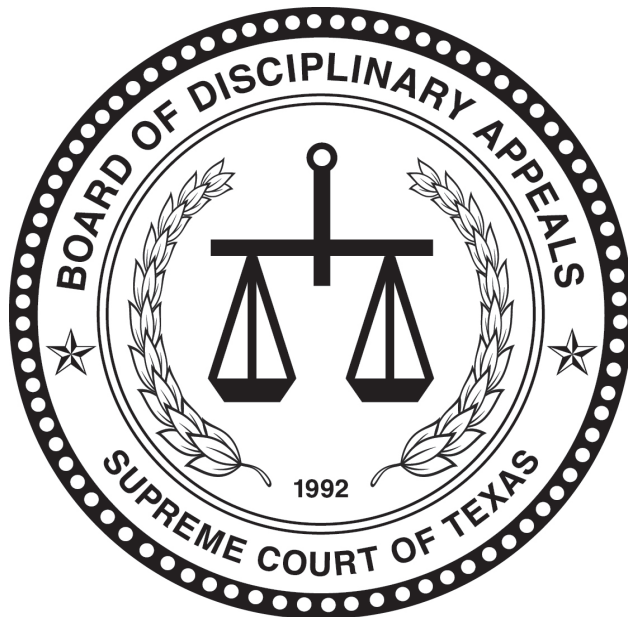
EXHIBIT

4

THE BOARD *of* DISCIPLINARY APPEALS
APPOINTED BY THE SUPREME COURT *of* TEXAS



INTERNAL PROCEDURAL RULES
(EFFECTIVE SEPTEMBER 24, 2024)



Mailing Address:
P.O. Box 12426
Austin TX 78711

1414 Colorado, Suite 610
Austin TX 78701

Tel: 512 427-1578
FAX: 512 427-4130
website: txboda.org

INTERNAL PROCEDURAL RULES

BOARD OF DISCIPLINARY APPEALS

Current through September 24, 2024

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INTERNAL PROCEDURAL RULES

Board of Disciplinary Appeals

Current through September 24, 2024

I. GENERAL PROVISIONS

Rule 1.01. Definitions

- (a) “BODA” is the Board of Disciplinary Appeals.
- (b) “Chair” is the member elected by BODA to serve as chair or, in the Chair’s absence, the member elected by BODA to serve as vice-chair.
- (c) “Classification” is the determination by the CDC under TRDP 2.10 or by BODA under TRDP 7.08(C) whether a grievance constitutes a “complaint” or an “inquiry.”
- (d) “BODA Clerk” is the executive director of BODA or other person appointed by BODA to assume all duties normally performed by the clerk of a court.
- (e) “CDC” is the Chief Disciplinary Counsel for the State Bar of Texas and his or her assistants.
- (f) “Commission” is the Commission for Lawyer Discipline, a permanent committee of the State Bar of Texas.
- (g) “Executive Director” is the executive director of BODA.
- (h) “Panel” is any three-member grouping of BODA under TRDP 7.05.
- (i) “Party” is a Complainant, a Respondent, or the Commission.
- (j) “TDRPC” is the Texas Disciplinary Rules of Professional Conduct.
- (k) “TRAP” is the Texas Rules of Appellate Procedure.
- (l) “TRCP” is the Texas Rules of Civil Procedure.
- (m) “TRDP” is the Texas Rules of Disciplinary Procedure.
- (n) “TRE” is the Texas Rules of Evidence.

Rule 1.02. General Powers

Under TRDP 7.08, BODA has and may exercise all the powers of either a trial court or an appellate court, as the case may be, in hearing and determining disciplinary proceedings. But TRDP 15.01 [17.01] applies to the enforcement of a judgment of BODA.

Rule 1.03. Additional Rules in Disciplinary Matters

Except as varied by these rules and to the extent applicable, the TRCP, TRAP, and TRE apply to all disciplinary matters before BODA, except for appeals from classification decisions, which are governed by TRDP 2.10 and by Section 3 of these rules.

Rule 1.04. Appointment of Panels

- (a) BODA may consider any matter or motion by panel,

except as specified in (b). The Chair may delegate to the Executive Director the duty to appoint a panel for any BODA action. Decisions are made by a majority vote of the panel; however, any panel member may refer a matter for consideration by BODA sitting en banc. Nothing in these rules gives a party the right to be heard by BODA sitting en banc.

- (b) Any disciplinary matter naming a BODA member as Respondent must be considered by BODA sitting en banc. A disciplinary matter naming a BODA staff member as Respondent need not be heard en banc.

- (c) BODA may, upon decision of the Chair, conduct any business or proceedings—including any hearing, pretrial conference, or consideration of any matter or motion—remotely.

Rule 1.05. Filing of Pleadings, Motions, and Other Papers

- (a) **Electronic Filing.** All documents must be filed electronically. Unrepresented persons or those without the means to file electronically may electronically file documents, but it is not required.

- (1) Email Address. The email address of an attorney or an unrepresented party who electronically files a document must be included on the document.

- (2) Timely Filing. Documents are filed electronically by emailing the document to the BODA Clerk at the email address designated by BODA for that purpose. A document filed by email will be considered filed the day that the email is sent. The date sent is the date shown for the message in the inbox of the email account designated for receiving filings. If a document is sent after 5:00 p.m. or on a weekend or holiday officially observed by the State of Texas, it is considered filed the next business day.

- (3) It is the responsibility of the party filing a document by email to obtain the correct email address for BODA and to confirm that the document was received by BODA in legible form. Any document that is illegible or that cannot be opened as part of an email attachment will not be considered filed. If a document is untimely due to a technical failure or a system outage, the filing party may seek appropriate relief from BODA.

- (4) Exceptions.

- (i) An appeal to BODA of a decision by the CDC to classify a grievance as an inquiry or a complaint is not required to be filed electronically.

- (ii) The following documents must not be filed electronically:

- a) documents that are filed under seal or subject to a pending motion to seal; and

- b) documents to which access is otherwise restricted by court order.

(iii) For good cause, BODA may permit a party to file other documents in paper form in a particular case.

(5) **Format.** An electronically filed document must:

(i) be in text-searchable portable document format (PDF);

(ii) be directly converted to PDF rather than scanned, if possible; and

(iii) not be locked.

(b) A paper will not be deemed filed if it is sent to an individual BODA member or to another address other than the address designated by BODA under Rule 1.05(a)(2).

(c) **Signing.** Each brief, motion, or other paper filed must be signed by at least one attorney for the party or by the party pro se and must give the State Bar of Texas card number, mailing address, telephone number, email address, and fax number, if any, of each attorney whose name is signed or of the party (if applicable). A document is considered signed if the document includes:

(1) an “/s/” and name typed in the space where the signature would otherwise appear, unless the document is notarized or sworn; or

(2) an electronic image or scanned image of the signature.

(d) **Paper Copies.** Unless required by BODA, a party need not file a paper copy of an electronically filed document.

(e) **Service.** Copies of all documents filed by any party other than the record filed by the evidentiary panel clerk or the court reporter must, at or before the time of filing, be served on all other parties as required and authorized by the TRAP.

Rule 1.06. Service of Petition

In any disciplinary proceeding before BODA initiated by service of a petition on the Respondent, the petition must be served by personal service; by certified mail with return receipt requested; or, if permitted by BODA, in any other manner that is authorized by the TRCP and reasonably calculated under all the circumstances to apprise the Respondent of the proceeding and to give him or her reasonable time to appear and answer. To establish service by certified mail, the return receipt must contain the Respondent’s signature.

Rule 1.07. Hearing Setting and Notice

(a) **Original Petitions.** In any kind of case initiated by the CDC’s filing a petition or motion with BODA, the CDC may contact the BODA Clerk for the next regularly available hearing date before filing the original petition. If a hearing is set before the petition is filed, the petition must state the date, time, and place of the hearing. Except in the case of a petition to revoke probation under TRDP 2.23 [2.22], the hearing date must be at least 30 days from the date that the petition is served on the Respondent.

(b) **Expedited Settings.** If a party desires a hearing on a matter on a date earlier than the next regularly available BODA hearing date, the party may request an expedited setting in a written motion setting out the reasons for the request. Unless the parties agree otherwise, and except in the case of a petition to revoke probation under TRDP 2.23 [2.22], the expedited hearing setting must be at least 30 days from the date of service of the petition, motion, or other pleading. BODA has the sole discretion to grant or deny a request for an expedited hearing date.

(c) **Setting Notices.** BODA must notify the parties of any hearing date that is not noticed in an original petition or motion.

(d) **Announcement Docket.** Attorneys and parties appearing before BODA must confirm their presence and present any questions regarding procedure to the BODA Clerk in the courtroom immediately prior to the time docket call is scheduled to begin. Each party with a matter on the docket must appear at the docket call to give an announcement of readiness, to give a time estimate for the hearing, and to present any preliminary motions or matters. Immediately following the docket call, the Chair will set and announce the order of cases to be heard.

Rule 1.08. Time to Answer

The Respondent may file an answer at any time, except where expressly provided otherwise by these rules or the TRDP, or when an answer date has been set by prior order of BODA. BODA may, but is not required to, consider an answer filed the day of the hearing.

Rule 1.09. Pretrial Procedure

(a) **Motions.**

(1) Generally. To request an order or other relief, a party must file a motion supported by sufficient cause with proof of service on all other parties. The motion must state with particularity the grounds on which it is based and set forth the relief sought. All supporting briefs, affidavits, or other documents must be served and filed with the motion. A party may file a response to a motion at any time before BODA rules on the motion or by any deadline set by BODA. Unless otherwise required by these rules or the TRDP, the form of a motion must comply with the TRCP or the TRAP.

(2) For Extension of Time. All motions for extension of time in any matter before BODA must be in writing, comply with (a)(1), and specify the following:

(i) if applicable, the date of notice of decision of the evidentiary panel, together with the number and style of the case;

(ii) if an appeal has been perfected, the date when the appeal was perfected;

(iii) the original deadline for filing the item in question;

(iv) the length of time requested for the extension;

(v) the number of extensions of time that have been granted previously regarding the item in question; and

(vi) the facts relied on to reasonably explain the need for an extension.

(b) **Pretrial Scheduling Conference.** Any party may request a pretrial scheduling conference, or BODA on its own motion may require a pretrial scheduling conference.

(c) **Trial Briefs.** In any disciplinary proceeding before BODA, except with leave, all trial briefs and memoranda must be filed with the BODA Clerk no later than ten days before the day of the hearing.

(d) **Hearing Exhibits, Witness Lists, and Exhibits Tendered for Argument.** A party may file a witness list, exhibit, or any other document to be used at a hearing or oral argument before the hearing or argument. A party must bring to the hearing an original and 12 copies of any document that was not filed at least one business day before the hearing. The original and copies must be:

(1) marked;

(2) indexed with the title or description of the item offered as an exhibit; and

(3) if voluminous, bound to lie flat when open and tabbed in accordance with the index.

All documents must be marked and provided to the opposing party before the hearing or argument begins.

Rule 1.10. Decisions

(a) **Notice of Decisions.** The BODA Clerk must give notice of all decisions and opinions to the parties or their attorneys of record.

(b) **Publication of Decisions.** BODA must report judgments or orders of public discipline:

(1) as required by the TRDP; and

(2) on its website for a period of at least ten years following the date of the disciplinary judgment or order.

(c) **Abstracts of Classification Appeals.** BODA may, in its discretion, prepare an abstract of a classification appeal for a public reporting service.

Rule 1.11. Board of Disciplinary Appeals Opinions

(a) BODA may render judgment in any disciplinary matter with or without written opinion. In accordance with TRDP 6.06, all written opinions of BODA are open to the public and must be made available to the public reporting services, print or electronic, for publishing. A majority of the members who participate in considering the disciplinary matter must determine if an opinion will be written. The names of the participating members must be noted on all written opinions of BODA.

(b) Only a BODA member who participated in the

decision of a disciplinary matter may file or join in a written opinion concurring in or dissenting from the judgment of BODA. For purposes of this rule, in hearings in which evidence is taken, no member may participate in the decision unless that member was present at the hearing. In all other proceedings, no member may participate unless that member has reviewed the record. Any member of BODA may file a written opinion in connection with the denial of a hearing or rehearing en banc.

(c) A BODA determination in an appeal from a grievance classification decision under TRDP 2.10 is not a judgment for purposes of this rule and may be issued without a written opinion.

Rule 1.12. BODA Work Product and Drafts

A document or record of any nature—regardless of its form, characteristics, or means of transmission—that is created or produced in connection with or related to BODA's adjudicative decision-making process is not subject to disclosure or discovery. This includes documents prepared by any BODA member, BODA staff, or any other person acting on behalf of or at the direction of BODA.

Rule 1.13. Record Retention

Records of appeals from classification decisions must be retained by the BODA Clerk for a period of at least three years from the date of disposition. Records of other disciplinary matters must be retained for a period of at least five years from the date of final judgment, or for at least one year after the date a suspension or disbarment ends, whichever is later. For purposes of this rule, a record is any document, paper, letter, map, book, tape, photograph, film, recording, or other material filed with BODA, regardless of its form, characteristics, or means of transmission.

Rule 1.14. Costs of Reproduction of Records

The BODA Clerk may charge a reasonable amount for the reproduction of nonconfidential records filed with BODA. The fee must be paid in advance to the BODA Clerk.

Rule 1.15. Publication of These Rules

These rules will be published as part of the TDRPC and TRDP.

II. ETHICAL CONSIDERATIONS

Rule 2.01. Representing or Counseling Parties in Disciplinary Matters and Legal Malpractice Cases

(a) A current member of BODA must not represent a party or testify voluntarily in a disciplinary action or proceeding. Any BODA member who is subpoenaed or otherwise compelled to appear at a disciplinary action or proceeding, including at a deposition, must promptly notify the BODA Chair.

(b) A current BODA member must not serve as an expert witness on the TDRPC.

(c) A BODA member may represent a party in a legal

malpractice case, provided that he or she is later recused in accordance with these rules from any proceeding before BODA arising out of the same facts.

Rule 2.02. Confidentiality

(a) BODA deliberations are confidential, must not be disclosed by BODA members or staff, and are not subject to disclosure or discovery.

(b) Classification appeals, appeals from evidentiary judgments of private reprimand, appeals from an evidentiary judgment dismissing a case, interlocutory appeals or any interim proceedings from an ongoing evidentiary case, and disability cases are confidential under the TRDP. BODA must maintain all records associated with these cases as confidential, subject to disclosure only as provided in the TRDP and these rules.

(c) If a member of BODA is subpoenaed or otherwise compelled by law to testify in any proceeding, the member must not disclose a matter that was discussed in conference in connection with a disciplinary case unless the member is required to do so by a court of competent jurisdiction

Rule 2.03. Disqualification and Recusal of BODA Members

(a) BODA members are subject to disqualification and recusal as provided in TRCP 18b.

(b) BODA members may, in addition to recusals under (a), voluntarily recuse themselves from any discussion and voting for any reason. The reasons that a BODA member is recused from a case are not subject to discovery.

(c) These rules do not disqualify a lawyer who is a member of, or associated with, the law firm of a BODA member from serving on a grievance committee or representing a party in a disciplinary proceeding or legal malpractice case. But a BODA member must recuse him or herself from any matter in which a lawyer who is a member of, or associated with, the BODA member's firm is a party or represents a party.

III. CLASSIFICATION APPEALS

Rule 3.01. Notice of Right to Appeal

(a) If a grievance filed by the Complainant under TRDP 2.10 is classified as an inquiry, the CDC must notify the Complainant of his or her right to appeal as set out in TRDP 2.10 or another applicable rule. If a grievance is classified as a complaint, the CDC must notify both the Complainant and the Respondent of the Respondent's right to appeal as set out in TRDP 2.10 or another applicable rule.

(b) To facilitate the potential filing of an appeal of a grievance classified as an inquiry, the CDC must send the Complainant an appeal notice form, approved by BODA, with the classification disposition. For a grievance classified as a complaint, the CDC must send the Respondent an appeal notice form, approved by BODA, with notice of the classification disposition. The form must

include the docket number of the matter; the deadline for appealing; and information for mailing, faxing, or emailing the appeal notice form to BODA. The appeal notice form must be available in English and Spanish.

Rule 3.02. Record on Appeal

BODA must not consider documents or other submissions that the Complainant or Respondent filed with the CDC or BODA after the CDC's classification. When a notice of appeal from a classification decision has been filed, the CDC must forward to BODA a copy of the grievance and all supporting documentation. If the appeal challenges the classification of an amended grievance, the CDC must also send BODA a copy of the initial grievance, unless it has been destroyed.

Rule 3.03. Disposition of Classification Appeal

(a) BODA may decide a classification appeal by doing any of the following:

(1) affirm the CDC's classification of the grievance as an inquiry and the dismissal of the grievance;

(2) reverse the CDC's classification of the grievance as an inquiry, reclassify the grievance as a complaint, and return the matter to the CDC for investigation, just cause determination, and further proceedings in accordance with the TRDP;

(3) affirm the CDC's classification of the grievance as a complaint and return the matter to the CDC to proceed with investigation, just cause determination, and further proceedings in accordance with the TRDP; or

(4) reverse the CDC's classification of the grievance as a complaint, reclassify the grievance as an inquiry, and dismiss the grievance.

(b) When BODA reverses the CDC's inquiry classification and reclassifies a grievance as a complaint, BODA must reference any provisions of the TDRPC under which BODA concludes professional misconduct is alleged. When BODA affirms the CDC's complaint classification, BODA may reference any provisions of the TDRPC under which BODA concludes professional misconduct is alleged. The scope of investigation will be determined by the CDC in accordance with TRDP 2.12.

(c) BODA's decision in a classification appeal is final and conclusive, and such decision is not subject to appeal or reconsideration.

(d) A classification appeal decision under (a)(1) or (4), which results in dismissal, has no bearing on whether the Complainant may amend the grievance and resubmit it to the CDC under TRDP 2.10.

IV. APPEALS FROM EVIDENTIARY PANEL HEARINGS

Rule 4.01. Perfecting Appeal

(a) **Appellate Timetable.** The date that the evidentiary

judgment is signed starts the appellate timetable under this section. To make TRDP 2.21 [2.20] consistent with this requirement, the date that the judgment is signed is the “date of notice” under Rule [TRDP] 2.21 [2.20].

(b) Notification of the Evidentiary Judgment. The clerk of the evidentiary panel must notify the parties of the judgment as set out in TRDP 2.21 [2.20].

(1) The evidentiary panel clerk must notify the Commission and the Respondent in writing of the judgment. The notice must contain a clear statement that any appeal of the judgment must be filed with BODA within 30 days of the date that the judgment was signed. The notice must include a copy of the judgment rendered.

(2) The evidentiary panel clerk must notify the Complainant that a judgment has been rendered and provide a copy of the judgment, unless the evidentiary panel dismissed the case or imposed a private reprimand. In the case of a dismissal or private reprimand, the evidentiary panel clerk must notify the Complainant of the decision and that the contents of the judgment are confidential. Under TRDP 2.16, no additional information regarding the contents of a judgment of dismissal or private reprimand may be disclosed to the Complainant.

(c) Filing Notice of Appeal. An appeal is perfected when a written notice of appeal is filed with BODA. If a notice of appeal and any other accompanying documents are mistakenly filed with the evidentiary panel clerk, the notice is deemed to have been filed the same day with BODA, and the evidentiary panel clerk must immediately send the BODA Clerk a copy of the notice and any accompanying documents.

(d) Time to File. In accordance with TRDP 2.24 [2.23], the notice of appeal must be filed within 30 days after the date the judgment is signed. In the event a motion for new trial or motion to modify the judgment is timely filed with the evidentiary panel, the notice of appeal must be filed with BODA within 90 days from the date the judgment is signed.

(e) Extension of Time. A motion for an extension of time to file the notice of appeal must be filed no later than 15 days after the last day allowed for filing the notice of appeal. The motion must comply with Rule 1.09.

Rule 4.02. Record on Appeal

(a) Contents. The record on appeal consists of the evidentiary panel clerk’s record and, where necessary to the appeal, a reporter’s record of the evidentiary panel hearing.

(b) Stipulation as to Record. The parties may designate parts of the clerk’s record and the reporter’s record to be included in the record on appeal by written stipulation filed with the clerk of the evidentiary panel.

(c) Responsibility for Filing Record.

(1) Clerk’s Record.

(i) After receiving notice that an appeal has been filed, the clerk of the evidentiary panel is responsible for preparing, certifying, and timely filing the clerk’s record.

(ii) Unless the parties stipulate otherwise, the clerk’s record on appeal must contain the items listed in TRAP 34.5(a) and any other paper on file with the evidentiary panel, including the election letter, all pleadings on which the hearing was held, the docket sheet, the evidentiary panel’s charge, any findings of fact and conclusions of law, all other pleadings, the judgment or other orders appealed from, the notice of decision sent to each party, any postsubmission pleadings and briefs, and the notice of appeal.

(iii) If the clerk of the evidentiary panel is unable for any reason to prepare and transmit the clerk’s record by the due date, he or she must promptly notify BODA and the parties, explain why the clerk’s record cannot be timely filed, and give the date by which he or she expects the clerk’s record to be filed.

(2) Reporter’s Record.

(i) The court reporter for the evidentiary panel is responsible for timely filing the reporter’s record if:

- a) a notice of appeal has been filed;
- b) a party has requested that all or part of the reporter’s record be prepared; and
- c) the party requesting all or part of the reporter’s record has paid the reporter’s fee or has made satisfactory arrangements with the reporter.

(ii) If the court reporter is unable for any reason to prepare and transmit the reporter’s record by the due date, he or she must promptly notify BODA and the parties, explain the reasons why the reporter’s record cannot be timely filed, and give the date by which he or she expects the reporter’s record to be filed.

(d) Preparation of Clerk’s Record.

(1) To prepare the clerk’s record, the evidentiary panel clerk must:

- (i) gather the documents designated by the parties’ written stipulation or, if no stipulation was filed, the documents required under (c)(1)(ii);
- (ii) start each document on a new page;
- (iii) include the date of filing on each document;
- (iv) arrange the documents in chronological order, either by the date of filing or the date of occurrence;
- (v) number the pages of the clerk’s record in the manner required by (d)(2);

(vi) prepare and include, after the front cover of the clerk's record, a detailed table of contents that complies with (d)(3); and

(vii) certify the clerk's record.

(2) The clerk must start the page numbering on the front cover of the first volume of the clerk's record and continue to number all pages consecutively—including the front and back covers, tables of contents, certification page, and separator pages, if any—until the final page of the clerk's record, without regard for the number of volumes in the clerk's record, and place each page number at the bottom of each page.

(3) The table of contents must:

(i) identify each document in the entire record (including sealed documents); the date each document was filed; and, except for sealed documents, the page on which each document begins;

(ii) be double-spaced;

(iii) conform to the order in which documents appear in the clerk's record, rather than in alphabetical order;

(iv) contain bookmarks linking each description in the table of contents (except for descriptions of sealed documents) to the page on which the document begins; and

(v) if the record consists of multiple volumes, indicate the page on which each volume begins.

(e) **Electronic Filing of the Clerk's Record.** The evidentiary panel clerk must file the record electronically. When filing a clerk's record in electronic form, the evidentiary panel clerk must:

(1) file each computer file in text-searchable Portable Document Format (PDF);

(2) create electronic bookmarks to mark the first page of each document in the clerk's record;

(3) limit the size of each computer file to 100 MB or less, if possible; and

(4) directly convert, rather than scan, the record to PDF, if possible.

(f) **Preparation of the Reporter's Record.**

(1) The appellant, at or before the time prescribed for perfecting the appeal, must make a written request for the reporter's record to the court reporter for the evidentiary panel. The request must designate the portion of the evidence and other proceedings to be included. A copy of the request must be filed with the evidentiary panel and BODA and must be served on the appellee. The reporter's record must be certified by the court reporter for the evidentiary panel.

(2) The court reporter or recorder must prepare and file the reporter's record in accordance with TRAP 34.6 and

35 and the Uniform Format Manual for Texas Reporters' Records.

(3) The court reporter or recorder must file the reporter's record in an electronic format by emailing the document to the email address designated by BODA for that purpose.

(4) The court reporter or recorder must include either a scanned image of any required signature or "/s/" and name typed in the space where the signature would otherwise

(6¹) In exhibit volumes, the court reporter or recorder must create bookmarks to mark the first page of each exhibit document.

(g) **Other Requests.** At any time before the clerk's record is prepared, or within ten days after service of a copy of appellant's request for the reporter's record, any party may file a written designation requesting that additional exhibits and portions of testimony be included in the record. The request must be filed with the evidentiary panel and BODA and must be served on the other party.

(h) **Inaccuracies or Defects.** If the clerk's record is found to be defective or inaccurate, the BODA Clerk must inform the clerk of the evidentiary panel of the defect or inaccuracy and instruct the clerk to make the correction. Any inaccuracies in the reporter's record may be corrected by agreement of the parties without the court reporter's recertification. Any dispute regarding the reporter's record that the parties are unable to resolve by agreement must be resolved by the evidentiary panel.

(i) **Appeal from Private Reprimand.** Under TRDP 2.16, in an appeal from a judgment of private reprimand, BODA must mark the record as confidential, remove the attorney's name from the case style, and take any other steps necessary to preserve the confidentiality of the private reprimand.

¹ So in original.

Rule 4.03. Time to File Record

(a) **Timetable.** The clerk's record and reporter's record must be filed within 60 days after the date the judgment is signed. If a motion for new trial or motion to modify the judgment is filed with the evidentiary panel, the clerk's record and the reporter's record must be filed within 120 days from the date the original judgment is signed, unless a modified judgment is signed, in which case the clerk's record and the reporter's record must be filed within 60 days of the signing of the modified judgment. Failure to file either the clerk's record or the reporter's record on time does not affect BODA's jurisdiction, but may result in BODA's exercising its discretion to dismiss the appeal, affirm the judgment appealed from, disregard materials filed late, or apply presumptions against the appellant.

(b) **If No Record Filed.**

(1) If the clerk's record or reporter's record has not been

timely filed, the BODA Clerk must send notice to the party responsible for filing it, stating that the record is late and requesting that the record be filed within 30 days. The BODA Clerk must send a copy of this notice to all the parties and the clerk of the evidentiary panel.

(2) If no reporter's record is filed due to appellant's fault, and if the clerk's record has been filed, BODA may, after first giving the appellant notice and a reasonable opportunity to cure, consider and decide those issues or points that do not require a reporter's record for a decision. BODA may do this if no reporter's record has been filed because:

- (i) the appellant failed to request a reporter's record; or
- (ii) the appellant failed to pay or make arrangements to pay the reporter's fee to prepare the reporter's record, and the appellant is not entitled to proceed without payment of costs.

(c) Extension of Time to File the Reporter's Record.

When an extension of time is requested for filing the reporter's record, the facts relied on to reasonably explain the need for an extension must be supported by an affidavit of the court reporter. The affidavit must include the court reporter's estimate of the earliest date when the reporter's record will be available for filing.

(d) Supplemental Record. If anything material to either party is omitted from the clerk's record or reporter's record, BODA may, on written motion of a party or on its own motion, direct a supplemental record to be certified and transmitted by the clerk for the evidentiary panel or the court reporter for the evidentiary panel.

Rule 4.04. Copies of the Record

The record may not be withdrawn from the custody of the BODA Clerk. Any party may obtain a copy of the record or any designated part thereof by making a written request to the BODA Clerk and paying any charges for reproduction in advance.

Rule 4.05. Requisites of Briefs

(a) Appellant's Filing Date. Appellant's brief must be filed within 30 days after the clerk's record or the reporter's record is filed, whichever is later.

(b) Appellee's Filing Date. Appellee's brief must be filed within 30 days after the appellant's brief is filed.

(c) Contents. Briefs must contain:

- (1) a complete list of the names and addresses of all parties to the final decision and their counsel;
- (2) a table of contents indicating the subject matter of each issue or point, or group of issues or points, with page references where the discussion of each point relied on may be found;
- (3) an index of authorities arranged alphabetically and

indicating the pages where the authorities are cited;

(4) a statement of the case containing a brief general statement of the nature of the cause or offense and the result;

(5) a statement, without argument, of the basis of BODA's jurisdiction;

(6) a statement of the issues presented for review or points of error on which the appeal is predicated;

(7) a statement of facts that is without argument, is supported by record references, and details the facts relating to the issues or points relied on in the appeal;

(8) the argument and authorities;

(9) conclusion and prayer for relief;

(10) a certificate of service; and

(11) an appendix of record excerpts pertinent to the issues presented for review.

(d) Length of Briefs; Contents Included and Excluded.

In calculating the length of a document, every word and every part of the document, including headings, footnotes, and quotations, must be counted except the following: caption, identity of the parties and counsel, statement regarding oral argument, table of contents, index of authorities, statement of the case, statement of issues presented, statement of the jurisdiction, signature, proof of service, certificate of compliance, and appendix. Briefs must not exceed 15,000 words if computer-generated, and 50 pages if not, except on leave of BODA. A reply brief must not exceed 7,500 words if computer-generated, and 25 pages if not, except on leave of BODA. A computer generated document must include a certificate by counsel or the unrepresented party stating the number of words in the document. The person who signs the certification may rely on the word count of the computer program used to prepare the document.

(e) Amendment or Supplementation. BODA has discretion to grant leave to amend or supplement briefs.

(f) Failure of the Appellant to File a Brief. If the appellant fails to timely file a brief, BODA may:

- (1) dismiss the appeal for want of prosecution, unless the appellant reasonably explains the failure, and the appellee is not significantly injured by the appellant's failure to timely file a brief;
- (2) decline to dismiss the appeal and make further orders within its discretion as it considers proper; or
- (3) if an appellee's brief is filed, regard that brief as correctly presenting the case and affirm the evidentiary panel's judgment on that brief without examining the record.

Rule 4.06. Oral Argument

(a) Request. A party desiring oral argument must note the

request on the front cover of the party's brief. A party's failure to timely request oral argument waives the party's right to argue. A party who has requested argument may later withdraw the request. But even if a party has waived oral argument, BODA may direct the party to appear and argue. If oral argument is granted, the clerk will notify the parties of the time and place for submission.

(b) **Right to Oral Argument.** A party who has filed a brief and who has timely requested oral argument may argue the case to BODA unless BODA, after examining the briefs, decides that oral argument is unnecessary for any of the following reasons:

- (1) the appeal is frivolous;
- (2) the dispositive issue or issues have been authoritatively decided;
- (3) the facts and legal arguments are adequately presented in the briefs and record; or
- (4) the decisional process would not be significantly aided by oral argument.

(c) **Time Allowed.** Each party will have 20 minutes to argue. BODA may, on the request of a party or on its own, extend or shorten the time allowed for oral argument. The appellant may reserve a portion of his or her allotted time for rebuttal.

Rule 4.07. Decision and Judgment

(a) **Decision.** BODA may do any of the following:

- (1) affirm in whole or in part the decision of the evidentiary panel;
- (2) modify the panel's findings and affirm the findings as modified;
- (3) reverse in whole or in part the panel's findings and render the decision that the panel should have rendered; or
- (4) reverse the panel's findings and remand the cause for further proceedings to be conducted by:
 - (i) the panel that entered the findings; or
 - (ii) a statewide grievance committee panel appointed by BODA and composed of members selected from the state bar districts other than the district from which the appeal was taken.

(b) **Mandate.** In every appeal, the BODA Clerk must issue a mandate in accordance with BODA's judgment and send it to the evidentiary panel and to all the parties.

Rule 4.08. Appointment of Statewide Grievance Committee

If BODA remands a cause for further proceedings before a statewide grievance committee, the BODA Chair will appoint the statewide grievance committee in accordance with TRDP 2.27 [2.26]. The committee must consist of six members: four attorney members and two public members

randomly selected from the current pool of grievance committee members. Two alternates, consisting of one attorney and one public member, must also be selected. BODA will appoint the initial chair who will serve until the members of the statewide grievance committee elect a chair of the committee at the first meeting. The BODA Clerk will notify the Respondent and the CDC that a committee has been appointed.

Rule 4.09. Involuntary Dismissal

Under the following circumstances and on any party's motion or on its own initiative after giving at least ten days' notice to all parties, BODA may dismiss the appeal or affirm the appealed judgment or order. Dismissal or affirmance may occur if the appeal is subject to dismissal:

- (a) for want of jurisdiction;
- (b) for want of prosecution; or
- (c) because the appellant has failed to comply with a requirement of these rules, a court order, or a notice from the clerk requiring a response or other action within a specified time.

V. PETITIONS TO REVOKE PROBATION

Rule 5.01. Initiation and Service

(a) Before filing a motion to revoke the probation of an attorney who has been sanctioned, the CDC must contact the BODA Clerk to confirm whether the next regularly available hearing date will comply with the 30-day requirement of TRDP. The Chair may designate a three-member panel to hear the motion, if necessary, to meet the 30-day requirement of TRDP 2.23 [2.22].

(b) Upon filing the motion, the CDC must serve the Respondent with the motion and any supporting documents in accordance with TRDP 2.23 [2.22], the TRCP, and these rules. The CDC must notify BODA of the date that service is obtained on the Respondent.

Rule 5.02. Hearing

Within 30 days of service of the motion on the Respondent, BODA must docket and set the matter for a hearing and notify the parties of the time and place of the hearing. On a showing of good cause by a party or on its own motion, BODA may continue the case to a future hearing date as circumstances require.

VI. COMPULSORY DISCIPLINE

Rule 6.01. Initiation of Proceeding

Under TRDP 8.03, the CDC must file a petition for compulsory discipline with BODA and serve the Respondent in accordance with the TRDP and Rule 1.06 of these rules.

Rule 6.02. Interlocutory Suspension

(a) **Interlocutory Suspension.** In any compulsory proceeding under TRDP Part VIII in which BODA

determines that the Respondent has been convicted of an Intentional Crime and that the criminal conviction is on direct appeal, BODA must suspend the Respondent's license to practice law by interlocutory order. In any compulsory case in which BODA has imposed an interlocutory order of suspension, BODA retains jurisdiction to render final judgment after the direct appeal of the criminal conviction is final. For purposes of rendering final judgment in a compulsory discipline case, the direct appeal of the criminal conviction is final when the appellate court issues its mandate.

(b) **Criminal Conviction Affirmed.** If the criminal conviction made the basis of a compulsory interlocutory suspension is affirmed and becomes final, the CDC must file a motion for final judgment that complies with TRDP 8.05.

(1) If the criminal sentence is fully probated or is an order of deferred adjudication, the motion for final judgment must contain notice of a hearing date. The motion will be set on BODA's next available hearing date.

(2) If the criminal sentence is not fully probated:

(i) BODA may proceed to decide the motion without a hearing if the attorney does not file a verified denial within ten days of service of the motion; or

(ii) BODA may set the motion for a hearing on the next available hearing date if the attorney timely files a verified denial.

(c) **Criminal Conviction Reversed.** If an appellate court issues a mandate reversing the criminal conviction while a Respondent is subject to an interlocutory suspension, the Respondent may file a motion to terminate the interlocutory suspension. The motion to terminate the interlocutory suspension must have certified copies of the decision and mandate of the reversing court attached. If the CDC does not file an opposition to the termination within ten days of being served with the motion, BODA may proceed to decide the motion without a hearing or set the matter for a hearing on its own motion. If the CDC timely opposes the motion, BODA must set the motion for a hearing on its next available hearing date. An order terminating an interlocutory order of suspension does not automatically reinstate a Respondent's license.

VII. RECIPROCAL DISCIPLINE

Rule 7.01. Initiation of Proceeding

To initiate an action for reciprocal discipline under TRDP Part IX, the CDC must file a petition with BODA and request an Order to Show Cause. The petition must request that the Respondent be disciplined in Texas and have attached to it any information concerning the disciplinary matter from the other jurisdiction, including a certified copy of the order or judgment rendered against the Respondent.

Rule 7.02. Order to Show Cause

When a petition is filed, the Chair immediately issues a show cause order and a hearing notice and forwards them to the CDC, who must serve the order and notice on the Respondent. The CDC must notify BODA of the date that service is obtained.

Rule 7.03. Attorney's Response

If the Respondent does not file an answer within 30 days of being served with the order and notice but thereafter appears at the hearing, BODA may, at the discretion of the Chair, receive testimony from the Respondent relating to the merits of the petition.

VIII. DISTRICT DISABILITY COMMITTEE HEARINGS

Rule 8.01. Appointment of District Disability Committee

(a) If the evidentiary panel of the grievance committee finds under TRDP 2.17(P)(2), or the CDC reasonably believes under TRDP 2.14(C), that a Respondent is suffering from a disability, the rules in this section will apply to the de novo proceeding before the District Disability Committee held under TRDP Part XII.

(b) Upon receiving an evidentiary panel's finding or the CDC's referral that an attorney is believed to be suffering from a disability, the BODA Chair must appoint a District Disability Committee in compliance with TRDP 12.02 and designate a chair. BODA will reimburse District Disability Committee members for reasonable expenses directly related to service on the District Disability Committee. The BODA Clerk must notify the CDC and the Respondent that a committee has been appointed and notify the Respondent where to locate the procedural rules governing disability proceedings.

(c) A Respondent who has been notified that a disability referral will be or has been made to BODA may, at any time, waive in writing the appointment of the District Disability Committee or the hearing before the District Disability Committee and enter into an agreed judgment of indefinite disability suspension, provided that the Respondent is competent to waive the hearing. If the Respondent is not represented, the waiver must include a statement affirming that the Respondent has been advised of the right to appointed counsel and waives that right as well.

(d) All pleadings, motions, briefs, or other matters to be filed with the District Disability Committee must be filed with the BODA Clerk.

(e) Should any member of the District Disability Committee become unable to serve, the BODA Chair must appoint a substitute member.

Rule 8.02. Petition and Answer

(a) **Petition.** Upon being notified that the District Disability Committee has been appointed by BODA, the

CDC must, within 20 days, file with the BODA Clerk and serve on the Respondent a copy of a petition for indefinite disability suspension. Service must comply with Rule 1.06.

(b) **Answer.** The Respondent must, within 30 days after service of the petition for indefinite disability suspension, file an answer with the BODA Clerk and serve a copy of the answer on the CDC.

(c) **Hearing Setting.** The BODA Clerk must set the final hearing as instructed by the chair of the District Disability Committee and send notice of the hearing to the parties.

Rule 8.03. Discovery

(a) **Limited Discovery.** The District Disability Committee may permit limited discovery. The party seeking discovery must file with the BODA Clerk a written request that makes a clear showing of good cause and substantial need and a proposed order. If the District Disability Committee authorizes discovery in a case, it must issue a written order. The order may impose limitations or deadlines on the discovery.

(b) **Physical or Mental Examinations.** On written motion by the Commission or on its own motion, the District Disability Committee may order the Respondent to submit to a physical or mental examination by a qualified healthcare or mental healthcare professional. Nothing in this rule limits the Respondent's right to an examination by a professional of his or her choice in addition to any exam ordered by the District Disability Committee.

(1) Motion. The Respondent must be given reasonable notice of the examination by written order specifying the name, address, and telephone number of the person conducting the examination.

(2) Report. The examining professional must file with the BODA Clerk a detailed, written report that includes the results of all tests performed and the professional's findings, diagnoses, and conclusions. The professional must send a copy of the report to the CDC and the Respondent.

(c) **Objections.** A party must make any objection to a request for discovery within 15 days of receiving the motion by filing a written objection with the BODA Clerk. BODA may decide any objection or contest to a discovery motion.

Rule 8.04. Ability to Compel Attendance

The Respondent and the CDC may confront and cross-examine witnesses at the hearing. Compulsory process to compel the attendance of witnesses by subpoena, enforceable by an order of a district court of proper jurisdiction, is available to the Respondent and the CDC as provided in TRCP 176.

Rule 8.05. Respondent's Right to Counsel

(a) The notice to the Respondent that a District Disability Committee has been appointed and the petition for

indefinite disability suspension must state that the Respondent may request appointment of counsel by BODA to represent him or her at the disability hearing. BODA will reimburse appointed counsel for reasonable expenses directly related to representation of the Respondent.

(b) To receive appointed counsel under TRDP 12.02, the Respondent must file a written request with the BODA Clerk within 30 days of the date that Respondent is served with the petition for indefinite disability suspension. A late request must demonstrate good cause for the Respondent's failure to file a timely request.

Rule 8.06. Hearing

The party seeking to establish the disability must prove by a preponderance of the evidence that the Respondent is suffering from a disability as defined in the TRDP. The chair of the District Disability Committee must admit all relevant evidence that is necessary for a fair and complete hearing. The TRE are advisory but not binding on the chair.

Rule 8.07. Notice of Decision

The District Disability Committee must certify its finding regarding disability to BODA, which will issue the final judgment in the matter.

Rule 8.08. Confidentiality

All proceedings before the District Disability Committee and BODA, if necessary, are closed to the public. All matters before the District Disability Committee are confidential and are not subject to disclosure or discovery, except as allowed by the TRDP or as may be required in the event of an appeal to the Supreme Court of Texas.

IX. DISABILITY REINSTATEMENTS

Rule 9.01. Petition for Reinstatement

(a) An attorney under an indefinite disability suspension may, at any time after he or she has been suspended, file a verified petition with BODA to have the suspension terminated and to be reinstated to the practice of law. The petitioner must serve a copy of the petition on the CDC in the manner required by TRDP 12.06. The TRCP apply to a reinstatement proceeding unless they conflict with these rules.

(b) The petition must include the information required by TRDP 12.06. If the judgment of disability suspension contained terms or conditions relating to misconduct by the petitioner prior to the suspension, the petition must affirmatively demonstrate that those terms have been complied with or explain why they have not been satisfied. The petitioner has a duty to amend and keep current all information in the petition until the final hearing on the merits. Failure to do so may result in dismissal without notice.

(c) Disability reinstatement proceedings before BODA are not confidential; however, BODA may make all or any part of the record of the proceeding confidential.

Rule 9.02. Discovery

The discovery period is 60 days from the date that the petition for reinstatement is filed. The BODA Clerk will set the petition for a hearing on the first date available after the close of the discovery period and must notify the parties of the time and place of the hearing. BODA may continue the hearing for good cause shown.

Rule 9.03. Physical or Mental Examinations

(a) On written motion by the Commission or on its own, BODA may order the petitioner seeking reinstatement to submit to a physical or mental examination by a qualified healthcare or mental healthcare professional. The petitioner must be served with a copy of the motion and given at least seven days to respond. BODA may hold a hearing before ruling on the motion but is not required to do so.

(b) The petitioner must be given reasonable notice of the examination by written order specifying the name, address, and telephone number of the person conducting the examination.

(c) The examining professional must file a detailed, written report that includes the results of all tests performed and the professional's findings, diagnoses, and conclusions. The professional must send a copy of the report to the parties.

(d) If the petitioner fails to submit to an examination as ordered, BODA may dismiss the petition without notice.

(e) Nothing in this rule limits the petitioner's right to an examination by a professional of his or her choice in addition to any exam ordered by BODA.

Rule 9.04. Judgment

If, after hearing all the evidence, BODA determines that the petitioner is not eligible for reinstatement, BODA may, in its discretion, either enter an order denying the petition or direct that the petition be held in abeyance for a reasonable period of time until the petitioner provides additional proof as directed by BODA. The judgment may include other orders necessary to protect the public and the petitioner's potential clients.

X. APPEALS FROM BODA TO THE SUPREME COURT OF TEXAS**Rule 10.01. Appeals to the Supreme Court**

(a) A final decision by BODA, except a determination that a statement constitutes an inquiry or a complaint under TRDP 2.10, may be appealed to the Supreme Court of Texas. The clerk of the Supreme Court of Texas must docket an appeal from a decision by BODA in the same manner as a petition for review without fee.

(b) The appealing party must file the notice of appeal directly with the clerk of the Supreme Court of Texas within 14 days of receiving notice of a final determination by BODA. The record must be filed within 60 days after

BODA's determination. The appealing party's brief is due 30 days after the record is filed, and the responding party's brief is due 30 days thereafter. The BODA Clerk must send the parties a notice of BODA's final decision that includes the information in this paragraph.

(c) An appeal to the Supreme Court is governed by TRDP 7.11 and the TRAP.